

Texas State Board of Dental Examiners - Disciplinary Matrix

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VIOLATION TIERS

First Tier Violations: Violations that are distinguished as First Tier Violations are those that the Board determines to be less serious, or which pose minimal threat to public safety, after consideration of any aggravating or mitigating factors.

Second, Third, or Fourth Tier Violations: Violations that are distinguished as Second, Third, or Fourth Tier Violations are those that the Board determines to be more serious, or which pose more than a minimal threat to public safety, after consideration of any aggravating or mitigating factors.

SANCTIONS

The Board will determine an appropriate sanction after consideration of any aggravating or mitigating factors.

When considering conduct constituting a violation of multiple statute sections, the Board will determine an appropriate sanction after consideration of the sanction recommendations from all applicable violation sections and any aggravating or mitigating factors.

NOTE: All Sanctions other than Administrative Penalty Tickets, denial of licensure, revocation of license, emergency suspension of license, or surrender of license should include a stipulation requiring completion of the online jurisprudence assessment.

Levels listed from lowest (no action) to highest (revocation):

- Denial of Licensure
- Administrative Penalty (Ticket) – Fine-based penalty limited to those violations that do not involve the provision of direct patient care.
- Remedial Plan – Non-disciplinary action.
- Warning – Lowest level of disciplinary action.
- Reprimand – Increased level of disciplinary action.
- Suspension – Increased level of disciplinary action. Suspension may be probated in full or for limited time periods.
 - Emergency Suspension – If a licensee is found by the board or executive committee to constitute a clear, imminent, or continuing threat to a person's physical health or well-being, the person's license or permit will be immediately suspended.
- Revocation of license or certification. Voluntary surrender may be accepted in lieu of revocation.

AGGRAVATING AND MITIGATING FACTORS

The Board will consider all factors required by statute or board rule (e.g., Tex. Occ. Code Chapter 53). In addition, the Board will consider aggravating or mitigating factors, including the following:

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| • Potential or actual patient harm | • Number of violations |
| • Prior disciplinary action | • Cooperation with board investigation and response to board communication |
| • Prior violations of a similar nature | • Material or financial gain from violation |
| • Self-report or voluntary admission of violation | • Involvement of, or impairment by alcohol, illegal drugs, or controlled substances |
| • Remedial measures taken to correct or mitigate harm | • Criminal conduct |
| • Rehabilitative potential | • Other relevant circumstances |
| • Level of competency exhibited over course of career | |
| • Attempts to circumvent a statute or board rule | |
| • Isolated or repeated violation | |

ADMINISTRATIVE FINE SCHEDULE

See SBDE Rule §107.202 – 22 Tex. Admin. Code §107.202. The amount of an administrative fine assessed will be based on the following criteria:

- The seriousness of the violation, including but not limited to, the nature, circumstances, extent and the gravity of the prohibited acts and the hazard of potential hazard created to the health, safety, or welfare of the public;
- the economic damage to property or the environment caused by the violation;
- the history of previous violations;
- the amount necessary to deter future violations;
- efforts made to correct the violation; or
- any other matter the justice may require.

Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

First Offense:	Second Offense:	Third Offense:
≤ \$3,000	≤ \$4,000	≤ \$5,000

ADMINISTRATIVE PENALTY SCHEDULE (Tickets)

An administrative penalty may consist only of a monetary penalty that does not exceed \$1,000 for each violation. The total amount of penalties assessed against a person may not exceed \$3,000 in a calendar year.

If the Respondent fails to pay or appeal the administrative penalty by the due date, the penalty amount will double, not to exceed the statutory maximum penalty for each violation.

