

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

**WEST VIRGINIA BOARD OF
DENTISTRY,**

COMPLAINANT,

v.

CASE No. 2020-DB-0003D

**JACLYN E. ROMINGER, DDS,
LICENSE No. 3853,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Dentistry (“Board”) and Jaclyn E. Rominger, DDS (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-4-1 *et seq.* and W. Va. Code R. §§ 5-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

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

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 3853, and at all times relevant, practiced dentistry at Rominger Dental in Bridgeport, West Virginia.
2. On or about February 3, 2020, the Board received a written complaint and supporting documentation from an individual identified herein as “D.M.” regarding the dental care that he received from Respondent during the time period of February to June 2018. More particularly, D.M. complained of a tooth extraction and bridge placement performed by Respondent on or about February 16, 2018 and the post-operative care he received from Respondent following that treatment. D.M. reports having to see other medical providers over the course of several months to address issues allegedly caused by Respondent’s treatment.
3. By letter to Respondent dated February 7, 2020, the Board transmitted a copy of D.M.’s complaint and requested that Respondent file a written response thereto within 30 days.
4. The Board received a written response from Respondent dated February 23, 2020, which included certain of D.M.’s patient records. In her response, Respondent detailed D.M.’s presentment and treatment at her office in February 2018. Respondent noted that, “[a]fter learning in detail of [D.M.’s] complications, I sectioned his bridge to allow better access for his ENT for treatment and I also gave him a full refund. I am happy to reimburse him for any further dental work or medical complications that he has endured due to my oversight.” Respondent took “full responsibility” and “apologize[d] for the difficulties that [D.M.] has endured.” Respondent also

stated that she is “much more inclined to refer difficult cases to specialists and will continue to do so.”

5. The Board’s Complaint Committee reviewed D.M.’s complaint, Respondent’s response thereto, and the medical records and other documents submitted therewith, and found probable cause to believe that Respondent failed to properly refer D.M. to another dental professional and failed to meet the applicable standard of care in treating D.M., in violation of W. Va. Code § 30-4-19(g)(3),(12), W. Va. Code R. § 5-5-4, and *American Dental Association Principles of Ethics & Code of Professional Conduct* § 2.

6. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on May 30, 2020, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 3853, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-4-1 *et seq.*, and is empowered to regulate the practice of dentistry in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual’s license to practice dentistry under the authority granted to it by W. Va. Code §§ 30-4-5 and 30-4-19 and W. Va. Code R. §§ 5-1-4, 5-4-1 *et seq.*, and 5-5-1 *et seq.*

4. Respondent does not contest that the Board has probable cause to charge her with one or more violations of the Board’s governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-4-19, W. Va. Code R. § 5-5-4, and the *American Dental Association Principles of Ethics & Code of Professional Conduct*. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Jaclyn E. Rominger, DDS, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. The entire agreement is contained in this Consent Agreement and Order, and no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Jaclyn E. Rominger, DDS, by affixing her signature hereto, agrees to the following Order:

ORDER

Based on the foregoing, and in lieu of further prosecution of this matter, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within sixty (60) days from the date of entry of this Order, Respondent shall pay a fine in the amount of One Thousand Dollars (\$1,000.00).
3. Within sixty (60) days from the date of entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including, but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
4. Respondent shall at all times cooperate with the Board and any of its agents or employees.
5. Respondent shall comply with the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1 *et seq.*, and the rules and regulations promulgated thereunder.
6. This Consent Agreement and Order shall remain in effect until all of its terms have been completed.
7. Any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice dentistry in the State of West Virginia.
8. This document is a public record available for inspection by the public in accordance with the provisions of the West Virginia Freedom of Information Act, W. Va. Code §§

29B-1-1 *et seq.*, and may be reported to other governmental agencies, professional boards, or other organizations.

9. This Consent Agreement and Order constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF DENTISTRY

By:  DDS
Samuel V. Veltri, DDS, President

Entered: 10/16/2020
Date

REVIEWED AND AGREED TO BY:

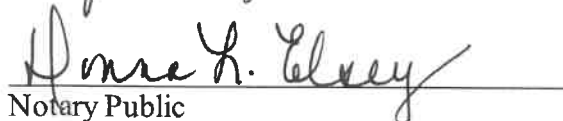

Jaclyn E. Rominger, DDS
Respondent

8/5/20
Date

This day personally appeared before me, Jaclyn E. Rominger, DDS, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 5th day of August, 2020.

My Commission expires: January 14, 2024


Notary Public

