

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD OF DENTISTRY,**

**Complainant,**

**v.**

**CASE NO. 2015-DB-0048H**

**CHRISTY DAWN WHEELER, RDH,**

**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 alleging that Christy Dawn Wheeler, RDH, (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 investigation, 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, dental hygiene and licensure, and that the Respondent’s continuation in practice constitutes an immediate danger to the public thereby warranting immediate suspension of her license to practice dental hygiene 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 Christy Dawn Wheeler, RDH:

(1) The Respondent, Christy Dawn Wheeler, RDH, is an active licensee of the Board, holding License No. 2239 to practice dental hygiene in the State of West Virginia. As of the dates of the incidents giving rise to this Order of Suspension, the Respondent was employed as a Registered Dental Hygienist with a dental practitioner in southern West Virginia.

(2) On or about January 22, 2016, the Board entered into a Consent Decree and Order with the Respondent, to resolve charges relating to substance abuse and arrests that occurred in 2015 and her failure to report those issues on her license renewal application. Under the terms of the Consent Decree, the Respondent was to submit to the West Virginia Dental Recovery Network (WVDRN) for evaluation within ten (10) days from the date of entry of the Consent Decree, and was to abide by any and all terms and conditions of any treatment plan recommended for her by the WVDRN. The Consent Decree further required the Respondent to obey all laws of the United States and the State of West Virginia and its political subdivisions and, specifically, to comply with the West Virginia Dental Practice Act, its rules and regulations. Failure to comply with any of these provisions of the Consent Decree would constitute a violation of the Order and grounds for suspension or revocation of the Respondent's license.

(3) The Respondent has failed to report to the WVDRN for evaluation in the manner required by the Consent Decree, therefore, the Respondent is in violation of the terms of the Consent Decree and is also in violation of the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-19(g)(4), (20) (intentional violation of a lawful order of the board, and violation of any terms and conditions of any order entered in any disciplinary action).

(4) The Respondent has been arrested twice since the date of entry of the Consent Decree for violations of W. Va. Code § 17C-5-2 (driving under the influence of controlled substances or drugs, i.e., synthetic marijuana). *See, State of West Virginia v. Christy Dawn Wheeler*, Case No. 16-M-265 (Fayette Magistrate Court), and *State of West Virginia v. Christy Dawn Wheeler*, Case No. 16-M-654 (Raleigh Magistrate Court). In both instances, the Respondent wrecked her vehicle into other vehicles and was found slumped over or unconscious or semi-conscious in the vehicle. The Respondent admitted to at least one officer that she had smoked synthetic marijuana prior to driving the vehicle.

(5) Respondent's arrests for DUI constitute violations of her Consent Order as well as violations of the Dental Practice Act, W. Va. Code §§ 30-4-19(g)(4), 20).

(6) Respondent failed to notify the Board of her driving under the influence and/or driving while intoxicated offenses, in violation of the Dental Practice Act, W. Va. Code § 30-4-19(g)(19).

(7) Respondent is alleged to have an incapacity that prevents her from engaging in the practice of dental hygiene with reasonable skill, competence and safety to the public, in violation of the Dental Practice Act, W. Va. Code § 30-4-19(g)(8).

(8) Respondent's abuse of alcohol and/or drugs further constitutes unprofessional conduct as contained in the American Dental Association principles of ethics and code of professional conduct, in violation of the Dental Practice Act, W. Va. Code § 30-4-19(g)(12)(C).

## **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 Wednesday, February 17, 2016, 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 information provided by law enforcement officials and the Magistrate Courts of Fayette and Raleigh and the Respondent's failure to report to the WVDRN, all of which were presented to the Board in summary form in the emergency meeting, 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 and/or dental hygiene. 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 dental hygiene in this State at this time. Accordingly, the Board hereby

ORDERS that the license of CHRISTY DAWN WHEELER, RDH, License No. 2239, 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 dental hygiene in the State of West Virginia until further Order from this Board.

This matter shall, therefore, be set down for a hearing, at a 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 her license. The Respondent, or her 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:   
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Date: 2/17/2016

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