

Texas State Board of Dental Examiners - Disciplinary Matrix

Purpose and Definitions

The Purpose of this document is to provide a guideline to common violations and appropriate disciplinary and non-disciplinary actions of the Texas State Board of Dental Examiners (Board). This document serves as a guideline for resolution of complaints through informal disposition and contested case hearings, but does not contain an exhaustive list of all possible violations of the laws and rules of dentistry.

When a conflict exists between the terms of this document and Texas statutes or rules of the Board, the terms of a statute or rule shall control. The guidelines provided in this document are advisory in nature, and all offers of settlement, compromise, mediation agreements, or other resolutions are not final until adopted by a vote of the full Board at an open meeting. Nothing in this document shall be construed to prevent the Board from applying any public action, sanction, or denial, if justified by the findings of fact and conclusions of law necessary to support such actions.

For purposes of this document, "license" means a license, certificate, registration, permit, or other authorization that is issued under Subtitle D of the Texas Occupations Code. Additionally, any reference to "licensee" means a person holding a license, certificate, registration, permit, or other authorization issued under Subtitle D of the Texas Occupations Code.

All references to Board rules refer to the rules of the Board found in Title 22 of the Texas Administrative Code and in effect at the time of the violation, unless otherwise noted.

Public Actions of the Board

When resolving matters before the Board regarding discipline of licensees, the Board shall utilize the public actions found in 22 Tex. Admin. Code § 107.206. These public actions are as follows, in order of increasing severity:

- (1) **Remedial Plan:** The Board may issue a non-disciplinary Remedial Plan pursuant to Texas Occupations Code § 263.0077 and Board rule § 107.204.
- (2) **Administrative Penalty:** The Board may issue an Administrative Penalty pursuant to the procedures of Chapter 264, Subchapter A of the Texas Occupations Code, and Board rule §107.201. An administrative penalty is a disciplinary action.
- (3) **Warning:** A Warning is a disciplinary action and may be accompanied by the imposition of an Administrative Fine.
- (4) **Reprimand:** A Reprimand is a disciplinary action and may be accompanied by the imposition of an Administrative Fine.
- (5) **Probated Suspension:** A Probated Suspension is a heightened level of disciplinary action issued for a period of years as identified in the Board's order; however, a licensee under a Probated Suspension may continue to practice. A Probated Suspension may be accompanied by the imposition of an Administrative Fine.
- (6) **Enforced Suspension:** An Enforced Suspension is a heightened level of disciplinary action. An Enforced Suspension may be issued for a period of days or years as identified in the Board's order. A licensee may not practice while under an Enforced Suspension. An Enforced Suspension may be accompanied by the imposition of an Administrative Fine.
- (7) **Revocation:** Revocation is the highest level of disciplinary action taken by the Board. After the Board imposes an order of Revocation upon a licensee, the licensee must cease the practice authorized under the license that has been revoked. A person whose license has been revoked by Board order must apply for the issuance of a new license pursuant to Board requirements.

The Board may accept voluntary surrender of a license instead of further disciplinary proceedings against a licensee. Voluntary surrender of a license in lieu of further disciplinary action shall be reported to the National Practitioner Data Bank and shall be available as a public action on the Board's website. A person who has voluntarily surrendered a license must apply for the issuance of a new license pursuant to Board requirements.

Jurisprudence Assessment: All public actions of the Board shall require the licensee to complete the Jurisprudence Assessment. This requirement may be waived upon a showing that the licensee completed the Jurisprudence Assessment within the last six months.

Record of Settlement: All public actions shall record (1) the date of the informal settlement conference and the composition of the panel, if an informal settlement conference occurred; (2) the counsel of record that represented the licensee at any settlement conference or in negotiations with the Board, and (3) any State Office of Administrative Hearings docket numbers for contested case hearings or mediations and the date of any hearings held on complaints associated with the public action.

