

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

John Stuart Williams, D.D.S.
(License No. 7506)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. § 90-41.1(b) and 150B-38 for consideration of a Consent Order, in lieu of a formal contested case hearing. A Settlement Conference was held before the full board on September 13, 2019. Carrie E. Meigs represented Respondent, Dr. John Stuart Williams. Crystal S. Carlisle represented the Investigative Panel of the North Carolina State Board of Dental Examiners. Respondent acknowledges that the Board has evidence to prove the findings of fact and conclusions of law and to warrant the order of discipline. The parties hereby consent to the Findings of Fact and Conclusions of Law set forth herein, and to the entry of the Order of Discipline.

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 in Article 2, and the Rules and Regulations of the Board, set forth in 21 North Carolina Administrative Code Chapter 16.
2. Respondent was licensed on June 19, 2002, and his license number 7506 remains active.
3. Respondent was and remains subject to the Dental Practice Act and the rules promulgated thereunder at all times relevant set forth herein.

4. On January 10, 2017, patient MC presented to Respondent with concerns regarding the crowns on teeth #8 and #9. She described them as “big and bulky.”

5. Respondent completed a new patient exam and noted that tooth #9 was failing. Respondent referred MC to an oral surgeon for the extraction of tooth #9 and implant placement and asked her to return for cementation of a lingual retainer, which he rebonded two days later.

6. After evaluating MC, the oral surgeon referred her to an endodontist to see if tooth #9 was salvageable. The endodontist recommended moving forward with the extraction of tooth #9 and an implant, and the oral surgeon completed the procedure on April 6, 2017.

7. While Respondent awaited clearance from the oral surgeon to proceed with restoring tooth #9, he began working on providing MC with an acceptable Essix retainer. MC was not satisfied with the first three retainers delivered but accepted the fourth retainer.

8. On June 26, 2017, the oral surgeon’s office advised Respondent that he may proceed with restoring tooth #9 in two (2) weeks. Respondent conveyed that he was uncomfortable proceeding with placing the temporary healing abutment for the crown on tooth #9 and referred the patient back to the oral surgeon.

9. Respondent contacted the oral surgeon’s office on July 5, 2017 to see if they had an initial cast of tooth #9, so he could make a temporary from the cast. Respondent’s notes state he attempted to make a temporary for tooth #9, but it was covered in too much tissue, so he sent MC back to the oral surgeon.

10. On July 13, 2017, the oral surgeon’s office advised Respondent that the oral surgeon would place the abutment, but it would be 9 millimeters long and Respondent would need to cut it down to the size he desired. Respondent again expressed that he was uncomfortable placing the abutment.

11. On July 20 2017, the oral surgeon removed the healing abutment on #9 on July 20, 2017 and placed an esthetic temporary abutment with finger tightness. The oral surgeon's chart notes indicate MC was to follow-up with Respondent to have tooth #9 prepped and a temporary abutment placed. On the same date, the oral surgeon sent a handwritten note to Respondent instructing him how to prepare the abutment.

12. MC presented to Respondent's office for an appointment on August 8, 2017. Respondent's chart notes indicate he was unaware that the oral surgeon had released MC to him for final treatment, and he did not have the impression coping and analog for #9.

13. On October 27, 2017, MC returned to Respondent's office and requested veneers on #6, #7, #10 and #11 and crowns on her implants at #8 and #9. Respondent took impressions, reviewed shade selection, and placed temporaries.

14. MC presented to Respondent's office again on November 15, 2017 for cementation of teeth #6-11. After the teeth were cemented, Respondent noted that MC did not like the appearance or contour of the teeth. The lab slip for this date indicates the crown for tooth #9 did not fit. Respondent took additional impressions.

15. Respondent cemented the veneers on teeth #6-11 on January 11, 2018 and noted in the treatment record that MC approved the appearance.

16. MC presented to another dentist in Atlanta, Georgia and complained of the appearance of her teeth including: the appearance of black spaces and gaps, the shade of the veneers and crowns, and that she could feel the seams of the veneers.

17. The Georgia dentist contacted Respondent and suggested he refund Patient MC's money. As of the date of the Settlement Conference, MC had not received a refund.

18. The Investigative Panel requested that an independent evaluator review Respondent's treatment records for MC and perform a clinical evaluation of MC.

19. After performing the clinical examination and reviewing the treatment records, the evaluator noted the following were not included in the treatment record: pre-operative photos, pre-operative radiographs, radiographs after #9 implant placed, radiographs of #8, #9 at try-in, radiographs of #6-#11 after delivery, and try-in and delivery photographs.

