

SBDE NO. 2022-00181

IN THE MATTER OF	§	BEFORE THE STATE
THE LICENSE OF	§	
	§	
CHIJIJOKE ESEONU, DMD	§	BOARD OF
	§	
TEXAS DENTAL LICENSE	§	
NUMBER 36040	§	DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 17th day of February, 2023, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard. The full Board adopted this Agreed Settlement Order (ASO) at a public meeting on the date shown above (effective date).

Chijioke Eseonu, DMD, holder of Texas Dental License No. 36040 (Respondent), appeared at an informal settlement conference on June 13, 2022, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by JJ Treviño. 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 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 members Bryan Henderson, DDS, Lois Palermo, RDH, and Dental Review Committee member Reena Shiralkar, DDS, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board's disciplinary guidelines, recommended the following ASO contingent on the full Board's approval.

FINDINGS OF FACT

1. Respondent, Chijioke Eseonu, DMD, holds Texas Dental License No. 36040. Respondent's license was initially issued on September 30, 2020, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent holds the following sedation/anesthesia permits issued by the Board:
 - a. Nitrous Certification issued on September 30, 2020;
 - b. Level 1 Anesthesia Permit issued on September 30, 2020;
 - c. Level 2 Anesthesia Permit issued on September 30, 2020;
 - d. Level 3 Anesthesia Permit issued on September 30, 2020;
 - e. Level 4 Anesthesia Permit issued on September 30, 2020; and
 - f. Sedation of Pediatric Patients issued on September 30, 2020.
3. Respondent does not have prior disciplinary history.
4. On or about October 28, 2021, Respondent fell below the minimum standard of care during the treatment of a patient. Specifically, Respondent:
 - a. failed to investigate and confirm the patient's kidney dialysis schedule as part of the patient's medical history;
 - b. performed elective surgical dental procedures on the same day as the patient's kidney dialysis treatment;
 - c. failed to send the patient to an emergency room for evaluation after the patient presented with significantly low blood pressure;
 - d. failed to review the "Medical Clearance" document obtained prior to surgery;
 - e. failed to request and obtain an adequate medical consult from the patient's physician;
 - f. failed to schedule a pre-operative consultation with the patient to obtain and review significant facts of the patient's complex medical history before initiating treatment;
 - g. miscategorized the ASA III patient as an ASA II patient;
 - h. failed to obtain written informed consent for the alveoplasty procedure; and
 - i. discharged the patient too soon after administering flumazenil.
5. On or about October 28, 2021, Respondent failed to make, maintain, and keep adequate records during the treatment of a patient. Specifically, the records did not include:
 - a. examination findings as to why the treatment was indicated;
 - b. findings deduced from radiographs taken at the previous appointment;
 - c. review of the "Medical Clearance" document;
 - d. length of time of NPO status;
 - e. special preoperative considerations;
 - f. detailed review of the patient's medical history;
 - g. treatment-specific informed consent for the alveoplasty procedure;
 - h. post-anesthesia recovery vital signs prior to discharge;
 - i. accurate physiological response after atropine was administered in the sedation record;
 - j. justification for the use of atropine;

- k. accurate oxygen saturation of the arterial blood (SaO₂) at the 30-minute time mark in the sedation record;
 - l. consistent documentation of drugs administered, including Decadron, within the treatment notes and sedation record;
 - m. time-oriented anesthesia record; or
 - n. an explanation why these items were not recorded.
6. On or about October 28, 2021, Respondent violated his duty of fair dealing owed to a patient. Specifically, Respondent:
 - a. overcharged the patient for 90 minutes of anesthesia time when records indicate a total of 30 minutes of anesthesia time; and
 - b. overcharged the patient for surgical extractions when procedural notes indicate that teeth were removed with forceps.
 7. On or about October 28, 2021, Respondent engaged in dishonorable conduct by administering deep sedation/general anesthesia to an ASA III patient without first obtaining a sedation of high-risk patients permit from the Board.

AGGRAVATING FACTORS

In determining the appropriate sanctions in these matters, the Board considered the following aggravating factors:

- a. increased potential for harm to the public;
- b. harm to one or more patients; and
- c. severity of patient harm.

