

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD  
OF DENTISTRY,**

**Complainant,**

**CASE NO.: 2010-DB-0179D**

**JERRY MOUNTS, DDS,**

**Respondent.**

**CONSENT DECREE AND ORDER**

The West Virginia Board of Dentistry (Board) generated an internal report and commenced an investigation regarding possible scheduled controlled substance prescription writing and dispensing issues of Jerry Mounts, DDS (Respondent). The Board and the Respondent have reached an agreement as to an appropriate disposition of the matter, with consideration to appropriate safeguards for protection of the public.

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

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, the Board does hereby Find and Order as follows:

**FINDINGS OF FACT**

1. That the Board is the State entity created by West Virginia Code 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. That the Respondent is a licensee of the Board, possessing License No. 2741 and is subject to the license requirement of the Board.

3. That Board alleges that a review of the Respondent's controlled substance pharmaceutical prescription writing practices along with various patient records show that he engaged in conduct, practices or acts constituting professional negligence or a departure from accepted standards of professional conduct in the prescribing of controlled substances.

4. That Board alleges that the Respondent prescribed various Schedule II and Schedule III drugs and controlled substances as defined under West Virginia Code §60A-2-206 and West Virginia Code §60A-2-208, respectively, without treatment records to support the need for the quantity or frequency of the controlled substances prescribed during the years 2009-2010.

5. That the Respondent avers and maintains that, at all times at issue herein, and at all times in his practice as a licensee before this Board, he has behaved reasonably and within the accepted standards of professional conduct in all matters, including but not limited to the prescribing of controlled substances.

6. That the Respondent denies any and all allegations raised against him of professional negligence and/or departure from accepted standards of professional conduct in the prescribing of controlled substances.

7. That the Board and the Respondent desire to resolve this disputed claim through the use of this negotiated Consent Decree and Order as follows:

#### CONCLUSION OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.

2. That pursuant to West Virginia Code §30-4-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the West Virginia Board of Dentistry and is subject to license requirements of the Board.

4. Based on the investigation conducted, the Complaint Committee of the Board believes that there is substantial evidence to demonstrate that the Respondent has violated the Practice Act, West Virginia Code Section 30-4-1 *et seq.*

### CONSENT OF LICENSEE

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

1. Respondent has been given 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 this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, 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 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 at any time by any member of the public under Chapter 29B

*et seq.*, of the West Virginia Code, Freedom of Information Act, and may be reported to other governmental agencies, professional Boards or other organizations.

6. Respondent waives any defense of laches, statute of limitations, estoppel and waiver that he may have otherwise claimed as a condition of the Consent Decree and Order.

7. 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 the recommendation for the approval from the Complaint Committee.

8. Respondent consents to the entry of this Order as negotiated by and between the parties and acknowledges that its terms may affect his license in the State of West Virginia.

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

### **ORDER**

That the Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree between the Board and Respondent, Jerry Mounts, DDS as follows:

1. That the Respondent shall receive a reprimand.
2. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete the standard course in pharmacology pre-approved by the Board. The course shall include proper prescribing of controlled substances and drug diversion. The Respondent shall submit written verification to the Board of his enrollment and proof of having successfully completed the course.
3. The Respondent shall be prohibited from prescribing, dispensing, or administering any scheduled controlled substances in West Virginia until he has successfully

completed the pharmacology course as outlined in paragraph 2 above and has received written authorization from the Board to resume prescribing, dispensing, or administering any scheduled controlled substances. Should the Respondent's Continuing Education Report for the 2014 renewal period indicate completion of the required course, there will be no suspension of these privileges. However, a copy of the certificate of completion shall be submitted to the Board.

4. The Respondent hereby consents to the Board's access of his prescription records contained in the database of the West Virginia Board of Pharmacy's Controlled Substance Monitoring Program on a quarterly basis for a period of one year from the entry of this Consent Decree and Order.

5. The Respondent shall at all times cooperate with the Board, any of its agents or employees, in the monitoring or investigation of the Respondent's compliance with the terms and conditions of this Consent Order. The Respondent shall be responsible for any expense associated with the monitoring of his practice as well as any expenses associated with written reports, records or verifications of actions that may be required by the Board.

6. That the Respondent's failure to fully comply with the terms and conditions of this Consent Order hereby imposed shall be deemed a violation of this Consent Order, and that if the Respondent violates any of the terms of this Consent Order, the Board may immediately suspend the Respondent's license.