Violation:	Administrative Penalty:
No Consumer Information	\$250.00
Names of Dentists not Posted	\$250.00
Fail to Display Registration (Dental office)	\$250.00
Fail to Provide Records to Board	\$500.00
Fail to Provide Records to Patient	\$500.00
Fail to File Records Maintenance Agreement	\$250.00
Fail to Notify Board of Change of Information	\$250.00
Sanitation and Infection Control	\$500.00
False/Misleading Communications/Unlawful or Deceptive Advertising	\$250.00
Specialty Announcement-	\$250.00
Advertising – Testimonials	\$250.00
Improper Use of Trade Name	\$500.00
No Prosthetic Identification	\$250.00

STANDARD OF CARE

Licensee fails to treat a patient according to the standard of care in the practice of dentistry or dental hygiene. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(4)	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • Practice below minimum standard with a low risk of patient harm. • Failure to advise patient before beginning treatment. • Failure to make, maintain and keep adequate dental records. • Failure to report patient death or injury requiring hospitalization, where the patient death or injury requiring hospitalization did not occur as a result of the dental care provided. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Remedial Plan including continuing education and/or restitution to patient for service rendered below minimum standard. • Warning or Reprimand with stipulations that may include: continuing education, administrative fine, restitution to patient for service rendered below minimum standard, community service, and/or audit of practice procedures.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • Practice below minimum standard with patient harm or risk of patient harm. • Misleading patient as to the gravity, or lack thereof, of their dental needs. • Failure to maintain appropriate life support training. • Abandonment of patient. • Act or omission that demonstrates level of incompetence such that the person should not practice without remediation and subsequent demonstration of competency. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Warning, Reprimand, or Probated Suspension with stipulations that may include: period of enforced suspension, continuing education, administrative fine, restitution to patient, community service, and/or audit of practice procedures. • Denial, suspension of license, revocation of license or request for voluntary surrender.
<u>Third Tier Violation:</u> <ul style="list-style-type: none"> • Negligence in treatment • Any intentional act or omission that risks or results in serious harm. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Denial, suspension of license, revocation of license or request for voluntary surrender. • Emergency suspension of license to practice dentistry or dental hygiene

Standard of care violations continued on next page

STANDARD OF CARE (continued)

Licensee fails to use proper diligence in practice or fails to safeguard patients against avoidable infections. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(9)	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • Failure to properly document compliance with health and sanitation requirements. Office premises are maintained in compliance with health and sanitation requirements. Low risk of patient harm. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Administrative Penalty ticket • Remedial Plan including continuing education, and/or audit of practice procedures. • Warning or Reprimand with stipulations that may include: continuing education, administrative fine, community service, and/or audit of practice procedures.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • Office premises are not maintained in compliance with health and sanitation requirements. • Barrier techniques, disinfection, or sterilization techniques do not comply with health and sanitation requirements. • Failure to properly document controlled substance inventories or prescription records. • Failure to use reasonable diligence in preventing unauthorized persons from utilizing DEA or DPS permit privileges. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Warning, Reprimand, or Probated Suspension with stipulations that may include: continuing education, restitution to patient, administrative fine, community service, audit of practice procedures, and/or supervised practice or practice in a group setting.
Licensee is negligent in performing dental services and that negligence causes injury or damage to a dental patient. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(12)	
	<u>Sanction:</u> <ul style="list-style-type: none"> • Denial, suspension of license, revocation of license or request for voluntary surrender. • Emergency suspension of license to practice dentistry or dental hygiene.
Licensee is physically or mentally incapable of practicing in a manner that is safe for the person's dental patients. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(11)	
	<u>Sanction:</u> <ul style="list-style-type: none"> • Suspension of license pending medical evaluation determining licensee is safe to practice. If evaluation determining licensee is safe to practice is received, then probated suspension with stipulation including regular evaluations for ability to practice safely. • Denial, suspension of license, revocation of license or request for voluntary surrender .Emergency suspension of license to practice dentistry or dental hygiene.

