BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In the Matter of:	)	
	)	
CHRISTIAN REED ANDERSON, D.M.D.	)	**FINAL AGENCY DECISION**
(License No. 10510; Permit No. 1019)	)	
Petitioner	)	

THIS MATTER was heard before the North Carolina State Board of Dental Examiners [Board] on November 15, 2024, pursuant to N.C. Gen. Stat. §§ 90-41.1 and 150B-38 and 21 NCAC 16N .0504 of the Board's Rules. The Dental Board's Hearing Panel consisted of Board members Dr. Mark W. Johnson, Dr. William M. Litaker, Dr. Catherine A. Watkins. Dr. W. Stan Hardesty, and Dr. F. Vincent Allison. Board members Dr. Karen E. Lanier and Dominic Totman, public member, did not attend the hearing, and Lori Gordon Hendrick, RDH, PhD did not participate in the deliberation or decision of this matter. Carrie E. Meigs represented Petitioner, Dr. Christian Reed Anderson. Douglas J. Brocker represented the Investigative Panel. Fred Morelock represented the Hearing Panel.

Based upon the stipulations of the parties, the evidence admitted at the hearing, and the whole record, the Board enters 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 consider this matter 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 North Carolina State Board of Dental Examiners, set forth in 21 North Carolina Administrative Code Chapter 16.

2. Petitioner was licensed to practice dentistry by credentials in North Carolina on August 26, 2016, and held license number 10510. Petitioner was issued a permit to administer moderate sedation on November 2, 2016, and held moderate conscious sedation permit number 1019.

3. Prior to April 19, 2023, Petitioner practiced at a dental office of Riccobene & Associates located in Garner, North Carolina [Practice], and was subject to the Dental Practice Act and the rules promulgated thereunder.

4. On May 3, 2022, the Board issued a Notice of Hearing to Petitioner following the death of one of Petitioner's patients to whom he administered sedation, charging him with negligence and malpractice in the practice of dentistry, violations of the Board's sedation rules, among other alleged violations.

5. On January 19-22, 2023, the Board held a formal hearing on the matters alleged in the May 3, 2022 Notice of Hearing.

6. On April 19, 2023, the Board issued a Final Agency Decision [2023 Final Agency Decision] suspending Petitioner's North Carolina dental license for a period of ten years and revoking Petitioner's moderate conscious sedation permit.

7. In its 2023 Final Agency Decision, the Board's Hearing Panel made the following additional findings and conclusions regarding discipline:

a. Petitioner's treatment of Patient Timothy N. caused or contributed to his respiratory and cardiac arrest, anoxic brain injury, and death.

b. Petitioner committed multiple instances of negligence in the practice of dentistry concerning his treatment of Patient Timothy N. and the 23 additional patients.

c. Petitioner's violations resulted in the ultimate harm to Patient Timothy N. and placed at least some of the 23 additional patients at risk of potential serious harm.

d. Petitioner misrepresented to the Board that he completed all the information on the preanesthetic assessment form, including the airway classification and ASA classification, prior to sedating Patient Timothy N., when in fact he added that information to the record after Patient Timothy N. was transported to the hospital.

e. Petitioner's testimony regarding the evidence of his dental assistant extracting teeth was not credible, constituted a false statement, and demonstrated a lack of honesty, trustworthiness, or integrity.

f. Petitioner's violations resulting in Patient Timothy N.'s death had a devastating effect on Patient Timothy N.'s family.

g. Petitioner elevated his interests above that of his patients or the public by repeatedly inducing deep sedation for his patients while only holding a moderate conscious sedation permit, failing or electing not to consult with patients' treating providers about significant medical conditions, and allowing or directing his dental assistants to perform procedures that require the professional education and skill of a dentist.

h. Petitioner failed to consult any external references or otherwise conduct any due diligence in determining the appropriate amount of sedation for his patients.

i. Petitioner engaged in a pattern of violations, including standard of care violations and repeated failures to comply with the Board's regulations concerning administration of moderate conscious sedation, as well as his failure to properly supervise his dental assistants and permitting or directing them to perform non-delegable duties.

j. Petitioner committed acts, including his pattern of failing to properly assess patients before administering sedation and administering excessive amounts of sedatives, where the harm or potential harm was foreseeable.

