



TEXAS STATE BOARD OF DENTAL EXAMINERS' ETHICS POLICY

I. Purpose.

Pursuant to [Section 572.051\(c\) of the Texas Government Code](#), the Texas State Board of **Dental Examiners** promulgates the following Ethics Policy addressing the ethical responsibilities of the Texas State Board of Dental Examiners' Board Members and employees.

This Ethics Policy adds to the ethical responsibilities and obligations required by state law of Board Members and state employees. This Ethics Policy is not an exclusive and complete statement of legal and ethical responsibilities and its provisions are not the only statements of legal and ethical responsibility that may apply in a particular situation. This Policy does not supersede any applicable federal or Texas law or administrative rule.

All State Board of Dental Examiners Board Members and employees must familiarize themselves with this ethics policy.

All State Board of Dental Examiners' employees must abide by all applicable federal and Texas laws, administrative rules, and State Board of Dental Examiners conduct policies, including this Policy. A State Board of Dental Examiners' employee who violates any provision of the Agency's conduct policies is subject to termination of the employee's state employment or another employment-related sanction. A State Board of Dental Examiners' employee or Board Member who violates any applicable federal or Texas law or rule may be subject to civil or criminal penalties.

II. Definitions. The following definitions apply to this Ethics Policy, unless the context clearly indicates otherwise:

1. "Agency" or "Board" means the Texas State Board of Dental Examiners.
2. "Business entity" means any entity recognized by law through which business for profit is conducted, including a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, or trust. [Tex. Gov't Code Ann. § 572.002\(2\)](#).
3. "Confidential information" means any non-public information of the Board, including but not limited to information as described by the [Texas Occupations Code §§ 59.001, 101.053](#), and [254.006](#).
4. "Conflict of interest" means any professional, personal, or private relationship or interest that an individual has and of which the individual is actually aware, that could reasonably be expected to diminish or appear to diminish the individual's independence of judgment in the performance of his or her duties, obligations, or responsibilities to the Board.
5. "General Counsel" means the General Counsel of the Texas State Board of Dental Examiners.
6. "Member" means a member of the Texas State Board of Dental Examiners.
7. "Participated" means to have taken action through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action. [Tex. Gov't Code Ann. § 572.054\(h\)\(1\)](#).
8. "Particular Matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, accusation, charge, arrest, or judicial or other proceeding. [Tex. Gov't Code Ann. § 572.054\(h\)\(2\)](#).
9. "Policy" means Ethics Policy.
10. "Staff" or "employee" means an individual or individuals employed by the Board.



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III. Code of Ethics. When conducting personal or professional activities, Board members and employees are governed by this Policy and all applicable state statutes.

A. General Ethical Responsibilities. A State Board of Dental Examiners' employee or Board Member shall:

1. exercise his or her duties with the highest degree of honesty;
2. avoid actions and relationships that could discredit the Board in the eyes of the public or adversely affect the public's confidence in the Board;
3. avoid actions and relationships that could create the appearance of impropriety or wrongdoing; and
4. comply with all applicable laws, rules, and policies. (See Appendix A for a partial list) [CLICK HERE TO VIEW APPENDIX A](#)

B. Gifts, Benefits, or Favors. A State Board of Dental Examiners' employee or Board Member shall not: (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the employee or Board Member in the discharge of official duties, or that the individual knows or should know is being offered with the intent to influence the individual's official conduct; or

(2) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another. An association or organization of employees of the State Board of Dental Examiners may not solicit, accept, or agree to accept anything of value from a business entity regulated by the State Board of Dental Examiners and from which the business entity must obtain a permit to operate that business in this state or from an individual directly or indirectly connected with that business entity.

C. Confidentiality. A State Board of Dental Examiners' employee or Board Member shall not disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act ([Tex. Gov't Code Ann. ch. 552](#)), or information that has been ordered sealed by a court, that was acquired by reason of the individual's official position, or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position.

D. Employment. A State Board of Dental Examiners' employee or Board Member shall not accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the individual's independence of judgment in the performance of the individual's official duties.

