

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

FRANCIS M. CUSUMANO, D.D.S.)
(License Number 7936))
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)

**ORDER SUMMARILY
SUSPENDING GENERAL
ANESTHESIA PERMIT**

Pursuant to G.S. 150B-3(c), the North Carolina State Board of Dental Examiners (Board) finds that the public health, safety and welfare requires emergency action and hereby summarily suspends the general anesthesia permit, Number 160331, issued to Francis M. Cusumano, D.D.S. (Respondent), effective upon service of this Order. This action is being taken based on evidence and information obtained to date during the Board’s investigation indicating that on December 19, 2018, Respondent administered general anesthesia to patient S.M., whose medical condition and history demonstrated that general anesthesia should not have been administered in an outpatient dental office setting. During the administration of anesthesia, patient S.M. experienced respiratory issues, and then S.M. failed to recover adequately after the procedure.

Respondent called 911 and EMS transported patient S.M. to Wake Medical Hospital. Patient S.M. left Wake Medical Hospital later that day but was readmitted to UNC hospital the following day, December 20. The patient’s condition continued to deteriorate, and he died at UNC hospital on December 31. Patient S.M.’s cause of death on his hospital discharge summary was reported as cardiopulmonary collapse after anesthesia procedure for dental extraction.

Respondent failed to report this adverse occurrence to the Board pursuant to 21 NCAC 16Q .0703(b). The Board learned of the situation independently from a complaint filed by the patient's widow on March 5, 2019 and promptly began its investigation. An independent Oral and Maxiofacial Surgeon has evaluated the records of Respondent and the respective hospitals and concluded that Respondent's treatment of patient S.M. violated the standard of care in several critical respects and stages. The evaluator further concluded that Respondent administering general anesthesia to this medically compromised patient had a temporal relationship to the patient's progressive multi-system failure and death.

Based on the information received, the Board finds and concludes that the public health, safety or welfare requires emergency action and the summary suspension of Respondent's general anesthesia permit. Therefore, Respondent shall immediately cease administering general anesthesia and sedation in North Carolina and surrender his general anesthesia permit, pending further order of the Board.

The Board's summary suspension is the immediate action necessary to protect the public. It is not a final agency decision concerning Respondent's general anesthesia permit, his dental license, or his potential ability to administer anesthesia or practice dentistry in the future. The Board shall determine those issues in a written Final Agency Decision entered after a contested case hearing pursuant to N.C. Gen. Stat. 150B-42.

Formal proceedings will be promptly commenced and determined. Respondent will be served with a notice of hearing containing the allegations to be heard in compliance with N.C. Gen. Stat. 150B -38(b).

This the 3rd day of May 2019.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS



Casie S. Goode
Director of Investigations

