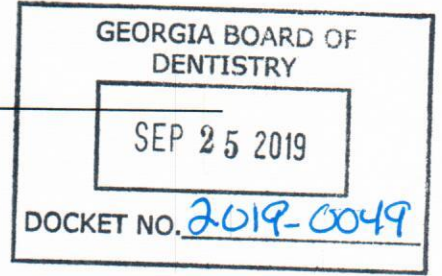


**BEFORE THE GEORGIA BOARD OF DENTISTRY
STATE OF GEORGIA**

**IN THE MATTER OF:
JAMES D. SCHULTE, D.M.D.,
License No. DN012421**

Respondent.

DOCKET NO.



PUBLIC CONSENT ORDER

By agreement of the Georgia Board of Dentistry (hereinafter "Board") and James D. Schulte, D.M.D., Respondent, the following disposition of this disciplinary matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent was first licensed to practice dentistry in the State of Georgia on July 23, 2001, and has been so licensed at all times relevant to the matters stated herein.

2.

Respondent first started providing patient G.S. with comprehensive dental care in November of 2015.

3.

On or about December 2, 2016, patient G.S. underwent a periodic exam, dental prophylaxis, and full mouth series radiographs provided by Respondent.

4.

The radiographs revealed a dark spot at the tip or terminal end of the root of tooth # 24.

5.

Respondent suggested that patient G.S. undergo a root canal on tooth # 24.

6.

On or about January 30, 2017, Respondent did a root canal on patient G.S.'s tooth # 24.

7.

Post-operative radiographs showed a slight underfill¹, which Respondent filled with G-flow resin and bonding agent.

8.

On or about February 20, 2017, patient G.S. returned to Respondent to talk about the appearance of tooth # 24.

9.

Patient G.S. was allegedly not in any pain, but tooth # 24 was slightly darker than the adjacent teeth and radiographs showed that the dark spot at the tip or terminal end of the root of tooth # 24 was diminishing.

10.

Respondent talked to patient G.S. about the option of a veneer or crown if the discoloration got worse.

11.

On or about July 6, 2017, during a routine dental hygiene appointment at a different dental practice, the hygienist noted that the radiographic appearance of patient G.S.'s tooth # 24 was abnormal, so an endodontic consult was requested.

12.

On that same day, an endodontist evaluated patient G.S.'s tooth # 24.

¹ An incomplete filling of the root canal space with resultant voids.

13.

Patient G.S. reported since Respondent had last treated tooth #24 he had experienced intermittent pain in that tooth.

14.

The endodontist noted that excessive tooth structure had not been removed in the root canal procedure performed by Respondent; that a canal had been left untreated; that a file had broken-off during the treatment; and that there was a suspected perforation on the mesial surface.²

15.

On or about August 9, 2017, the endodontist did a non-surgical root canal retreatment on patient G.S.'s tooth # 24, during which time an additional perforation was noted on the buccal³ surface.

16.

The endodontist removed the obturation material⁴; bypassed the broken file as much as possible; and repaired the perforation left by the Respondent. However, the endodontist concluded that patient G.S.'s prognosis was questionable due to the multiple complications from the Respondent's treatment of tooth #24.

17.

Respondent has also failed to complete thirteen (13) hours of his continuing education requirements for the 2016/2017 renewal period.⁵

² The forward side of the tooth in between the surface of the adjacent tooth.

³ The cheek side of the tooth.

⁴ The material used during a root canal procedure to fill the empty space after the pulp tissue has been removed.

⁵ Respondent provide 19 in-person CE hours and 18 online CE hours all taken on the same day. However, the Board's rules only permit 12 CE hours per day.

18.

The Board had an independent peer reviewer review the dental treatment patient G.S was provided by Respondent. The peer reviewer determined that the Respondent's root canal on patient G.S.'s tooth # 24 fell below the minimum standards of acceptable and prevailing dental practice in the following manner:

- (a) there was a large sub-gingival perforation on the mesial surface;
- (b) an excessive tooth structure had not been removed;
- (c) a portion of the canal was not properly filled; and
- (d) a broken file was left in the canal,

all of which left the tooth cosmetically and structurally compromised.

19.

The Respondent waives any further findings of fact.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice dentistry in the State of Georgia under O.C.G.A. Ch. 11, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Board of Dentistry, having considered the particular facts and circumstances of this case, hereby orders and the Respondent hereby agrees that this matter shall be disposed of as follows:

1.