AGGRAVATING AND MITIGATING FACTORS

Aggravating Factors: Pursuant to Board rule § 107.203, in any public action, the following may be considered as aggravating factors that warrant more severe or restrictive action by the Board. A Board Order may include a finding of fact on each applicable aggravating factor. Aggravating factors may include:

- (1) harm to one or more patients;
- (2) the severity of patient harm;
- (3) one or more violations that involve more than one patient;
- (4) economic harm to any individual or entity and the severity of such harm;
- (5) increased potential for harm to the public;
- (6) attempted concealment of the act constituting the violation;
- (7) intentional, premeditated, knowing, or grossly negligent act constituting a violation;
- (8) prior similar violations;
- (9) previous disciplinary action by the Board, any government agency, peer review organization, or health care entity;
- (10) violation of a Board Order; or
- (11) other relevant circumstances increasing the seriousness of the misconduct.

Mitigating Factors: Pursuant to Board rule § 107.203, in any public action, the following may be considered as mitigating factors that warrant less severe or restrictive action by the Board. The licensee shall have the burden to present evidence regarding any mitigating factors that may apply in the particular case. A Board Order may include a finding of fact on each applicable mitigating factor.

Mitigating factors may include:

- (1) self-reported and voluntary admission of violation(s);
- (2) implementation of remedial measures to correct or mitigate harm from the violation(s);
- (3) acknowledgment of wrongdoing and willingness to cooperate with the Board, as evidenced by the acceptance of an Agreed Order;
- (4) rehabilitative potential;
- (5) prior community service and present value to the community;
- (6) other relevant circumstances reducing the seriousness of the misconduct; or
- (7) other relevant circumstances lessening responsibility for the misconduct.

Board Order Stipulations

For each tier of violation, the following stipulations may be applied through Board order, as justified by the conduct and applicable aggravating and mitigating factors. The justified stipulations shall be at the discretion of the Board.

- (1) Continuing Education in applicable areas of practice;
- (2) Administrative Fine;
- (3) Restitution to patient as permitted by Board rules;
- (4) Community Service;
- (5) If the matter involves misuse or addiction to drugs or alcohol, request for evaluation by Professional Recovery Network (PRN), and requiring continuous participation in PRN for a period of years recommended by PRN evaluator.
- (6) Restriction or revocation of sedation/anesthesia permits;
- (7) Restriction or required surrender of DEA controlled substances privileges;
- (8) Restriction on the prescription and/or in-office use of controlled substances and dangerous drugs;
- (9) Mandatory group practice requirement;
- (10) Restriction on the scope of practice or procedures permitted under license;
- (11) Restrictions on the delegation or performance of delegated tasks under license;
- (12) Audits of practice procedures or patient records created during practice; and
- (13) Remedial education and demonstrations of competency.

Monetary Fines and Penalties

Administrative Fines: An administrative fine is a monetary fine assessed pursuant to Texas Occupations Code § 263.002(a) in connection with the issuance of a disciplinary action by the Board that is not an administrative penalty. Administrative fines shall not be assessed when issuing a Remedial Plan. The Board shall not assess an administrative fine without the issuance of a Warning, Reprimand, Probated Suspension, or Enforced Suspension. The Board may reduce the amount assessed as an administrative fine after applying appropriate mitigating factors, or upon a showing that the Licensee has paid, or by agreed settlement will pay, an amount of restitution to the patient. The amount of restitution ordered may not exceed the amount the patient paid to the licensee for the service or services from which the complaint arose.

Schedule of Administrative Fines

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

Remedial Plan Fees: Pursuant to Texas Occupations Code § 263.0077(e), the Board has established the amount of five hundred dollars (\$500.00) as the amount necessary to administer a remedial plan. This amount shall be applied to all remedial plans issued by the Board.

