

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD OF DENTISTRY,**

**Complainant,**

**v.**

**CASE NO. 2010-DB-0036D**

**JEFFREY MARK LIPPITT, DDS,**

**Respondent.**

**ORDER OF CONDITIONAL REINSTATEMENT**

On this day came the West Virginia Board of Dentistry (hereinafter "the Board"), pursuant to a request by the Respondent, through his counsel, that his license be reinstated. The Board, in consideration of the Respondent's request, is of the opinion that reinstatement is justified and the Board shall conditionally grant said request, subject to the terms and conditions set forth in this Order.

WHEREAS, pursuant to a Settlement Agreement between the Board and the Respondent dated July 14, 2011, to resolve allegations of substance abuse by the Respondent, the Respondent was to practice under the indirect supervision of another named dentist, and was to participate in a treatment program with a named physician. The Respondent was to authorize the named physician to provide compliance and progress reports to the Board and was to comply with all conditions of treatment by such physician. The Respondent also was to enter into a monitoring contract with the West Virginia Pharmacy Recovery Network and abide by all conditions of the monitoring program. The Respondent was to provide the Board with a copy of his monitoring contract and authorize the WVPRN to provide monthly reports to the Board regarding his compliance and progress. The Respondent was to abstain from the personal use of alcohol,

controlled substances, prescription drugs, nitrous oxide and all mood-altering substances, unless prescribed for or administered to Respondent by a licensed physician for a diagnosed medical condition.

WHEREAS, up until August 26, 2015, the date on which the Board was notified of the circumstances giving rise to this Order, the Board had not received any of the documents, information or status reports that the Respondent was to have provided the Board under his 2011 Settlement Agreement.

WHEREAS, on 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.

WHEREAS, as a result of the information provided by the member of the community referenced above, 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:

1. A H. had been employed by the Respondent for several years including in 2010 when the events giving rise to the 2011 Settlement Agreement occurred. A.H. stated that she had suspected for the past year that the Respondent had a recurring substance abuse problem, based on the following:

- a. 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.

b. 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 side of the mouth that was not numb.

c. 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.

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

e. 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.

2. AH. and two other staff members abruptly resigned from the Respondent's practice on or about July 22, 2015, after the following incident occurred:

a. 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."

b. 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.

c. 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.

d. 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.

3. A.H. further alleged that 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.

4. 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 had 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.

WHEREAS, based on the information obtained by the Board through its investigation, it appeared to the Board that the Respondent was in violation of the Settlement Agreement previously entered into on or about July 14, 2011, and that the events described further led the Board to believe that the Respondent's continuation in the practice of dentistry in this State may pose an immediate danger to the public. Accordingly, on September 3, 2015, at 8:30 a.m., the Board conducted an emergency meeting by telephone, with a quorum present, during which evidence was presented by certain Board members and the Board investigator, regarding the events leading up to the Settlement Agreement in July 2011, and the recent alleged violations. Based on this evidence, the Board made findings that the Respondent's continuation in the

practice of dentistry in this State, in his current condition, posed an immediate danger to the public and voted to summarily suspend the Respondent's license to practice dentistry in this State.

WHEREAS, the Respondent has since undergone in-patient treatment at a known treatment facility which he successfully completed and was released from that program on or about October 14, 2015.

WHEREAS, upon his release from inpatient treatment, Respondent underwent an evaluation by the West Virginia Dental Recovery Network who has established and recommended a proposed treatment plan for the Respondent. The Respondent shall submit himself to the treatment plan established and recommended by the WVDRN for its duration and shall abide by all terms and conditions of such plan until his successful completion of it, as determined by the appropriate personnel with the WVDRN.

