

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

RICHARD A. CROXTON, JR., D.D.S.)
(License No. 3435))

CONSENT ORDER

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 March 12, 2010 with the consent of the parties. Richard A. Croxton, Jr., D.D.S. (Respondent) was represented by Kenneth Jones. Carolin Bakewell represented the Investigative Panel.

While Respondent does not admit for any purposes, other than this disciplinary hearing and any other disciplinary or licensure proceeding before this Board or any other dental licensing Board, the allegations contained in this Consent Order, in order to terminate further controversy and avoid additional proceedings, the Respondent agrees not to contest the allegations set forth within this Consent Order and does furthermore agree to the provisions and sanctions contained herein. Respondent further agrees that any breach or violation of this Consent Order shall constitute an admission of the Findings of Fact and Conclusions of Law as it pertains to the allegations contained herein.

Based upon the consent of the parties hereto, the Board 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

proceeding under the authority granted it in Chapter 90 of the North Carolina General Statutes (the Dental Practice Act) and the Rules and Regulations of the North Carolina State Board of Dental Examiners (Dental Board).

2. Respondent was licensed to practice dentistry in North Carolina on June 22, 1970 and is subject to the Dental Practice Act and the rules promulgated thereunder.

3. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Greensboro, North Carolina.

4. On July 12, 2007, Violette Musallam presented to the Respondent's office to discuss placing a bridge to replace her missing teeth numbers 3-4.

5. The Respondent recommended a porcelain fused to metal (PFM) bridge spanning teeth numbers 2 – 6 with double abutments at teeth numbers 5 and 6. Ms. Musallam consented to this plan.

6. On September 27, 2007, the Respondent prepared Ms. Musallam's teeth, took impressions and fitted Ms. Musallam with a temporary bridge.

7. Respondent delivered Ms. Musallam's permanent bridge on November 1, 2007.

8. Thereafter, Ms. Musallam complained of sensitivity in teeth numbers 2 and 6.

9. The Respondent made several adjustments to the bridge and ultimately agreed to remake it at no additional charge.

10. On April 22, 2008, Respondent re-prepared Ms. Musallam's tooth number 5 and took new impressions.

11. The Respondent permanently seated Ms. Musallam's new bridge on May 29, 2008. At the time Respondent permanently seated Ms. Musallam's bridge, the margins were open and the patient was occluding only on the bridge.

12. The standard of care for dentists licensed to practice dentistry in North Carolina at the time Respondent treated Violette Musallam required that a dentist permanently seat a bridge with adequate margins and proper occlusion.

13. Respondent violated the standard of care for dentists licensed to practice dentistry in North Carolina by failing to permanently seat Ms. Musallam's bridge with adequate margins and proper occlusion.

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

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the subject matter of this action and over the person of the Respondent.

2. Respondent has stipulated that such allegations, if proven, are legally sufficient to support Findings and Conclusions that he has violated G.S. 90-41 as specified in the Findings of Fact. Furthermore, Respondent has stipulated that, solely for the purposes recited herein, Respondent will not contest the allegations set forth in this Order, which allegations are previously incorporated in this Order, as if fully set forth herein, as Findings of Fact.

3. Respondent's failure to comply with the applicable standard of care in his treatment of Ms. Musallam as set forth in the Findings of Fact was a dereliction from

professional duty and constituted negligence in the practice of dentistry within the meaning of G.S. §90-41(a)(12).

4. Respondent's negligent acts constituted a violation of Article 2, Chapter 90, of the North Carolina General Statutes within the meaning of G.S. §90-41(a)(6).

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 Number 3435 issued to the Respondent for the practice of dentistry in North Carolina is hereby suspended for a period of one (1) year.

2. With the Respondent's consent, his license to practice dentistry shall be immediately restored, with no period of active suspension, provided that for an indefinite period of time the Respondent adheres to 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 submit to interviews by the Dental 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;
- (c) Respondent shall, within one (1) year from the date of this Order, complete a continuing education course especially designed for him by the University of North Carolina School of Dentistry in

conjunction with, and approved by, the North Carolina State Board of Dental Examiners. This will be a comprehensive, remedial course in crown and bridge. 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 the Respondent's responsibility to make all arrangements for and bear the cost of this course within the specified time;

- (d) Respondent shall submit to the Board's Deputy Operations Officer all records for the *first* five (5) bridge cases treated in his practice following the completion of the continuing education course as specified in paragraph (c) above. The records submitted must include a copy of the patient chart, treatment plan, models and pre-operative and post-operative radiographs. These records will be forwarded to the Board for review. If the Board determines that the cases presented either individually or collectively demonstrate incompetence or negligence, Respondent shall, upon written demand, cease and desist from performing further crown and bridge work until he has demonstrated his competence to the satisfaction of the Board;

- (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 \$600.00;
- (f) Three (3) years from the date of this Order, Respondent may petition the Board for the termination of his probationary status. Respondent, however, shall not be eligible for the termination of his probation until he has successfully completed items (a) through (e) above. At such time, Respondent may petition for termination of probation by submitting such petition to the Board for consideration. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless the Board has received information that the Respondent has not complied with the terms of probation or has otherwise failed to comply with the laws and rules regulating the practice of dentistry. Should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify him of its intent to extend the probationary period, and the Respondent may respond to such notification in writing or request an appearance before the Board. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

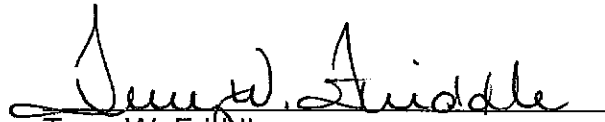
3. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause

Hearing to permit Respondent to show cause why his dental license should not be suspended. If, as a result of the Show Cause hearing, the Board is satisfied that Respondent failed to comply with or breached any term or condition of this Order, Respondent's license shall be rescinded and, upon written demand, Respondent shall immediately surrender his license and current renewal certificate to the Board for a period of one year. 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 the Board's Rules.

This the 30 day of June, 2010.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, RICHARD A. CROXTON, JR., D.D.S., 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 or any other Dental Licensing Board, that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact, if proven, support the Conclusions of Law, that I will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. By signing this Statement of Consent 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 28th day of June, 2010.

Richard A. Croxton, Jr. DDS
RICHARD A. CROXTON, JR., D.D.S.