Administrative Penalty Schedule: The amount of an administrative penalty shall not exceed \$5,000 for each violation, in accordance with Tex. Occ. Code § 264.002(a). The Board shall assess an administrative penalty in accordance with Board rule § 107.202. The type and base amount of each penalty are as follows:

Type of Penalty	Violations	Base Amount of Penalty
Violation of a Board Administrative Rule (a violation involving purely administrative requirements that does not involve the care of patients)	<ul style="list-style-type: none"> • Failure to timely complete continuing education requirements • Practicing with an expired license, permit or registration • Failure to comply with Board advertising rules and restrictions • Permitting a staff member to practice with an expired license, permit, or registration • Failure to maintain a current and accurate contact address with the Board 	\$100.00
Basic Record Keeping and Patient Communication (a violation involving maintenance of patient records, providing patient records upon request, and required communication with a patient)	<ul style="list-style-type: none"> • Failure to provide records to a patient within 30 days of request • Failure to provide adequate intent to discontinue undertaken treatment notice to the patient as required by 22 Tex. Admin. Code § 108.5 (each missing element represents a separate violation) • Failure to review and update patient medical history annually • Failure to record patient vital signs as required by Board rule 	\$250.00
Preparedness, Patient Safety, and Sanitation (a violation involving failure to adequately clean and prepare the dental office or location where patients will be treated)	<ul style="list-style-type: none"> • Failure to prepare adequate emergency protocols and ensure staff training for emergencies • Failure to comply with sanitation requirements and testing • Failure to maintain adequate supplies of emergency response medications and supplies as required by the licensee’s practice type and sedation/anesthesia permit level 	\$500.00

<p>Standard of Care and Fair Dealing (a violation involving direct clinical treatment or lack of treatment for the patient)</p>	<ul style="list-style-type: none"> • Falling below the minimum standard of care when performing endodontic, orthodontic, restorative, or other dental treatment • Provision of sedation/anesthesia below the minimum standard of care, where the violations did not pose a danger to the health and safety of the patient • Violation of the duty of fair dealing by overcharging, overbilling, or over treating the patient • Misleading a patient as to the gravity of their dental needs 	<p>\$1000.00</p>
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Grounds for Disciplinary Action in General

<p>Licensee is adjudged under the law to be insane. Tex. Occ. Code § 263.002(a)(1).</p>	
	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.
<p>Licensee practices dentistry or dental hygiene in a manner that constitutes dishonorable conduct. Tex. Occ. Code § 263.002(a)(3).</p>	
<p><u>First Tier Violation:</u></p> <ul style="list-style-type: none"> • Isolated dishonorable conduct; violation (1) presents no risk or a low risk of patient harm, and (2) caused no harm to a patient or another person. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Remedial Plan or Administrative Penalty, including continuing education and/or restitution to patient for service rendered.
<p><u>Second Tier Violation:</u></p> <ul style="list-style-type: none"> • Repeated or continuous acts of dishonorable conduct; violations (1) present no risk or a low risk of patient harm, and (2) caused no harm to a patient or another person. • Isolated dishonorable conduct; violation (1) presents risk of serious patient harm, or (2) caused harm to a patient or another person. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Warning, Reprimand, or Probated Suspension.
<p><u>Third Tier Violation:</u></p> <ul style="list-style-type: none"> • Repeated or continuous acts of dishonorable conduct; violations (1) present risk of serious patient harm, or (2) caused harm to a patient or another person. • Dishonorable conduct which results in the death of a patient or another person. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Enforced Suspension until adequate remedial measures have been completed and licensee has demonstrated competency, followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

