

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

**WEST VIRGINIA BOARD OF
DENTAL EXAMINERS,**

Complainant,

v.

Case No.: 2006-DB-0002D

BEVERLY J. GARRETT, DDS,

Respondent.

CONSENT DECREE AND ORDER

The West Virginia Board of Dental Examiners (hereinafter referenced as the Board) has initiated a complaint against Beverly J. Garrett, DDS, (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. After the Board investigated the facts relating to this complaint, a Charging Statement and Notice of Hearing was filed and a hearing scheduled for April 8, 2008.

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, and that she agrees and consents to these terms, but does not constitute an admission of guilt or culpability on her part.

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, Beverly Garrett was issued a license to practice dentistry in the State of West Virginia on January 30, 1986 with license No. 2851, and is subject to the jurisdiction of this Board.
3. That the Board alleges that on or about March 26, 2002, the Respondent delivered to a patient an excessively long 13 unit bridge, which lacked proper support. The Respondent's conduct "indicated a lack of knowledge of, an inability to apply or the negligent application of principles or skill of dentistry". W. Va. Code § 30-4-20(4).
4. Further the Board alleges that the Respondents engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct.

CONCLUSION 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 Dental Examiners 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

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, Beverly J. Garrett, DDS as follows:

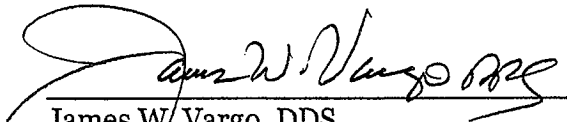
1. That the Respondent shall receive a written reprimand.
2. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete a course in ethics pre-approved by the Board. The Respondent shall submit written verification to the Board of her enrollment and shall submit proof of having successfully completed the course.
3. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete a course in fixed prosthodontics 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.
4. The Respondent shall reimburse the patient in the amount of Five Thousand Dollars (\$5,000.00), and submit proof to the Board of such reimbursement.
5. The Respondent shall reimburse the Board costs associated with this case in the amount of One Thousand Dollars (\$1,000.00); and
6. That the Respondent shall at all times cooperate with the Board, any of its agents or employees.

7. 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.

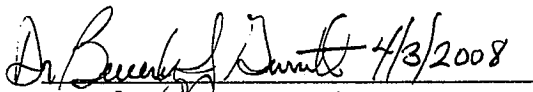
8. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.


Entered this 5th day of May 2008.

West Virginia Board of
Dental Examiners:


James W. Vargo, DDS
President

Inspected and Agreed to by:


Beverly J. Garrett, DDS
Respondent


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