

**STATE OF FLORIDA
BOARD OF DENTISTRY**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO: 2016-22431

CHARLOTTE YVONNE GERRY, D.M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, files this Administrative Complaint before the Board of Dentistry against Respondent, Charlotte Yvonne Gerry, D.M.D. In support, Petitioner alleges:

1. Petitioner is the state department charged with regulating the practice of dentistry pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 466, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed dentist within the State of Florida, having been issued license number DN 14223.
3. Respondent's address of record is 530 East Howard Street, Live Oak, Florida 32216.

4. On or about June 28, 2014, Patient J.D. presented to Respondent.

5. Respondent ordered periapical radiographs of teeth 15 and 16.

6. Respondent documented that tooth 15 had an approximately 60% bone loss.

7. The periapical radiographs revealed that Patient J.D. had a draped pneumatized maxillary sinus.

8. Respondent extracted teeth 15 and 16.

9. After performing the extractions, Respondent placed bone material into the extraction sites.

10. Respondent also placed an immediate implant in the area formerly occupied by tooth 15.

11. Respondent perforated Patient J.D.'s sinus with the implant, which ultimately ended up stuck in Patient J.D.'s sinus.

12. An oral surgeon had to perform an additional procedure to remove the implant from Patient J.D.'s sinus and repair the perforation in the patient's sinus.

13. The minimum standards of diagnosis and treatment in practice of dentistry requires that prior to placing an implant, a dentist must obtain

and review adequate diagnostic imaging to determine if the patient has sufficient bone to support a proposed implant.

14. While Respondent took a periapical radiograph of Patient J.D. prior to the implant placement, that is insufficient to evaluate if Patient J.D. had sufficient bone to support an implant.

15. The minimum standards of diagnosis and treatment in the practice of dentistry require that adequate imaging, such as a panoramic radiograph, must be obtained and reviewed prior to implant placement.

16. Respondent failed to obtain adequate imaging prior to implant placement on Patient J.D.

17. The minimum standards of diagnosis and treatment in the practice of dentistry require that prior to placing an implant in any posterior maxillary teeth which show significant bone loss and/or the sinus is pneumatized, a dentist must perform a sinus lift prior to placing the implant.

18. Respondent failed to perform a sinus lift prior to placing an implant in the area of Patient J.D.'s tooth 15 despite the tooth having significant bone loss and radiographs showing the patient's sinus was pneumatized.

19. Section 466.028(1)(x), Florida Statutes (2014), states that "[b]eing guilty of incompetence or negligence by failing to meet the

minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance[,]” shall constitute grounds for disciplinary action by the Board of Dentistry.

20. Respondent violated Section 466.028(1)(x), Florida Statutes, through one or more of the following:

- a) by performing an immediate implant on Patient J.D. without first obtaining and reviewing adequate diagnostic imaging to determine whether Patient J.D. had sufficient bone to support the implant; and/or,
- b) by performing an implant on Patient J.D’s tooth 15 even though radiographs showed significant bone loss and a pneumatized sinus without first performing a sinus lift.

WHEREFORE, Petitioner respectfully requests that the Board of Dentistry enter an order imposing one or more of the following penalties: restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 17 day of May 2018.

Celeste Philip, MD, MPH
Surgeon General and Secretary



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DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Gregne
DATE MAY 17 2018

PCP: May 11, 2018
PCP Members: Daniel Gesek, D.M.D., Chairperson, Carl Melzer, D.D.S., member, Joseph Calderone, D.M.D., member.

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code.

If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.