

SBDE NO. 2014-00373

IN THE MATTER OF
THE LICENSE OF

DAVID ROSS JONES, DDS

TEXAS DENTAL LICENSE
NUMBER 11824§
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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 20th day of November, 2015, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard.

David Ross Jones, DDS, holder of Texas Dental License No. 11824 (Respondent), appeared at an informal settlement conference on October 19, 2015, at 333 Guadalupe, Austin, Texas. Respondent was represented by Joe Waller. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order (ASO). Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board member D. Bradley Dean, DDS, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.0075, and 22 Texas Administrative Code § 107.63. The Board representative and a panel of Board employees considered information presented by staff, the Respondent, and the Complainant. The Board representative and panel members, having carefully considered the Board's disciplinary guidelines, recommend the following ASO contingent on the full Board's approval.

FINDINGS OF FACT

1. Respondent, David Ross Jones, DDS, holds Texas Dental License No. 11824. Respondent's license was initially issued on June 22, 1978, and was in full force and effect at all dates and times material and relevant to this ASO.
2. Respondent's license has no prior disciplinary history.

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3. During the time period from June 26, 2012, through October 28, 2013, Respondent fell below the minimum standard of care during the dental treatment of a patient. Specifically, Respondent recommended and performed root canal therapy plus post and core on patient's tooth number 22, when the tooth should have been extracted because it was structurally too far decayed to successfully treat with a root canal. Respondent extracted tooth number 22 twenty-three (23) days after performing the root canal.
4. During the time period from June 26, 2012, through October 28, 2013, Respondent fell below the minimum standard of care by failing to make, maintain, and keep adequate records for a patient. Specifically, the records did not include:
 - a. vital signs when teeth numbers 3 and 22 were extracted;
 - b. signed written informed consent for the extraction of tooth number 3; or
 - c. any statement as to why items a. - b. above were not recorded.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.
2. Respondent's conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.7, (1), (3), (6) (eff. to Sept. 2014), 108.8(b)(4), (5), (c)(8), (12).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 11824, issued to David Ross Jones, DDS, is hereby issued the sanction of WARNING.
2. Respondent SHALL reimburse the patient six hundred dollars (\$600.00) for treatment of tooth number 22.

Proof of restitution SHALL be provided to the Board no later than thirty (30) days from the effective date of this ASO.

3. Respondent SHALL pay an administrative monetary fine in the amount of three thousand dollars (\$3,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin,

Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the date of ratification of this ASO by the Board.

4. Respondent SHALL complete a total of fourteen (14) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The fourteen (14) hours of CE courses completed SHALL be in the following areas:

Endodontics	Eight (8) hours
Ethics	Three (3) hours
Record-Keeping	Three (3) hours

This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

5. Respondent SHALL successfully complete the Jurisprudence Assessment-Board Order and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Board Order prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.
6. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

Signature page follows.

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board.

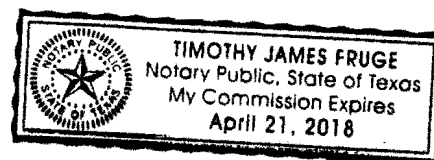
All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is executed by the Board.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY.

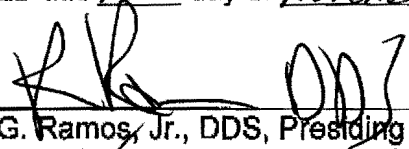

David Ross Jones, DDS, Respondent

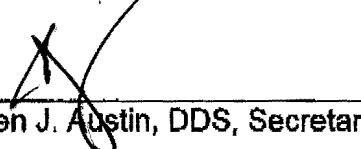
 notarized the signature of David Ross Jones, DDS, this 2nd day of NOVEMBER 2015


NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 20th day of November, 2015.


Rudy G. Ramos, Jr., DDS, Presiding Officer


Steven J. Austin, DDS, Secretary