Licensee fails to treat a patient according to the standard of care in the practice of dentistry or dental hygiene. Tex. Occ. Code § 263.002(a)(4).	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> Practice below minimum standard of care; violation (1) presents a low risk of patient harm, or (2) caused minimal patient harm. 	<u>Sanction:</u> <ul style="list-style-type: none"> Remedial Plan or Administrative Penalty, including continuing education and/or restitution to patient for service rendered below minimum standard. Warning or Reprimand.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> Practice below minimum standard of care; violation (1) presents a significant risk of patient harm, or (2) caused significant patient harm. Act or omission that demonstrates level of incompetence suggesting that the person should not practice without remediation and subsequent demonstration of competency. 	<u>Sanction:</u> <ul style="list-style-type: none"> Reprimand or Probated Suspension.
<u>Third Tier Violation:</u> <ul style="list-style-type: none"> Practice below minimum standard of care; violation caused serious patient harm or patient death. Any intentional act or omission that risks or results in serious harm to a patient or other person. 	<u>Sanction:</u> <ul style="list-style-type: none"> Enforced Suspension until adequate remedial measures have been completed and licensee has demonstrated competency, followed by Probated Suspension. Denial, revocation of license, or request for voluntary surrender. Consideration of emergency temporary suspension of license.

Unlawful Advertising; Licensee engages in deception or misrepresentation in soliciting or obtaining patronage. Tex. Occ. Code Chapter 259 and § 263.002(a)(5).	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> Isolated violation of applicable advertising restrictions with no intentional misrepresentation. Misrepresentation which causes no or minimal monetary loss or harm to the patient. 	<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. Remedial Plan or Administrative Penalty, including continuing education and/or restitution to patient for patronage obtained through misrepresentation.
<u>Second Tier Violation:</u>	<u>Sanction:</u>

<ul style="list-style-type: none"> • Violation of applicable advertising restrictions; violation is continuous, widespread, or continues after opportunity to cure is given by Board. • Misrepresentation which causes significant (greater than \$100) monetary loss or harm to the patient. • Deception intended to obtain financial gain from a patient or a patient's third-party payor, including fraudulent or unjustified billing, alteration of patient records or billing statements, and other behavior intended to deceive a patient or third-party payor for financial gain. Violation is isolated. 	<ul style="list-style-type: none"> • Warning, Reprimand, or Probated Suspension.
<p><u>Third Tier Violation:</u></p> <ul style="list-style-type: none"> • Deception intended to obtain financial gain from a patient or a patient's third-party payor, including fraudulent or unjustified billing, alteration of patient records or billing statements, and other behavior intended to deceive a patient or third-party payor for financial gain. Violation is widespread or systemic in licensee's practice. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Enforced suspension of license until adequate remedial measures have been completed and licensee has demonstrated remediation, followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender.

<p>Licensee obtains a license by fraud or misrepresentation. Tex. Occ. Code § 263.002(a)(6), Tex. Gov't Code § 2005.052.</p>	
<p><u>First Tier Violation:</u></p> <ul style="list-style-type: none"> • Failure to fully provide information requested on an application to the Board or through a request by the Board for further information related to licensure. No intentional misrepresentation or alteration of documentation. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Remedial Plan or Administrative Penalty, including continuing education. • Warning or Reprimand.
<p><u>Second Tier Violation:</u></p> <ul style="list-style-type: none"> • Intentional misrepresentation or alteration of documentation associated with any information submitted on an application to the Board or through a request by the Board for further information related to licensure. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Enforced suspension of license until adequate remedial measures have been completed and licensee has demonstrated remediation, followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

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.

Tex. Occ. Code §§ 258.053 and 263.002(a)(7).

<p><u>First Tier Violation:</u></p> <ul style="list-style-type: none"> • Misuse of drugs or alcohol without patient interaction and no risk of patient harm or adverse patient effects. Licensee is cooperative and has not been diagnosed with impairment or other conditions posing a risk to patient safety. • Licensee improperly prescribes, provides, dispenses, or otherwise allows access to a controlled substance or dangerous drug; violation is isolated and does not represent ongoing diversion or distribution. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Reprimand or Probated Suspension.
<p><u>Second Tier Violation:</u></p> <ul style="list-style-type: none"> • Licensee improperly prescribes, provides, dispenses, or otherwise allows access to a controlled substance or dangerous drug; repeated or widespread violations. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Probated Suspension or Enforced Suspension followed by Probated Suspension.
<p><u>Third Tier Violation:</u></p> <ul style="list-style-type: none"> • Misuse of drugs or alcohol; licensee's conduct (1) presents a risk of patient harm or (2) caused harm to a patient or another person. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Enforced Suspension pending PRN evaluation or other source of evaluation acceptable to the Board determining licensee is safe to practice. If evaluation determining licensee is safe to practice is received, then Probated Suspension with stipulations requiring continuous participation in PRN for a period of years recommended by PRN evaluator, regular evaluations for ability to practice safely. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

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.

