



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

November 30, 2018

1. CALL TO ORDER – BOARD MEETING.

Dr. Tillman called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:39 a.m.

2. ROLL CALL.

Dr. Bush called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. M. David Tillman	Presiding Officer
Ms. Lois M. Palermo	Member
Dr. Bryan N. Henderson	Member
Dr. David H. Yu	Member
Dr. Robert G. McNeill	Member
Ms. Lorie Jones	Member
Dr. Margo Melchor	Member
Ms. Kathryn Sisk	Member
Dr. Haynes	Member

b. Members Absent – Un-Excused:

Mr. Bustamante	Member
Dr. Quirch	Member

c. Staff Present:

Dr. W. Boyd Bush	Executive Director
Ms. Christine Mendez	Licensing Director
Mr. Alex Phipps	General Counsel
Dr. Brooke Bell	Dental Practice Director
Ms. Charlice Kruger	Investigations Director
Ms. Wendy Richardson	Executive Assistant
Ms. Leticia Kappel	Director of Finance and Administration
Mr. Dan Matthews	IT department

3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE AUGUST 31, 2018 BOARD MEETING.

REVIEW OF MINUTES WAS POSTPONED TO A LATER MEETING.

4. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

4.1. Agreed Settlement Orders.

A MOTION WAS MADE BY DR. MCNEILL AND WAS SECONDED BY DR. HENDERSON TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED.

(FOR – 9/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.2. Remedial Plans.

A MOTION WAS MADE BY MS. PALERMO AND SECONDED BY DR. YU TO APPROVE THE REMEDIAL PLANS AS PRESENTED.

(FOR – 9/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.3. Modification Orders.

A MOTION WAS MADE BY MS. JONES AND SECONDED BY DR. MCNEILL TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.4. Consent Orders.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. YU TO APPROVE THE CONSENT ORDERS AS PRESENTED.

(FOR – 9/ OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIED.

4.5. Staff Pre-ISC Recommendations of Dismissal.

A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY DR. YU TO APPROVE THE PRE-ISC RECOMMENDATIONS OF DISMISSAL. DISCUSSION WAS HELD ON CASE 2019-00055. NO CHANGES WERE MADE TO THE RECOMMENDATION OF DISMISSAL.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.6. Staff Post-ISC Recommendations of Dismissal.

A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY DR. YU TO APPROVE THE POST-ISC RECOMMENDATIONS OF DISMISSAL.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

5. DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).

5.1 Docket No. 504-19-0294, James Pat Croley, Jr., DDS, Dental License No. 13321. Consideration of the Administrative Law Judge's Order No. 1 Conditional Order of Default Dismissal and Remand, Recommendations and Board Action.

BOARD STAFF RECOMMENDATION PRESENTED BY OLIVIA ROBERTS, STAFF ATTORNEY. THE RESPONDENT DID NOT APPEAR AT THE HEARING AND A DEFAULT WAS ENTERED. A MOTION WAS MADE BY DR. HAYNES AND SECONDED BY MS. PALERMO TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT THE ORDER OF THE BOARD REVOKING THE DENTAL LICENSE NO 13321 ISSUED TO JAMES PAT CROLEY, DDS.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

5.2 Docket No. 504-18-4023, Faviola Santos, RDA, Texas Dental Assistant Registration No. 92445. Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action.

BOARD STAFF RECOMMENDATION PRESENTED BY CASSANDRA KAMP, STAFF ATTORNEY. THE ADMINISTRATIVE LAW JUDGE FROM THE STATE OFFICE OF ADMINISTRATIVE HEARINGS ISSUED A PROPOSAL FOR DECISION RECOMMENDING SUSPENSION OF THE RESPONDENT'S REGISTRATION FOR 180 DAYS FOLLOWED BY A 5 YEAR PROBATED SUSPENSION. THE JUDGE DID NOT ACCEPT THE

EXCEPTIONS PRESENTED BY BOARD STAFF IN THIS CASE. STAFF RECOMMENDED REVOCATION OF THE RDA REGISTRATION IN ACCORDANCE WITH BOARD RULES AND THE DISCIPLINARY MATRIX FOR REGISTRATION NO. 92445 ISSUED TO FAVIOLA SANTOS. A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. MCNEILL TO ACCEPT THE STAFF RECOMMENDATION AND REVOKE REGISTRATION NO. 92445 ISSUED TO FAVIOLA SANTOS.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

5.3 Docket No. 504-18-4902, Misti Kay White, RDH, Texas Dental Hygienist License No. 14606. Consideration of the Administrative Law Judge’s Proposal for Decision, Recommendations, and Board Action.

