

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

CASE NO. 2014-DB-0022D

BENNETT ALEXANDER HIGH, DDS,

Respondent.

**STATEMENT OF CHARGES AND
ORDER FOR SUSPENSION OF LICENSE**

The West Virginia Board of Dentistry (hereinafter referred to as "the Board") has received a complaint from another dentist alleging that BENNETT ALEXANDER HIGH, DDS (hereinafter referred to as "the Respondent") has violated one or more legal standards of conduct of the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1, *et seq.*, in such a manner as to place the health of the public at risk. After the Board reviewed the information received and conducted further additional investigation on its own, the West Virginia Board of Dentistry finds there is probable cause to believe that the Respondent has engaged in conduct, practices and acts that violate accepted standards of professional conduct and violate the rules and statutes regarding the practice of dentistry and licensure, and that the Respondent's continuation in practice constitutes an immediate danger to the public thereby warranting immediate suspension of his license to practice dentistry in the State of West Virginia, pursuant to W. Va. Code §§ 30-1-8(e)(1), 30-4-19(g), (h).

I. BASIS FOR ACTION

The West Virginia Board of Dentistry makes the following allegations against the Respondent Bennett Alexander High, DDS:

(1) The Respondent, Bennett Alexander High, DDS, is an active licensee of the Board, holding License No. 3747 to practice dentistry in the State of West Virginia. The Respondent's office is located at 1203 Mt. De Chantal Road, Suite 3, Wheeling, Ohio County, West Virginia, 26003.

(2) On or about Wednesday, August 26, 2015, the Board received a telefax communication from a Wheeling dentist (hereinafter referred to as N.N.), who had just treated one of the Respondent's patients. The patient had been recently treated by the Respondent for a broken filling. The patient reported to N.N. that the Respondent was working without an assistant and was wearing no protective eyewear. The patient observed the Respondent to have constricted pupils and to be sweating. During the course of his examination of the patient, the Respondent dropped an instrument on her face. While the Respondent was attempting to place a band around the patient's tooth, the Respondent fell on top of the patient. The patient responded by pushing him off and asking the Respondent if he was okay, to which the Respondent answered yes. The Respondent then placed a filling in the tooth without a band and stated that he thought the tooth now needed a crown.

(3) N.N. observed the work performed by the Respondent on the patient's tooth, noted several deficiencies and recommended removal of the existing restoration and recurrent decay and other possible procedures. The patient decided to seek the advice of another dentist, however, prior to her leaving, N.N. asked the patient if she thought the Respondent was "on something" when working on her tooth, to which the patient responded yes.

(4) Later that same day, N.N. contacted the patient to determine what eventually happened with her tooth and the patient informed her that it was extracted by the other dentist and that she would be getting implants. N.N. was contacted again later that same day by the patient and the patient's sister. N.N. was directed to contact another Wheeling dentist, Dr. D.J., about the Respondent and was told that "something needs to be done before he hurts someone. He needs help when people are canceling his patients when they know he is too high to work." N.N. contacted Dr. D.J. and determined that he and others were trying to get the Respondent enrolled in a substance abuse treatment program. Thereafter, N.N. notified the Board of these events out of concern for public safety and the well-being of the Respondent.

(5) The Respondent had previously entered into a Settlement Agreement with the Board, on or about October 24, 2014, to resolve other charges brought by the Board against the Respondent at that time for allegedly practicing dentistry in an impaired condition. Under the terms of the Settlement Agreement, the Respondent was to do, *inter alia*, the following:

1. Continue seeking medical treatment from a physician of his choice until such time as he was released or discharged from medical care. Should the medical treatment indicate that he restrict his practice, he agreed to do so and would disclose such restrictions to the Board;

2. The Respondent's physician was to submit letters to the Board on a quarterly basis, for a two-year period, certifying that the Respondent was being compliant with his treatment and was not impaired; and

3. The Respondent was to notify the Board of any further occurrences rendering him incapable of functioning professionally.

(6) The Settlement Agreement further provided that the Board has the ability, at its discretion, to require the Respondent to undergo an evaluation by a forensic psychiatrist to

ascertain his ability to practice dentistry. The Respondent agreed to reimburse the Board for the costs of any such evaluation.

(7) The Settlement Agreement further provided that the Board would retain jurisdiction over the matter until all terms and conditions in the Settlement Agreement have been met to the satisfaction of the Board

(8) The Respondent has failed to notify the Board of conduct and/or events, i.e., substance abuse, that are rendering him incapable of functioning professionally.

II. SUMMARY SUSPENSION OF LICENSE

Pursuant to W. Va. Code § 30-1-8(e)(1), the West Virginia Board of Dentistry has authority to suspend a license prior to a hearing if the licensee's continuation in practice constitutes an immediate danger to the public. On Thursday, September 3, 2015, the Board conducted an emergency meeting, with a quorum present, to discuss and address recommendations by the Complaint Committee on this matter. Based upon the allegations that have been made in this matter which were presented to the Board in summary form, the Board finds there is probable cause to believe that the Respondent has engaged in conduct, practices and acts constituting professional negligence and a willful departure from the accepted standards of care of professional conduct in the practice of dentistry. W. Va. Code §§ 30-1-8(e)(1), 30-4-19(g), (h). The Board further finds that there is an immediate danger to the public if the Respondent continues practicing dentistry in this State at this time. Accordingly, the Board hereby

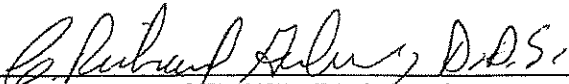
ORDERS that the license of BENNETT ALEXANDER HIGH, DDS, License No. 3747, is IMMEDIATELY SUSPENDED until the Board can conduct a timely hearing upon the

charges detailed above, or until such other action or resolution can be taken regarding these allegations that will ensure the safety of the public.

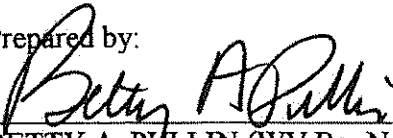
The Board further ORDERS that the Respondent shall CEASE AND DESIST the practice of dentistry in the State of West Virginia until further Order from this Board.

This matter shall, therefore, be set down for a hearing, at the date and time agreed to by the parties, to determine the truth of the allegations and to determine whether a final disciplinary sanction, if any, should be ordered by the Board including, but not limited to, revocation of his license. The Respondent, or his legal counsel, should contact the Board as soon as possible so that a hearing may be scheduled, or so that such other appropriate resolution may be reached, as soon as practicable.

WEST VIRGINIA BOARD OF DENTISTRY

By: 
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