



**TEXAS STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING**

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 1, Room 100
Austin, Texas 78701

**BOARD MEETING MINUTES
June 18, 2021**

1. Call to Order.

Dr. Yu called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:43 a.m.

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

2. Roll Call of Board Members.

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

a. Members Present:

Dr. David Yu	Presiding Officer
Dr. Jorge Quirch	Secretary
Dr. Bryan N. Henderson	Member
Dr. Yvonne Maldonado	Member
Dr. Robert G. McNeill	Member
Ms. Lorie Jones	Member
Ms. Lois M. Palermo	Member
Dr. Linda T. Burke	Member
Ms. Kathryn Sisk	Member
Ms. Margo Melchor	Member

b. Members Absent - Excused:

Ms. Marquita Pride	Member
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3. Discussion and Approval of Minutes from Previous Board Meetings.

a. Minutes for March 12, 2021 Board Meeting.

A motion was made by Dr. Quirch to amend the minutes with a change to # 5a “Dr. Jones” to “Ms. Jones” and seconded by Dr. Melchor.
(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

4. Recognition of new Presiding Officer, Dr. Yu.

Dr. Tillman spoke and congratulated Dr. Yu. Dr. Maldonado was also welcomed.

YOUTUBE TIME CODE 44:25

5. Nominations and Board Vote to Elect a Secretary.

The vote was moved to occur after agenda item #16.

6. Discussion and Possible Action on Proposed Case Resolutions.

a. Agreed Settlement Orders.

Ms. Studdard introduced the Agreed Settlement Orders and staff asks that the board approve them as presented. A motion to approve was made by Dr. McNeill and seconded by Dr. Burke.
(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

b. Remedial Plans.

Ms. Studdard introduced the Remedial Plans and staff asks that the board approve them as presented. A motion to approve was made by Dr. Quirch and seconded by Dr. Henderson.
(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

c. Agreed Administrative Penalties.

Ms. Studdard introduced the Agreed Administrative Penalties and staff asks that the board approve them as presented. A motion to approve was made by Ms. Jones and seconded by Dr. Quirch.
(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

d. Consent Orders.

YOUTUBE TIMECODE 50:25

Ms. Studdard introduced the Consent Orders and staff asks that the board approve them as presented. A motion to approve was made by Dr. Quirch and seconded by Dr. McNeill.
(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

e. Pre-ISC Recommendations of Dismissal.

Ms. Studdard introduced the Pre-ISC Recommendations of Dismissal and staff asks that the board approve them as presented. A motion to approve was made by Dr. Henderson and seconded by Dr. Quirch.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

f. Post-ISC Recommendations of Dismissal.

Ms. Studdard introduced the Post-ISC Recommendations of Dismissal and staff asks that the board approve them as presented. A motion to approve was made by Dr. Quirch and seconded by Dr. Maldonado.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

g. Modification Orders.

Ms. Studdard introduced the Modification Order and staff asks that the board deny it as presented. A motion to approve the ISC panel's recommendation of denial was made by Dr. Quirch and seconded by Dr. Melchor.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

h. Discussion of Specific Orders.

None presented.

7. Discussion and Possible Action on Cases Heard Before the State Office of Administrative Hearings (SOAH).

Staff attorney Mr. Cary Bruner presented the case. Docket No. 504-21-1489, Jerome Lee Nollan, Jr., RDA, Dental Assistant Registration No. 108964. Consideration of Order No. 2 Order of Default Dismissal and Remand, Recommendations, and Board Action. Staff requested default dismissal. Staff recommends approval of the order as attached to revoke Dental Registration. A motion to approve the staff's recommendation of registration revocation was made by Dr. Quirch and seconded by Dr. Melchor.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

8. Discussion and Possible Action on Cause No. D-1-GN-17-003434; Field G. Harrison, DDS v. TSBDE; in the 201st Judicial District Court, Travis County, Texas.

Ms. Studdard introduced the case. Dr. Harrison joined virtually. Mr. McKinney spoke on behalf of the AG. ALJ found six different findings. The board adopted the findings of the ALJ and issued a fine and jurisprudence. Trial court took back two of the findings. Court of Appeals examined the case and remanded it because two of the six findings were reversed and lacked substantial evidence the board should examine the last four findings and review sanctions initially imposed.

Dr. Harrison's attorney speaks and asks for a Remedial Plan or dismissal.

Dr. Quirch makes a motion to go into Executive Session to discuss Dr. Harrison's case and Dr. McNeill seconds.

YOUTUBE TIMECODE: 1:05:46

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

Time into Executive Session is 9:10am.

Time out of Executive Session is 9:30am.

Staff asks that the board approves a Remedial Plan as presented. Dr. Harrison has completed the CE and Jurisprudence and he has paid \$500 fee to the board and it is complete.