BOARD STAFF RECOMMENDATION PRESENTED BY CASSANDRA KAMP, STAFF ATTORNEY. THE RESPONDENT APPEARED VIA TELEPHONE. THE ADMINISTRATIVE LAW JUDGE FROM THE STATE OFFICE OF ADMINISTRATIVE HEARINGS ISSUED A PROPOSAL FOR DECISION RECOMMENDING REVOCATION OF RESPONDENT’S LICENSE. A MOTION WAS MADE BY DR. HAYNES AND SECONDED BY DR. YU TO ACCEPT STAFF’S RECOMMENDATION TO ADOPT THE ORDER OF THE BOARD TO REVOKE THE DENTAL HYGIENIST LICENSE NO. 14606 ISSUED TO MISTI KAY WHITE.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

6. PRESIDING OFFICER REPORT.

DR. TILLMAN REPORTED ON HIS FINE HEALTH AND IS GLAD TO BE BACK SERVING THE CITIZENS OF TEXAS.

7. MISCELLANEOUS REPORTS.

7.1 PRN MEETING REPORT – MR. PHIPPS

MR. PHIPPS REPORTS THAT EDEN MALES HAS TAKEN OVER AS DIRECTOR OF PRN. HER REPORT IS UPLOADED TO THE BOARD MEMBER PORTAL FOR REVIEW.

7.2 DERB Meeting Report– Dr. Henderson

DR. HENDERSON REPORTED ON THE DENTAL EXAM REVIEW BOARD (DERB) MEETING OF OCTOBER 12, 2018.

8. DISCUSSION AND POSSIBLE ACTION ON ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS:

8.1 Committee Recommendations on Clarifying Amendments to Existing Rules:

8.1.1 Discussion and Possible Board Action on 22 Texas Admin. Code § 110.13 – Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia.

MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

8.1.2 Discussion and Possible Board Action on 22 Texas Admin. Code § 110.14 – Emergency Preparedness Policies and Procedures.

MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

8.1.3 Discussion and Possible Board Action on 22 Texas Admin. Code § 110.15 – Prevention of and Response to Sedation/Anesthesia Emergencies.

MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

8.2 Board Staff Update Regarding Anesthesia Inspection Program; Discussion and Possible Board Action on Committee Recommendations.

MR. PHIPPS SPOKE TO THE CURRENT STATUS OF THE INSPECTION PROGRAM AND IT IS ON SCHEDULE TO MEET SB 313 MANDATES. NO BOARD ACTION WAS TAKEN.

9. DISCUSSION AND POSSIBLE ACTION ON DISCIPLINARY REVIEW COMMITTEE REPORT AND RECOMMENDATIONS.

9.1 Committee Recommendation and Possible Board Action On New Rule 22 Tex. Admin. Code § 107.206 - Public Actions of the Board.

MR. PHIPPS PRESENTED THE NEW RULE TEXT AS RECOMMENDED BY THE COMMITTEE. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.

(FOR – 8 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

9.2 Committee Recommendation and Possible Board Action On Committee Recommendations for Disciplinary Matrix and Related Rulemaking.

DR. MCNEILL PRESENTED A BRIEF SUMMARY OF THE COMMITTEE DISCUSSION. AFTER A ROBUST DISCUSSION BOARD STAFF WERE INSTRUCTED TO COMPILE ADDITIONAL RECOMMENDATIONS AND REPORT BACK TO THE COMMITTEE AT THE NEXT MEETING. NO BOARD ACTION WAS TAKEN.

10. DISCUSSION AND POSSIBLE ACTION ON DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.

10.1 Committee Recommendations and Possible Action On Currently-Proposed Rules:

10.1.1 Discussion and Possible Board Action on 22 Tex. Admin. Code § 101.11 - Employment by Estate of Dentist or Person Acting for Mentally Incompetent Dentist.

DR. YU CALLED ON MR. PHIPPS TO REVIEW THE RECOMMENDED CHANGES TO § 101.11. THE COMMITTEE RECOMMENDS WITHDRAWAL OF THE CURRENTLY-PROPOSED RULE AND REPLACEMENT WITH THE TEXT PRESENTED BY MR. PHIPPS. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO WITHDRAW THE CURRENTLY-PROPOSED TEXT AND PROPOSE THE NEW RULE TEXT AS PRESENTED.