k. Some of Petitioner's patients, who were entrusted to his care, were medically compromised, elderly, and vulnerable, including one with dementia.

l. Petitioner's repeated failure to properly supervise his dental assistants during sedation procedures and permitting or directing them to perform non-delegable functions on sedated patients further demonstrates that -- in the interests of patient safety -- he cannot be permitted to continue sedating patients, even by supervising CRNAs, who he is legally required to supervise.

m. Petitioner refused to acknowledge that his acts were negligent or caused or contributed to the injury and death of Patient Timothy N.

n. Petitioner testified that he suffered from and received treatment for post-traumatic stress disorder as a result of the incident involving his treatment of Patient Timothy N.

8. The Hearing Panel specifically concluded that Petitioner's compounded acts of negligence and malpractice that caused or contributed to Patient Timothy N.'s death independently warrant a lengthy suspension of his dental license and revocation of his moderate conscious sedation permit to protect the public, even without the evidence and violations concerning the additional patients or his failure to supervise staff.

9. The Hearing Panel further concluded that protection of the public required a ten (10) year suspension of Petitioner's dental license and any lesser discipline would be insufficient because Petitioner's numerous, compounded acts of negligence and numerous other violations demonstrate that he poses a risk to the public extending beyond administration of sedation and to other aspects of his dental treatment for patients.

10. The Hearing Panel specifically determined that Petitioner's numerous violations and the other misconduct set forth herein would require substantial reformation before he potentially could be considered eligible for reinstatement of a dental license in the future and that he should not be considered for a potential stay of the remaining term of suspension of his dental license for a minimum of one (1) year from the effective date of the 2023 Final Agency Decision.

11. In addition to reformation, the Hearing Panel imposed two prerequisites for seeking a stay of the remaining term of the suspension of his license. These two prerequisites included:

a. an assessment by or through North Carolina Caring Dental Professionals [NCCDP] for issues relating to Petitioner's post-traumatic stress syndrome; and

b. completion of Board-approved continuing education courses especially designed for him by the University of North Carolina School of Dentistry or East Carolina University School of Dental Medicine, covering (1) proper supervision of ancillary personnel, including delegable duties, (2) jurisprudence, (3) pharmacology, and (4) ethics.

12. On May 2, 2024, shortly after the one-year minimum period expired, Petitioner submitted a Petition for a stay of the remaining term of his suspension of his North Carolina dental license [Stay Petition] and a corresponding application for reinstatement [Reinstatement Application].

13. After consideration of the submitted materials, the Hearing Panel voted to deny Petitioner's Stay Petition and Reinstatement Application.

14. On June 13, 2024, the Board sent a letter notifying Petitioner about the denial of his Reinstatement Application and Stay Petition and of his right to request a formal hearing before the full Board within 30 days. Petitioner timely requested the hearing through his counsel.

15. In support of his Stay Petition, and to show compliance with one of the prerequisites for seeking reinstatement as set forth in the 2023 Final Agency Decision, Petitioner submitted the assessments completed by Dr. Philip Hillsman and Dr. Warren Pendergast through NCCDP for issues relating to the claimed post-traumatic stress syndrome.

16. Neither Dr. Hillsman nor Dr. Pendergast found that Petitioner met the diagnostic criteria for post-traumatic stress syndrome, though each determined that Petitioner had suffered from a depressive disorder. Petitioner confirmed that he has a history of depression predating his treatment of Patient Tmothy N.

17. Dr. Hillsman met with Petitioner initially in June 2023 and noted in his report that two follow-up sessions would be required to determine whether Petitioner's major depressive disorder would impair his capacity to practice dentistry.

18. Dr. Hillsman conducted one additional session with Petitioner and issued a letter dated November 28, 2023, indicating that Petitioner's major depressive disorder is in remission and that "[a]t this time he has no psychiatric condition which would impair his capacity to practice dentistry with reasonable skill and safety."

19. Petitioner was then referred to Dr. Pendergast for the final evaluation. Dr. Pendergast met with Petitioner for one interview in April 2024 and determined that his major depressive disorder was in full remission and that no psychiatric or substance-related illness impaired his ability to practice dentistry.

20. Neither Dr. Hillsman nor Dr. Pendergast were asked to evaluate nor presented an opinion on Petitioner's overall reformation following entry of the 2023 Final Agency Decision.