AIDING AND ABETTING OR IMPERMISSIBLE DELEGATION

Licensee holds a dental license and employs, permits, or has employed or permitted a person not licensed to practice dentistry to practice dentistry in an office of the dentist that is under the dentist's control or management. Dental Practice Act (DPA), Tex. Occ. Code §§ 258.001 and 263.002(a)(8)	
<u>First Tier Violation:</u> <ul style="list-style-type: none">• Impermissible delegation resulting in no more than a minimal risk of patient harm. Isolated incident.	<u>Sanction:</u> <ul style="list-style-type: none">• Remedial Plan including continuing education and/or restitution to patient.• Warning or Reprimand with stipulations that may include: continuing education, administrative fine, restitution to patient, community service, and/or audit of practice procedures.
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Impermissible delegation resulting in actual patient harm, or presenting a risk of patient harm.• Aiding and abetting another to practice dentistry without a license• Repeated incidents or pattern of impermissible delegation or aiding and abetting.	<u>Sanction:</u> <ul style="list-style-type: none">• Probated Suspension with stipulations that may include: continuing education, administrative fine, restitution to patient, community service, and/or audit of practice procedures.• Denial, suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license to practice dentistry or dental hygiene.

DISHONORABLE OR UNPROFESSIONAL CONDUCT

NOTE: Violations under this section may also constitute violations under sections such as those related to criminal conduct, chemical dependency, or improper distribution of a drug.

Licensee practices dentistry or dental hygiene in a manner that constitutes dishonorable conduct.

Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(3)

<u>First Tier Violation:</u> <ul style="list-style-type: none">• Isolated dishonorable conduct resulting in no adverse patient effects.	<u>Sanction:</u> <ul style="list-style-type: none">• Remedial Plan including continuing education and/or restitution to patient. Warning or Reprimand with stipulations that may include: continuing education, administrative fine, supervised practice or practice in a group setting, community service, audit of practice procedures, and/or limitations on sedation or controlled substance permits.
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Repeated acts of dishonorable conduct or dishonorable conduct which places a patient or the public at risk of harm.• Dishonorable conduct which impairs a person's ability to treat a patient according to the standard of care.• Dispensing, administering, prescribing, or distributing drugs for a non-dental purpose.• Failure to meet duty of fair dealing in advising, treating, or billing patient.• Diagnosis of dental disease, prescription of medication, or performance of impermissible acts by dental hygienist.• Practicing dental hygiene without required supervision.	<u>Sanction:</u> <ul style="list-style-type: none">• Warning, Reprimand, or Probated Suspension with stipulations that may include: continuing education, restitution to patient for financial exploitation, administrative fine, community service, supervised practice or practice in a group setting, and/or limitations on sedation or controlled substance permits.• Denial, suspension of license, revocation of license or request for voluntary surrender If violation involves mishandling or improper documentation of controlled substances, misdemeanor crimes or criminal conduct involving alcohol, drugs or controlled substances, then the stipulations will also include mandatory evaluation and enrollment in a Board approved peer assistance program, and abstention from unauthorized use of drugs and alcohol, to be verified by random drug testing.
<u>Third Tier Violation:</u> <ul style="list-style-type: none">• Failure to comply with a substantive board rule regarding dishonorable conduct resulting in serious patient harm.• Repeated acts of dishonorable conduct or dishonorable conduct which results in harm to a patient or the public.• Sexual or sexualized conduct with patient.• Financial exploitation or dishonorable conduct resulting in a material or financial loss to a patient in excess of \$4,999.	<u>Sanction:</u> <ul style="list-style-type: none">• Denial, suspension of license, revocation of license or request for voluntary surrender. Emergency suspension of license to practice dentistry or dental hygiene.

CRIMINAL OFFENSES

The Board considers criminal behavior to be highly relevant to an individual's fitness to engage in the practice of dentistry and has determined that the disciplinary actions imposed by these guidelines promote the intent of the Act. This matrix was developed to address criminal actions for which the Dental Practice Act does not mandate the Board take a specific disciplinary action.

The "date of disposition," when used to calculate the application of disciplinary actions, refers to the date a criminal action is entered by the court. The disciplinary actions imposed by the guidelines may be used in conjunction with other types of disciplinary actions, including administrative penalties.