(FOR - 9 / OPPOSED -0/ ABSTAIN - 0) MOTION CARRIES.

10.2 Committee Recommendation and Possible Action on 22 Tex. Admin. Code § 117.1 - Exemptions.

MR. PHIPPS PRESENTED A BRIEF SUMMARY OF THE ISSUE. NO COMMITTEE RECOMMENDATION FOR ACTION AT THIS TIME. NO BOARD ACTION WAS TAKEN.

10.3 Discussion of Public Input Received at November 20, 2018, Stakeholder Meeting, and Committee Recommendations:

10.3.1 Discussion of the use of Silver Diamine Fluoride and Possible Associated Rulemaking.

MR. PHIPPS PRESENTED A BRIEF SUMMARY OF THE ISSUE AND STAKEHOLDER INPUT. NO COMMITTEE RECOMMENDATION FOR ACTION AT THIS TIME. NO BOARD ACTION WAS TAKEN.

10.3.2 Discussion of the use of Teledentistry and Possible Associated Rulemaking.

MR. PHIPPS PRESENTED A BRIEF SUMMARY OF THE ISSUE AND STAKEHOLDER INPUT. NO COMMITTEE RECOMMENDATION FOR ACTION AT THIS TIME. NO BOARD ACTION WAS TAKEN.

10.3.3 Discussion and Possible Board Action on 22 Tex. Admin. Code § 108.12 - Dental Treatment of Obstructive Sleep Apnea.

MR. PHIPPS PRESENTED A BRIEF SUMMARY OF THE ISSUE AND STAKEHOLDER INPUT. NO COMMITTEE RECOMMENDATION FOR ACTION AT THIS TIME. NO BOARD ACTION WAS TAKEN.

10.4 Committee Recommendation on Existing Registered Dental Assistant Regulations and

Implementation Status of S.B. 313 for Sunset Commission Review:

10.4.1 Discussion of S.B. 313 Changes to Chapter 265 of the Occupations Code and Existing 22 Tex. Admin. Code §§ 114.3 and 114.5.

MR. PHIPPS PRESENTED A SUMMARY OF THE AGENCY'S DISCUSSION WITH THE SUNSET COMMISSION STAFF CONCERNING THE BOARD'S PROGRESS ON MEETING MANDATES FROM S.B. 313. NO BOARD ACTION TAKEN AT THIS TIME. BOARD STAFF WAS DIRECTED TO REVIEW SUNSET COMMISSION RECOMMENDATIONS AND PRESENT THE ISSUE AT A FUTURE MEETING.

10.4.2 Discussion of Possible Associated Rulemaking.

NO BOARD ACTION TAKEN.

11. DISCUSSION AND POSSIBLE ACTION ON LICENSING COMMITTEE REPORT AND RECOMMENDATIONS.

11.1 Committee Recommendation and Board Action on Staff's Recommended Application Denials:

11.1.1 - 2019Q1RDA1.

COMMITTEE RECOMMENDS DENIAL OF APPLICATION.

A MOTION FOR EXECUTIVE CLOSED SESSION TO DISCUSS THE APPLICATION OF 2019Q1RDA1 WAS MADE BY MS. PALERMO AND SECONDED BY DR. MCNEILL.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session Began at 9:50 AM

Open Session resumed at 9:56 AM, and it was announced that no action was taken.

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION OF 2019-Q1-RDA1.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.2 Committee Recommendation and Board Action on Staff's Deferral to Licensing Committee

Recommendations:

11.2.1 - 2019Q1RDA2.

COMMITTEE RECOMMENDS DENIAL OF APPLICATION. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION OF 2019-Q1-RDA2.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.3 Committee Recommendations and Board Action on Requests for Exception to Board Rules:

11.3.1 - 2019Q1DDS1.

2019Q DDS1 APPEARED VIA VIDEO AND SPOKE ON HER OWN BEHALF.

A MOTION FOR EXECUTIVE CLOSED SESSION TO DISCUSS THE APPLICATION OF 2019-Q1-DDS1 WAS MADE BY MS. PALERMO AND SECONDED BY DR. MCNEILL.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session Began at 10:11 AM

Open Session resumed at 10:22 AM, and it was announced that no action was taken.

