

SBDE NOS. 2016-02032 and 2016-01627

IN THE MATTER OF § BEFORE THE EXECUTIVE COMMITTEE
DEREK XU LIANG, DDS § OF THE TEXAS STATE BOARD OF
TEXAS DENTAL LICENSE 30113 § DENTAL EXAMINERS

ORDER OF TEMPORARY SUSPENSION

On the 21st day of June, 2017, an Executive Committee of the State Board of Dental Examiners (Executive Committee) met in an emergency meeting to hear evidence and information in the above-styled cases pursuant to section 263.004 of the Texas Occupations Code.

The Executive Committee heard evidence and information that the continued practice of sedation dentistry by Derek Xu Liang, D.D.S., License No. 30113, would constitute a clear, imminent or continuing threat to a person's physical health or well-being.

The Executive Committee finds, based on the evidence and information presented and the factual and legal bases stated in the Petition for Temporary Suspension, attached and incorporated herein, that the continued practice of sedation dentistry by Derek Xu Liang, D.D.S., would constitute a clear, imminent or continuing threat to a person's physical health and well-being.

IT IS, THEREFORE ORDERED that **all sedation permits** issued to Derek Xu Liang, D.D.S., are hereby temporarily suspended pursuant to Section 263.004 of the Texas Occupations Code. This Order is final and effective as of the date of signing.

This matter shall be set for a hearing before the State Office of Administrative Hearings not later than the 30th day after the sedation permits are suspended by the Order. At that time, the State Board of Dental Examiners will present evidence to show that the sedation permits held by Derek Xu Liang, D.D.S. should remain suspended.

During the suspension period referred to above, Respondent SHALL NOT perform sedation dentistry that requires a permit as defined in the rules of the Board at 22 Tex. Admin. Code §§ 110.1-110.2, and is prohibited from performing those acts, procedures, and treatments specified under 22 Tex. Admin. Code § 110.2(a).

During the period of suspension, Respondent SHALL NOT allow any employee or auxiliary, if any, to practice outside the scope of their permitted duties as defined by the Dental Practice Act and rules and regulations of the Board.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 21st day of June, 2017.



Steven J. Austin, D.D.S.
Presiding Officer
Texas State Board of Dental Examiners

SBDE NO. 2016-02032 and 2016-01627

IN THE MATTER OF § **BEFORE THE EXECUTIVE COMMITTEE**
DEREK XU LIANG, DDS § **OF THE TEXAS STATE BOARD OF**
TEXAS DENTAL LICENSE 30113 § **DENTAL EXAMINERS**

PETITION FOR TEMPORARY SUSPENSION

Now comes the Staff of the State Board of Dental Examiners (Board) and files this Petition for Temporary Suspension (Petition) against Derek Xu Liang, DDS (Respondent), Texas Dental License No. 30113, based on alleged violations of the Dental Practice Act (the Act), Tex. Occ. Code §§ 251.001 *et seq.* and Board Rules, 22 Tex. Admin. Code §§ 101.1 *et seq.*

In support of this Petition and based upon reasonable information and belief, Staff states the following:

JURISDICTION

1. The Board has authority and jurisdiction over Respondent's dental license and sedation/anesthesia permits pursuant to Tex. Occ. Code §§ 251.001 *et seq.* and 22 Tex. Admin. Code §§ 101.1 *et seq.*
2. Respondent's dental license and sedation/anesthesia permits were in full force and effect at all dates and times material and relevant to this Petition. Respondent's license is currently active. Respondent currently holds permits to administer nitrous oxide, Level 1 – Minimal Sedation, and Level 2 – Moderate Enteral Sedation.
3. Section 263.004 of the Act requires the Board or an executive committee of the Board to temporarily suspend a person's license or permit if it determines that the continued practice of dentistry by the person would constitute a clear, imminent, or continuing threat to the person or another person's physical health or well-being.

FACTUAL ALLEGATIONS

Board Staff has received information and based on that information believes that Respondent has engaged in conduct in violation of the Act and Board Rules. Board Staff further believes that this conduct shows that this petition and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas. Based on such information and belief, Board Staff alleges:

1. During the time period from July 7, 2016, through July 14, 2016, Respondent failed to meet the minimum standard of care during the dental treatment of three minor patients. Specifically:
 - a. Respondent over-dosed three minor patients with meperidine (Controlled Substance Schedule II), which substantially increases the risk of unintended unconsciousness. Specifically:

- i. Minor patient 1 received a 4.8 mg/kg dose of meperidine.
 - ii. Minor patient 2 received a 7.4 mg/kg dose of meperidine.
 - iii. Minor patient 3 received a 6.2 mg/kg dose of meperidine.
 - b. Respondent did not know which pharmacologic antagonist to administer once the over-dose was discovered with minor patients 2 and 3, and did not have the appropriate pharmacologic antagonist (Naloxone) available on-site at the time of sedation of minor patients 2 and 3.
2. During the time period from July 7, 2016, through July 14, 2016, Respondent failed to make, maintain, and keep adequate dental records during the dental treatment of three minor patients. Specifically, Respondent's patient records failed to include the following records for the following patients:

Minor Patient 1:

- a. documentation of baseline vitals;
- b. documentation of local anesthetic agent and dosage given;
- c. documentation of start and finish times of Nitrous Oxide; and
- d. documentation of respiratory rate at 10 minute intervals.

Minor Patient 2:

- a. documentation of baseline vitals; and
- b. documentation of respiratory rate at 10 minute intervals.

Minor Patient 3:

- a. documentation of baseline vitals;
- b. documentation of respiratory rate at 10 minute intervals; and
- c. documentation of oxygen saturation at 10 minute intervals.

LEGAL AUTHORITY

1. The conduct described above represents grounds for discipline under Tex. Occ. Code §§ 258.154, 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.7(1), (2), (5)(B), 108.8(c)(6), (12), 110.3(b)(1), (c)(2)(C), (5)(A), (D), 110.4(b)(1), (c)(2)(C), (5)(A), (C), (7), (d), 110.5(b)(1), (c)(2)(C), (5)(A), (B), (C), (7)(A), (D), (d).
2. Section 263.004 of the Act authorizes the Board to temporarily suspend a person's license or permit.

PRAYER

Staff requests that the Executive Committee of the Board determine that Respondent has engaged in conduct that shows that the continued practice of sedation dentistry by Respondent would constitute a clear, imminent, or continuing threat to a person's health or well-being. Staff further requests that the Executive Committee enter an *Order of Temporary Suspension* suspending all sedation/anesthesia permits held by Texas Dental License No. 30113 pursuant to Section 263.004 of the Texas Occupations Code.

Filed this 20th day of June, 2017.

Respectfully submitted,

TEXAS STATE BOARD OF
DENTAL EXAMINERS



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