The Board has determined that the nature and seriousness of certain crimes outweigh other factors to be considered in accordance with Section 101.8(h) of the Board's Rules and Regulations and so necessitate the disciplinary action as described below. Regarding the crimes enumerated in this matrix, the Board has weighed the factors in Section 101.8(h) in a light most favorable to the individual, and even if these factors are present, the Board has concluded that the following disciplinary actions apply to individuals with the criminal offenses as described below:

Type of Offense	Disciplinary Action
Criminal offenses requiring the individual maintain current registration as a sex offender with the Department of Public Safety Chapter 62, Code of Criminal Procedure	Denial or revocation of license
Criminal offenses relating to the regulation of dentists, dental hygienists, or dental assistants or committed in the practice of or connected to dentistry, dental hygiene or dental assistance	0-5 years since disposition – Denial or revocation of license 6-10 years since disposition – 5 years Probated Suspension of license 11-20 years since disposition – 3 years Probated Suspension of license Over 20 years since disposition – 1 year Probated Suspension of license

Type of Offense	Disciplinary Action
Criminal offense relating to the regulation of a plan to provide, arrange for, or reimburse any part of the cost of dental care services or the regulation of the business of insurance	0-5 years since disposition – Denial or revocation of license 6-10 years since disposition – 5 years Probated Suspension of license 11-20 years since disposition – 3 years Probated Suspension of license Over 20 years since disposition – 1 year Probated Suspension of license
Felony offenses under: (1) Chapter 481 or 483, Health and Safety Code; (2) Section 485.033, Health and Safety Code; or (3) the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §801 et seq.).	0-5 years since disposition – Denial or revocation of license 6-10 years since disposition – 5 years Probated Suspension of license 11-20 years since disposition – 3 years Probated Suspension of license Over 20 years since disposition – 1 year Probated Suspension of license
All other felony offenses	Currently on probation – Denial or revocation of license, or 30- to 180-day suspension followed by 5 years probation of license 0-5 years since disposition – 5 years Probated Suspension of license 6-10 years since disposition – 3 years Probated Suspension of license 11-20 years since disposition – 1 year Probated Suspension of license

Type of Offense	Disciplinary Action
Misdemeanor offenses under: (1) Chapter 22, Penal Code, other than a misdemeanor punishable by fine only; (2) Section 25.07, Penal Code; or (3) Section 25.071, Penal Code.	0-5 years since disposition – 3 years Probated Suspension of license 6-10 years since disposition – 1 year Probated Suspension of license
Other Class A and B misdemeanor offenses	0-5 years since disposition – Reprimand

CHEMICAL DEPENDENCY OR IMPROPER POSSESSION OR DISTRIBUTION OF DRUG

NOTE: Violations under this section may also constitute dishonorable or unprofessional conduct violations.

