

SBDE NO. 2019-00546

IN THE MATTER OF § **BEFORE THE EXECUTIVE COMMITTEE**
§
JOSE L. VILLARREAL, DDS § **OF THE TEXAS STATE BOARD OF**
§
TEXAS DENTAL LICENSE 18068 § **DENTAL EXAMINERS**

ORDER OF TEMPORARY SUSPENSION

On the 24th day of May, 2019, an Executive Committee of the State Board of Dental Examiners (Executive Committee) met in an emergency meeting to hear evidence and information in the above-styled case pursuant to section 263.004 of the Texas Occupations Code.

The Executive Committee heard evidence and information that the continued practice of sedation/anesthesia administration by Jose L. Villarreal, D.D.S., License No. 18068, would constitute a clear, imminent or continuing threat to a person's physical health or well-being.

The Executive Committee finds, based on the evidence and information presented and the factual and legal bases stated in the Petition for Temporary Suspension, attached and incorporated herein, that the continued practice of sedation/anesthesia administration by Jose L. Villarreal, D.D.S., would constitute a clear, imminent or continuing threat to a person's physical health and well-being.

IT IS, THEREFORE ORDERED that the Level 2 and Level 3 Moderate Sedation permits, issued to Jose L. Villarreal, D.D.S., are hereby temporarily suspended pursuant to Section 263.004 of the Texas Occupations Code. This Order is final and effective as of the date of signing.

This matter shall be set for a hearing before the State Office of Administrative Hearings not later than the 30th day after the date the license, and any and all related permits, are suspended by the Order. At that time, the State Board of Dental Examiners will present evidence to show that the Level 2 and Level 3 Moderate Sedation permits of Jose L. Villarreal, D.D.S. should remain suspended.

During the suspension period referred to above, Respondent SHALL NOT practice sedation/anesthesia administration that requires a Level 2 or Level 3 permit as defined in the rules of the Board at 22 Tex. Admin. Code §§ 110.1 – 110.2, and is prohibited from performing those acts, procedures, and treatments specified under 22 Tex. Admin. Code § 110.2(a)(3)–(4).

During the period of suspension, Respondent SHALL NOT allow any employee or auxiliary, if any, to practice outside the scope of their permitted duties as defined by the Dental Practice Act and rules and regulations of the Board.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 24th day of May, 2019.

A handwritten signature in black ink, appearing to read "David Tillman D.D.S.", written in a cursive style.

David Tillman, D.D.S., Presiding Officer
Texas State Board of Dental Examiners

SBDE NO. 2019-00546

IN THE MATTER OF	§	BEFORE THE EXECUTIVE COMMITTEE
	§	
JOSE L. VILLARREAL, DDS	§	OF THE TEXAS STATE BOARD OF
	§	
TEXAS DENTAL LICENSE 18068	§	DENTAL EXAMINERS

PETITION FOR TEMPORARY SUSPENSION

Now comes the Staff of the State Board of Dental Examiners (Board) and files this Petition for Temporary Suspension (Petition) against Jose L. Villarreal, DDS (Respondent), Texas Dental License No. 18068, based on alleged violations of the Dental Practice Act (the Act), Tex. Occ. Code §§ 251.001 *et seq.* and Board Rules, 22 Tex. Admin. Code §§ 101.1 *et seq.*

In support of this Petition and based upon reasonable information and belief, Staff states the following:

JURISDICTION

1. The Board has authority and jurisdiction over Respondent's dental license and sedation permits pursuant to Tex. Occ. Code §§ 251.001 *et seq.* and 22 Tex. Admin. Code §§ 101.1 *et seq.*
2. Respondent's dental license and sedation/anesthesia permits were in full force and effect at all dates and times material and relevant to this Petition. Respondent's license is currently active. Respondent currently holds a permit to administer nitrous oxide and permits for Level 1 Minimal Sedation, Level 2 Moderate Enteral sedation, and Level 3 Moderate Parenteral sedation.
3. Section 263.004 of the Act requires the Board or an executive committee of the Board to temporarily suspend a person's license or permits if it determines that the continued practice of dentistry by the person would constitute a clear, imminent, or continuing threat to the person or another person's physical health or well-being.