21. Petitioner presented the testimony of Dr. Brian Curtis, who treated Petitioner for post-traumatic stress disorder, but not depression, from May 2022 to September 2022. Petitioner's regular treatment sessions with Dr. Curtis ceased before the hearing that led to the 2023 Final Agency Decision. Petitioner consulted with Dr. Curtis one time after

September 2022 and following the denial of his application for stay of his suspension in July 2024.

22. Dr. Curtis opined that Petitioner had demonstrated reformation.

23. Dr. Curtis' testimony on Petitioner's reformation was not credible or probative for multiple reasons, including that Dr. Curtis had only seen Petitioner for one counseling session following the entry of the 2023 Final Agency Decision, and after the Board's initial denial of his Reinstatement Application and Stay Petition, and therefore had an insufficient basis to assess his reformation since the entry of the 2023 Final Agency Decision.

24. Petitioner did not submit evidence that he sought any counseling or therapy following the 2023 Final Agency Decision, other than the single session conducted by Dr. Curtis following the Board's initial denial of his Reinstatement Application and Stay Petition.

25. Petitioner also completed a continuing education course especially designed for him by Dr. Allen Samuelson through the University of North Carolina School of Dentistry. The purpose of this remediation program was to comply with the continuing education prerequisite for seeking reinstatement as established by the 2023 Final Agency Decision.

26. Dr. Samuelson provided Petitioner 89 questions designed to cover the topics required by the 2023 Final Agency Decision, to which Petitioner was required to respond. Petitioner received the questions in August 2023.

27. Petitioner took several months to complete the remediation exercises provided by Dr. Samuelson. Petitioner emailed his answers to Dr. Samuelson in early 2024.

28. Thereafter, in February 2024, Dr. Samuelson met with Petitioner and asked Petitioner if he wished to change or modify any of his answers to the remediation exercises. Petitioner declined to modify any of his written answers to Dr. Samuelson's questions.

29. By letter dated February 4, 2024, Dr. Samuelson notified the Board that Petitioner completed the remediation course.

30. Petitioner called Dr. Samuelson as a witness and in his direct testimony, Dr. Samuelson stated that he believed that Petitioner demonstrated sincere progress through the remediation process and that he could safely practice dentistry.

31. Petitioner offered into evidence Petitioner's answers to Dr. Samuelson's questions that he submitted for the remediation course.

32. In his answers to Dr. Samuelson's remediation questions, among numerous other responses, Petitioner:

a. Blamed the EMS personnel for Patient Timothy N.'s death;

b. Misrepresented to Dr. Samuelson facts surrounding Patient Timothy N.'s death, specifically the vital statistics and EMS transport;

c. Expressed pride over the handling of the medical emergency involving Patient Timothy N. despite the finding of negligence in the 2023 Final Agency Decision;

d. Continued to question whether his administration of sedation caused Patient Timothy N.'s respiratory failure or contributed to Patient Timothy N.'s death;

e. Offered an alternative cause for Patient Timothy N.'s death that was not related to Petitioner's treatment;

f. Accused the Investigative Panel's legal counsel of fabricating claims surrounding Petitioner's treatment of Patient Timothy N. in the proceeding that led to the entry of the 2023 Final Agency Decision;

g. Blamed his dental assistants for things that were his responsibility and for falsification of his records; and

h. Continued to deny that he was aware of extractions performed on his patients by his dental assistant, despite evidence that he was aware of such activity, as established in the 2023 Final Agency Decision.

33. On cross examination, Dr. Samuelson testified that he was concerned upon learning about the misrepresentations made by Petitioner in his responses and noted that some of Petitioner's answers to the remediation questions indicated that he had not accepted responsibility for his misconduct.

34. Dr. Samuelson testified that, in his opinion, Petitioner's moderate conscious sedation permit should never be reinstated.

35. Dr. Samuelson was a credible witness generally, but his testimony about Petitioner's ability to safely resume the practice of dentistry at this time was not persuasive or dispositive considering his other testimony, many of Petitioner's responses

to his remediation questions, and other evidence presented at the hearing on those issues.

36. Petitioner presented the testimony of three dentist character witnesses who all testified that they support reinstatement of Petitioner's dental license. All three witnesses had expressed their support for Petitioner to keep his dental license prior to the entry of the 2023 Final Agency Decision.