Licensee is addicted to or habitually intemperate in the use of alcoholic beverages or drugs or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(7)	
<u>First Tier Violation:</u> <ul style="list-style-type: none">• Misuse of drugs or alcohol without patient interaction and no risk of patient harm or adverse patient effects. No previous history of misuse and no other aggravating circumstances.	<u>Sanction:</u> <ul style="list-style-type: none">• Probated suspension of license with stipulations that may include: continuing education, supervised practice or practice in a group setting, limitations on sedation or controlled substance permits, random drug screens, and/or enrollment in a Board approved peer assistance program.
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Improperly distributes habit-forming drugs or narcotics• Prescribes or dispenses a controlled substance for a non-dental purpose.• Prescribes or dispenses a controlled substance to a person who is not a dental patient, or to a patient without adequate diagnosis of the need for prescription.	<u>Sanction:</u> <ul style="list-style-type: none">• Probated suspension of license with stipulations that may include: period of enforced suspension, mandatory evaluation and enrollment in a Board approved peer assistance program, and abstention from unauthorized use of drugs and alcohol, to be verified by random drug testing, continuing education, supervised practice or practice in a group setting, and/or limitations on sedation or controlled substance permits.
<u>Third Tier Violation:</u> <ul style="list-style-type: none">• Misuse of drugs or alcohol with a risk of patient harm or adverse patient effects. Misuse of drugs or alcohol and other serious practice violation noted.	<u>Sanction:</u> <ul style="list-style-type: none">• Enforced or probated suspension of license with stipulations that may include: period of enforced suspension, mandatory evaluation and enrollment in a Board approved peer assistance program, and abstention from unauthorized use of drugs and alcohol, to be verified by random drug testing, continuing education, supervised practice or practice in a group setting, and/or limitations on sedation or controlled substance permits.
<u>Fourth Tier Violation:</u> <ul style="list-style-type: none">• Misuse of drugs or alcohol with significant physical injury or death of a patient or a risk of significant physical injury or death.	<u>Sanction:</u> <ul style="list-style-type: none">• Denial of licensure, suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license to practice dentistry or dental hygiene.

FRAUD AND MISREPRESENTATION

NOTE: Violations under this section may also constitute dishonorable or unprofessional conduct violations.

Licensee obtains a license by fraud or misrepresentation. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(6)	
<u>First Tier Violation:</u> <ul style="list-style-type: none">• Failure to honestly and accurately provide information that may have affected the Board's determination of whether to grant or renew a license.	<u>Sanction:</u> <ul style="list-style-type: none">• Remedial Plan including continuing education. Elements normally related to dishonesty, fraud or deceit are deemed to be unintentional.• Warning or Reprimand with stipulations that may include: continuing education, community service, and/or administrative fine.
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Intentional misrepresentation of previous licensure, education, or professional character, including failure to disclose criminal convictions.	<u>Sanction:</u> <ul style="list-style-type: none">• Denial of licensure, suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license to practice dentistry or dental hygiene.

Licensee engages in deception or misrepresentation in soliciting or obtaining patronage. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(5)	
<u>Violation:</u> <ul style="list-style-type: none">• Engaging in false advertising.• Creating unjustified expectation.• Engaging in false, misleading or deceptive referral schemes.• Failing to comply with requirements relating to professional signs.• Failure to list at least one dentist practicing under a trade name in an advertisement.• Falsely advertising as a specialist in one of the ADA recognized specialties or advertising as a specialist in an area not recognized by the ADA.• Other violations as assigned by rule.	<u>Sanction:</u> <ul style="list-style-type: none">• For a first violation of advertising restrictions, no sanction will be pursued until an opportunity to cure has been provided pursuant to statutory requirements.• Administrative Penalty ticket• Warning or Reprimand with stipulations that may include: cure of violation, continuing education, community service, and/or administrative fine.

VIOLATION OF LAW REGULATING DENTISTRY OR DENTAL HYGIENE

NOTE: A violation of any law relating to the regulation of dentists or dental hygienists, including those law violations expressed elsewhere in this matrix, will also be considered a violation of the Dental Practice Act, at Tex. Occ. Code §263.002(a)(10).

