

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

CASE NO. 2017-DB-0022D

JOHN E. BROCK, DDS,

Respondent.

CONSENT DECREE AND ORDER

NOW COMES the West Virginia Board of Dentistry (hereinafter "the Board") and John E. Brock, DDS (hereinafter "Respondent"), by counsel, for the purpose of agreeing to a resolution of this matter.

RECITALS

WHEREAS, the Board has served Respondent with a Statement of Charges alleging that he violated certain provisions of W. Va. Code § 30-4-1, *et seq.*, and W. Va. Code § 5-5-1, *et seq.*, resulting in alleged violations that the Board contends would constitute professional negligence and/or a departure from accepted standards of professional conduct in the dental profession and would be grounds for disciplinary action;

WHEREAS, Dr. Brock admits no liability in this matter and denies that he engaged in any actions that would violate the W. Va. Code or constitute professional negligence and/or departure from accepted standards of professional conduct in the dental profession;

WHEREAS, the parties mutually desire to settle this matter without further prosecution or a formal hearing and have reached an agreement as to an appropriate disposition of the complaint. As a result, the Board, approving such an agreement, hereby FINDS and ORDERS as follows:



FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. The Board is a state entity created by W. Va. Code § 30-4-1, *et seq.* (Dental Practice Act), and is empowered to regulate the practice of dentistry in the State of West Virginia.

2. At all times relevant to this investigation, Respondent was a licensee of the Board holding License No. 3308. As a result, he is subject to the Board's rules and regulations.

3. On or about July 17, 2017, the Board received a complaint from TC, a patient of Respondent, alleging certain conduct on the part of Respondent. Based on this complaint and the subsequent investigation, the Board issued a Statement of Charges on or about March 2, 2018, in which the Board found probable cause to believe that, *inter alia*, Respondent engaged in conduct, practices or acts constituting professional negligence or a departure from accepted standards of professional conduct by injecting Kenalog 40mg into the elbow of TC to assist with a condition described as "golfer's elbow."

4. Respondent neither admits nor denies that his treatment of the patient was negligent or unprofessional or outside the scope of his practice based on Respondent's education, training and experience.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to take disciplinary action against Respondent who is a licensee of the Board. W. Va. Code § 30-4-5.

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



3. Based on the investigation conducted, the Board has found that there is probable cause to demonstrate that Respondent practiced outside the scope of the practice of dentistry.

4. While Respondent admits no liability in this matter and denies that he engaged in any actions that would violate the W. Va. Code or constitute professional negligence and/or departure from accepted standards of professional conduct in the dental profession, because the Board has determined that probable cause exists in this case to find that Respondent has violated § 30-4-19(g) of the W. Va. Code, the Board and Respondent may enter into a Consent Decree, pursuant to W. Va. Code § 30-4-19(d), to resolve the matters in dispute.

CONSENT OF LICENSEE

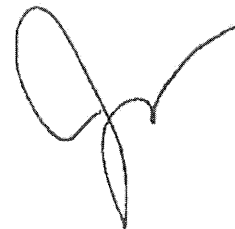
Respondent, by affixing his signature hereto, acknowledges the following:

1. Respondent has been provided the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion, and while being mindful of the 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 he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and that he is aware of his legal rights regarding this matter. Nevertheless, Respondent intelligently, knowingly, and voluntarily waives such rights.

4. Respondent expressly acknowledges that the entire agreement is contained in this Consent Decree and Order and no representations, promises, or inducements have been made by or to Respondent other than as they appear in this Consent Decree and Order.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a short horizontal stroke at the end.

5. Respondent acknowledges that this Consent Decree and Order is a public document available for inspection by the public in accordance with the provisions of the West Virginia Freedom of Information Act (W. Va. Code § 29B-1-1, *et seq.*), and may be reported to other governmental agencies, professional boards, or other organizations.

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

7. By affixing his signature hereto, Dr. Brock consents and agrees to the following terms and conclusions:

ORDER

The Board agrees to forego further prosecution of this Complaint pursuant to the Consent Decree between the Board and Respondent, Dr. John Brock, DDS, and hereby ORDERS as follows:

1. Respondent shall receive a reprimand.
2. Respondent agrees that he will not, in the future, perform subcutaneous injections for orthopedic or other purposes that are not directly related to the practice of dentistry and/or his certification as an Oral and Maxillofacial Surgeon.
3. Respondent will enroll in and successfully complete the continuing medical education course "Update in Oral and Maxillofacial Surgery" currently scheduled for January 17-19, 2020 at Vanderbilt University in Nashville, Tennessee. Respondent shall submit written verification to the Board of his enrollment in and successful completion of this coursework. Such professional education shall be in addition to the Board's biennial continuing education requirements.

4. Respondent shall reimburse the Board its costs associated with this case in an amount not to exceed Eight Thousand Six Hundred Dollars (\$8,600). Said payment shall be paid to the Board within ninety (90) days of the date of entry of this Order.

5. Respondent shall at all times cooperate with the Board and any of its agents or employees.

6. Respondent's failure to comply with the terms and conditions of this Consent Decree and Order shall be deemed a violation of this Consent Decree and Order. If Respondent violates any of the terms and conditions of this Consent Decree and Order, the Board may take further action.

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

8. This Consent Decree and Order shall remain in effect until all its terms have been completed and the professional education obligations set forth herein are fulfilled.

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ENTERED this 26 day of August, 2019.

West Virginia Board of Dentistry


By:  1215

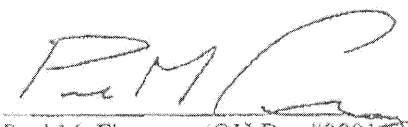
Its: President

Inspected and agreed to by:



John E. Brock, DDS
Respondent

8/2/19


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