

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:	)	
La Shun L. Carroll	)	Docket Nos.: 2012-256
License No. 016.0002238	)	2013-210
		2011-817

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Annika Green, and the Respondent, LaShun L. Carroll, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists and dental surgeons pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §584; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. La Shun L. Carroll ("Respondent") of Coventry, Rhode Island, is licensed by the State of Vermont as a Dentist under license number 016.0002238. This license was first issued on April 18, 2007 and is currently set to expire on September 30, 2015.
3. At all times relevant, Respondent worked at Aspen Dental in Rutland, VT.
4. Patient L.S.:
 - a. On or about November 8, 2011, patient L.S. sought treatment from Respondent for a scheduled filling of 3 teeth.
 - b. Respondent determined that only tooth #4 required treatment, and restored this tooth.
 - c. Respondent removed excessive sound tooth structure from tooth #4 as evidenced by the radiographs.
 - d. Respondent failed to document any unusual or unanticipated depth of decay and failed to advise patient L.S. of the likelihood for post-operative problems.

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- e. On or about November 14, 2011, L.S. was diagnosed with irreversible pulpitis tooth #4 and given the treatment choices of endodontic treatment (root canal) or extraction.

5. Patient E.S.:

- a. On or about January 29, 2010, patient E.S. received endodontic (root canal) treatment from Respondent for tooth #18.
- b. Respondent encountered difficulty treating two of the canals, failed to halt treatment and refer to a specialist, and proceeded to remove excessive healthy tooth structure, resulting in perforation of the tooth.
- c. Respondent failed to document the perforation of tooth #18, and other important details of the treatment (i.e. Bioaggregate repair) and failed to document any discussion with E.S. regarding the poor results or the likelihood for post-operative problems or tooth loss.
- d. Approximately 11 days following the procedure, extraction of tooth #18 was necessary as a result of the treatment provided by Respondent.
- e. Respondent failed to obtain written consent from the patient for endodontic treatment of tooth #18.
- f. In the treatment records, Respondent noted on 2/11/10 that "tooth 18 was badly decayed/damaged and needed a crown" yet stated in a letter to the Board dated April 21, 2012 the patient "had tooth number eighteen that needed a crown and although the tooth was asymptomatic at the time, the tooth's contour made it dangerously close to the nerve chamber were it to be prepared for a crown."
- g. Neither of Respondent's explanations for performing the endodontic treatment on this tooth can be supported radiographically.
- h. In a July 20, 2011 treatment note referring to the above incident, Respondent stated it was a Dr. Mari Berry that "drilled too deeply" and that it was Respondent who attempted to then fix the tooth.
- i. Dr. Berry did not work at Aspen Dental during the time frame of the above treatment, and there is nothing in the treatment record to indicate that she had treated tooth #18.

6. Patient J.A.:

- a. On or about January 17, 2011, Respondent performed endodontic (root canal) treatment on tooth #30 for patient J.A.
- b. Respondent failed to refer J.A. to a specialist when difficulty was encountered.
- c. Respondent removed excessive, healthy tooth structure, resulting in perforation of tooth #30.
- d. Respondent failed to inform patient J.A. of the likelihood for post-operative complications or tooth loss as a result of the poor outcome.
- e. Tooth #30 was extracted on or about March 23, 2011 as a result of the treatment provided by Respondent.

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- f. On or about February 25, 2011, Respondent performed endodontic treatment on tooth #19 for patient J.A.
- g. On or about April 25, 2011, Respondent prepared the distal root of tooth #19 to receive a post, removing excessive sound tooth structure, resulting in a perforation.
- h. Respondent made second entries for treatment dates April 25, 2011 and May 6, 2011 with no documentation that they are late entries, or when they were made.
- i. Respondent has failed to accept responsibility for any of his treatment outcomes.
- j. Respondent stated to OPR that the teeth (#30 and #19) that were eventually lost "could not have been saved regardless of who performed the root canals." and "because [sic] I attempt to save a tooth beyond repair, it appears as though my efforts caused the loss even though the teeth would have been lost regardless."
- k. Analysis of the radiographs showed that the Respondent removed an excessive amount of healthy solid tooth structure for both teeth and caused the eventual extraction of both teeth.

Violations

- 7. The acts, omissions and/or circumstances described above, constitute grounds for discipline. Respondent has committed unprofessional conduct because Respondent violated:
 - a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice)
 - b. 3 V.S.A. §129a(7) (Willfully making or filing false reports or records in the practice of the profession)

Understandings

- 8. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.

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9. Respondent understands that the Dental Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
13. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
14. Respondent voluntarily waives his right to a contested hearing before the Board of Dental Examiners and waives any right to appeal from this Stipulation and Consent Order.
15. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Dental Examiners hereby changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement of his dental license, his license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Dental Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

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AGREED TO:

Dated: 3.24.15

STATE OF VERMONT
SECRETARY OF STATE

By: *Annika Green*

Annika Green
State Prosecuting Attorney

RESPONDENT'S ATTORNEY
RALPH SUOZZO

Dated: 3/17/15

By: *Ralph Suozzo*

Ralph Suozzo Esq.

LA SHUN L. CARROLL
RESPONDENT

By: *LaShun L. Carroll*

LaShun L. Carroll

APPROVED AND SO ORDERED:

Dated: 4/8/15
Date of Entry: 4/8/15

VERMONT BOARD OF DENTAL
EXAMINERS

By: *John S. Snel*

Chairperson

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