

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In the Matter of

Dr. Ronnie Glynn Davidson, II, DMD
(License No. 7363)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (the "Board") as authorized by G.S. § 90-41 for consideration of a Consent Order in lieu of a formal administrative hearing. Respondent, Ronnie Glynn Davidson, II, DMD ("Respondent") was represented by Luke Sbarra. The Investigative Panel ("IP") was represented by Doug Brocker and Whitney Waldenberg. The parties freely and voluntarily consent to the following:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the Board.

2. Respondent was licensed to practice dentistry in North Carolina in September 2001 and holds license number 7363. Respondent was issued and has held a moderate sedation permit since July 16, 2002.

3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Board Rules and Regulations.

Patient Bryan C.

4. On or about July 28, 2016, Respondent extracted teeth numbers 13, 14, 21, and 30 from patient Bryan C.
5. Respondent's treatment notes indicate that a root tip was misplaced in the left sinus.
6. Respondent attempted to remove the root tip, and in doing so damaged the floor of the maxillary sinus. The buccal plate was also fractured during extraction of the molar.
7. Neither the attempt to remove the root tip or the presence of the fracture were documented in Respondent's treatment notes.
8. Respondent's sedation record for the sedation administered to Bryan C. during the extraction procedure is incomplete.
9. Respondent referred the patient to an oral surgeon following the extractions and attempted removal of the root tip, who noted the damage to the sinus floor and the presence of a buccal fracture.
10. The standard of care applicable to dentists licensed to practice in North Carolina requires general dentists to recognize the limitations on the treatment they can competently perform based on their training and ability, and to refrain from attempting to perform treatment that exceeds their skill, training and experience.
11. The standard of care applicable to dentists licensed to practice in North Carolina also requires dentists to fully document the procedures performed as well as the clinical observations made during the course of the procedure.

12. The Board's rules and the standard of care require that a dentist with a moderate anesthesia permit include a sedation record, including the drugs administered, route of administration, dosage, strength, time, sequence of administration, and vital signs prior to the procedure and recorded in fifteen-minute intervals throughout the sedation procedure. 21 NCAC 16Q .0302(a)(5) (effective June 1, 2017).

Patient Joseph C.

13. On August 8, 2016, patient Joseph C. presented to Respondent's office for extraction of tooth number 17.

14. Joseph C. had a variety of medical issues and was on numerous medications for these conditions.

15. Respondent's records do not document the reason or the condition of tooth number 17 on that date, but a preoperative image of tooth number 17 demonstrated that extraction of tooth number 17 would be very difficult, as the tooth was vertically impacted.

16. Respondent proceeded with extracting tooth number 17 despite the complexity of the procedure, and the surgery resulted in the pathological fracture of the mandible. Respondent took a CT image of the patient after the surgery but did not recognize the fracture until September 26, 2016.

17. Once Respondent recognized the fracture, he referred the patient to an oral surgeon.

18. The standard of care applicable to dentists licensed to practice in North Carolina requires general dentists to recognize the limitations on the treatment they can

competently perform based on their training and ability, and to refrain from attempting to perform treatment that exceeds their skill, training and experience.

19. The standard of care applicable to dentists licensed to practice in North Carolina also requires dentists to read accurately the CT images taken and recognize promptly a fracture that is evident on the imaging.

Patient Michael H.

20. On September 19, 2016, Patient Michael H. presented to Respondent for extraction of teeth numbers 17 and 18.

21. Preoperative imaging showed that tooth number 17 was a deep vertical impaction and would be a very difficult surgical removal.

22. Respondent proceeded with extraction of teeth number 17 and 18 from Michael H.

23. Respondent fractured the lingual plate of the left mandible during the extraction, which in turn caused severe infection requiring the patient to seek treatment at the hospital.

24. The standard of care applicable to dentists licensed to practice in North Carolina requires general dentists to recognize the limitations on the treatment they can competently perform based on their training and ability, and to refrain from attempting to perform treatment that exceeds their skill, training and experience.

Inadequate Documentation of Sedation Procedures

25. A review of Respondent's patient records revealed that Respondent administered IV sedation to his patients and either there is no record of the sedation

procedure itself or the record of the sedation procedure lacks necessary and critical information for the following patients:

- a. Robert B., July 26, 2013, IV sedation for extraction of third molars.
- b. Kevin C., December 14, 2016, oral sedation.

26. Respondent also failed to document drug dosage, time, sequence, periodic vital signs, and dose-related effect for IV sedation administered to the following patients: Phillip B. on April 11, 2014, Jonathan B. on July 14, 2017, Abby C. on November 18, 2016, and Joshua G. on August 12, 2016.

27. The standard of care applicable to dentists licensed to practice in North Carolina requires dentists to adequately document the procedures performed on patients, including sedation procedures.

28. The Board's rules require a dentist to include in the treatment record, the treatment rendered and by whom. 21 NCAC 16T .0101(5).

29. The Board's rules and the standard of care require a dentist administering moderate sedation to include an adequate sedation record, including recording the drugs administered during the procedure, the route of administration, dosage, strength, time, sequence of administration, duration of the procedure, and vital signs, among other requirements. 21 NCAC 16Q .0302(a)(6) (effective November 2013).