E. Investments. A State Board of Dental Examiners' employee or Board Member shall not make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the individual's private interest and the public interest.

F. Use of State Resources. A State Board of Dental Examiners' employee or Board Member shall not utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or Texas State Board of Dental Examiners, interfere with the individual's official duties, and interfere with State Board of Dental Examiners' functions.

G. Improper use of official position or state issued items. A State Board of Dental Examiners' employee



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or Board Member shall not utilize his or her official position, or state issued items, such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts.

H. **Misleading Statements.** A State Board of Dental Examiners' employee or Board Member shall not knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business.

I. **Use of state time or resources for political activity.** A State Board of Dental Examiners' employee or Board Member shall not engage in any political activity while on state time or utilize state resources for any political activity.

J. A State Board of Dental Examiners' Board Member shall not, unless required for the disposition of an ex parte matter authorized by law, communicate, directly or indirectly, with any party or representative of the party in connection with any matter before the Board, except on notice and opportunity for all parties to participate.

K. **Former Employees.** A former employee of the State Board of Dental Examiners, who was compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for step 1 - salary group A17 of the position classification salary schedule, shall not represent any person or entity, or receive compensation for services rendered on behalf of any person or entity, regarding a particular matter in which the former employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the employee's official responsibility.

L. A State Board of Dental Examiners' employee and Board Member shall:

(1) perform his or her official duties in a lawful, professional, and ethical manner befitting the state and Texas State Board of Dental Examiners; and

(2) report any conduct or activity that the employee believes to be in violation of this ethics policy to the Executive Director or General Counsel.

M. A State Board of Dental Examiners' Board Member shall not serve as an expert witness in a suit involving a health care liability claim against a dentist for injury to or death of a patient unless the member receives approval from the board or an executive committee of the board to serve as an expert witness.

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APPENDIX A – LAWS APPLICABLE TO BOARD MEMBERS AND STAFF

Board Members and employees must comply with all applicable laws and be aware of the following statutes. The omission of any applicable statute from this list, however, does not excuse a violation of its provisions:

GENERAL STANDARDS OF CONDUCT

- [Texas Government Code § 572.051](#) (Prohibition Against Solicitation or Acceptance of Certain Gifts, Favors, Services or Other Financial Benefits)
- [Texas Penal Code ch. 36](#) (Prohibition Against Bribery and Corrupt Influence)
- [Texas Penal Code §§ 39.01-03](#) (Prohibition Against Abuse of Official Capacity; Prohibition Against Official Oppression of Any Person)

DISCLOSURE OF CONFLICTS OF INTEREST

- [Texas Government Code § 572.058](#) (Requirement of Disclosure by Board Member of Private Interest in Measure or Decision Pending Before the Board; Removal From Office for Violation)

CONFIDENTIAL INFORMATION

- [Texas Government Code § 552.352](#) (Prohibition Against Distribution or Misuse of Confidential Information)
- [Texas Penal Code § 39.06](#) (Prohibition Against Misuse of Official Non-Public Information)
- [Texas Occupations Code §§ 59.001, 101.053, and 254.006](#).

GIFTS AND ENTERTAINMENT

- [Texas Government Code § 572.051](#) (Prohibits acceptance of gifts, favors, or services that may “reasonably tend to influence” or that the Employee “knows or should know are intended to influence his official conduct”)
- [Texas Penal Code § 36.02](#) (Prohibits Bribery)
- [Texas Penal Code § 36.08](#) (Prohibits gifts to public servants. For purposes of Texas Penal Code § 36.08, a gift does not include an item with a value of less than \$50.00, excluding cash or a negotiable instrument as described by [Texas Business and Commerce Code § 3.104](#), and certain other exceptions contained in [Texas Penal Code § 36.10](#)).

LOBBYING PROHIBITION

- [Texas Government Code § 572.054](#) (Representation by Former Officer or Employee of Regulatory Agency Restricted for Two Years)

EX PARTE PROHIBITION

- [Texas Government Code § 2001.061](#) (Prohibition against ex parte communication)