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 represents grounds for discipline under Tex. Occ. Code §§ 258.154(a), 263.002(a)(3), (4), (10); and 22 Tex. Admin. Code §§ 108.2(e), 108.7(1), (2), (4), (5)(D), (7), (10), 108.8(c)(1), (2)(A), (C), (6), (8), (12), 108.9(6), (11), 110.6(b)(1), (c)(1), (2)(D), (5)(A), (B), (6)(B), (C), 110.13(c)(1)(A), (3), (4)(B), (5), (8), (d), 110.16(c).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 36040, issued to Chijioke Eseonu, DMD, is hereby placed under ENFORCED SUSPENSION for a period of forty-five (45) days, to be followed immediately thereafter by a PROBATED SUSPENSION for a period of five (5) years.

During the period of enforced suspension referred to above, Respondent SHALL NOT practice dentistry as defined under Tex. Occ. Code § 251.003, and is prohibited from performing those acts, procedures, and treatments specified under Tex. Occ. Code § 251.003(a)(1)-(10) in effect at the effective date of this ASO and any amendments thereafter.

Tex. Occ. Code § 251.003(a)(1) & (4) are excepted from this requirement. During this enforced suspension period, Respondent may perform only administrative tasks limited exclusively to: making future appointments when enforced suspension is over, opening mail, referring patients, and accepting payments on accounts. During this enforced suspension period, Respondent SHALL NOT delegate any clinical tasks to any employee or auxiliary and 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.

2. Respondent's Level 3 Anesthesia Permit and Level 4 Anesthesia Permit is hereby placed under an ENFORCED SUSPENSION until such time as Respondent completes a total of thirty (30) hours of continuing education (CE) courses in the areas of Moderate Sedation and General Anesthesia/Deep Sedation and the nineteen (19) hours of CE courses required in Stipulation 4. The forty-nine (49) hours of CE courses completed SHALL be completed within six (6) months of the effective date of this ASO.

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.

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 Street, 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 effective date of this ASO.
4. Respondent SHALL complete a total of nineteen (19) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The nineteen (19) hours of CE courses completed SHALL be in the following areas:

Risk Management and Record-Keeping	Eight (8) hours
Ethics	Three (3) hours
Medically Complicated Patients	Eight (8) 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 permit Board staff to perform one (1) audit of Respondent's patient records within thirty (30) days of the ratification of this order. The records audit SHALL consist of the random selection of the entire patient record of five (5) patients receiving either Level 3-Moderate Parenteral Sedation or Level 4-Deep Sedation/General Anesthesia within sixty (60) days of the date of the audit.

Board staff may utilize review of the of the records by an expert dental panel under 22 Tex. Admin. Code § 107.107, and Board staff may initiate additional disciplinary actions as a result of violations identified in the records obtained through the patient records audit.

6. Respondent SHALL successfully complete the Jurisprudence Assessment-Dentist w/Level 4-Deep Sedation/General Anesthesia 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-Dentist with Level 4-Deep Sedation/General Anesthesia prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.


7. 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.

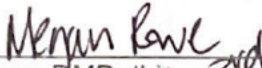
Signature page follows.

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. This ASO is a compromise agreement pursuant to Tex. R. Evid. 408.

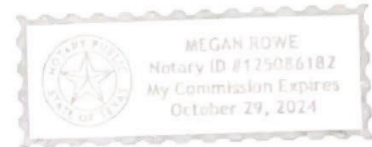
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above 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 adopted by the Board at a public meeting, as shown by the signatures of the Presiding Officer and Board Secretary, below.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY. PRIOR DISCIPLINARY HISTORY MAY BE USED AS AN AGGRAVATING FACTOR IN FUTURE BOARD DISCIPLINARY ACTIONS.


Chijioke Eseonu, DMD, Respondent


Eseonu, DMD, this 3rd day of February, 2023 notarized the signature of Chijioke


NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 17th day of Febraury, 2023.


David H. Yu, DDS, Presiding Officer


Robert McNeil, DDS, Board Secretary