Tex. Occ. Code §§ 258.001, 259.004, and 263.002(a)(8).

<p><u>First Tier Violation:</u></p> <ul style="list-style-type: none"> • Impermissible delegation resulting in no patient harm and presenting a minimal risk of patient harm. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Remedial Plan or Administrative Penalty, including continuing education. • Warning or Reprimand.
<p><u>Second Tier Violation:</u></p> <ul style="list-style-type: none"> • Impermissible delegation resulting in actual patient harm, or presenting a serious risk of patient harm. • Repeated or widespread impermissible delegations representing a systemic violation in licensee's practice. • Knowingly aiding and abetting another to practice dentistry without a license. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Probated Suspension or Enforced Suspension followed by Probated Suspension. • Denial, revocation of license or request for voluntary surrender. • Consideration of emergency temporary suspension of license. • Referral of conduct to local or state law enforcement and Office of the Attorney General for appropriate criminal and civil actions.

Licensee fails to use proper diligence in practice or fails to safeguard patients against avoidable infections.

Tex. Occ. Code § 263.002(a)(9).

<p><u>First Tier Violation:</u></p> <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. Violation presents a low risk of patient harm. • Failure to properly document controlled substance inventories or prescription records. No loss or theft of controlled substances. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Remedial Plan or Administrative Penalty, including continuing education and/or restitution to patient for service rendered below minimum standard. • Warning or Reprimand.
<p><u>Second Tier Violation:</u></p> <ul style="list-style-type: none"> • Office premises are not maintained in compliance with health and sanitation requirements. Violation presents a significant risk of patient harm. • Failure to properly document controlled substance inventories or prescription records. Documented loss or theft of controlled substances. • Failure to use reasonable diligence in preventing unauthorized persons from utilizing DEA permit privileges. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Reprimand, or Probated Suspension.

Licensee violates or refuses to comply with a law relating to the regulation of dentists or dental hygienists. Tex. Occ. Code § 263.002(a)(10).	
<u>First Tier Violation:</u> <ul style="list-style-type: none"> • Failure to adequately observe the applicable laws and rules related to licensee's practice; violation represents minimal risk of harm or monetary loss to the patient or another person. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Remedial Plan or Administrative Penalty, including continuing education and/or restitution to patient for service rendered below minimum standard.
<u>Second Tier Violation:</u> <ul style="list-style-type: none"> • Failure to adequately observe the applicable laws and rules related to licensee's practice; violation represents significant risk of harm or causes significant monetary loss (greater than \$100) to the patient. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Warning or Reprimand.
<u>Third Tier Violation:</u> <ul style="list-style-type: none"> • Failure to adequately observe the applicable laws and rules related to licensee's practice; violation causes actual harm to a patient or another person, or causes significant monetary loss (greater than \$100) to multiple patients. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Probated Suspension or Enforced Suspension followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

Licensee is physically or mentally incapable of practicing in a manner that is safe for the person's dental patients. Tex. Occ. Code § 263.002(a)(11).	
<u>Second Tier Violation</u> <ul style="list-style-type: none"> • Licensee is cooperative and currently under professional treatment. Agreement settlement is reached and licensee has shown commitment to compliance with Board order. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Reprimand or Probated Suspension.
<u>Third Tier Violation</u> <ul style="list-style-type: none"> • Licensee is uncooperative, rejects need for treatment, or has terminated professional treatment previously required by law or Board order. 	<u>Sanction:</u> <ul style="list-style-type: none"> • Enforced Suspension pending PRN evaluation or other source of evaluation acceptable to the Board determining licensee is safe to practice. If evaluation determining licensee is safe to

