

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

Daniel Nakia Williams, D.D.S.
(License No. 8044)

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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. Ryan D. Bolick represented Respondent, Dr. Daniel Nakia 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 17, 2005, and license number 8044 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 numerous occasions between 2014 and 2017, Respondent failed to include the treatment he rendered for patients in the patients' treatment records.

5. The standard of care in North Carolina requires dentists to include the specific treatment rendered for each patient in the patients' treatment records.

6. Respondent violated the standard of care by failing to include the treatment he rendered for each patient in the patients' treatment records.

7. On numerous occasions between 2014 and 2017, Respondent prescribed narcotics to patients without documenting his rationale for prescribing the narcotics in the patients' treatment records.

8. The standard of care in North Carolina requires dentists to include the rationale supporting the necessity of prescribing narcotics to patients in the patients' treatment records.

9. Respondent violated the standard of care for dentists in North Carolina by failing to document his rationale for prescribing narcotics to patients in the patients' treatment records.

10. On numerous occasions between 2014 and 2017, Respondent prescribed to patients more narcotics than appropriate and necessary based upon the dental treatment the patients received.

11. The standard of care in North Carolina requires dentists to prescribe narcotics for patients only when necessary and to consider the addictive potential of narcotics when prescribing pain medication.

12. Respondent violated the standard of care prescribing more narcotics to patients than necessary and by failing to recognize the addictive potential of the narcotics he prescribed.

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. Rule 21 NCAC 16T .0101(5) requires dentists to include the specific treatment rendered for each patient in the patients' treatment records for a period of at least ten (10) years.
4. Respondent violated Rule 21 NCAC 16T .0101(5) by failing to include the specific treatment rendered for each patient in the patients' treatment records for a period of at least ten (10) years.
5. Respondent's recordkeeping practices during the period from 2014 to 2017, as set forth in the Findings of Fact, violated N.C. Gen. Stat. § 90-41(a)(6) and (12) and Rule NCAC 16T .0101(5).
6. Effective May 1, 2016, Rule NCAC 16T .0101(11) requires dentists to include the rationale for prescribing each narcotic in patients' treatment records.
7. During the period from May 1, 2016 through February 2017, Respondent violated Rule NCAC 16T .0101(11) by failing to include the rationale for prescribing each narcotic in patients' treatment records.

8. Respondent's recordkeeping practices during the period from May 1, 2016 to 2017, as set forth in the Findings of Fact, violated Rule NCAC 16T .0101(11).

9. As set forth in the Findings of Fact, during the period from 2014 to 2017, Respondent violated the standard of care by failing to include the rationale for prescribing each narcotic in patients' treatment records, and therefore violated N.C. Gen. Stat. § 90-41(a)(6) and (12).

10. As set forth in the Findings of Fact, during the period from 2014 to 2017, Respondent's actions in prescribing more narcotics than necessary based on his patients' dental treatment and his failure to recognize the addictive potential of the narcotics he prescribed to patients violated N.C. Gen. Stat. § 90-41(a)(6) and (12).

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. 8044 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended for a period of five (5) 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 five (5) 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;

- 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; and
- d. Within twelve months of signing this Order, Respondent shall complete the following continuing education course(s) of not less than 12 hours total, 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) recordkeeping, (2) surgical pain management, and (3) pharmacology. 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.
- e. Respondent shall immediately surrender his Drug Enforcement Administration (DEA) registration for Schedule II drugs, substances, or chemicals to the DEA. Respondent shall not maintain, possess, or obtain any Schedule II drugs, substances, or chemicals as defined by the DEA.

f. 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.

2. 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.

3. 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 2nd day of May, 2018.

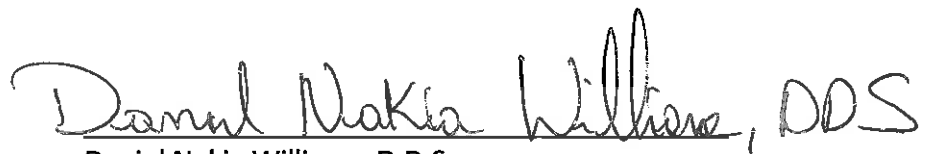
THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: Casie S. Goode
Casie S. Goode
Director of Investigations

STATEMENT OF CONSENT

I, Daniel Nakia 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 16 day of April, 2018.


Daniel Nakia Williams, D.D.S.