WHEREAS, the Board met at its regularly scheduled quarterly board meeting in October 2015, and voted to reinstate the Respondent's license, but further voted that even though the Respondent's license is reinstated, he shall not resume the practice of dentistry in this State unless and until such time as the WVDRN has determined and certified to the Board that the Respondent is competent and capable of resuming the practice of dentistry without posing a risk of immediate danger to the public. The Board will defer to the opinion and expertise of Mike Brown of the WVDRN as to the date on which the Respondent may resume working and the hours or otherwise the extent to which the Respondent may work.

ACCORDINGLY, based on the foregoing, the Board ORDERS that the dental license of Jeffrey Mark Lippitt, DDS, be reinstated with the following conditions:

1. Respondent shall continue to abide by all the conditions and terms of the Settlement Agreement dated July 14, 2011, except as modified herein.

2. Respondent shall abide by all the conditions and terms of any Contract and Compliance Agreement into which he enters with the West Virginia Dental Recovery Network.

3. Respondent shall not engage in the practice of dentistry unless and until Michael Brown of the West Virginia Dental Recovery Network, or his successor, or any of his authorized designees, shall certify to the Board that the Respondent is competent and capable of resuming the practice of dentistry without posing a risk of immediate danger to the public.

4. Respondent's return to work, his schedule including the number of days and hours he can work, the number of patients he can see and his ability to resume writing any prescriptions, are all subject to the supervision and discretion of the WVDRN, and any modifications thereto shall be at the discretion of the WVDRN.

5. While the Respondent is participating in treatment by the WVDRN and authorized to practice, the WVDRN shall have supervisory authority and discretion over the Respondent's practice which may include but not be limited to (1) requiring the Respondent to be supervised by a dentist in good standing, for a period of time and for the supervisory dentist to submit regular reports of the Respondent's progress and competency to the WVDRN and to the Board; (2) conducting unannounced site inspections of the Respondent's office at any time the WVDRN, in its discretion, deems necessary; and (3) requiring the Respondent to maintain a separate log of all controlled substances prescribed by him, which log may contain the name of the medication prescribed, the quantity of the medication prescribed and an explanation for the prescribing of the medication, and to send that log to the WVDRN and the Board on a regular basis, as determined by the WVDRN.

6. The Respondent shall be responsible for any expenses associated with any unannounced site inspections of his practice as well any expenses associated with written reports, records or verifications of actions that may be required by the WVDRN or the Board.

7. The Respondent's failure to fully comply with the terms and conditions of this Order, and with any Contract and Compliance Agreement with the WVDRN, shall constitute a violation of this Order and the Board may seek disciplinary action as deemed necessary, including but not limited to licensure revocation, for such failure to comply. Likewise, the Board may seek such disciplinary action for any further violation of the West Virginia Dental Practice Act.

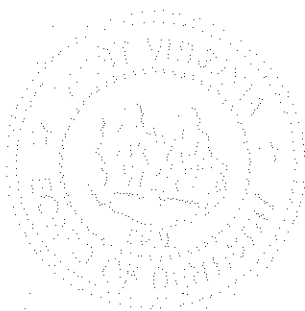
8. The parties agree that the Respondent violated the terms of the Settlement Agreement entered into on July 14, 2011, and the West Virginia Dental Practice Act, by engaging in substance abuse to such an extent as to render the Respondent an immediate danger to the public. Accordingly, the Respondent shall pay a fine in the amount of Five Thousand Dollars (\$5,000.00) for the violation and shall reimburse the Board its costs in the amount of Five Thousand Dollars (\$5,000.00). Said payments shall be made within <sup>90 days</sup> 30 days of the Board's entry of this Order.

ENTERED in the records of the Board this 24<sup>th</sup> day of October, 2015.

WEST VIRGINIA BOARD OF DENTISTRY

By:

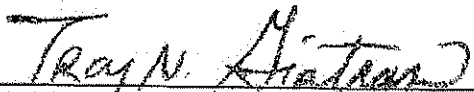
  
G. RICHARD GERBER, DDS  
President



SEEN AND AGREED TO BY:



JEFFREY MARK LIPPITT, DDS  
Respondent



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