<ul style="list-style-type: none"> • Licensee rejects settlement and Board Order must be imposed through temporary suspension or other contested case proceeding. 	<p>practice is received, then Probated Suspension with stipulations requiring continuous participation in PRN for a period of years recommended by PRN evaluator, regular evaluations for ability to practice safely.</p> <ul style="list-style-type: none"> • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license. • Referral of conduct to local or state law enforcement and Office of the Attorney General for appropriate criminal and civil actions.
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<p>Licensee is negligent in performing dental services and that negligence causes injury or damage to a dental patient. Tex. Occ. Code § 263.002(a)(12).</p>	
<p><u>Second Tier Violation</u></p> <ul style="list-style-type: none"> • Act of negligence that causes minor harm to a patient. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Reprimand or Probated Suspension.
<p><u>Third Tier Violation</u></p> <ul style="list-style-type: none"> • Act of negligence that causes significant harm or death of a patient. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Enforced suspension of license until adequate remedial measures have been completed and licensee has demonstrated competency, followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

<p>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. Tex. Occ. Code § 263.002(a)(13).</p>	
<p><u>First Tier Violation:</u></p> <ul style="list-style-type: none"> • Within the last 10 years, license or certificate is reprimanded in another jurisdiction, with no suspension or revocation of license permissions or permits. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Reprimand.
<p><u>Second Tier Violation:</u></p>	<p><u>Sanction:</u></p>

<ul style="list-style-type: none"> • Within the last 10 years, License or certificate is restricted, suspended, or placed on probationary status in another jurisdiction. Suspension, restriction, or probation is no longer active or in force. • Failure to report disciplinary action received in another jurisdiction. 	<ul style="list-style-type: none"> • Reprimand or Probated Suspension.
<p><u>Third Tier Violation:</u></p> <ul style="list-style-type: none"> • License or certificate is restricted, suspended, or placed on probationary status in another jurisdiction. Suspension, restriction, or probation is still active or in force. • Revocation or voluntary surrender in lieu of disciplinary action of license or certificate in another jurisdiction. 	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Probated Suspension or Enforced Suspension followed by Probated Suspension; stipulations should mirror the remaining suspension period or restrictions applied in another jurisdiction as possible. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.
<p>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. Tex. Occ. Code § 263.002(a)(14).</p>	
	<p><u>Sanction:</u></p> <ul style="list-style-type: none"> • Probated Suspension or Enforced Suspension until adequate remedial measures have been completed and licensee has demonstrated remediation, followed by Probated Suspension. • Denial, revocation of license, or request for voluntary surrender. • Consideration of emergency temporary suspension of license.

Owner Responsibility

Owner is responsible for all professional acts performed under the name of the owner. Tex. Occ. Code § 259.004.	
<u>First Tier Violation:</u> <ul style="list-style-type: none">• Violation of the Dental Practice Act 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 Administrative Penalty, including continuing education and/or restitution to patient for service rendered below minimum standard.•
<u>Second Tier Violation:</u> <ul style="list-style-type: none">• Violation of the Dental Practice Act 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.
<u>Third Tier Violation</u> <ul style="list-style-type: none">• Repeated Violations of the Dental Practice Act 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 or Enforced Suspension until adequate remedial measures have been completed and licensee has demonstrated remediation, followed by Probated Suspension.• Denial, revocation of license, or request for voluntary surrender.• Consideration of emergency temporary suspension of license.

Criminal History

The Board shall apply the relevant portions of the Texas Occupations Code and Board rules related to criminal history when determining a disciplinary sanction for licensure applications or active licensees. Board rule § 101.8 contains the Board's mandatory and recommended sanctions for criminal history. When a conflict exists between relevant portions of Texas law and the mandatory or recommended sanctions of Board rules, the terms of any applicable Texas law shall control.