

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: )  
 ) **CONSENT ORDER**  
Darren R. Cross, D.D.S. )  
(License No. 9386) )

THIS MATTER is before the North Carolina State Board of Dental Examiners ["Board" or "Dental Board"] as authorized by N.C. Gen. Stat. § 90-41 for consideration of a Consent Order for Dr. Darren R. Cross ["Dr. Cross" or "Respondent"] in lieu of a formal administrative hearing. The parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline. Respondent acknowledges that the Board has evidence to demonstrate or prove the findings of fact and conclusions of law and to warrant the order of discipline. Charles George represented Respondent. Douglas Brocker represented the Investigative Panel of the North Carolina State Board of Dental Examiners (IP).

Based upon the consent of the parties hereto, the Board hereby enters the following:

**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 and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. Respondent was licensed to practice dentistry in North Carolina by credentials on August 17, 2012 and holds license number 9386. He has remained licensed to practice dentistry in North Carolina since 2012 and was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto. Respondent is an oral and maxillofacial surgeon.

3. On February 21, 2017, patient WRT first presented to University Dental Associates (UDA) in Charlotte, where Dr. Cross was employed at the time. Respondent examined patient WRT and recommended extraction of his tooth #19 and all his third molars—teeth #1,16,17, and 32.

4. Patient WRT returned the next day, February 22, 2017, and Respondent began the procedure originally intending to extract all five teeth in that surgery. Under IV sedation, Respondent completed a surgical extraction of tooth #1 and a coronectomy of tooth #32.

5. Respondent failed to indicate in his patient record the clinical reasons that the treatment plan of extraction was changed to a coronectomy for #32 and failed to indicate in his patient record that he discussed this change with patient WRT.

6. Respondent then attempted to remove tooth #16 but terminated the surgical removal of tooth #16, after removal of the tooth crown. Respondent indicated in his treatment record that the patient became "very combative" during the extraction of #16, which he then terminated.

7. A CBCT of patient WRT was taken on February 22, 2017 after Respondent terminated the extraction of tooth #16, but neither the CBCT nor the result is noted in Respondent's patient treatment note for February 22, 2017.

8. The post-surgery CBCT demonstrated a fracture of the left maxilla in the proximity of the partial extraction of tooth #16.

9. Respondent failed to recognize the fractured left maxilla, did not advise patient WRT about the fracture, and failed to note it in the treatment record nor include any plan for management of the fracture.

10. Over the next two months, Patient WRT returned for several follow up appointments and a subsequent surgery by Respondent. During these several follow up visits, Respondent failed to address the fractured left maxilla, despite an opportunity to do so.

11. On April 18, 2017, patient WRT returned to UDA for a post-operative check. Respondent was no longer employed at UDA, so another dentist saw patient and referred him to another oral surgeon.

12. Patient WRT subsequently received treatment from another oral surgeon for temporomandibular joint (TMJ) issues.

Based upon the foregoing Findings of Fact and with the consent of the parties, the Dental Board hereby enters the following:

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the person of Respondent and the subject matter of this proceeding.
2. Respondent was properly notified of this matter and has agreed to the entry of this Consent Order.
3. Respondent violated the standard of care for dentists in North Carolina and N.C. Gen. Stat. §90-41(a)(6) and (12) in his treatment and care of patient WRT by failing to recognize the fractured left maxilla resulting from his February 22, 2017 extraction and failing to advise patient WRT about the fracture.
4. Respondent also violated the standard of care for dentists in North Carolina and N.C. Gen. Stat. §90-41(a)(6) and (12) by failing to keep adequate and complete treatment records for Patient WRT, including failing to document: (a) the clinical reasons that the treatment plan was changed regarding the coronectomy of tooth #32, (b) a discussion of this change with patient WRT, (c) the post-surgery CBCT and results, and (d) the fractured left maxillary, along with any plan for management of the fracture.

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. Respondent is hereby **REPRIMANDED** for his violation of N.C. Gen. Stat. §90-41(a)(6) and (12) in his treatment and record keeping for patient WRT.

This the 19<sup>th</sup> day of MARCH, 2018.

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By:

*Merlin W. Young DDS*

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STATEMENT OF CONSENT

I, Darren R. Cross, 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 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 had the opportunity to consult with an attorney prior to signing this Consent Order.

This the 2nd day of March, 2018.



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Darren R. Cross, D.D.S.