Licensee violates or refuses to comply with a law relating to the regulation of dentists or dental hygienists. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(10)	
First Tier Violation: <ul style="list-style-type: none">• Isolated failure to make, maintain and keep adequate dental records not resulting in patient harm.• Failure to notify patients that complaints concerning dental services can be directed to the Board.• Failure to post names of, degrees received by, and schools attended by each dentist practicing in office. Failure to properly exclude names of dentists not practicing in office.• Failure to place identifying mark on a removable prosthetic device.• Failure to notify the Board of maintenance of records agreement.• First Tier violation of another law regulating dentists or dental hygienists.	Sanction: <ul style="list-style-type: none">• Administrative Penalty ticket.• Remedial Plan including continuing education, restitution to patient, and/or audit of practice procedures.
Second Tier Violation: <ul style="list-style-type: none">• Failure to make, maintain and keep adequate dental records resulting in potential for patient harm.• Failure to obtain written, signed informed consent.• Failure to provide full dental records to the Board upon request.• Failure to maintain an appropriate permit for a mobile dental facility.• Perform treatment outside licensee's scope of practice not resulting in patient harm.• Prescription of controlled substance while DPS or DEA permit is expired.• Second Tier violation of another law regulating dentists or dental hygienists.	Sanction: <ul style="list-style-type: none">• Remedial Plan including continuing education, restitution to patient , and/or audit of practice procedures.• Warning or Reprimand with stipulations that may include: continuing education, administrative fine, restitution to patient, community service, and/or audit of practice procedures.
Third Tier Violation: <ul style="list-style-type: none">• Failure to make, maintain and keep adequate dental records resulting in actual patient harm.• Violation of stipulation in a prior Board Order.• Perform treatment outside licensee's scope of practice resulting in patient harm or potential for patient harm.• Prescription of controlled substance without DPS or DEA permit.• Third Tier or Fourth Tier violation of another law regulating dentists or dental hygienists.	Sanction: <ul style="list-style-type: none">• Reprimand or Probated Suspension with stipulations that may include: enforced suspension of license until licensee obtains compliance with all stipulations in prior Board Orders, continuing education, restitution to patient, community service, and/or administrative fine.• Denial of licensure, suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license to practice dentistry or dental hygiene.

VIOLATION OF LAW REGULATING DENTISTRY OR DENTAL HYGIENE (continued)

Licensee knowingly provides or agrees to provide dental care in a manner that violates a federal or state law that: regulates a plan to provide, arrange for, pay for, or reimburse any part of the cost of dental care services; or regulates the business of insurance. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(14)	
	<u>Sanction:</u> <ul style="list-style-type: none"> • Reprimand or Probated Suspension with stipulations that may include: continuing education, administrative fine, community service, repayment of any funds gained in violation of applicable law. • Denial of licensure, suspension of license, revocation of license or request for voluntary surrender.. • Emergency suspension of license to practice dentistry or dental hygiene.
Licensee holds a license or certificate in another state and that state reprimands the licensee, suspends or revokes the licensee's license or certificate or places the licensee on probation, or imposes another restriction on the licensee's practice. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(13)	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • License or certificate is reprimanded or restricted in another jurisdiction. The action leading to the reprimand or restriction did not cause patient harm or risk patient harm. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Remedial Plan including continuing education, and/or audit of practice procedures.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • License or certificate is reprimanded or restricted in another jurisdiction. The action leading to the reprimand or restriction caused patient harm or caused a risk of patient harm. • Failure to report disciplinary action received in another jurisdiction. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Warning, reprimand, or probated suspension of license with stipulations that may include: continuing education, administrative fine, community service, and/or audit of practice procedures.
<u>Third Tier Violation:</u> <ul style="list-style-type: none"> • License or certificate is suspended, revoked, or placed on probation in another jurisdiction. • License or certificate is reprimanded or restricted in another jurisdiction for action that caused severe patient harm or death. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Denial of licensure, suspension of license, revocation of license or request for voluntary surrender. • Emergency suspension of license to practice dentistry or dental hygiene.

PRACTICING DENTISTRY WITHOUT A LICENSE

License required to practice dentistry or dental hygiene Dental Practice Act (DPA), Tex. Occ. Code §256.001	
<u>Violation:</u> <ul style="list-style-type: none">• Practicing dentistry without a license.	<u>Sanction:</u> <ul style="list-style-type: none">• Issuance of Cease and Desist Order with referral of all information to Attorney General's Office and local law enforcement.

