

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD
OF DENTAL EXAMINERS,

Complainant,

CASE #: 2005-DB-0034D

v.

DR. MICHAEL JEROME CLAIR,

Respondent.

FINAL ORDER

By "Complaint and Notice of Hearing," Dr. Michael Jerome Clair (hereinafter "Respondent"), a dentist licensed to do business within the State of West Virginia, was informed of allegations that he may be in violation of the disciplinary rules and criteria for licensed dentists. The Respondent was also informed that a hearing had been set on the matter for January 6, 2006, before the Board.

After various continuances by the Respondent, this matter came for hearing on September 15, 2006. The Respondent after proper notice failed to appear. Complainant Board was represented by Darlene Ratliff-Thomas, Assistant Attorney General. The record reflects the following facts:

FINDING OF FACT

1. The Respondent, Michael Jerome Clair, DDS is a Licensee of the West Virginia Board of Dental Examiners and is subject to license requirements of the Board.
2. That the Board became aware of pending disciplinary actions against the

Respondent by the Massachusetts Board of Dentistry based on past disciplinary action in the States of Florida and Maryland.

3. On August 5, 2005, the Board requested a certified copy of the of actions taken against the Respondent by the States Florida and Maryland.

4. By letter dated August 9, 2005, from Christine V. Hobbs, Executive Director of the Maryland State Board of Dental Examiners, the Board received a certified copy of the Consent Order concerning the Respondent

5. The Consent Order, referred to in paragraph 4 above, was entered on August 12, 1999, the Respondent's license to practice dentistry in the State of Maryland was REVOKED.

6. The findings in the Maryland Consent Order concludes that during the period of 1992 to 1998, the Respondent engaged in a scheme of performing unnecessary procedures on patients, and training and encouraging dentists who worked for him to do the same.

7. By letter dated August 19, 2005, from Cassandra M. Brown, Deputy Agency Clerk of the Division of Medical Quality Assurance for the State of Florida, the Board received a certified copy of a Final Order concerning the Respondent.

8. The Final Order, referred to in paragraph 6 above, was entered on September 17, 2001, the Respondent's license to practice dentistry in the State of Florida was REVOKED.

9. The actions by the State of Florida were based on the actions taken by the State of Maryland.

10. Pursuant to West Virginia Code § 30-4-20(a)(2) The board may refuse

to issue, refuse to renew, suspend, revoke or limit any license or practice privilege of a licensee and may take disciplinary action against a licensee who, after hearing, has been adjudged by the board as unqualified for any of the following reasons: "suspension or revocation of a license issued by another state or territory on grounds which would be the basis of discipline in this state."

11. On or about October 21, 2005, the Board filed a Complaint and Notice of Hearing against the Respondent advising him that a hearing for disciplinary action was scheduled to determine whether any action should be taken against his license.

CONCLUSIONS OF LAW

1. The West Virginia Board of Dental Examiners has jurisdiction over this matter. See W. Va. Code § 30-4-1 *et seq.*

2. The Respondent, Michael Jerome Clair, DDS is a licensee of the West Virginia Board of Dental Examiners and is subject to license requirements of the Board.

3. The Maryland State Board of Dental Examiners has revoked the Respondent's license to practice dentistry in the State of Maryland.

4. The State of Florida Board of Dentistry has revoked the Respondent's license to practice dentistry in the State of Florida.

5. The Board may suspend, revoke or limit the license privilege of the Respondent and take disciplinary action against the Respondent on the grounds that his licenses have been revoked in the States of Maryland and Florida.

ORDER

WHEREFORE, for the reasons stated above, it is hereby **ADJUDGED, ORDERED**

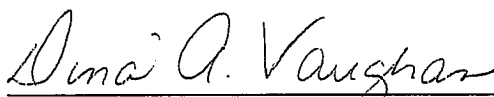
AND DECREED as follows:

1. The license of Dr. Michael Jerome Clair is hereby REVOKED indefinitely.

2. The Respondent, Dr. Michael Jerome Clair shall reimburse the Board for all costs related to this matter in the amount of Seven hundred forty-two dollars and fifty-one cents (\$742.51).

This **ORDER** becomes effective ten (10) days from the date of entry.

ENTERED THIS 6 DAY OF DECEMBER 2006.


DINA A. VAUGHAN, BSDH, MS
President