YOUTUBE TIMECODE: 1:25:57

Dr. Henderson motions to accept the Remedial Plan as presented and Dr. Quirch seconds.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

9. Presiding Officer Report.

Dr. Yu thanked Dr. Tillman and gave his presiding officer report. Each committee Chair will now designate a vice chair. Annual performance reviews of Executive Director will be done. The Executive Director and General Counsel should attend AADB meetings with other boards. Two board members that have paid their membership dues will qualify to attend and have the agency pay travel and conference. The WREB report was presented by Dr. Henderson. DERB meeting is on October 16th, 2021. Possible emergency DERB/HERB meeting in July 2021. Ms. Palermo reports on CRDTS on August 16, 2021.

10. Professional Recovery Network Report (PRN).

The Executive Director, Ms. Raquel Leal, gave her report which was also provided in board materials.

YOUTUBE TIME CODE 1:51:20

11. Discussion and Possible Action on Continuing Education Review Committee Report and Recommendations.

Dr. Melchor led the discussion. The committee recommended that initial licensing applicants should take the Human Trafficking course. An amendment needs to be made.

A motion to approve was made by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

12. Discussion and Possible Action on Licensing Committee Report and Recommendations.

- a. Committee recommendation and possible action on membership to regional examining boards and the American Board of Dental Examiners (ADEX). Unanimous in committee. The recommendation from the committee was that the board should join all of the committees proposed. WREB and CDCA merged so update of rules may be needed. We belong to WREB. We've had CRDTS membership since 2016

and we need a voting member on the steering committee. Hygiene has been involved but not dental. CDCA we are a member. SITRA there is a \$200 fee to join. CITA there is a \$100 fee to join, Cindy Washburn is Executive Director and they will also use ADEX. At ADEX, Kathy Kelly is Executive Director and there is no fee to join. CDCA said it will continue to be ADEX driven.

A motion was made by Dr. Quirch and no second needed.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

- b. Committee recommendation and possible action on request for exception to Board rules:

- i. 2021-Q4-DDS1

Dr. Quirch presented the case. Exception to board rule requested as she did 2300 hours not 80 hours required so the committee granted exception to board rule and she passed the regional exam on the 4th time.

A motion to approve was made by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

YOUTUBE TIMECODE 2:10:08

- ii. 2021-Q4-DDS2

Dr. Quirch presented the case and Dr. Kau spoke on his own behalf. The committee voted to deny an exception to the rule.

YOUTUBE TIMECODE 2:25:28

Dr. Quirch called the question and a second was made by Dr. Henderson.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

A motion was made to deny the exception to the rule by Dr. Quirch and no second is needed as it came from committee.

(FOR - 9/OPPOSED- 1/ABSTAIN-o) MOTION CARRIED

- iii. 2021-Q4-DDS3

Dr. Quirch presented the case. Dr. Donald asked for remediation course with pre-approval. A motion was made to grant the exception to the rule by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

- iv. 2021-Q4-DDS4

The licensing committee postponed DDS5 to the September meeting to verify details of the request. A motion was made to postpone to the September meeting by Dr. Quirch and no second is needed as it came from committee.
(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

YOUTUBE TIMECODE 2:32:17

v. 2021-Q4-RDH1

Application for licensure was received 6 days past deadline due to inclement weather (Austin snowstorm).

A motion was made to make exception to board rule by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

vi. 2021-Q4-RDH2

Dr. Quirch reviewed the case involving a hearing disability and CEs. Staff will put a note in her file for future audits.

A motion was made to make exception to board rule by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

YOUTUBE TIMECODE 2:28:27

- c. Committee recommendation and possible action on Board staff's deferral to Licensing Committee: 2021-Q4-DDS5

Ms. Studdard presented the case. Unanimous vote from committee for a recommendation of a three year probated suspension, working only in a non-profit dental setting for one year, board approval needed to remove non-profit and supervision. Request for board approval can't occur before one year of exception completion.

A motion was made to make exception to board rule by Dr. Quirch and no second is needed as it came from committee.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

- d. Committee recommendation and possible action on treatment and advertising of temporomandibular disorders.

Ms. Camp reported on Ms. Subash's research on allowable specialty advertising. TMJ can be used as a specialty and advertised. If you are a general dentist, you must say General Dentist in bold. No vote. Discussion only.

- e. Committee recommendation and possible action on 22 Tex. Admin. Code § 119.1, Dental Public Health.

Ms. Abdullah-Levy gave the report on foreign schools and restrictions, CODA approvals and the research is posted in board materials. No vote. Discussion only.

- f. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.55, Advertising for General Dentists.

Ms. Studdard led the discussion on the update of the three specialty areas. A motion was made by Dr. Quirch and no second is needed.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

YOUTUBE TIMECODE 2:29:60

- g. Committee recommendation and possible action on currently proposed rule from March 12, 2021 Board meeting: 22 Tex. Admin. Code § 101.2, Licensure by Examination (Dental Licensure), published in the April 30, 2021 edition of the Texas Register.

