

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In the Matter of

FRANCIS J. CUSUMANO, D.D.S.
(License No. 7936)

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CONSENT ORDER REPRIMAND

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board), as authorized by N.C. Gen. Stat. § 90-41 and 150B-38 for consideration of a Consent Order, in lieu of a formal contested case hearing. Kenneth L. Jones represents Respondent, Dr. Francis J. Cusumano. Douglas J. Brocker and Crystal S. Carlisle represent 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.

1. Respondent was licensed to practice dentistry in North Carolina on April 20, 2005 and has held license number 7936 at all times relevant hereto.

2. Respondent is subject to the Dental Practice Act and the rules promulgated thereunder.

3. At all times relevant hereto, Respondent worked as an oral and maxillofacial surgeon with offices in Garner and Cary, North Carolina.

Respondent's Treatment of Patient SM

4. On April 19, 2018, Patient SM presented to Respondent's office for extraction of numerous teeth upon referral from another provider.

5. During the initial appointment, SM completed a health history form provided by Respondent's office indicating he had the following medical conditions or symptoms specifically identified on Respondent's form: difficulty breathing, asthma, arthritis, and rheumatism. SM further indicated that he had had surgeries or hospitalizations for shortness of breath and pneumonia. SM also hand wrote under the section for other conditions that he had scleroderma.

6. SM's identified medical symptoms and conditions also were included in Respondent's treatment notes, including those for his history and examination of SM on April 19, 2018; however, Respondent failed to document any verbal communications with patient SM about his health history.

7. SM called Respondent's office on or about November 15, 2018 and scheduled his surgical appointment.

8. On December 19, 2018, Respondent performed SM's surgical procedure.

9. Respondent failed to document SM's ASA classification in the treatment record.

10. During his December 19, 2018 surgical appointment, SM experienced an adverse occurrence which resulted in his transfer to Wake Med by EMS.

11. Respondent failed to submit an adverse occurrence report to the Board concerning patient SM in violation of 21 N.C.A.C. 16Q .0703(b) and (c).

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

12. The Board has jurisdiction over the subject matter of this action and over the person of Respondent.

13. Respondent was properly notified of this matter and has agreed to the entry of this Consent Order.

14. By failing to document any verbal communications with SM regarding his health history and by failing to include SM's ASA classification in the treatment record, Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and 21 NCAC 16T .0101.

15. By failing to submit an adverse occurrence report after SM was transported from his office to Wake Med Hospital, Respondent violated N.C. Gen. Stat. § 90-41(a)(6) and 21 N.C.A.C. 16Q .0703(b) and (c).

Based on the forgoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, it is ORDERED as follows:

ORDER OF DISCIPLINE

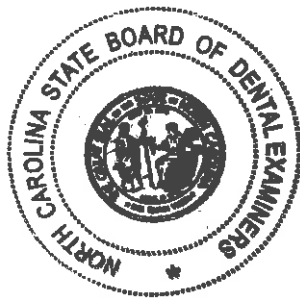
1. Respondent is hereby **REPRIMANDED** for his violation of N.C. Gen. Stat. § 90-41(a)(6), 21 NCAC 16T .0101, and 21 N.C.A.C. 16Q .0703(b) and (c).

2. The Summary Suspension of Respondent's general anesthesia permit entered on May 3, 2019 is hereby vacated, and Respondent may resume administering general anesthesia under his permit upon entry and service of this Consent Order.

This the 28th day of October, 2019

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

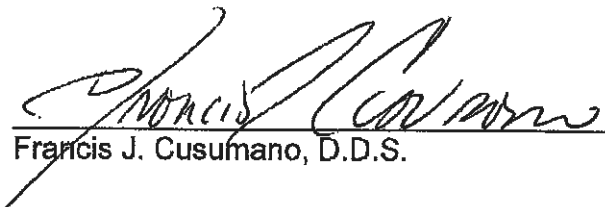
By: Casie S. Goode
Casie S. Goode
Deputy Operations Officer



STATEMENT OF CONSENT

I, Francis J. Cusumano, 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 18 day of October, 2019.



Francis J. Cusumano, D.D.S.