

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD  
OF DENTISTRY,

Complainant,

CASE NO.: 2009-DB-0037D

v.

CHARLES L. WYLIE, DDS,  
(License No.: 2926)

Respondent.

**CONSENT DECREE AND ORDER**

Now comes the West Virginia Board of Dentistry (hereinafter "Board") and Charles L. Wylie, DDS, (hereinafter "Respondent"), for the purpose of resolving all issues regarding the above-styled matter without further litigation.

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. 2926 and is subject to the license requirement of the Board.
3. That on July 29, 2009, during a procedure on several teeth of a Patient A, the Respondent administered substantially more than the manufacturer's recommended dose of the drug Halcion

(a benzodiazepine, a Schedule IV Controlled Substance as defined by West Virginia Code § 60A-2-210.)

4. Patient A suffered a re-sedation resulting from the excessive dosage of Halcion. The Respondent asserts that Patient A failed to disclose drug usage that effectively blocked the elimination of Halcion. Patient A was hospitalized, given minimum reversal treatment, and kept for observation.

### 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 Board believes that there is substantial evidence to demonstrate that the Respondent has violated the Practice Act, West Virginia Code § 30-4-1 *et seq.* Specifically, the Respondent's conduct in treating Patient A indicates the lax application of certain principles of dentistry.

5. In accord with the Board's desire to control the dispensing and prescription writing practices of certain medications, the Board evaluated the prescription writing and medication dispensing procedures of the Respondent. The Board is satisfied that the Respondent's current prescription writing and medication dispensing procedures adequately

guard against the concerns of prescription drug abuse. Any past issues with the respondent's procedures in this regard are mooted by the passage of time and the remediation efforts and measures taken by the respondent.

### **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 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 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 this 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 a recommendation for approval from the Complaint Committee.

8. Respondent consents to the entry of the following Order affecting 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, Charles L. Wylie, DDS as follows:

1. That the Respondent shall receive a reprimand.
2. On February 1, 2014, the Respondent may practice the administration of relative analgesia/minimal sedation in his practice.
3. On February 1, 2014, the Respondent can apply for and receive a Class 2 permit.
  - A. The Respondent cannot immediately exercise his Class 2 anesthesia permit, but the Respondent will be authorized to have the practice classified as a Class 4 facility and utilize a dentist anesthesiologist in his practice per §30-4A *et. seq.* From February 1, 2014, to May 1, 2014, the Respondent may practice the administration of relative analgesia/minimal sedation in his practice.
4. On May 1, 2014 and into the future the Respondent may exercise his Class 2 permit in his practice.

5. On July 1, 2014, the Respondent may apply for a Class 3 permit. Should there be no further viable and legitimate complaints pending in regards to his administration of relative analgesia/minimal sedation or his Class 2 permit in his practice, the Board will not unreasonably withhold approval of his Class 3 permit.

6. The Respondent shall neither direct nor permit his employees to violate any provisions of the West Virginia Dental Practice Act or its rules and regulations.

7. The Respondent shall pay a fine in the amount of Five Thousand Dollars, (\$5,000.00) within 90 days of the date of entry of this Consent Decree and Order


8. The Respondent shall reimburse the Board the sum of Ten Thousand Dollars (\$10,000.00) for all costs incurred by the Board in the investigation and disposition of this case which shall be paid within 90 days of the date of entry of this Consent Decree and Order.

9. 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 take appropriate action.

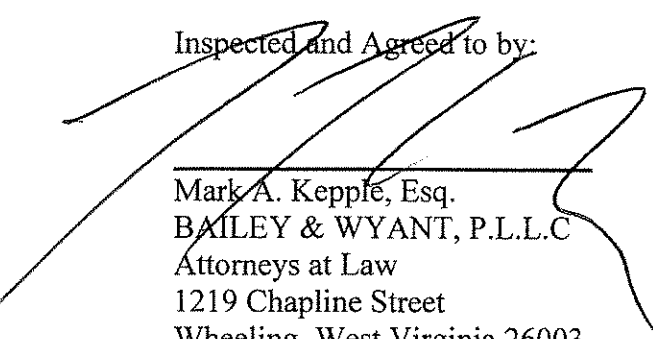
10. All matters concerning the above-referenced case number and complaint are hereby resolved and concluded with prejudice.

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

West Virginia Board of  
Dentistry:

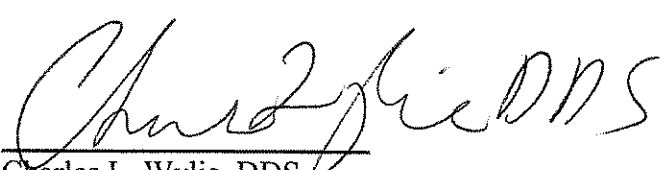
  
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David G. Edwards, DDS  
Board President

Inspected and Agreed to by:



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Charles L. Wylie, DDS  
Respondent