

**STATE OF FLORIDA  
BOARD OF DENTISTRY**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO: 2017-00132**

**CHARLOTTE GERRY, DMD,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health files this Administrative Complaint before the Board of Dentistry against Respondent, Charlotte Gerry, D.M.D., and in support thereof 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 first been issued license number DN 14223 on or about December 1, 1995.

3. Respondent's address on record with the Department is 530 East Howard Street, Live Oak, Jacksonville, Florida 32064.

4. On or about March 3, 2016, Patient J.A.D. presented to Respondent for an evaluation of his front teeth.

5. Respondent evaluated Patient J.A.D. and exposed periapical radiographs of Patient J.A.D.'s teeth.

6. Respondent developed a treatment plan which called for, in relevant part, extracting Patient J.A.D.'s tooth 8 and placing an immediate implant in the area of tooth 8.

7. 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 evaluate a patient's facial anatomy and determine if the patient has sufficient bone to support a proposed implant.

8. While Respondent took a periapical radiograph of Patient J.A.D. prior to the implant placement, that was insufficient to evaluate Patient J.A.D.'s facial anatomy and determine if Patient J.A.D. had sufficient bone to support an implant.

9. Despite failing to have adequate diagnostic imaging, Respondent placed an implant in the area of tooth 8 during the March 3, 2016, appointment.

10. Imaging conducted on or about October 24, 2016, revealed that the implant Respondent placed in the area of Patient J.A.D.'s tooth 8 was supported by minimal bone and perforated Patient J.A.D.'s facial plate.

11. Images taken by a subsequent treater also show an oral fistula in the area of Patient J.A.D.'s tooth 8.

12. The minimum standards of diagnosis and treatment in practice of dentistry requires dentists to diagnose and respond appropriately to complications caused from implant surgery.

13. Respondent failed to diagnose and/or respond appropriately to the oral fistula that developed in the area of Patient J.A.D.'s tooth 8.

14. Section 466.028(1)(x), Florida Statutes (2015), 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.

15. Respondent departed from the minimum standards of performance in diagnosis and treatment by:

- A. Failing to take adequate diagnostic imaging prior to placing an implant in the area of Patient J.A.D.'s tooth 8; and/or

B. Failing to diagnose and/or respond appropriately to the oral fistula that developed in the area of Patient J.A.D.'s tooth 8.

16. Based on the foregoing, Respondent has violated Section 466.028(1)(x), Florida Statutes (2015).

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 6 day of March 2018.

Celeste Philip, MD, MPH  
State Surgeon General and Secretary



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DEPARTMENT OF HEALTH  
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PCP: March 2, 2018  
PCP Members: Gesek, D.M.D., Melzer, D.D.S., and Miro, D.D.S.  
DOH v. Charlotte Gerry, DMD  
Case # 2017-00132

## **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.**