THE COMMITTEE RECOMMENDED DENIAL OF THE APPLICATION. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION FOR EXCEPTION TO BOARD RULES FOR 2019-Q1-DDS1.

(FOR – 0 / OPPOSED – 9/ ABSTAIN – 0) MOTION DENIED.

DR. MCNEILL MADE A MOTION TO GRANT THE APPLICATION FOR EXCEPTION TO BOARD RULES FOR 2019-Q1-DDS1. THE MOTION WAS SECONDED BY DR. HAYNES.

(FOR –9 / OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.3.2 - 2019Q1RDH1.

THE COMMITTEE RECOMMENDED DENIAL OF THE APPLICATION. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION FOR EXCEPTION TO BOARD RULES FOR 2019-Q1-RDH1.

(FOR –9 / OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.3.3 - 2019Q1RDH2.

THE COMMITTEE RECOMMENDED DENIAL OF THE APPLICATION. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION FOR EXCEPTION TO BOARD RULES FOR 2019-Q1-RDH2.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.3.4 - 2019Q1RDH3.

COMMITTEE RECOMMENDED DENIAL OF THE APPLICATION.

A MOTION FOR EXECUTIVE CLOSED SESSION TO DISCUSS THE APPLICATION OF 2019-Q1-RDH3 WAS MADE BY DR. MELCHOR AND SECONDED BY DR. HENDERSON.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session began at 10:27 AM

Open session resumed at 10:32 AM, and it was announced that no action was taken.

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION FOR EXCEPTION TO BOARD RULES FOR 2019-Q1-RDH3.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

11.4 Committee Recommendation and Board Action on Request for Certification as Non-Profit Corporation

Authorized to Hire Dentist:

11.4.1 Seton Oral & Maxillofacial Surgery.

THE COMMITTEE RECOMMENDED APPROVAL OF THE APPLICATION. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO GRANT THE APPLICATION FOR CERTIFICATION AS A NON-PROFIT CORPORATION AUTHORIZED TO HIRE DENTISTS.

(FOR – 8/ OPPOSED – 0/ ABSTAIN – 1) MOTION CARRIED.

11.5 Committee Recommendation and Board Action on Request for Approval as Continuing Education

Provider:

11.5.1 Boyd W. Shepherd, D.D.S., J.D.

THE COMMITTEE RECOMMENDED APPROVAL OF THE APPLICATION FOR ACCEPTANCE AS A CONTINUING EDUCATION PROVIDER. DR. SHEPHERD SPOKE ON HIS OWN BEHALF.

A MOTION FOR EXECUTIVE CLOSED SESSION TO DISCUSS THE APPLICATION OF BOYD W. SHEPHERD WAS MADE BY DR. HAYNES AND SECONDED BY DR. MELCHOR.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session began at 10:43 AM

Open Session resumed at 11:06 AM, and it was announced that no action was taken.

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO GRANT THE APPLICATION FOR ACCEPTANCE AS A CONTINUING EDUCATION

PROVIDER FOR BOYD W. SHEPHERD.
(FOR – 5/ OPPOSED – 2/ ABSTAIN – 2) MOTION CARRIED

12. PUBLIC COMMENTS.

MS. CHRISTINE FORD WAS PRESENT AND COMPLETED A PUBLIC SPEAKING COMMENT CARD. MS. FORD REFERENCED HER CASE 2017-00125 REGARDING IMPLANTS, PAYMENTS AND ISSUES. MR. PHIPPS NOTIFIED HER THAT THE FINAL RESOLUTION FOR HER COMPLAINT WAS FINALIZED EARLIER IN THE BOARD MEETING AND A TSBDE LETTER REGARDING OUTCOME WOULD BE SENT.

WRITTEN COMMENT SUBMITTED BY DR. TEAGUE AND INCLUDED IN THE BOARD MATERIALS FOR REVIEW DURING THE OPEN SESSION. NO ACTION WAS TAKEN BY THE BOARD AFTER REVIEW OF THE WRITTEN COMMENT.

13. AGENCY ACTIVITY REPORTS.

13.1 Executive Division Report.

GOVERNOR'S OFFICE: AGENCY STAFF MEMBERS CONTINUE TO WORK WITH THE GOVERNOR'S STAFF IN PREPARING BOARD RULES, IMPLEMENTING SB 313 MANDATES, AND PREPARING FOR THE UPCOMING LEGISLATIVE SESSION.