Licensee enters into a contract, agreement or arrangement that allows a non-dentist to practice dentistry. Dental Practice Act (DPA), Tex. Occ. Code §251.003(a)(4) and (a)(9)	
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Licensee knowingly, or should have known, entered into a contract, agreement or arrangement that allowed a non-dentist to practice dentistry that did not result in harm to patients.	<u>Sanction:</u> <ul style="list-style-type: none">• Probated suspension, suspension of license, revocation of license or request for voluntary surrender.
<u>Third Tier Violation:</u> <ul style="list-style-type: none">• Licensee knowingly, or should have known, entered into a contract, agreement or arrangement that allowed a non-dentist to practice dentistry that resulted in harm to patients.	<u>Sanction:</u> <ul style="list-style-type: none">• Suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license.

OTHER VIOLATIONS

Licensee is adjudged under the law to be insane. Dental Practice Act (DPA), Tex. Occ. Code §263.002(a)(1)	
	<u>Sanction:</u> <ul style="list-style-type: none">• Denial of licensure, suspension of license, revocation of license or request for voluntary surrender.• Emergency suspension of license to practice dentistry or dental hygiene.

DENTAL ASSISTANTS

Permitted Duties Dental Practice Act (DPA), Tex. Occ. Code §265.003	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • Failure to comply with procedural Board rule such as failure to timely complete continuing education to maintain a Board-issued certification. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Remedial Plan including continuing education. • Denial of registration, suspension of registration, revocation of registration or request for voluntary surrender.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • Practices dentistry or dental hygiene, or otherwise performs activities outside the scope of permitted duties for dental assistants. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Denial of registration, suspension of registration, revocation of registration or request for voluntary surrender.

OWNER RESPONSIBILITY

Owner is responsible for all professional acts performed under the name of the owner. Dental Practice Act (DPA), Tex. Occ. Code §259.004(b)	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • Violation of the DPA or Board Rules – owner not personally involved or management of the entity was not a cause of the violation 	<u>Sanction:</u> <ul style="list-style-type: none"> • Remedial Plan or Warning with stipulations that may include: continuing education, community service, and/or administrative fine, restitution to patient
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • Violation of the DPA or Board Rules – owner not personally involved, but management of the entity was a cause of the violation 	<u>Sanction:</u> <ul style="list-style-type: none"> • Warning or Reprimand with stipulation that may include: continuing education, and/or administrative fine, restitution to patient, and community service.
<u>Third Tier Violation</u> <ul style="list-style-type: none"> • Repeated Violations of the DPA or Board Rules – owner not personally involved, but management of the entity was a cause of the violation 	<u>Sanction:</u> <ul style="list-style-type: none"> • Probated Suspension, Suspension of License, Voluntary Surrender, or Revocation with stipulations that may include: continuing education, and/or administrative fine, restitution to patient, and community service.

DENTAL LABORATORIES

Registration Required

Dental Practice Act (DPA), Tex. Occ. Code §266.151

Violation:

- Operation of a dental laboratory or offer to provide dental laboratory services without a registration certificate.

Sanction:

- Issuance of Cease and Desist Order with referral of all information to Attorney General's Office and local law enforcement.

Certified Dental Technician

Dental Practice Act (DPA), Tex. Occ. Code §266.152

Violation:

- Failure to have at least one dental technician working on the laboratory's premises who is certified by a recognized board of certification for dental technology.

Sanction:

- Warning or Reprimand with stipulations that may include: continuing education, community service, and/or administrative fine.
- Denial of registration, suspension of registration, revocation of registration or request for voluntary surrender.

Applicant or certificate holder has violated, aided another person, or allowed a person under their direction to violate a law regulating the practice of dentistry.

Dental Practice Act (DPA), Tex. Occ. Code §266.251

Violation:

- Failure to obtain written work orders or prescriptions from a licensed dentist, and maintain appropriate records.
- Failure to keep premises and records open to inspection during working hours.
- Failure to comply with the requirements for notification of change of ownership.

Sanction:

- Warning or Reprimand with stipulations that may include: continuing education, community service, and/or administrative fine.
- Denial of registration, suspension of registration, revocation of registration or request for voluntary surrender.