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9
10 **BEFORE THE**
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **RYAN P. WATKINS**
3039 Jefferson Street, Suite A
14 Carlsbad, CA 92008
15 **Dental License No. 52130**
General Anesthesia Permit No. 1328
16 Fictitious Name Permit No. 9242
17 Respondent.

Case No. **DBC 2018 -18**
A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Karen M. Fischer (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Dental Board of California (Board), Department of Consumer
23 Affairs.
24 2. On or about January 8, 2004, the Board issued Dental License Number 52130 to Ryan
25 P. Watkins (Respondent). The Dental License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2019, unless renewed.
27 3. On or about May 16, 2005, the Dental Board of California issued General Anesthesia
28 Permit Number 1328 to Ryan P. Watkins (Respondent). The General Anesthesia Permit was in

1 full force and effect at all times relevant to the charges brought herein and will expire on March
2 31, 2019, unless renewed.

3 4. On or about March 28, 2011, the Dental Board of California issued Fictitious Name
4 Permit Number 9242 to Ryan P. Watkins (Respondent). The Fictitious Name Permit was in full
5 force and effect at all times relevant to the charges brought herein and will expire on March 31,
6 2019, unless renewed.

7 JURISDICTION

8 5. This Accusation is brought before the Board under the authority of the following
9 laws. All section references are to the Business and Professions Code (Code) unless otherwise
10 indicated.

11 6. Code section 118, subdivision (b), states:

12 (b) The suspension, expiration, or forfeiture by operation of law of a license
13 issued by a board in the department, or its suspension, forfeiture, or cancellation by
14 order of the board or by order of a court of law, or its surrender without the written
15 consent of the board, shall not, during any period in which it may be renewed,
16 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

17 7. Code section 1670 states:

18 Any licentiate may have his license revoked or suspended or be reprimanded or
19 be placed on probation by the board for unprofessional conduct, or incompetence, or
20 gross negligence, or repeated acts of negligence in his or her profession, or for the
21 issuance of a license by mistake, or for any other cause applicable to the licentiate
22 provided in this chapter. The proceedings under this article shall be conducted in
accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3
of Title 2 of the Government Code, and the board shall have all the powers granted
therein.

23 STATUTORY PROVISIONS

24 8. Code section 1680 states, in part:

25 Unprofessional conduct by a person licensed under this chapter [Chapter 4
26 (commencing with section 1600)] is defined as, but is not limited to, any one of the
following:

27 ...

28 ///

1 (m) The violation of any of the provisions of law regulating the procurement,
2 dispensing, or administration of dangerous drugs, as defined in Article 7
(commencing with Section 4211) of Chapter 9, or controlled substances, as defined in
3 Division 10 (commencing with Section 11000) of the Health and Safety Code.

4 (n) The violation of any of the provisions of this division.

5 ...

6 (p) The clearly excessive prescribing or administering of drugs or treatment, or
7 the clearly excessive use of diagnostic procedures, or the clearly excessive use of
8 diagnostic or treatment facilities, as determined by the customary practice and
9 standards of the dental profession.

10 Any person who violates this subdivision is guilty of a misdemeanor and shall
11 be punished by a fine of not less than one hundred dollars (\$100) or more than six
12 hundred dollars (\$600), or by imprisonment for a term of not less than 60 days or
13 more than 180 days, or by both a fine and imprisonment.

14

15 9. Code section 1685 states:

16 In addition to other acts constituting unprofessional conduct under this chapter
17 [chapter 4 (commencing with section 1600)], it is unprofessional conduct for a person
18 licensed under this chapter to require, either directly or through an office policy, or
19 knowingly permit the delivery of dental care that discourages necessary treatment or
20 permits clearly excessive treatment, incompetent treatment, grossly negligent
21 treatment, repeated negligent acts, or unnecessary treatment, as determined by the
22 standard of practice in the community.

23 10. Code section 4022 states:

24 “Dangerous drug” or “dangerous device” means any drug or device unsafe for self-
25 use in humans or animals, and includes the following:

26 (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing
27 without prescription,” “Rx only,” or words of similar import.

28 (b) Any device that bears the statement: “Caution: federal law restricts this device
to sale by or on the order of a _____,” “Rx only,” or words of similar import, the
blank to be filled in with the designation of the practitioner licensed to use or order use of
the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed
only on prescription or furnished pursuant to Section 4006.

24 DRUGS

25 11. Ephedrine is a stimulant used to prevent low blood pressure during anesthesia.

26 12. Adenosine is used to control supraventricular tachycardia (SVT), an abnormally fast
27 heart rhythm.

28 13. Ringer’s lactate solution (RL) (or lactated Ringer’s fluid) is used for replacing fluids

1 and electrolytes in those who have low blood volume or low blood pressure.

2 **COST RECOVERY**

3 14. Code section 125.3 provides that the Board may request the administrative law judge
4 to direct a licentiate found to have committed a violation or violations of the licensing act to pay a
5 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
6 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
7 case settles, recovery of investigation and enforcement costs may be included in a stipulated
8 settlement.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct - Excessive Administration or Treatment)**

11 15. Respondent is subject to disciplinary action under Code section 1680, subdivision (p),
12 in that Respondent clearly excessively administered drugs or treatment. The circumstances are as
13 follows:

14 16. Patient MK ["MK"] had utilized Respondent's dental services approximately three
15 times before he was to have dental surgery on or about October 21, 2016 at Respondent's
16 Carlsbad, California office. By the time he did the pre-surgery evaluation at Respondent's office
17 on or about September 22, 2016, Respondent knew that then 54 year-old MK was a triathlete and
18 considered him to be in excellent health. MK said that he had a very low resting heart rate.