LEGISLATURE: DR. BUSH CONTINUES TO HAVE DISCUSSIONS WITH SENATOR SCHWERTNER'S OFFICE AND THE GOVERNOR'S OFFICE REGARDING THE AGENCY'S FULFILLMENT OF SB 313 MANDATES AND THE BOARD HAS MADE GOOD PROGRESS ON THOSE MANDATES AS THE LEGISLATIVE SESSION APPROACHES. AGENCY STAFF MEMBERS ARE WORKING WITH THE SUNSET COMMISSION TO EVALUATE SB 313 RELATED ACCOMPLISHMENTS. DR. BUSH HAS ALSO HAD CONVERSATIONS WITH MEMBERS OF THE TEXAS HOUSE OF REPRESENTATIVES IN RELATION TO REPRESENTATIVE BONNEN BEING NAMED SPEAKER AND HAD MEETINGS WITH SENATE STAFFERS TO ANSWER QUESTIONS ABOUT DENTAL LEGISLATION.

AGENCY GROWTH: IN RESPONSE TO CONTINUED REVIEW OF THE AGENCY'S OPERATIONS, WE HAVE PROMOTED CHARLICE KRUGER TO THE POSITION OF DIRECTOR OF DENTAL INVESTIGATIONS. MS. KRUGER BRINGS A WEALTH OF DENTAL KNOWLEDGE AND EXPERIENCE TO THE POSITION AND HOLDS A BS IN DENTAL HYGIENE AND A BS IN HEALTH INFORMATION MANAGEMENT. I AM LOOKING FORWARD TO MS. KRUGER APPLYING HER INSIGHT TO HER NEW POSITION AND LEADING THE DENTAL INVESTIGATION DIVISION IN ACCOMPLISHING THE PRODUCTIVITY MEASURES ESTABLISHED BY THE LEGISLATURE. MS. KRUGER WILL OVERSEE ALL OF THE COMPLAINT INTAKE AND PROCESSING OPERATIONS FOR THE DIVISION AND WILL BE DIRECTLY RESPONSIBLE FOR STAFF MEMBERS.

NEW TSBDE WEBSITE: OUR CURRENT WEBSITE, HOSTED BY HPC, IS CUMBERSOME AND DIFFICULT TO NAVIGATE AND UPDATE. TO ADDRESS THIS ISSUE, OUR LEADERSHIP TEAM IS CREATING A STREAMLINED WEBSITE THAT IS MORE INTUITIVE TO NAVIGATE AND THAT IS HOSTED BY THE AGENCY. THE NEW WEBSITE SHOULD BE UPDATED AND RUNNING BEFORE THE FEBRUARY BOARD MEETING.

CONFERENCE ATTENDANCE: MEMBERS OF MY STAFF AND I HAVE ATTENDED TWO CONFERENCES: THE SYMPOSIUM ON ETHICS FOR TEXAS STATE AGENCIES AND THE LEGISLATIVE COMMUNICATION CONFERENCE.

WREB EXECUTIVE DIRECTOR'S MEETING: THE WREB HELD A SPECIAL MEETING IN PHOENIX FOR EXECUTIVE DIRECTORS OF STATE AGENCIES WHO ACCEPT THE WREB COMPETENCY ASSESSMENT FOR LICENSING PURPOSES. THE EXECUTIVE DIRECTORS OF OTHER STATE AGENCIES AND I MEET WITH THE WREB EXECUTIVE DIRECTOR AND HER STAFF TO DISCUSS THE VALIDITY OF THE WREB EXAM PROCESS AND TO HAVE OUR QUESTIONS ANSWERED. BOARD STAFF ANSWERED BOARD MEMBER QUESTIONS REGARDING WREB.

13.2 Finance and Administration Division Report.

MS. SHAUNA STACEY REPORTED ON BEHALF OF DIRECTOR, LETICIA KAPPEL. TSBDE HAS 51 FTES. THE FINES AND PENALTIES SPREADSHEETS FOR 18&19 WERE PRESENTED AS WELL AS THE DRP PROFESSIONAL SERVICES BUDGET. A BRIEF EXPLANATION WAS GIVEN OF THE TEXAS TWO YEAR BUDGET CYCLE. A BRIEF EXPLANATION WAS GIVEN OF THE AGENCY'S PERFORMANCE MEASURES.