FACTUAL ALLEGATIONS

Board Staff has received information and based on that information believes that Respondent has engaged in conduct in violation of the Act and Board Rules. Board Staff further believes that this conduct shows that this petition and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas. Based on such information and belief, Board Staff alleges:

1. From September 5, 2018, through the present, Respondent fell below the minimum standard of care in the treatment of four patients. Specifically:
 - a. Respondent administered excessive amounts of fentanyl (Controlled Substance Schedule II) and/or midazolam (Controlled Substance Schedule IV) to the four patients, which increased the patients' level of sedation beyond that appropriate

for the administration of Level 3 Moderate Sedation, and substantially increased the risk of respiratory complications and possible patient harm. Specifically:

- i. Patient 0 received a 15.0 mg dose of midazolam;
 - ii. Patient 1 received a 15.0 mg dose of midazolam and 50.0 µg of fentanyl;
 - iii. Patient 4 received a 9.0 mg dose of midazolam and 50.0 µg of fentanyl;
and
 - iv. Patient 5 received a 7.5 mg dose of midazolam and 50.0 µg of fentanyl.
- b. Respondent failed to consult and receive medical clearance from Patient 1's physician due to Patient 1's classification as an ASA 3 patient.
 - c. Respondent failed to properly classify Patient 5, who weighed 285lbs., as an ASA 3 patient and perform a sleep apnea evaluation. Patient 5 had an increased risk of respiratory complications during sedation due to his weight.
 - d. Respondent intentionally administered deep or general sedation requiring a Level 4 permit from the Board without holding the appropriate Level 4 permit.
2. From September 5, 2018, through the present, Respondent fell below the minimum standard of care and failed to make, maintain, and keep adequate records during the administration of sedation to six patients. Specifically, Respondent's documentation of the treatment did not include:
- a. For Patient 0:
 - i. reason for visit;
 - ii. preoperative pulse rate;
 - iii. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - iv. an explanation why the items were not recorded
 - b. For Patient 1:
 - i. reason for visit;
 - ii. documented pulse-oximetry, heart rate, respiratory rate, and blood pressure at appropriate intervals of no more than ten (10) minutes;
 - iii. review of allergies;
 - iv. preoperative pulse rate and respiratory rate;
 - v. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - vi. an explanation why the items were not recorded;
 - c. For Patient 2:
 - i. reason for visit;
 - ii. preoperative pulse rate and respiratory rate; and
 - iii. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - iv. an explanation why the items were not recorded;
 - d. For Patient 3:
 - i. reason for visit;
 - ii. preoperative height, pulse rate and respiratory rate;
 - iii. documented pulse and respiratory rate at appropriate intervals of no more than ten (10) minutes;

- iv. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - v. an explanation why the items were not recorded;
- e. For Patient 4:
- i. preoperative height, pulse rate and respiratory rate;
 - ii. review of allergies;
 - iii. documented pulse and respiratory rate at appropriate intervals of no more than ten (10) minutes;
 - iv. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - v. an explanation why the items were not recorded
- f. For Patient 5:
- i. preoperative height, pulse rate and respiratory rate;
 - ii. review of allergies;
 - iii. documented pulse and respiratory rate at appropriate intervals of no more than ten (10) minutes;
 - iv. adequately documented level of consciousness, oxygenation, ventilation, and circulation for the patient that were satisfactory for discharge; or
 - v. an explanation why the items were not recorded.

LEGAL AUTHORITY

1. The conduct described above represents grounds for discipline under Tex. Occ. Code §§ 258.154, 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.7(1)–(2), (3)(B), 108.8(b)(3)–(5), (c)(12), 110.5(b)(1), (c)(1), (2)(C)–(D), (5)(A), (C), (6)(C), (d), 110.13(a).
2. Section 263.004 of the Act authorizes the Board to temporarily suspend a person's license or permit.

PRAYER

Staff requests that the Executive Committee of the Board determine that Respondent has engaged in conduct that shows that the continued practice of dentistry by Respondent would constitute a clear, imminent, or continuing threat to a person's health or well-being. Staff further requests that the Executive Committee enter an ***Order of Temporary Suspension*** suspending Texas Dental License No. 18068, and/or Respondent's sedation/anesthesia permits pursuant to Section 263.004 of the Texas Occupations Code.

Filed this 24th day of May, 2019.

Respectfully submitted,

TEXAS STATE BOARD OF
DENTAL EXAMINERS



Anitra Abdullah-Levy, Staff Attorney-in-Charge
State Bar No. 24064786
333 Guadalupe Street, Suite 3-800
Austin, Texas 78701
(P) 512.475.0985
(F) 512.305.9364
aabdullah-levy@tsbde.texas.gov