19 17. MK experienced dental phobia and had a history of fainting. In turn, MK sought
20 Respondent's care because Respondent offered surgical dental care while MK would be
21 anesthetized. Respondent did not investigate or document the frequency of MK's fainting. But
22 due to MK's fainting and phobia, Respondent designated MK's pre-surgery fitness as ASA-2¹,

23
24 ¹ The ASA physical status classification system is a system for assessing the fitness of patients before surgery. In
25 1963 the American Society of Anesthesiologists (ASA) adopted the five-category physical status classification
26 system; a sixth category was later added. These are:

- 27 1. Healthy person;
- 28 2. Mild systemic disease;
3. Severe systemic disease;
4. Severe systemic disease that is a constant threat to life;
5. A moribund person who is not expected to survive without the operation;
6. A declared brain-dead person whose organs are being removed for donor purposes.

1 indicated his physical status put him at a mild risk (that is, at a risk mildly more than that of an
2 otherwise healthy person) when undergoing surgery.

3 18. At 8:35 am on the day of the surgery, October 21, 2016, MK arrived at Respondent's
4 office. Respondent placed vital sign monitors that reported MK's heart rate to be 88 bpm and his
5 blood pressure as 135/88. Respondent found MK's vital signs appropriate for administering
6 general anesthesia. Respondent administered intravenous anesthesia to MK that included
7 Propofol IV, Midazolam, Fentanyl, Glycopyrrolate, and Dexamethasone.

8 19. At 8:45 am, another dentist began surgery on MK while Respondent attended to MK
9 while under anesthesia. At 8:48 am, and over the ensuing minutes, MK's vital signs declined.
10 His blood pressure dropped to as low as 60/30, and his heart rate fell to 48 bpm.

11 20. At 8:58 am, Respondent gave MK an intravenous 25-mg dose of undiluted ephedrine
12 along with 250 ml of lactated Ringer's fluid. By 9:01 am, MK's blood pressure had increased to
13 205/155 and his heart rate had risen to 147 bpm, which Respondent reported as "rapid narrow
14 complex tachycardia (SVT)" (supraventricular tachycardia). Respondent then performed a vagal
15 or Valsalva maneuver by closing the anesthesia breathing circuit and pressing the breathing bag,
16 but Respondent's heart rate continued to rise.

17 21. At 9:06 am, Respondent administered 6 mg of intravenous adenosine. MK's heart then
18 stopped and Respondent initiated CPR. The other dentist delivered ventilations. They applied an
19 automated external defibrillator (AED) to shock Respondent's heart and continued chest
20 compressions. At 9:08 am, staff summoned emergency medical services (EMS).

21 22. At 9:15 am, EMS arrived and took MK to the hospital. MK was initially
22 unresponsive during transport but by his arrival at the hospital was able to respond non-verbally
23 by opening his eyes in response to voice. Staff checked MK's vital signs twice during the trip and
24 the final figures reflected normal values.

25 23. Hospital staff did not find evidence of cardiac ischemia (restriction in blood supply to
26 the heart), but MK's ribs were fractured from the chest compressions. Subsequent evaluations
27 revealed that MK's heart was of a normal size and function and had an excellent exercise
28 capacity. His resting bradycardia (very slow heart rate) did not represent any abnormality. A

1 doctor concluded that the administration of ephedrine likely caused MK's tachycardia (increased
2 heart rate above 100 bpm) that would have subsided and that the use of adenosine was
3 unnecessary and caused MK's heart to stop (asystole). His discharge, two days after admission,
4 listed his admission to be for cardiac arrest and his discharge diagnosis of "poisoning by other
5 drug primarily affecting the autonomic nervous system, accidental (unintentional), initial
6 encounter."

7 24. About six months later, in March 2017, neurologic reports found that MK continued
8 to experience disequilibrium, lightheadedness, anxiety, and forgetfulness. A neuropsychologist
9 concluded in November 2017 that MK continued to suffer from a "mild neurocognitive disorder"
10 caused by cardiac arrest with "adjustment disorder with mixed anxiety and depressed mood,"
11 consistent with others who had experienced out-of-hospital cardiac arrest.

12 SECOND CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct - Violation of Law related to Dangerous Drugs)

14 25. Respondent is subject to disciplinary action under section Code section 1680,
15 subdivision (m), in that Respondent violated provision(s) of law regulating the administration of
16 dangerous drugs or controlled substances, as is described in paragraphs 21 through 29 above,
17 which are incorporated by reference and re-alleged as if fully set forth here.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Dental Board of California issue a decision:

- 21 1. Revoking or suspending Dental License Number 52130 issued to Ryan P. Watkins;
- 22 2. Revoking or suspending General Anesthesia Permit Number 1328 issued to Ryan P.
23 Watkins;
- 24 3. Revoking or suspending Fictitious Name Permit Number 9242 issued to Ryan P.
25 Watkins;
- 26 4. Ordering Ryan P. Watkins to pay the Dental Board of California the reasonable costs
27 of the investigation and enforcement of this case, and, if placed on probation, the costs of
28 probation monitoring; and

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5. Taking such other and further action as deemed necessary and proper.

DATED: 10/2/18

Karen M. Fischer

KAREN M. FISCHER
Executive Officer
Dental Board of California
Department of Consumer Affairs
State of California
Complainant

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