- (a) Continuing Education: Within six months of entry of this Consent Order, the Respondent shall successfully attend and complete twenty-six hours (26) hours of in-person continuing education coursework for his deficient renewal, with twelve (12) of those in-person hours being in anterior endodontics, which must be completed within sixty (60) days of the entry of this Consent Order. The additional fourteen (14) hours of in-person continuing education coursework must be completed within six (6) months off the entry of this Consent Order. The Respondent shall complete and submit documentation of successfully completing all of these hours of coursework within six months of the entry of this Consent Order. These hours of course work shall be in addition to the continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a). If the Respondent shall fail to comply with the terms of this paragraph, the Respondent's license shall be subject to revocation upon substantiation thereof, and shall not be subject to restoration.
- (b) Fine: In addition to and in conjunction with any other sanction contained herein, the Respondent shall pay a fine of five hundred dollars (\$500.00) payable by certified check or money order to the Board within thirty (30) days of the effective date of this Order. Such fine shall be sent to the attention of the Tanja Battle, Executive Director, at the Georgia Board of Dentistry, 2 Peachtree Street, N.W., Atlanta, GA 30303. If the Respondent shall fail to pay said fine pursuant to the terms of this paragraph, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration.
- (c) Costs and Expenses: Within thirty (30) days of the effective date of this Order, in addition to and in conjunction with any other sanction contained herein, Respondent shall pay costs and expenses in the amount of five hundred dollars (\$500.00) as reimbursement to the

Board of expenses incurred in the investigation of this matter, which expenses do not include time spent by the Investigative Division of the Board. Such fine shall be sent to the attention of Ms. Tanja D. Battle, Executive Director, Georgia Board of Dentistry, 2 Peachtree Street N.W., 6th Floor, Atlanta, GA 30303. Any failure to pay such fine as due herein shall be deemed a violation of this Public Consent Order and may subject Respondent's license to further discipline, including revocation, upon substantiation thereof.

2.

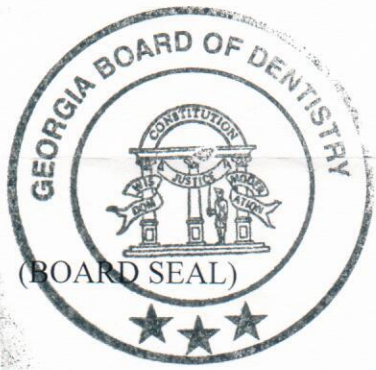
This Public Consent Order shall act as a PUBLIC REPRIMAND. Approval of this Public Consent Order by the Board shall in no way be construed as condoning Respondent's alleged conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board, including future disciplinary action arising from any other grounds or complaints. This Public Consent Order shall not become effective until approved by the Board and docketed as provided by law.

3.

Respondent acknowledges that he has read this Public Consent Order and understands its contents. Respondent understands that he has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Public Consent Order. Respondent further understands and agrees that a representative of the State Department of Law may be present during the presentation of this Public Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Public Consent Order. Respondent understands that this Public Consent Order will not become effective until accepted by and docketed with the Board. Respondent further

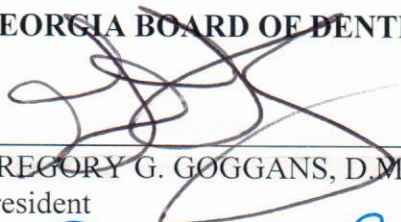
understands that this Public Consent Order, once approved, shall constitute a public record. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms and sanctions contained herein.

Accepted this 20 day of September, 2019.
6 day of August, 2019.




GEORGIA BOARD OF DENTISTRY

BY:


GREGORY G. GOGGANS, D.M.D.
President

ATTEST:

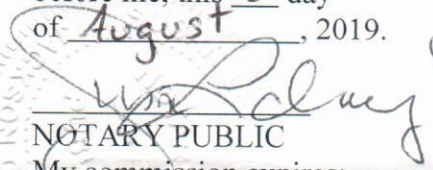

TANJA D. BATTLE
Executive Director

CONSENTED TO:


JAMES D. SCHULTE, D.M.D.
Respondent

As to Respondent:
Sworn to and subscribed
before me, this 6 day
of August, 2019.

EXPIRES ~~10-13~~ 2023


NOTARY PUBLIC
My commission expires:

1098306