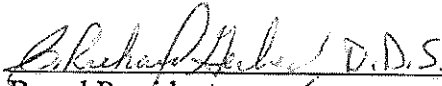
7. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.

8. The Respondent shall neither direct nor permit his dental personnel under his supervision to violate any provisions of the West Virginia Dental Practice Act or its rules and regulations.

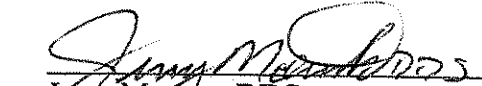
9. The Respondent shall reimburse the Board in this case the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for all costs incurred by the Board in the investigation and disposition of this case which shall be paid within sixty (60) days of the entry of this order.


Entered this 17<sup>th</sup> day of July, 2014.

West Virginia Board of  
Dentistry:

  
Board President

Inspected and Agreed to by:

  
Jerry Mounts, DDS  
Respondent

  
Legal Counsel or Witness  
for Respondent

# WEST VIRGINIA DENTAL ASSOCIATION

2016 1/2 Kanawha Boulevard, East • Charleston, WV 25311

6 hrs

TEL: (304) 344-5246

FAX: (304) 344-5316

February 2013

Dr. Jerry Mounts - AGD# 184558  
P.O. Box 537 # 157 Substance Abuse  
Matewan, WV 25678  
(304) 426-4161

## CONTINUING EDUCATION CERTIFICATE

This certificate is issued to the above for attending "Acute Pain In Your Dental Practice: Opioid Risk Assessing and Effective Pain Management" presented by John Lindroth, DDS, and Patrick J. Sammon, Ph.D., on January 18, 2013, at the Marriott Hotel in Charleston, WV.

The above is awarded six (6) hours of approved continuing education credit including four (4) hours of drug diversion and best practice prescribing controlled substances, as required under Senate Bill 437 passed by the 2012 Legislature and the WV Board of Dental Examiners Series 10 Legislative Rule, and two (2) hours of oral effects of substance abuse, which is also among continued education required by the Board of Dental Examiners.

The West Virginia Dental Association is approved by the West Virginia Board of Dental Examiners as a provider of continuing education.

The Board provides a form to dentists and dental hygienists to report the continuing education courses they have completed every two years at the time of license renewal. The current two-year cycle is from February 1, 2012, to January 31, 2014. Dentists must complete 35 hours of approved continuing education courses every two years. Dental hygienists must complete 20 hours of continuing education courses every two years.

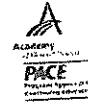
The Board requires dentists and dental hygienists to maintain continuing education certificates on courses they have completed for six years. The Board shall randomly audit continuing education records maintained by each dentist and dental hygienist. Refer to the Board's Web site for additional requirements for continuing education. The site is [www.wvdentalboard.org](http://www.wvdentalboard.org).



Richard D. Stevens, Executive Director



# Continuing Education Certificate



*Jerry Mounts DDS*  
Participant's Signature  
JERRY Mounts DDS  
Please Print Name Here




November 9, 2012 • Charleston, West Virginia

"Drug Diversion and Best Practice Prescribing of Controlled Substances"  
Bryan Weaver, DDS, MS, MD

4 Hours Lecture • Subject Code 157  
WVAGD PACE 219335 • National 01/01/2011 - 12/31/2013

*Tammy Cavender*  
Executive Secretary, Tammy Cavender



 <b>West Virginia University</b> SCHOOL OF PHARMACY  <b>OFFICE OF CONTINUING EDUCATION</b> Robert C. Byrd Health Sciences Center North PO Box 9540, Morgantown, WV 26505   (304) 293-5103			
Statement of Continuing Education Credit			
Professional Development Program Information			
Program Title:	Barboursville Spring Seminar- Drug Diversion and Best Practice Prescribing of Controlled Substances Training for West Virginia Pharmacists (Knowledge-based)	Program Date:	2014-05-16
UAN:	ACPE UPN# 0072-0000-14-017-L03-P	Date Issued:	2014-05-29
Participant Information		Credit Information	
First and Last Name:	JERRY MOUNTS D.D.S.	Contact Hour(s):	3.00
Street or PO Box Address:	P.O. BOX 116	Credit Issued:	0.300 CEU(s)
State, City & Postal Code:	DELBARTON / WV / 25670	Type of Activity:	Knowledge Profession:
License No (s):	wv3603	 Authorized Signature	