

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

**CASE NOS. 2018-DB-0010D
2018-DB-0015D
2018-DB-0046D
2018-DB-0051D**

DENNIS P. KING, JR., DDS,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Board of Dentistry (hereinafter referred to as “the Board”) and Dennis P. King, Jr., DDS (hereinafter referred to as “the Respondent”), *pro se*, for the purpose of agreeing to disciplinary action which shall be taken against the Respondent by the Board.

WHEREAS, the Respondent acknowledges receipt of four separate complaints filed against him with the Board by former patients, three of which relate to the abrupt closure of his office and his patients’ inability to obtain their medical records, and the fourth (Case No. 2018-DB-0051D) relating to the patient allegedly prepaying for dental services that she did not receive due to the closure of his office. Based on the allegations contained in the four complaints, the Board found probable cause that the Respondent may have violated certain provisions of W. Va. Code §§ 30-4-1, *et seq.*, and W. Va. Code R. §§ 5-5-1, *et seq.*, which acts if proven to be true, would constitute professional negligence and/or a willful departure from accepted standards of professional conduct in the dental profession, which would be grounds for disciplinary action.

WHEREAS, the parties mutually desire to settle the issues without further prosecution and a formal hearing; and

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by the Respondent;

It is hereby STIPULATED and AGREED between the undersigned parties that these matters be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matters in controversy. The Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT:

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 the events involved in these matters, the Respondent was a licensee of the Board, holding License No. 3359, and was subject to the Board's rules and regulations. The Respondent's office was located at 400 A-1 Prestige Park, Hurricane, Putnam County, West Virginia.

3. **Case No. 2018-DB-0010D:** On or about April 6, 2018, the Board received a complaint from a patient identified as FB who had been a patient of the Respondent for more than five years. FB stated that due to issues she had been having with the Respondent's care and office staff she decided to start seeing a new dentist. Between March 5 and 15, 2018, FB made multiple attempts to obtain her dental x-ray records from the Respondent, by visiting and calling his office. FB was repeatedly told her records were forthcoming but FB never received them. On or about March 15, 2018, FB went to the Respondent's office to check on her records only to find the door locked and the office closed. FB then attempted to call the Respondent's office multiple times for several days thereafter only to have the calls go unanswered and then eventually find the phone disconnected. After continuing to contact the Respondent's office for

additional days, the phone was reconnected and FB talked to the receptionist again about her records who told FB that the Respondent was getting together her records but that he only worked on Mondays. After more than five weeks of attempting to get her x-ray records, FB continued receiving conflicting information from the Respondent's office regarding the status of her records and when the Respondent was going to provide them to her.

4. **Case No. 2018-DB-0015D**: On or about April 19, 2018, the Board received a complaint from Mr. and Mrs. B, hereinafter referred to as CJB, alleging they had been patients of the Respondent for more than ten (10) years. CJB further alleged that due to issues they had been experiencing with the Respondent's practice, they proceeded to a new dentist. When CJB attempted to obtain their dental records from the Respondent, they alleged their phone calls were unanswered and their emails were ignored and, when CJB went to the Respondent's office, the door was always locked. CJB were unable to get their dental records from the Respondent and had no idea where to reach him.

5. **Case No. 2018-DB-0046D**: On or about November 20, 2018, the Board received a complaint from one of the Respondent's patients hereinafter referred to EAD, who alleged that she went to the Respondent's office on that same date for a scheduled appointment (for an exam and to have her teeth cleaned). When she arrived, a sign on the building indicated the Respondent still had a dental practice there. When EAD entered the unlocked door, she found the office empty. There was no staff or equipment. She then called the Respondent's office number and found out it had been disconnected. EAD had not received notice that the Respondent's office was closing or that her appointment was cancelled. EAD wanted her dental records and had no idea where to obtain them as she had no idea what happened to the Respondent or his practice.

6. **Case No. 2018-DB-0051D**: On or about December 21, 2018, the Board received a complaint from the Respondent's patient hereinafter identified as TB. TB alleged that she was always required to pre-pay for her dental work even though she had dental insurance. TB alleges that in or about July 2017 she paid the Respondent the sum of \$600 in advance for dental work that TB alleges was never performed or never completed because he had closed his office.

7. Following the receipt of the four complaints, the Board attempted multiple times to serve the Respondent with copies of the complaints and obtain his responses to them, however, the Board's correspondence went unanswered.

8. The Board investigator finally located the Respondent at his new dental office, personally served the Respondent with copies of the complaints and advised the Respondent of the necessity of responding to the Board's inquiries. Still, the Respondent failed to respond to the Board and only partially responded to his patients' requests for their records.

9. On February 7, 2019, the Board served the Respondent with a Subpoena and Notice to Appear at an Informal Conference on April 25, 2019, directing him to appear before the Board and provide his responses to the pending complaints as well as respond to other concerns of the Board.

10. As a result of the informal conference, the Respondent has provided the patients who filed the pending complaints with copies of their dental records and has agreed to reimburse TB the sum of \$600 for dental services for which she has paid but not received. The Respondent further agreed to provide the Board with his current contact information, to immediately respond to future Board correspondence and/or inquiries and to promptly provide patient files upon request.