20. The evaluator noted "[w]hen seeking to determine if a violation of standard of care occurred one need simply to examine the lack of standard diagnostic and documentation information that should have been obtained by the dentist seeking to undertake the treatment on teeth #6-#11 that included multiple implant restorations on teeth #8, 9."

21. The standard of care in North Carolina requires dentists to maintain adequate patient treatment records, including standard diagnostic information necessary to treat patients.

22. Respondent violated the standard of care by failing to either perform or document in the treatment record, the information set forth in paragraph 19 above, thereby violating N.C. Gen. Stat. § 90-41(a)(6) and (12) and 21 NCAC 16T .0101.

23. After clinically evaluating MC, the evaluator noted: crowns not seated on abutments, open margins, and implant crowns with visible abutment-crown margins above the free-gingival margins. Specifically, the evaluator commented as follows:

- a. Tooth #6 – porcelain margin short (open) on facial with plaque accumulation present apical to porcelain margin;
- b. Tooth #7 – open margin (facial);
- c. Tooth #8 - gray discoloration surrounding visible gold colored abutment and ceramic restoration; open margins (mesial, distal, facial); thin pericoronal gingiva with

underlying abutment coloration transmitting through; abutment/crown restorative open margin visible from the facial; and

- d. Tooth #9 – porcelain margins appear short of finish line of abutment on mesial; gold colored abutment is visible on the lingual.

24. The standard of care in North Carolina requires dentists to properly place crowns and veneers including: properly seating abutments and ensuring there are no open margins.

25. Respondent violated the standard of care by failing to adequately place Patient MC's crowns and veneers as set forth in paragraph 24 above.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of this action and over the person of Respondent.

2. Respondent had notice of the settlement conference in this matter and is properly before the Hearing Panel of the Board assigned hereto.

3. Respondent violated the applicable standard of care by failing to either perform or document in the treatment record, the information set forth in paragraphs 19-23 above, thereby violating N.C. Gen. Stat. § 90-41(a)(6) and (12) and 21 NCAC 16T .0101.

4. Respondent violated the applicable standard of care and thereby engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. § 90-41(a)(6) and (12) in his care and treatment of patient MC as indicated in paragraphs 23-25 above.

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 No. 7506 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended for a period of three (3) years. The active period of suspension is stayed, and Respondent's dental license is provisionally restored, provided Respondent complies with the following probationary terms and conditions for a period of three (3) years from the date of this Decision:

- 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; and
- c. Respondent shall permit the Board or its agents to inspect and observe his office, conduct a random review of patient chart records, and interview employers, employees, and co-workers at any time during normal office hours.

2. Within twelve (12) months of signing this Order, Respondent shall complete the following continuing education course(s) specially designed for him by the University of North Carolina in conjunction with the North Carolina State Board of Dental Examiners directives and approved by it in advance, including a comprehensive, remedial course covering: (1) no less than ten (10) hours of complex treatment planning for implants, restorations, and fixed and removable prosthetics; and (2) no less than eight (8) hours of complete 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 Director of Investigations 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.

3. Within thirty (30) days of the date of this Order, Respondent shall refund MC the amount she paid to Respondent's practice for the work he performed on teeth #6-11.

4. Within thirty (30) days of the date of this Order, Respondent shall refund any private insurance company that paid Respondent's practice for work he performed on teeth #6-11.

5. Within thirty (30) days of the date of this Order, Respondent shall reimburse the Board for the costs associated with the investigation of this matter in the amount of \$1,500.00.

6. Respondent recognizes that the conditions, limitations, or requirements set forth in this Consent Order may present him with certain practical difficulties. The Board concludes that each one is necessary to ensure public protection and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties.

7. If Respondent fails to comply with any provision of this Decision or breaches any term or condition thereof, including those in paragraph one (1), the Board shall promptly schedule a public Show Cause Hearing to allow Respondent an opportunity to show cause as to why Respondent's suspension shall not be activated for violating a valid order of the Board. If after the Show Cause Hearing, the Board is satisfied that Respondent failed to comply or breached any term or condition of this Decision, the Board shall activate the suspension and may enter such other discipline or conditions as the evidence warrants for proven violations of the Dental Practice Act or of the Board's Rules occurring after entry of this Decision.

This the 22ND day of October, 2019.

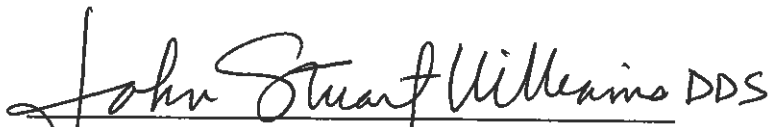
THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: Cathie A. Watts DDS

STATEMENT OF CONSENT

I, John Stuart Williams, D.D.S., 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 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 26 day of September, 2019.


John Stuart Williams, D.D.S.