

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF
DENTISTRY,

Complainant,

v.

Case No. 2013-DB-0033D

JANN C. BARBER, DDS,

Respondent.

CONSENT DECREE AND ORDER

The West Virginia Board of Dentistry (hereinafter referenced as the Board) has initiated a complaint against Dr. Jann Barber, (hereinafter referenced as the Respondent) alleging that she has engaged in conduct, practices and acts that do not meet professional standards and that may pose a risk to members of the public.

The Board and the Respondent have reached an agreement as to an appropriate disposition of the complaint, with consideration to appropriate safeguards for protection of the public.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by the Respondent.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, the Board does hereby Find and Order as follows:

FINDINGS OF FACT

1. That the Board is the State entity created by West Virginia Code §30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.

2. That the Respondent, Dr. Jann C. Barber, is a licensee of the Board with license No. 3411, and is subject to the jurisdiction of this Board.

3. That the Board alleges that the Respondent failed to properly diagnose and/or treat various dental conditions for Patient WPK. More specifically that the treatment has been determined to be "unprofessional conduct which placed the public at risk". W.Va. Code § 30-4-19(g)(3) and "being guilty of unprofessional conduct as contained in the American Dental Association principles of ethics and code of professional conduct". W.Va. Code § 30-4-19(g)(12).

4. Further the Board alleges that the Respondent engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct.

5. In response to the allegations made in the Complaint, the Respondent denies that her treatment of the patient was negligent, or unprofessional.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.

2. That pursuant to West Virginia Code § 30-4-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the West Virginia Board of Dentistry and is subject to license requirements of the Board.

4. Based on the investigation conducted, the Complaint Committee of the Board believes that there is substantial evidence to demonstrate that the Respondent has violated the Practice Act, West Virginia Code § 30-4-1 *et seq.*

CONSENT OF LICENSEE

The Respondent by affixing her signature hereto, acknowledges the following:

1. Respondent has been given the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to enter this Consent Decree and Order other than as set forth herein.

3. Respondent acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

4. Respondent acknowledges that she is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the public under Chapter 29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

5. Respondent waives any defense of laches, statute of limitations, estoppel and waiver that she may have otherwise claimed as a condition of this Consent Decree and Order.

6. The Respondent acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical but no later than next scheduled meeting of the Board, with a recommendation for approval from the Complaint Committee.

7. The Respondent, by affixing her signature hereon, consents and agrees to the following terms and conditions.

ORDER

That the Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree between the Board and Respondent, Jann C. Barber, DDS as follows:

1. That the Respondent shall receive a written reprimand.
2. That the Respondent shall be on probation for two years following the entry of this Consent Decree and Order.
3. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete six hours of course work as it relates to periodontics, said course hours shall be pre-approved by the Board. The final results of the course work shall be sent directly to the Board from the educational institution. Completion of these course hours shall be over and above the regular continuing education hours required by the rules and regulations of the Board.

4. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete a three hour course in ethics pre-approved by the Board. The Respondent shall submit written verification to the Board of her enrollment and shall submit proof of having successfully completed the course. Completion of these course hours shall be over and above the regular continuing education hours required by the rules and regulations of the Board.

5. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete a three hour course in record keeping pre-approved by the Board. The Respondent shall submit written verification to the Board of her enrollment and shall submit proof of having successfully completed the course. Completion of these course hours shall be over and above the regular continuing education hours required by the rules and regulations of the Board.

6. The Respondent shall reimburse the Board costs associated with this case in the amount of Five Thousand Dollars (\$5,000.00); Said payment shall be paid to the Board in full within ninety (90) days of the date of entry of this Order.

7. The Respondent shall pay a fine in the amount of Five Thousand Dollars (\$5,000.00) to be paid in full within ninety (90) days of the date of entry of this Order.

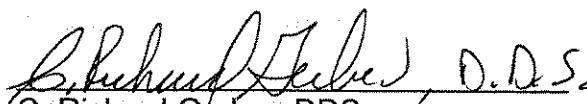
8. That the Respondent shall at all times cooperate with the Board, any of its agents or employees.

9. That the Respondent's failure to fully comply with the terms and conditions of this Consent Order hereby imposed shall be deemed a violation of this Consent Order, and that if the Respondent violates any of the terms of this Consent Order, the Board may immediately suspend the Respondent's license without prior notice.

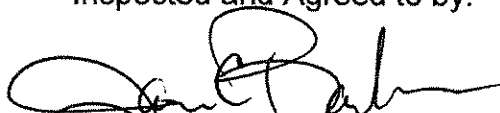
10. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.


Entered this 16th day of July, 2015.

West Virginia Board of
Dentistry:


C. Richard Gerber, DDS
President

Inspected and Agreed to by:

 7/9/15
Jann C. Barber, DDS
Respondent Date


Counsel for Respondent