37. One of Petitioner's character witnesses admitted that Petitioner had demonstrated poor professional judgment in his treatment of Patient Timothy N. and that he was unaware that Petitioner had provided false testimony to the Board during the hearing that led to the entry of the 2023 Final Agency Decision.

38. Another of Petitioner's character witnesses admitted that he had not spoken with Petitioner much after the entry of the 2023 Final Agency Decision and could not testify that he had undergone reformation.

39. Petitioner's third character witness confirmed that some of the acts established by the 2023 Final Agency Decision raised an issue regarding Petitioner's professional judgment. This witness also was unaware of the 2023 Final Agency Decision findings that Petitioner had made false statements in his testimony before the Board and testified that he did not know that side of Petitioner.

40. The character witnesses were not persuasive or dispositive on the issues of reformation and reinstatement, in part based on their lack of knowledge on certain critical issues noted herein.

41. Patient Timothy N.'s two daughters testified, and Petitioner admitted, that Petitioner neither attempted to contact the family members of Patient Timothy N. nor

directly expressed to them any sentiment of remorse or condolences, even after entry of the 2023 Final Agency Decision and settlement of all related civil claims. Petitioner's failure to communicate any remorse to the victim's family demonstrates a lack of reformation.

42. The Stay Petition demonstrates that Petitioner viewed the period of his suspension as a 12-month period, not a 10-year period. Petitioner admitted he assumed he could obtain a stay of suspension by demonstrating compliance with the NCCDP assessment and continuing education requirements of the 2023 Final Agency Decision.

43. Petitioner admitted that he initially did not understand that he also had to demonstrate substantial reformation of character pursuant to the terms of the 2023 Final Agency Decision, despite that it is set forth expressly in it, and only understood the reformation requirement in June 2024, after the Board denied his Reinstatement Application.

44. Respondent's apparent acceptance of responsibility for some of his prior actions was very recent and does not demonstrate substantial reformation nor prove that Petitioner is qualified and can safely resume practicing dentistry at this time, considering all the other substantial contrary evidence.

45. Petitioner described his reformation as an ongoing process, and he still requires significant reformation before he will be eligible for reinstatement of his dental license.

Based upon the Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject of this proceeding and over the person of the Petitioner, Dr. Christian Reed Anderson.

2. Petitioner has not demonstrated substantial reformation as required pursuant to the 2023 Final Agency Decision to obtain a stay of his suspension and reinstatement of his dental license, which failure independently warrants a denial of his Stay Petition and Reinstatement Application.

3. Under the Dental Practice Act, the Dental Board is invested, as a matter of public interest and concern, with the responsibility to ensure that "only qualified persons be permitted to practice dentistry in the State of North Carolina." N.C. Gen. Stat. §90-22.

4. To be qualified to practice dentistry in North Carolina, an applicant "shall be of good moral character," among other qualifications. N.C. Gen. Stat. §90-30.

5. Under the Dental Practice Act: "Whenever any dentist has been deprived of his license, the North Carolina State Board of Dental Examiners, in its discretion, may restore said license upon due notice being given and hearing had, and satisfactory evidence produced of proper reformation of the licentiate, before restoration." N.C. Gen. Stat. §90-42.

6. Petitioner has failed to produce satisfactory evidence of his proper reformation pursuant to N.C. Gen. Stat. §90-42, which independently warrants a denial of his Stay Petition and Reinstatement Application.

WHEREFORE, based upon the Findings of Fact, Conclusions of Law, and the whole record, the Hearing Panel enters the following:

ORDER

1. Petitioner's petition to stay the suspension and his application for reinstatement of his North Carolina dental license is hereby DENIED.

2. Petitioner shall not be eligible to Petition for a Stay and Apply for Reinstatement for at least one (1) year from the entry of this Final Agency Decision denying the current Stay Petition and Reinstatement Application.

3. Upon reapplying for stay of the suspension and reinstatement of his dental license, Petitioner must demonstrate substantial and proper reformation pursuant to the 2023 Final Agency Decision and N.C. Gen. Stat. §90-42.

Entered this the 27 day of February, 2025.

Mark W. Johnson, DDS

Dr. Mark W. Johnson
Hearing Panel Chair

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS