



**TEXAS STATE BOARD OF DENTAL EXAMINERS
TELEPHONIC BOARD MEETING**
William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 2, Room 225
Austin, Texas 78701

**BOARD MEETING MINUTES
JUNE 5, 2020**

1. CALL TO ORDER.

Dr. Tillman called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:34 a.m.

Dr. Tillman read the mission statement of the Texas State Board of Dental Examiners.

2. ROLL CALL.

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

a. Members Present:

Dr. David Tillman	Presiding Officer
Dr. Jorge Quirch	Secretary
Dr. Bryan N. Henderson	Member
Dr. David H. Yu	Member
Dr. Robert G. McNeill	Member
Ms. Lorie Jones, RDH	Member
Ms. Lois M. Palermo, RDH	Member
Dr. Linda T. Burke	Member
Dr. Margo Melchor	Member
Mr. Rodney Bustamante	Member
Ms. Kathryn Sisk	Member

3. DISCUSSION AND APPROVAL OF MINUTES FROM PREVIOUS BOARD MEETINGS.

- a. Minutes for March 6, 2020, Board Meeting.

A motion was made by Dr. Quirch and seconded by Ms. Palermo to approve the Minutes for the March 6, 2020 Board Meeting.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- b. Minutes for April 17, 2020, Board Meeting.

A motion was made by Dr. Quirch and seconded by Dr. Henderson to approve the Minutes for the April 17, 2020 Board Meeting.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- c. Minutes for April 21, 2020, Emergency Board Meeting.

A motion was made by Dr. Quirch and seconded by Mr. Bustamante to approve the Minutes for the April 21, 2020 Board Meeting.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- d. Minutes for April 29, 2020, Emergency Board Meeting.

A motion was made by Ms. Palermo and seconded by Dr. Quirch to approve the Minutes for the April 29, 2020 Board Meeting.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- e. Minutes for April 30, 2020, Emergency Board Meeting.

A motion was made by Dr. Quirch and seconded by Ms. Palermo to approve the Minutes for the April 30, 2020 Board Meeting.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

4. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

a. Agreed Settlement Orders.

A motion as made by Dr. Quirch and seconded by Dr. Yu to approve the Agreed Settlement Orders for Gent (2016-00360); Morales (2017-00473); Krasnov (2018-00720); Freeman (2018-01209); Sista (2018-01345); Cooney (2019-00166); Nalla (2019-00286); Strickland (2019-00296); Stephens (2020-00259); Cherry (2020-00751); and Lopez (2017-00995 , 2018-00837).

(FOR – 10/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

*Dr. Melchor absent for this vote.

b. Remedial Plans.

A motion was made by Dr. Quirch and seconded by Dr. Henderson to approve the Remedial Plans for Cabrera (2017-00582); Kim (2017-00856); Angelone (2017-01863); Mummaneni (2018-00823, 2018-01100); Guess (2018-01103); Richards (2018-01144); Hatton (2018-01154, 2018-01155); Ebrahimi (2018-01220, 2019-00296); Elliott (2018-01244, 2019-00112); Kim (2018-01407); Mahunt (2018-01416); Jankowski (2019-00125, 2019-00298); Vardeman (2019-00204); Shakourian (2019-00536); Norwood (2019-00676); and Perna (2019-01028)

(FOR – 10/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

*Dr. Melchor absent for this vote.

c. Agreed Administrative Penalties.

A motion was made by Ms. Palermo and seconded by Dr. Burke to approve the Agreed Administrative Penalties for Davis (2017-00912); Miller (2017-00954); Wing (2018-00693); Duvali (2018-01149); Glaros (2018-01415); Woei-Wang (2018-01438); Kyatam (2019-00293); and Eaker (2019-00529).

(FOR – 10/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

*Dr. Melchor absent for this vote.

d. Consent Orders.

A motion was made by Dr. Quirch and seconded by Dr. Henderson to approve the Consent Orders for Duran Dental Lab (2020-00066); Derrick (2020-00252); and Lillis (2020-00717).

(FOR – 10/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

*Dr. Melchor absent for this vote.

e. Pre-ISC Recommendations of Dismissal.

A motion was made by Dr. Yu and seconded by Dr. Quirch to approve the Pre-ISC Recommendations of Dismissal for 2018-01114; 2017-01178; 2020-00086; 2019-00306; 2019-00305; 2019-00428; 2019-00950; 2019-00193; 2018-01223; 2019-00963; 2020-00046; 2019-00939; and 2019-00300.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

f. Post-ISC Recommendations of Dismissal.

A motion was made by Dr. Burke and seconded by Dr. Yu to approve the Post-ISC Recommendations of Dismissal for 2017-00705; 2017-00700; 2017-00701; 2019-00189; 2017-01794; 2018-00838; 2018-00879; 2018-00900; 2020-00115; 2018-00219; 2018-00847; 2018-00939; 2018-00481; 2020-00365; 2019-00782; and 2017-01780.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

g. Modification Orders.

None presented.

h. Discussion of Specific Orders.

None presented.

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

a. Docket No. 504-19-2905, Frank R. Vidal, DDS, Dental License No. 20793.

Board staff recommendation was presented by Anitra Abdullah-Levy, Staff Attorney.

A motion was made by Dr. McNeill and seconded by Dr. Henderson to adopt the Order of the Board recommended by staff.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

b. Docket No. 504-20-2875, Dandric Allen, DDS, Dental License No. 22250.

Board staff recommendation presented by Cassie Kamp, Staff Attorney.

A motion was made by Dr. McNeill and seconded by Dr. Quirch to adopt the Order of the Board recommended by Staff.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

c. Docket No. 504-20-2351, Kathleen Black, DDS, Dental License No. 19090.

Board staff recommendation was presented by Anitra Abdullah-Levy, Staff Attorney.

A motion was made by Dr. Quirch and seconded by Dr. Melchor to adopt the Order of the Board recommended by staff.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

d. Docket No. 504-20-2687, James Jernigan, DDS, Dental License No. 22494.

Board staff recommendation presented by Cassie Kamp, Staff Attorney.

A motion was made by Dr. Henderson and seconded by Ms. Jones to adopt the Order of the Board recommended by Staff.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

6. DISCUSSION AND ACTION ON Field G. Harrison, DDS v. TSBDE, Cause No. 03-18-00229-CV, in the 201st District Court of Travis County, Texas.

Ms. Nichols advised that no action will be taken today and this agenda item will be rescheduled to the September Board meeting.

7. PRESIDING OFFICER REPORT.

Dr. Tillman delivered the Presiding Officer's report.

8. PROFESSIONAL RECOVERY NETWORK REPORT (PRN).

Eden Males, Director was present. Ms. Males gave her report.

9. DISCUSSION AND ACTION ON LICENSEES OBTAINING CONTINUING EDUCATION REQUIREMENTS VIA ONLINE OR LIVE (INTERACTIVE) WEBINAR FOR THE DURATION OF 2020.

Dr. Burke spoke about continuing education requirements. Dr. Henderson asked a point of information. It was agreed that this information will go out in a newsletter, posted on the website and an email blast.

10. DISCIPLINARY COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on staff attorneys making recommendations for pre-informal settlement conference (pre-ISC) cases. Dr. McNeill gave a brief overview of the meeting. No action was taken.

11. LICENSING COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on staff's recommended application denial: 2020-Q3-RDA1

Committee recommended 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 2020-Q3-RDA1.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- b. Committee recommendation and possible action on potential amendment to 22 Tex. Admin. Code § 101.2 – Licensure by Examination. Specifically, whether to add the verbiage “live patient” to clarify the clinical examination component of the rule.

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 – 1/ABSTAIN – 1) MOTION CARRIES

- c. Committee recommendation and possible action on potential amendment to 22 Tex. Admin. Code § 103.2 – Licensure by Examination. Specifically, whether to add the verbiage “live patient” to clarify the clinical examination component of the rule.

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 – 1/ABSTAIN – 2) MOTION CARRIES

- d. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 101.14 – Military Spouse, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- e. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 103.10– Military Spouse, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- f. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 114.7– Military Spouse, published in the May 1, 2020, issue of the Texas Register.

Motion was made by Dr. Melchor and seconded by Dr. Burke to amend the proposed rule by striking “as assigned.”

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

Motion was made by Ms. Palermo to amend the amendment by stating “Performed permitted delegated duties.”

(FOR – 10/OPPOSED – o/ABSTAIN – 1) MOTION CARRIES

Motion was made to accept the amended amendment by Dr. Quirch and seconded by Dr. Melchor to adopt 114.7 “practice” now “perform delegated duties.”

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- g. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 101.3– Licensure by Credentials, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- h. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: on 22 Tex. Admin. Code § 101.4– Temporary Licensure by Credentials, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- i. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 103.3– Licensure by Credentials, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- j. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 103.4– Temporary Licensure by Credentials, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- k. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 101.15– Reinstatement of Cancelled License, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

- l. Committee recommendation and possible action on currently-proposed rule from March 6, 2020, Board Meeting: 22 Tex. Admin. Code § 103.11– Reinstatement of Cancelled License, published in the May 1, 2020, issue of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – o/ABSTAIN – o) MOTION CARRIES

12. DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on 22 Tex. Admin. Code § 102.1 – Fees.

Ms. Nichols explained the fees, including removing the anesthesia jurisprudence fee.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- b. Committee recommendation and possible action on 22 Tex. Admin. Code § 111.5 – Electronic Prescribing Waivers.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- c. Committee recommendation and possible action on dental professionals utilizing Patient Health Questionnaires (PHQ2/PHQ9) to perform mental health screenings.

Committee made no recommendation and took no action.

13. ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on request for exception to Board rules: 2020-00828.

Committee recommended denial of request for exception. A motion was made and did not require a second because the recommendation was made from the committee to deny the request for exceptions of 2020-00828.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- b. Committee recommendation and possible action on 22 Tex. Admin. Code § 110.2 – Sedation Anesthesia Permit.

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 – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- c. Committee recommendation and possible action on 22 Tex. Admin. Code § 110.9 – Anesthesia Permit Renewal.

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 – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

14. PUBLIC COMMENTS.

Dr. Marshall Goldberg spoke. This topic will be sent to the Dental Practice Committee to be discussed.

15. AGENCY ACTIVITY REPORTS.

a. Executive Division Report.

Dr. Bush gave his report that was uploaded to the Board member website. The strategic plan will be done annually by the Board as suggested by Dr. Tillman. There are budget cuts in the future.

b. Finance and Administration Division Report.

Leticia Kappel presented the division report. All reports have been uploaded to the website.

c. Licensing Division Report.

Christine Mendez presented the division report. The expo has been cancelled.

d. Dental Division Report.

i. Discussion and Possible Action on Dental Review Panel Applications

Motion was made by Dr. McNeill and seconded by Dr. Quirch to approve the Dental Review Panel applicants as presented.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

e. Legal Division Report.

Casey Nichols presented the division report.

f. Investigations Division Report.

Charlice Kruger presented the division report.

16. EXECUTIVE SESSION FOR DISCUSSION AND ACTION ON CONSIDERATION OF BOARD STAFF PERSONNEL - Annual Review of Executive Director.

A motion was made by Dr. McNeill and seconded by Dr. Quirch to go into Executive Session for personnel matters regarding the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of a public officer or employee under the authority of the Open Meeting Act, Section 551.074, Government Code at 10:56 a.m.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

Executive Closed Session began at 11:01 a.m. and open session resumed at 11:42 a.m., and it was announced that no action was taken.

17. ANNOUNCEMENTS.

No announcements.

18. ADJOURN.

Motion was made by Dr. McNeill and seconded by Dr. Melchor to adjourn the meeting at 12:18 p.m.

(FOR – 11/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES.



David Tillman, DDS
Presiding Officer
September 11, 2020



Jorge Quirch, DDS
Board Secretary
September 11, 2020