

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In the Matter Of:

)	
Darryl A. Warren, D.D.S.)	CONSENT ORDER
(License No. 4414))	

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) pursuant to N.C. Gen. Stat. §§ 90-41.1 and 150B-38 for consideration of a complaint pending against Darryl A. Warren, D.D.S (Respondent) concerning the care and treatment of his patient Lawrence Langston in October and November 2015. Kenneth L. Jones represented Respondent, and Douglas J. Brocker represented the Investigative Panel. In lieu of a formal evidentiary hearing and pursuant to N.C. Gen. Stat. § 90-41.1(b), the parties freely and voluntarily consent to the following Findings of Fact and Conclusions of Law and to entry of the Consent Order of Discipline:

FINDINGS OF FACT

1. The Dental 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 in Article 2, and the Rules and Regulations of the North Carolina State Board of Dental Examiners, set forth in 21 North Carolina Administrative Code Chapter 16.
2. Respondent was licensed to practice dentistry in North Carolina on August 1, 1977 and holds license number 4414.

3. Respondent has remained licensed to practice dentistry in North Carolina since August 1, 1977 and was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto, including 2015. Respondent has no prior public disciplinary action.

4. Mr. Lawrence Langston presented to Respondent's office on October 15, 2015 for a limited, problem-focused examination. Recommendations were made for crowns on teeth numbers 20 and 21.

5. Mr. Langston returned on October 27, 2015 for the preparations and temporary crowns. Mr. Langston was given 1mg of Ativan.

6. Mr. Langston returned on November 17, 2015 for the delivery of the crowns. Respondent administered local anesthetic as well as nitrous oxide.

7. At that visit, Mr. Langston again was given 1mg of Ativan for anxiolysis prior to initiating treatment in order "to take the edge off." Respondent's clinical records indicated that the patient was alert when leaving.

8. Respondent did not advise Mr. Langston that he should not drive after taking the Ativan and did not ensure that he had a driver or ride when he left the office after giving him the Ativan.

9. Mr. Langston was in an automobile accident later that same day after Respondent's treatment and administration of Ativan.

10. Mr. Langston suffered significant, permanent injuries from the accident and incurred substantial medical bills as a result.

11. Respondent's clinical notes for his visits failed to include significant and important aspects of treatment, such as a personal review of the patient's medical history, a detailed assessment of the patient prior to discharge, among others.

12. Respondent has taken corrective steps since this incident with Mr. Langston. These steps include creating and using a new disclosure form concerning the use of oral sedatives for anxiolytic purposes.

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 North Carolina State Board of Dental Examiners has jurisdiction over Respondent and over the subject matter of this proceeding.

2. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Board's Rules and Regulations promulgated thereunder.

3. Respondent violated G.S. §§ 90-41 (a)(6) and (12) and 21 NCAC 16T.0101, in his treatment and care of Lawrence Langston by failing to:

- a. make and maintain complete and adequate treatment records, and
- b. adequately inform him of the risks and potential harm of operating a vehicle after taking Ativan and ensuring that he had a ride after leaving his office following treatment.

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

ORDER OF DISCIPLINE

1. License Number 4414 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended for a period of one (1) year.
2. Respondent's dental license is provisionally restored, with no active period of suspension, provided that for a period of three (3) years from the date of this Order, Respondent complies with the following probationary terms and conditions:
 - (a) Respondent shall violate no provision of the Dental Practice Act or the Board's rules and regulations;
 - (b) Respondent shall neither direct nor permit any of his employees to violate any provision of the Dental Practice Act or the Board's Rules;
 - (c) Respondent shall submit to interviews by the Board or its authorized agent during regular office hours or at such other times as are mutually convenient. Respondent shall also permit the Board or its agents to interview his employees during regular office hours and conduct random patient chart reviews, including but not limited to his use of sedative, anxiolytic, and local anesthesia medications and documentation of informed consent;
 - (d) Within one (1) year of having his dental license conditionally restored, Respondent shall complete the following continuing education courses, specially designed for him by the University of North Carolina or East Carolina School of Dentistry in conjunction with the North Carolina State Board of Dental Examiners directives and approved by it in advance,

including comprehensive, remedial courses covering: (1) the appropriate use and effects of sedative, anxiolytic, and local anesthesia medications; and (2) appropriate informed consent and recordkeeping. This requirement shall be in addition to the continuing education required by the Board for the renewal of Respondent's dental license. Respondent shall submit to the Board's Deputy Operations Officer written proof of satisfactory completion of this course before it will be accepted in satisfaction of this requirement. It is Respondent's responsibility to make all arrangements for and bear the cost of this course within the specified time; and

- (e) Within thirty (30) days of the date of this Order, Respondent shall reimburse the Board for the costs associated with its investigation of this matter in the amount of \$1500.00.

3. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to allow Respondent an opportunity to show cause as to why Respondent's license should not be actively suspended for a period of one (1) year. If as a result of the Show Cause Hearing, the Board concludes that Respondent failed to comply or breached any term or condition of this Order, Respondent's license shall be actively suspended for a period of one (1) year and Respondent shall immediately surrender his license and current renewal certificate to the Board. Respondent must complete the continuing education course specially designed for him as set forth in paragraph 2(d) above before his license can be

reinstated from a suspension. If he has not completed this course at the end of the one year suspension, his suspension shall remain in effect indefinitely until he completes the required course. 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 of the Board's Rules.

This the 1 day of June, 2017

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, Darryl A. Warren, 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 admit that there is 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 of discipline 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 my attorney prior to signing this Consent Order.

This the 20 day of April, 2017.



Darryl A. Warren, D.D.S.