CONCLUSIONS OF LAW:

1. The Respondent is a licensee of the Board and is subject to its licensing requirements.

2. The Board has jurisdiction to take disciplinary action against the Respondent.

3. It is a violation of the Dental Practice Act for a licensee to do the following:

(a) Fail to furnish to the Board, or its representatives, information legally requested by the Board, or fail to cooperate with or engage in any conduct which obstructs an investigation being conducted by the Board, in violation of W. Va. Code § 30-4-19(g)(16);

(b) Fail to furnish to his patients, upon request, copies of the patients' records beneficial for the patients' future treatment by another dentist, in violation of W. Va. Code § 30-4-19(g)(12) and Section 1.B.1 of the *ADA Principles of Ethics & Code of Professional Conduct* ("*ADA Code*"); and

(c) Patient abandonment, *i.e.*, discontinuing treatment of one or more patients without giving them adequate notice and the opportunity to obtain the services of another dentist, thereby potentially jeopardizing the patients' oral health, in violation of W. Va. Code § 30-4-19(g)(12) and *ADA Code* § 2.F.

1. The Respondent does not contest that the Board has established probable cause to charge him with one or more violations of the Dental Practice Act with regard to the complaints at issue in these matters.

2. Pursuant to W. Va. Code § 30-4-19(g), the Board may deny, refuse to renew, suspend, restrict, or revoke a license, certificate or permit of, or impose probationary conditions upon or to take disciplinary action against, any licensees, certificate holder or permittee for violations of the Dental Practice Act, including violations of the ADA principles of ethics and professional conduct.

3. Disciplinary action may include (1) reprimand; (2) probation; (3) restrictions; (4) suspension; (5) revocation; (6) administrative fine not to exceed \$1,000 per day per violation; (7) mandatory attendance at continuing education seminars or other training; (8) practicing under supervision or other restrictions; or (9) requiring the licensee or permittee to report to the Board on a periodic basis. W. Va. Code § 30-4-19(h).

4. In addition to any other sanctions imposed, the Board may require a licensee to pay the costs of the proceeding. W. Va. Code § 30-4-19(i).

CONSENT OF LICENSEE:

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

1. Respondent has been provided the opportunity to consult with counsel and executes this negotiated Consent Decree and Order voluntarily, freely, without compulsion or duress, and is 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 into this negotiated Consent Decree and Order other than as set forth herein.

3. Respondent acknowledges that he is aware that he may pursue these matters through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding these matters, but 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 the Respondent other than as appear in this Consent Decree and Order.

5. Respondent acknowledges that this Consent Decree and Order is a public document available for inspection by the public in accordance with the provisions set forth in the

West Virginia Freedom of Information Act (W. Va. Code §§ 29B-1-1, *et seq.*), and may be reported to other government 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. Respondent consents to the entry of this Order affecting his license in the State of West Virginia.

8. Respondent, by affixing his signature hereon, consents and agrees to the following terms and conditions:

ORDER

The Board agrees to forego further prosecution of the four complaints referenced herein, pursuant to the Consent Decree entered between the Board and Respondent, Dennis P. King, Jr., DDS, and hereby ORDERS as follows:

1. The Respondent shall receive a reprimand.
2. The Respondent shall refund the sum of \$600 to the complainant in Case No. 2018-DB-0051D within thirty (30) days from the date of entry of this Consent Order.
3. The Respondent shall pay a fine in the amount of Four Thousand Dollars (\$4,000.00) within forty-five (45) days of the date of entry of this Consent Decree and Order. However, if the Respondent timely pays the refund referenced in paragraph 2 above and provides written proof of payment to the Board immediately thereafter, the Respondent's fine shall be reduced to \$250 and such reduced sum shall be due within forty-five (45) days from the date of this Order.
4. The Respondent shall reimburse the Board for all costs it has incurred in the investigation and disposition of these cases, which sum shall not exceed four thousand five

one hundred twenty
120 days
SVI

hundred dollars (\$4,500.00). The Respondent shall pay the Board's costs within ~~sixty (60)~~ days of the date of entry of this Consent Decree and Order, or within such additional time as may be authorized in writing by the Board.

5. Respondent's failure to comply with the terms and conditions of this Consent Decree and Order hereby imposed shall be deemed a violation of this Consent Decree and Order. If the Respondent violates any of the terms of this Consent Decree and Order, the Board may take disciplinary action against the Respondent as authorized by law including, but not limited to, suspending the Respondent's license.

6. 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.

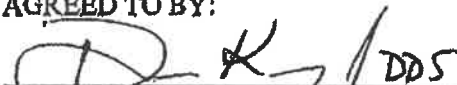
7. This Consent Decree and Order shall remain in effect until all its terms have been completed and the fine and costs set forth in paragraphs 2 and 5 are paid.

ENTERED this 19 day of September, 2019.

WEST VIRGINIA BOARD OF DENTISTRY

By:  **SAMUEL V. VELTRI, DDS, President**

AGREED TO BY:

 **DENNIS P. KING, JR., DDS, pro se**
Respondent