Ms. Studdard reviewed the name change. A motion was made by Dr. Quirch and no second is needed.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

- h. Committee recommendation and possible action on currently proposed rule from March 12, 2021 Board meeting: 22 Tex. Admin. Code § 103.2 (Dental Hygiene Licensure), published in the April 30, 2021 edition of the Texas Register.

Ms. Studdard reviewed the name change. A motion was made by Dr. Quirch and no second is needed.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

BREAK AT 10:56 a.m.

BREAK ENDED AT 11:01 p.m.

13. Discussion and Possible Action on Dental Practice Committee Report and Recommendations.

- a. Committee recommendation and possible action on rulemaking pertaining to Botox.

Dr. Burke reviewed the statement regarding Botox. Committee voted to eliminate the policy.

A motion was made by Dr. Henderson and no second is needed.

(FOR - 10/OPPOSED- o/ABSTAIN-o) MOTION CARRIED

- b. Committee recommendation and possible action on residencies and the practice of dentistry.

A directive was given to staff to gather more information and do a case by case basis. Specific items outside normal licensing that will be gathered such as specific residency program, curriculum etc. Discussion only. No vote.

- c. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.7, Minimum Standard of Care, General. COVID 19 rule will expire today. The COVID guidance will be updated and language will be removed that The Register added in error. Each practice will determine their own COVID protocols. A motion was made to approve committee's recommendation by Dr. Henderson and no second is needed.

(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIED

14. Discussion and Possible Action on Disciplinary Review Committee Report and Recommendations.

YOUTUBE TIMECODE 3:16:25

- a. Discussion and possible action on case resolution process:
 - i. Investigations/Dental Review Panel
Dr. McNeill presented the committee discussion. No vote.
 - ii. Informal Settlement Conferences
Dr. McNeill presented the committee discussion. No vote.
 - iii. Case resolution improvements
Dr. McNeill presented the committee discussion. No vote.
- b. Discussion and possible action on Senate Bill 1534, pertaining to remedial plans. Dr. McNeill presented the committee discussion and staff will work on wording for the rule that licensees will request the remedial plan be removed once complete. No vote. Discussion only.

15. Public Comments.
No public comments.

16. Discussion and Approval of 2022 Board Meeting Calendar.
Dr. Henderson suggested moving the meeting dates up one month. Staff will research new dates.

YOUTUBE TIMECODE: 3:22:00

Secretary Election.

Ms. Nichols read the rule regarding the election. A ballot vote was conducted. Dr. Yu called for nominations. Secretary will be determined by the majority of votes received.

Dr. Henderson nominates Dr. Quirch and Dr. Melchor nominates Ms. Lorie Jones.

BREAK AT 11: 31am
BREAK ENDED AT 11:37am

Dr. Yu announced that Dr. Quirch was voted Board Secretary.

17. Agency Activity Reports.

- a. Executive Division Report. Ms. Nichols gave her report on the Emergency Rule deletion, the new building, the portion of the 5% budget reduction, Teledentistry, Remedial Plans, Military/Veteran's and spouses licensing, Electronic Prescribing Waivers, and a special thank you to Ms. Leticia Kappel on legislative assistance. Materials were uploaded to the board website.
- b. Finance and Administration Division Report. Ms. Kappel gave her report and materials were uploaded to the board website. The budget has been uploaded, 4th quarter of fiscal year currently, reviewed funds that are returned to the general fund, uploaded fines and DRP payments made, currently 50 Full Time Employees.

YOUTUBE TIMECODE: 03:44:12

- c. Licensing Division Report. Ms. Mendez gave her report and materials were uploaded to the board website. Anesthesia report of 3rd quarter and inspections, CE audits and regular licensing numbers are included. Inspections scheduled through October 2021. September 1 renewal certificates will not be mailed out and can print them on their own.
- d. Dental Division/Investigations Report. Dr. Bell gave her report and materials were uploaded to the board website. There are no cases over 75 days old. New cases are up 27%.

YOUTUBE TIMECODE 03:54:45

- e. Discussion and possible action on Dental Review Panel Applications. A motion was made to approve the DRP applicant by Dr. Henderson and seconded by Dr. Quirch. Note that Dr. McNeill left the meeting at this time and did not vote.

(FOR - 9/OPPOSED- 0/ABSTAIN-0) MOTION CARRIED

- f. Legal Division Report. Ms. Studdard gave her report and materials were uploaded to the board website.

18. Announcements.

Dr. Yu announced that Dr. Henderson selected Dr. McNeill as his vice chairman for the Anesthesia Committee. Dr. Quirch selected Ms. Palermo as vice chairman for the Licensing Committee. Dr. Burke selects Dr. Henderson as vice chairman for the Dental Practice Committee.

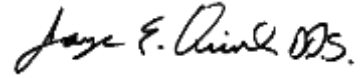
19. Adjourn.

A motion was made by Dr. Melchor and seconded by Dr. Quirch to adjourn the meeting at 12:07 p.m.

(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIED



David Yu, DDS
Presiding Officer
June 18, 2021



Jorge Quirch, DDS
Board Secretary
June 18, 2021