

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD OF
DENTAL EXAMINERS,

Complainant,

v.

Case No.: 2005-DB-0023D

DR. MICHAEL SOKOLOSKY, JR.

Respondent.

CONSENT DECREE AND ORDER

After due investigation of a written complaint, the West Virginia Board of Dental Examiners (hereinafter "Board") determined that there was probable cause to believe that Dr. Michael Sokolosky, Jr. (hereinafter "Respondent") violated the Dental Practice Act pursuant to West Virginia Code §30-4-1 *et seq.* and the Rules of the Board, 5 CSR 1 *et seq.* The Respondent was provided with written notice of the allegations against him and this matter was scheduled for hearing pursuant to the Rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of Case No. 2005-DB-0023D and the parties agree to entry of the following Order in disposition of this matter.

FINDING OF FACTS

The Board adopts the following findings in this matter.

1. That the Board is the State entity created by W. Va. Code §30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. That the Respondent, Dr. Michael Sokolosky, Jr. is a licensee of the Board,

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possessing License No. 2578, and is subject to the license requirement of the Board.

3. That in July 2005, the Board received a complaint alleging that the Respondent failed to properly sanitize suction tubing which resulted in a blood residue remaining in the tubing.

4. That the Respondent acknowledged that "there was small amount of diluted blood present" in the tubing.

5. That the Complaint Committee reviewed all of the evidence and materials and concluded that there was probable cause to pursue disciplinary action against the licensee.

6. That having made the above conclusion, the Complaint Committee recommended that the Board make a finding of probable cause.

7. The Board accepted the recommendation of the Complaint Committee and by unanimous vote, determined that there was sufficient evidence to warrant a finding of probable cause and that further action should be taken against the licensee, Dr. Michael Sokolosky, Jr..

8. That those acts described in paragraph 2 above, if proven to be true, would constitute practice or acts in violation of the Dental Practice Act pursuant to W. Va. Code § 30-4-1 *et seq.* Specifically, W. Va Code §§ 30-4-20(a)(3).

9. That the Board has the power to hold a hearing and to revoke a license, place a licensee on probation, suspend a license, reprimand a licensee or take other disciplinary action under W. Va. Code § 30-4-1 *et seq.* and the rules promulgated thereunder.

10. The Board issued a Complaint and Notice of Hearing to the Respondent. This matter was scheduled for hearing on January 6, 2006.

11. That the Complaint Committee recommended in lieu of a hearing that the

parties enter into a Consent Decree and Order for resolution of this matter and that the Board voted on and accepted this recommendation.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.
2. That the Board is mandated by W. Va Code § 30-4-1 *et seq.* to make certain that they license only qualified dentist in order to protect the public health and safety of the people of the State of West Virginia.
3. That pursuant to W. Va 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.
4. That the actions of the Respondent, Dr. Michael Sokolosky, Jr., constitute a violation of the Dental Practice Act and the rules of the Board and such conduct is grounds for disciplinary action.

CONSENT OF LICENSEE

The Respondent Dr. Michael Sokolosky, Jr., by affixing his signature hereto, acknowledges the following:

1. That he, Dr. Michael Sokolosky, Jr., has had the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. That no person or entity has made any promise or given any inducement whatsoever to encourage Dr. Michael Sokolosky, Jr. to enter into this Decree other than as set forth herein.

3. That he, Dr. Michael Sokolosky, Jr., acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and he is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

4. That he, Dr. Michael Sokolosky, Jr., waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that he may have otherwise claimed as a condition of this Decree.

The Respondent, Dr. Michael Sokolosky, Jr., by hereby affixing his signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. That the Board hereby **REPRIMANDS** the license, previously granted to the Respondent, Dr. Michael Sokolosky, Jr. to practice Dentistry in the State of West Virginia.

2. That the Respondent shall immediately implement a procedure to ensure proper sanitization to the suction tubing used in his practice.

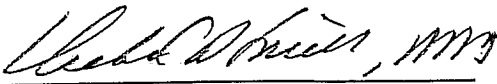
3. That the Respondent shall be assessed a cost in the amount Seven Hundred Fifty Dollars (\$750.00) for all the administrative and legal expenses incurred by the Board in the investigation and disposition of the case. Said reimbursement shall be paid within thirty (30) day of the entry of this Order and Decree.

4. That should the Respondent fail to comply with this CONSENT DECREE and ORDER, the Board may immediately reopen this matter and take such other disciplinary action as deem necessary.

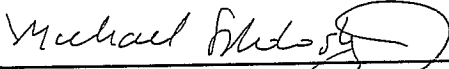
13. That this document is a public record as defined in W. Va. § 29-1-2(4).

Entered this 21st day of April 2006.

West Virginia Board of
Dental Examiners By:


Richard D. Smith, DDS
President

Reviewed and Agreed to by:


Dr. Michael Sokolosky, Jr.
Respondent 3/23/06