

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WEST VIRGINIA BOARD OF
DENTAL EXAMINERS,

Plaintiff,

v.

Civil Action No. 2009-DB-0044D

TREVOR GRAY, DDS,

Defendant.

ORDER FOR SUMMARY SUSPENSION

NOW COMES the West Virginia Board of Dental Examiners (hereinafter "Board"), pursuant to West Virginia Code § 30-1-8(e)(1) and hereby **SUSPENDS**, effective immediately, the dental license of Trevor Gray, DDS, (hereinafter "Respondent") on the ground that his continued practice constitutes an immediate danger to the public. This Order is effective on the date of entry by the Board. In support of the immediate **ORDER** for suspension, the Board states as follows:

1. The Board is a state entity created by West Virginia Code § 30-4-1 *et seq.* and is charged with the regulation of the practice of dentistry in this State.
2. That the Respondent is a licensee of the West Virginia Board of Dental Examiners and subject to license requirements of that Board.

3. Pursuant to West Virginia Code § 30-1-8(e)(1), the Board is authorized to suspend or revoke a license prior to a hearing if the licensee's continuation in practice constitutes an immediate danger to the public.

4. The Board has reason to believe that the Respondent has failed to conform to the minimal acceptable and prevailing standards of the practice of dentistry as it relates to the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Association (OSHA).

5. The CDC and OSHA provide guidelines and recommendations for preventing and controlling infectious diseases and managing personnel health and safety related to infection control in dental settings.

6. On or about November 9, 2009, the Board received a complaint, which among other allegations, alleged that the Respondent failed to wear appropriate protective equipment while examining patients, i.e., no gloves, mask, gowns, etc.

7. Further, the complaint alleged that the Respondent utilized dental instruments that were possibly contaminated. Specifically, the Respondent "opened the drawer and pulled out the instrument that was just lying in it . . . the drawer looked like it was dirty, the instrument was not in any disinfect solution nor was it wrapped up."

8. The Board sent an investigator to the office of the Respondent.

9. The Investigative Report revealed numerous CDC and OSHA violations, including but not limited to, the lack of adequate personal protective equipment for Respondent and employees and the improper sterilization and disinfection of patient care items.

10. Examples of violations noted by the Investigator are as follows:

a. There is improper sterilization of handpieces. The handpieces should be steam sterilized after every patient. The Respondent cleans the handpieces with alcohol and dips the tips in a glass bead sterilizer every other week.

b. There is the reusing of disposable supplies. Suction tips should be disposed of after use and not "re-sterilized" in Cidex a cold sterilization process.

c. Cidex should not be used for more than 2 weeks and should be tested regularly. The Investigator was informed that it was changed every six weeks, but on April 12, 2010, the documentation recorded, stated that it had last been changed on 1/26/10.

d. There are no biologic standards for sterilization in the office. A steam sterilizer (autoclave) should be tested regularly with biological markers such as "spores" to see if it functions properly. There was no evidence of biological markers being used in this office.

e. Failure of the Respondent and/or his employees to wear adequate personal protective equipment. Although the Respondent was observed wearing glasses

and a mask during a procedure, the glasses did not have side shields and his assistant did not have on a mask.

11. That the Respondent's failure to adhere to the CDC and OSHA guidelines poses an immediate threat to the public health in that there is a likelihood of the spread of diseases, such as HIV or Hepatitis, from improper sterilization, non-sterile instruments, no barrier protection, etc.

12. Members of the public may suffer irreparable damage, if the Board permits the Respondent to continue to operate his dental practice in its current state.

WHEREFORE, based on the forgoing, it is hereby **ORDERED**, that the Respondent's license to practice dentistry is immediately **SUSPENDED**, and Respondent shall **CEASE and DESIST** the practice of dentistry in the State of West Virginia until further Order from the Board.

In addition, it is hereby **ORDERED** that the Board shall issue a Formal Statement of Charges and Notice of Hearing within 30 days of entry of this Order.

ENTERED this 2nd day of August 2010.

WEST VIRGINIA BOARD
OF DENTAL EXAMINERS
BY:



Richard D. Smith, DDS
Board President