Based upon the foregoing Findings of Fact and with the consent of the parties hereto, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of this action and over Respondent.
2. Respondent was properly notified of this matter and has consented to the entry of this Consent Order.
3. Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and (12) and 21 NCAC 16Q .0302(a)(5) in his care and treatment of Bryan C. on July 28, 2016 by:
 - a. attempting to retrieve the root tip of tooth number 13 and damaging the sinus floor, rather than referring Bryan C. to an oral surgeon;
 - b. failing to document the attempted removal of the root tip from the sinus and by failing to document the buccal plate fracture; and
 - c. failing to adequately document the sedation procedure and patient monitoring during the procedure.
4. Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and (12) in his care and treatment of Joseph C. by:
 - a. extracting tooth number 17 and fracturing his jaw; and
 - b. failing to recognize and diagnose the jaw fracture for weeks following the extraction of tooth number 17.
5. Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and (12) by extracting tooth number 17 and fracturing the mandible of Michael H. on September 19, 2016.
6. Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and (12) and 21 NCAC 16Q .0302 (a)(6) (2013) by failing to adequately document the sedation administered to patients Robert B., Kevin C., Phillip B., Jonathan B., Abby C., and Joshua G.

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, it is ORDERED as follows:

ORDER OF DISCIPLINE

1. License 7363 issued to Respondent for the practice of dentistry in North Carolina is suspended for a period of one (1) year. The suspension shall be immediately stayed, and Respondent's license shall remain active, provided that for three years from the effective date of this Order, Respondent adheres to the following probationary terms and conditions:

- a. Respondent shall violate no provision of the Dental Practice Act or the Dental Board rules. Respondent's conduct that occurred prior to the entry of this Order shall not be the basis for a violation of the terms of this Order, although it could be the potential basis for separate disciplinary action, if warranted.
- b. Within one (1) year from the date of this Order, Respondent shall complete continuing education courses especially designed for him by the University of North Carolina School of Dentistry in conjunction with, and approved in advance by, the North Carolina State Board of Dental Examiners. This shall be a comprehensive, remedial course covering surgical extractions with a focus on identifying cases requiring referral to an oral surgeon, as well as recordkeeping and documentation of all required elements of patient treatment records, including sedation records. This requirement shall be in addition to the continuing education required by the Board for renewal of Respondent's dental license.

Respondent shall submit to the Board's Director of Investigations written proof of satisfactory completion of these courses before they will be accepted in satisfaction of this requirement. It is the Respondent's responsibility to make all arrangements for and bear the costs of these courses within the specified time.

- c. Respondent shall not perform any complex surgical extractions, including third molar extractions with impacted teeth, until he has completed the requirements of subparagraph (b) above and provided written proof of satisfactory completion of these courses.
- d. Respondent shall engage a licensed North Carolina dentist to serve as a practice monitor, which practice monitor Respondent shall submit for review and obtain approval by the Board's IP, at its discretion. The practice monitor shall meet with Respondent regularly and no less than quarterly to review example patient charts selected by the monitor, not by Respondent or employees at the office(s) where he practices. During these meetings, the monitor shall examine example patient records to determine Respondent's compliance concerning: (i) extractions and referrals to oral surgeons; (ii) recordkeeping, including documentation of all required elements of patient treatment and sedation records; and (iii) any other issues identified by the monitor related to Respondent's compliance with the Dental Practice Act and the Board's rules and regulations. Respondent shall ensure that the monitor prepares and submits to the Board quarterly reports with the findings concerning those

issues for the quarter, including identifying the specific patient treatment records reviewed. The IP reserves the right to review the charts that the monitor selects for his/her report, which records Respondent shall provide to the IP upon its request. The reports shall be due no later than April 1, July 1, October 1, and January 1 for the previous quarter in each year. Respondent is responsible for any and all payment of costs associated with this monitoring. If the monitor reports information to the Board indicating that Respondent may be engaging in a violation of the Board's statutes or regulations or this Order, Respondent understands that such findings may result in further disciplinary action by the Board, including potential activation of his suspension, following notice to Respondent and an opportunity to be heard.

2. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a Show Cause Hearing to permit Respondent to show cause why his dental license should not be suspended. If, as a result of the Show Cause Hearing, the Board is satisfied that Respondent failed to comply with or breached any term or condition of this Order, Respondent's license shall be suspended, and upon written demand, Respondent shall immediately surrender his license and current renewal certificate to the Board for a period of one (1) year. This sanction shall be in addition to and not in lieu of any sanction the Board may impose as a result of future violations of the Dental Practice Act or the Board Rules.

This the 13th day of APRIL, 2019

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:





STATEMENT OF CONSENT

I, Ronnie Glynn Davidson, II, DMD, do hereby certify that I have read the foregoing Consent Order in its entirety. I assent to its terms and conditions set out herein. I freely and voluntarily acknowledge that there is sufficient evidence to form a factual basis for the findings of fact herein, that the findings of fact support the conclusions of law, that I will not contest the findings of fact, the conclusions of law, or the order in any future proceedings before or involving the Dental Board, including if future disciplinary proceedings or action is warranted in this matter. I knowingly waive any right to appeal or otherwise later challenge this Consent Order once entered. I understand that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order will become part of the Board's permanent public record. I further acknowledge that this required reporting may have adverse consequences in other contexts and any potential effects will not be the basis for a reconsideration of this Consent Order. I have consulted with counsel before signing this Consent Order.

This the 9th day of APRIL, 2019.



Ronnie Glynn Davidson, II, DMD