

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:)
)
NATHAN D. BELL, JR., D.D.S.) CONSENT ORDER
(License No. 6120))

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing. A settlement conference was held on August 9, 2008 with the consent of the parties. Nathan D. Bell, Jr., D.D.S. (Respondent) appeared and was represented by James Wilson. Carolin Bakewell represented the Investigative Panel. Based upon the evidence presented at the settlement conference and the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina State Board of Dental Examiners is a body duly organized under the laws of North Carolina and is the proper party to bring this action under the authority granted to the Board in Chapter 90 of the North Carolina General Statutes (Dental Practice Act) and the Board's Rules and Regulations.
2. Respondent was licensed to practice dentistry in North Carolina on June 17, 1992 and holds license number 6120. He was licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto.
3. Respondent received proper notice of the allegations upon which this Consent Order is based, was provided an opportunity to respond and agreed to participate in a settlement conference in lieu of formal proceedings.

4. At all relevant times, Respondent was engaged in the practice of general dentistry in Raleigh, North Carolina.

5. In July 2002, Carrie Finneran (Ms. Finneran) presented to Respondent's office with complaints of discomfort on her lower right side. After removing an existing bridge on teeth numbers 28 – 31, Respondent recommended extraction of tooth number 30.

6. On August 5, 2002, Respondent extracted Ms. Finneran's tooth number 30, but left a portion of the root tip behind.

7. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to inform their patients when a root tip is retained after an extraction.

8. Respondent violated the standard of care by not telling Ms. Finneran about the retained root tip.

9. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to note in the patient record when a root tip is retained after an extraction.

10. Respondent violated the standard of care by failing to refer to the retained root tip in Ms. Finneran's patient record.

11. On November 12, 2002, Respondent delivered a new bridge for Ms. Finneran's teeth numbers 28 - 31. Thereafter, the bridge failed on several occasions and Respondent re-cemented it on May 19, 2003, June 19, 2003 and May 11, 2004.

12. On August 5, 2004, Respondent removed Ms. Finneran's bridge on teeth numbers 28 – 31, as it had become chipped.

13. In November, 2004, Respondent delivered a new bridge on teeth numbers 28 – 31.

14. On December 22, 2004, Respondent delivered a new bridge for teeth numbers 18 – 22.

15. Thereafter, both bridges failed repeatedly. Respondent re-seated the lower left bridge on May 26, 2005 and July 12, 2006. He re-seated both bridges on September 8, 2005 and re-seated the lower right bridge on April 19, 2006.

16. The Respondent failed to provide proper diagnoses and treatment plans in that he made three bridges with unacceptably long spans and, in the case of the bridges for teeth numbers 28 – 31, inadequate tooth structure for proper retention.

17. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to provide proper diagnoses and treatment plans.

18. The Respondent violated the standard of care by failing to provide proper diagnoses and treatment plans regarding the three bridges he delivered to Ms. Finneran and by delivering two bridges spanning teeth numbers 28-31 that lacked inadequate tooth structure for proper retention.

19. Despite the repeated failures of the bridges, Respondent failed to discuss other treatment alternatives with Ms. Finneran.

20. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to discuss treatment alternatives with their patients.

21. Respondent violated the standard of care by failing to discuss treatment alternatives to Ms. Finneran on any of the occasions when she returned for re-cementation of the loose bridges.

22. On some occasions, Respondent re-cemented the bridges despite the fact that there was gross decay in the abutment. Respondent failed to tell Ms. Finneran about the presence of the decay or the fact that the bridges were doomed to failure absent removal of the decay.

23. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to remove decay before re-cementing a bridge and to advise their patients if all decay was not removed before a bridge was re-cemented.

24. Respondent violated the standard of care by re-cementing Ms. Finneran's bridges without first removing the gross decay in the abutment and by failing to tell Ms. Finneran about the presence of the decay and the fact that the bridges were doomed to failure absent its removal.

25. The Respondent's treatment record for Ms. Finneran fails to include a treatment plan.

26. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Finneran required dentists to provide a treatment plan before beginning extensive crown and bridge work.

27. The Respondent violated the standard of care by failing to provide a treatment plan before providing extensive crown and bridge work to Ms. Finneran.

28. During the investigation of Ms. Finneran's complaint, Respondent contacted her and encouraged her to withdraw the complaint. Respondent's conduct delayed the Dental Board's ability to investigate Ms. Finneran's complaint.

29. By encouraging Ms. Finneran to withdraw her complaint and thereby delaying the Dental Board's investigation, the Respondent engaged in unprofessional conduct in violation of 21 NCAC 16V .0101(5).

30. Following a review of Respondent's records by his employer, Respondent was forbidden from performing endodontic work for a period of time.

CONCLUSIONS OF LAW

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

2. The Dental Board has authority pursuant to N.C. Gen. Stat. 90-41(a) (12) to discipline a licensee who has been negligent in the practice of dentistry.

3. By failing to tell Carrie Finneran that a root tip was retained following the extraction of tooth number 30 and by failing to note in Ms. Finneran's patient record that the root tip had been retained, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a)(12).

4. By failing to provide proper diagnoses and treatment plans and, in the case of the bridges for teeth numbers 28 – 31, bridges that lacked adequate tooth structure to provide proper retention, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a) (12).

5. By re-cementing Ms. Finneran's bridges without first removing the gross decay in the abutment and by failing to tell Ms. Finneran about the presence of the decay

and the fact that the bridges were doomed to failure absent its removal, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a) (12).

6. By failing to discuss treatment alternatives with Ms. Finneran, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a) (12).

7. By failing to develop a treatment plan before embarking on substantial crown and bridge work for Ms. Finneran, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a) (12).

8. By encouraging Ms. Finneran to withdraw her complaint and thereby delaying the Dental Board's investigation, the Respondent engaged in unprofessional conduct in violation of 21 NCAC 16V .0101(5) and N.C. Gen. Stat. 90-41(a)(26).

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

ORDER OF DISCIPLINE

1. License Number 6120 issued to the Respondent for the practice of dentistry is hereby suspended for a period of six months.

2. With Respondent's consent, his license to practice dentistry shall be conditionally restored, with no active suspension, provided that for a period of five years following the effective 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 employee to violate any provision of the Dental Practice Act or the Board's rules and regulations.

(c) Respondent shall allow the Board or its authorized agents to inspect and observe his office, conduct random patient chart reviews and interview his employees and co-workers at any time during regular office hours.

(d) Within one year of the date of this Order Respondent shall successfully complete courses in endodontics (molar), fixed prosthodontics and treatment planning designed by the UNC School of Dentistry. The courses will be taken at the Respondent's sole expense. No course shall be accepted in satisfaction of this requirement unless the course has been approved in writing by the Board before Respondent takes it.

(e) After completing his continuing education courses at UNC School of Dentistry, Respondent shall submit his first 10 fixed prosthodontic cases and his first 10 endodontic (molar) cases to the Board for review. The Respondent shall submit the treatment plans, study models, pre-op and post-operative x rays and treatment summaries to the Board.

3. Within 30 days of the date of this order, Respondent shall pay the expenses of the Board's investigation of this matter in the amount of \$830.00.

This the 2 day of March, 2009.


THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, Nathan D. Bell, DDS, do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before this Board, that there is a factual basis for the allegations set forth therein, that these factual allegations, if proven, are legally sufficient to support findings and conclusions that I have violated G.S. §90-41(a)(12) and 90-41(a)(26) and I will not contest the factual allegations therein should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. I hereby express my understanding that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order shall become a part of the permanent public record of the Board.

This the 26 day of Feb, 2009.



NATHAN D. BELL, DDS