

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

CASE NO. 2010-DB-0036D

JEFFREY MARK LIPPITT, 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 information from various sources alleging that JEFFREY MARK LIPPITT, 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 Jeffrey Mark Lippitt, DDS:

(1) The Respondent, Jeffrey Mark Lippitt, DDS, is an active licensee of the Board, holding License No. 2664 to practice dentistry in the State of West Virginia. The Respondent's office is located at 5461 Big Tyler Road, Cross Lanes, Kanawha County, West Virginia, 25313.

(2) On or about Wednesday, August 26, 2015, the Board received information from a member of the community in which the Respondent practices dentistry alleging that the Respondent was abusing alcohol and/or controlled substances and was under the influence of the same while actively practicing dentistry.

(3) The Respondent had previously entered into a Settlement Agreement with the Board, on or about July 14, 2011, to resolve allegations of possible impairment issues involving the Respondent that were brought to the Board's attention in 2010. Under the terms of the Settlement Agreement, the Respondent was to undergo substance abuse and/or psychological treatment with Dr. Sidney Lurfald and was, thereafter, to enter into a monitoring contract with the West Virginia Pharmacy Recovery Network (WVPRN).¹ Both Dr. Lurfald and the WVPRN were to provide monthly or other reports to the Board under the Settlement Agreement. The Settlement Agreement further provided that the Respondent was to practice dentistry under the indirect supervision of another named dentist and that the Respondent could petition the Board to be relieved of indirect supervision after successfully engaging in and completing the treatment and monitoring programs and after providing evidence satisfactory to the Board that he is fully

¹In 2014, the West Virginia Dental Recovery Network was created and is the current monitoring program of the West Virginia Board of Dentistry for its licensees who have substance abuse issues. At the time the Board entered into the Settlement Agreement with the Respondent in 2011, the West Virginia Pharmacy Recovery Network was the monitoring program used by the Board of Dentistry for substance abuse monitoring of its licensees.

capable and competent to safely and effectively practice dentistry. The Board has never received any information from the Respondent establishing that he has successfully engaged in and completed the substance abuse treatment and monitoring programs, nor has the Board received any petition from the Respondent asking to be relieved of indirect supervision by another dentist.

(4) Following its receipt of recent information that the Respondent may be engaging in substance abuse, the Board contacted a recent former employee of the Respondent's for further information. The former employee, who shall be referred to as A.H., provided the following information to the Board:

(a) A.H. had been employed by the Respondent for several years including in 2010 when the events giving rise to the Settlement Agreement referenced in paragraph (3) above occurred. A.H. stated that she had suspected for about a year that the Respondent had a recurring substance abuse problem, based on the following:

1. Over the previous six months, several injuries to patients occurred during the course of the Respondent's treating them including, but not limited to, numerous lip and tongue lacerations; a patient being stabbed in the arm with a needle; and a patient's sutures being physically yanked out.

2. There were also several instances where the Respondent allegedly numbed patients on the wrong side of the mouth, or numbed the correct side but then proceeded to treat teeth on the unnumbed side of the mouth.

3. Further, there were alleged instances where the Respondent appeared to have forgotten what treatment he was providing the patient or where Respondent met with a patient and then left the office without completing the treatment, leaving the patient sitting in the examination chair.

4. Excessive yelling and confrontations with his staff including, in some instances, in the presence of patients.

5. Repeated inquiries by patients, former patients and members of the community about the condition of the Respondent. Some asking if he was okay, to asking if he has a substance abuse problem, to expressing a desire never to return to his office again.

(b) A.H. and two other staff members abruptly resigned from the Respondent's practice on or about July 22, 2015, after the following incident occurred:

1. While A.H. was doing paperwork the way she thought the Respondent wanted it to be done, the Respondent decided that day that he wanted it done differently. When she questioned him about it, the Respondent "hounded and hounded her over it."

2. When other staff questioned him about the paperwork, the Respondent became irate and began yelling and screaming. A.H. finished with her patients for the day and left. Two other staff members, identified as C.R. and C.S., were still at the office.

3. The Respondent allegedly became very confrontational with C.R. and was screaming in her face. C.R. told the Respondent that he needed to step back. When C.R. backed up two steps, the Respondent took two steps forward to get back into C.R.'s face. C.S. told C.R. to get her things because they were leaving. C.S. and C.R. left and never returned, resigning from the office.

4. A.H. had already submitted her two-weeks' notice to resign. When the confrontation incident happened on July 22 and the other staff resigned, A.H. never went back.

(c) The Respondent's staff attended a continuing education course in Ohio in March 2015. The Respondent was also registered to take the course but never showed up. The Respondent allegedly called C.R.'s cell phone several times throughout the course and left six

(6) verbally abusive messages on her voice mail. After A.H., C.R. and C.S. resigned, the Respondent allegedly has left at least 18 additional voice mail messages on C.R.'s cell phone.

(5) The Respondent hired new staff and has been actively practicing dentistry in his Cross Lanes office.

(6) On September 2, 2015, the Board's investigator met with the Respondent at the Respondent's office in Cross Lanes, West Virginia. The Respondent admitted that he has recently started drinking again, saying it started with a few beers at night and increased to a few in the morning to settle his nerves. The Respondent indicated that he had self-reported to the West Virginia Dental Recovery Network (WVDRN) this same day, for assistance, and is scheduled for an evaluation by the WVDRN on Thursday, September 3, 2015.

II. SUMMARY SUSPENSION OF LICENSE

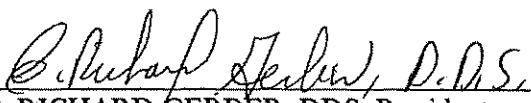
Pursuant to W. Va. Code § 30-1-8(e)(1), the West Virginia Board of Dentistry has authority to suspend a license prior to a hearing if the licensee's continuation in practice constitutes an immediate danger to the public. On Thursday, September 3, 2015, the Board conducted an emergency meeting, with a 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 JEFFREY MARK LIPPITT, DDS, License No. 2664, 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.

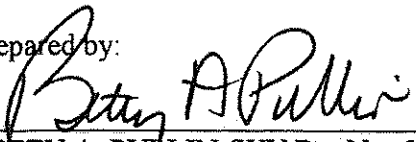
The Board further ORDERS that the Respondent shall CEASE AND DESIST the practice of dentistry in the State of West Virginia until further Order from this Board.

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: 
C. RICHARD GERBER, DDS, President
1319 Robert C. Byrd Drive
Crab Orchard, West Virginia 25827
(304) 252-8266

Date: 9/3/15

Prepared by:

BETTY A. PULLIN (WV Bar No. 5590)
Assistant Attorney General
Office of the West Virginia Attorney General
Education, Arts & Boards Division
812 Quarrier Street, 2nd Floor
Charleston, West Virginia 25301
(304) 558-8989
Betty.A.Pullin@wvago.gov