13.3 Licensing Division Report.

APPLICATION UPDATES: PEDIATRIC AND HIGH-RISK APPLICATIONS TO BE OUT BY END OF YEAR. MANUAL PROCESS FOR NOW UNTIL DATABASE CAN HOUSE INFORMATION, (MID- YEAR OF 2019). CHRISTINE SPOKE ABOUT ANESTHESIA DATA, QUARTERLY STAFFING, AND POSTED CE DATA. LICENSING'S MOST

TENURED EMPLOYEE, LINDA WILLIAMS, TO RETIRE DECEMBER 14, 2018 AND WAS RECOGNIZED FOR HER SERVICE.

13.4 Dental Division Report.

CHARLICE KRUGER, WHO WAS THE PROGRAM SPECIALIST FOR THE DIVISION, IS NOW OUR DIRECTOR OF INVESTIGATIONS. DR. BELL HAS TAKEN ON ADDITIONAL DUTIES DUE TO THE DOI VACANCY. CHARLICE'S FORMER POSITION SHIFTED TO THE INVESTIGATIONS DIVISION, SO DENTAL PRACTICE IS NOW DR. BELL AND JACOB. WE ARE HOPING TO FIND SOME ROOM IN THE BUDGET TO BRING A PROGRAM SPECIALIST BACK TO MY DIVISION AND/OR WE ALSO HAVE A REQUEST IN OUR LAR EXCEPTIONAL ITEMS FOR A PART TIME DENTIST.

DR. BELL SPOKE ABOUT DENTAL PRACTICE DIVISION PRODUCTION AND THIS QUARTER'S PRODUCTIVITY. IN NOVEMBER AN ALL TIME HIGH OF 76 CASES WERE PROCESSED. CURRENTLY WE HAVE 95 CASES AWAITING DRP REVIEW WHICH IS DOWN 93 FROM LAST QUARTER. 269 CASES WHICH ARE AWAITING REVIEW; HOWEVER, BY COMPLETING MORE THAN RECEIVED, IT IS EXPECTED THE TOTAL WILL COME DOWN AROUND 20 PER MONTH.

13.5 Legal Report.

MR. PHIPPS DISCUSSED THE LEGAL DIVISION STATISTICS, UPCOMING ISC DATES, AND GAVE AN UPDATE TO THE BOARD REGARDING PENDING AND RESOLVED LITIGATION.

13.6 Investigations Report.

CHARLICE KRUGER SPOKE ABOUT THE REORGANIZATION OF THE INVESTIGATIONS DIVISION. DR. BUSH HAS ASKED THE DIRECTORS TO WRITE/REVISE POLICIES AND PROCEDURES TO REPRESENT THE VARIOUS RESPONSIBILITIES FOR EACH DIVISION. MONTHLY STATISTICS TABLES ARE IN THE UPLOADED MATERIALS.

Dr. Tillman called for a break at 12:05 pm.

Dr. Tillman reconvened the meeting at 12:15 pm.

14. DISCUSSION AND POSSIBLE BOARD ACTION ON CONSIDERATION OF BOARD STAFF PERSONNEL ISSUE.

A MOTION FOR EXECUTIVE CLOSED SESSION TO DISCUSS A BOARD STAFF PERSONNEL ISSUE UNDER TEX. GOV'T CODE § 551.074 WAS MADE BY DR. MCNEILL AND SECONDED BY MS. JONES.
(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session began at 12:18 pm.

Open Session resumed at 1:02pm, and it was announced that no action was taken.

AFTER THE CLOSED SESSION, A MOTION WAS MADE BY MS. SISK TO RAISE COMPENSATION OF EXECUTIVE DIRECTOR DR. BOYD BUSH TO \$116,000.00 AS OF DECEMBER 1, 2018. THE MOTION WAS SECONDED BY MS. JONES.

(FOR – 9/ OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

15. ANNOUNCEMENTS.

MR. PHIPPS REMINDED THE AUDIENCE OF THE DECEMBER 7TH 2018 BOARD MEETING AT 1:30PM WITH VIDEO CONFERENCE ATTENDEES AND THE PRESIDING OFFICER IN PERSON.

16. ADJOURN.

A MOTION WAS MADE BY MS. PALERMO TO ADJOURN THE MEETING AND SECONDED BY MS. JONES.

(FOR – 9 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

ADJOURNED AT 1:04PM


David Tillman, DDS
Presiding Officer
February 22, 2019


Jorge Quirch, DDS
Board Secretary
February 22, 2019