



August 2022

## A Message from The Presiding Officer. Dr. David Yu, DDS, MS

### *Purpose-Driven Board*

During our last board meeting, I made a statement reminding licensees that their licenses and registrations are not a right but a privilege. Just like having a driver's license, maintaining it comes with the responsibility of following rules. A responsibility that the board is willing to share with you.

Before every committee and board meeting, we read the mission of the board, which is founded on protecting public health and safety. The board's power is derived from the legislature and the governor, and these elected officials are chosen by the citizens of Texas. In a very real sense, it is the people of Texas who grant us our licenses. They trust us as dental health care providers to uphold the highest standards and it is our responsibility to provide it to them. We, as board members, are not out to take away licenses or punish providers. We are your peers. We understand inherent and mitigating situations when things do not go well and the stresses of everyday practice. This was why, in 1905, the legislature created the dental board as a specialized agency to respond to the ever-changing and highly technical aspects of dental care. Legislators understood that it took a level of experience and specialized training to understand the medical and scientific aspects of dental care. In terms of our existing board- the governor has astutely appointed a varied collection of general dentists, specialists, and public members, including specialists- a periodontist, an oral surgeon, a pediatric dentist, and a dentist anesthesiologist. Our charge is to enforce the rules created from laws passed by the legislature and vetted by the governor. They are clearly stated within the Dental Practice Act and the [TSBDE Rules and Regulations](#). It is incumbent for all Texas license holders to know these rules. The board rules are the traffic signs that must be followed by every license holder.

While your license is your obligation, the board is here to help guide you. The board is composed of five divisions. Our general counsel, Ms Lauren Studdard, is our rules expert and leads our legal team. Dr. Brooke Bell is director for the Dental Practice Division. Ms. Leticia Kappel heads the Finance and HR Divisions. Ms. Melinda Hieber leads the Investigations Division. Ms. Christine Mendez runs the Licensing Division. They are in sync to support the board's mission. I'm proud of our board under the executive direction of Ms. Casey Nichols. At every level, their performance outcomes are the best ever and, arguably, the best of any agency. More importantly, the culture is one of exceptionally effective teamwork. I've had the privilege to serve on the board during times of transition, various leadership styles and COVID rules. We have all weathered similar challenges in our own lives, but we come out stronger (and we are even stronger when we work together). Thank you for working with us and doing your part to keep the citizens of Texas safe and healthy.

In Service,

David H. Yu, DDS, MS  
Presiding Officer of the TSBDE



Dr. David Yu (TSBDE Presiding Officer) met with Governor Abbott with other dental leaders about the current state of dentistry. Dr. David Tillman (past Presiding Office) and Dr. Bob McNeill (current Board Secretary) were also in attendance.

## **TSBDE MOVED**

The TSBDE office has relocated from the William P. Hobby building to the new George H.W. Bush building! We appreciate your patience and understanding during our recent transition. For more information about the move, please visit:

[TFC | Texas Facilities Commission](#)

New address: 1801 Congress Avenue, Suite 8.600 Austin, TX 78701

As of July 11, 2022, all mail sent to TSBDE offices should be sent to the new address above. Mail previously sent to the old address (333 Guadalupe, Suite 3-800, Austin, TX 78701) will be forwarded to the new address via USPS.

Thank you for your patience and understanding during this transition.



Photo courtesy of the Texas Facilities Commission

# **ANESTHESIA ADVISORY COMMITTEE MEETING REPORT**

The TSBDE Advisory Committee on Dental Anesthesia (ACDA) met on March 4, 2022, to discuss complaints resolved by the TSBDE involving anesthesia related issues from FY 2020 and FY 2021. The ACDA reviews de-identified data that remains confidential throughout the review process. The ACDA's function is to spot trends and provide recommendation and guidance to the TSBDE on anesthesia related issues.

The full report may be found here:

[Public Reports – Texas State Board of Dental Examiners](#)

## **ANESTHESIA ADVISORY COMMITTEE**

### **Open Position on the Anesthesia Advisory Committee**

The Texas State Board of Dental Examiners is accepting applications for two new Anesthesia Advisory Committee members. The term will begin in December 2022. Pursuant to rule 100.12, the committee will require a periodontist and a pediatric dentist, with either a level 2 (no higher) sedation permit or level 3 (no higher) sedation permit. For more information or to send your completed applications, please email Wendy Richardson at [wrichardson@tsbde.texas.gov](mailto:wrichardson@tsbde.texas.gov).

[Anesthesia Advisory Committee Application Form](#)

The information expressed in the newsletter is created or compiled by agency staff. It does not reflect the official position of the board or its members, and it should not be construed as legal advice.

# TSBDE INVITATION TO EDUCATORS

The Texas State Board of Dental Examiners (TSBDE) would like to connect with Texas educators and hear updates from dental, hygiene and dental assisting programs. The Board invites a representative from your university, school or program to provide a brief ten (10) minute presentation at an upcoming meeting. Board members are interested in learning about class sizes, curriculum, graduation statistics, educational concerns, and how the Board can better assist educators. The Board will schedule two representatives to speak per meeting on a first come, first served basis. Speakers have the option to attend in person or virtually. The TSBDE Board meets on a quarterly basis.

If you are interested in addressing the Board or if you have additional questions, please contact Wendy Richardson at [wrichardson@tsbde.texas.gov](mailto:wrichardson@tsbde.texas.gov).

Please provide your name, title, school/program affiliation and your preferred Board meeting date. The TSBDE calendar is available here:

[TSBDE CALENDAR](#)

The TSBDE looks forward to connecting with our Texas educators!

## NON PROFIT ORGANIZATIONS

The Texas State Board of Dental Examiners (TSBDE) will approve and certify any health organization or other organization qualified to contract with or employ dentists upon submission of an application meeting board rule 107.205 requirements. To learn more about becoming a nonprofit corporation and to see a list of approved nonprofit health organizations, please visit: [TSBDE Non Profit Organizations](#)

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# ASA Classifications by Robert G. McNeill, D.D.S., M.D.

One of the common challenges we see at the board while reviewing complaints is that charts will often lack an appropriate selection of the American Society of Anesthesiologist's (ASA) Physical Status classification. The purpose of the system is to assess and communicate a patient's pre-anesthesia medical co-morbidities. Board rule 110.13 requires the documentation of the ASA classification on the preoperative checklist for the administration of nitrous oxide and Levels 1, 2, 3 and 4 sedation/anesthesia. The classification may also determine if you may need a high-risk sedation permit per board rule 110.16 to treat ASA 3 or 4 patients with sedation levels 2, 3 or 4. The following are some common examples of ASA classifications:

ASA PS Classification	Definition	Adult Examples, including, but not limited to:
<b>ASA I</b>	A normal healthy patient	Healthy, non-smoking, no or minimal alcohol use
<b>ASA II</b>	A patient with mild systemic disease	Mild diseases only without substantive functional limitations. Examples include (but not limited to): current smoker, social alcohol drinker, pregnancy, obesity (30 < BMI < 40), well-controlled DM/HTN, mild lung disease
<b>ASA III</b>	A patient with severe systemic disease	Substantive functional limitations; One or more moderate to severe diseases. Examples include (but not limited to): poorly controlled DM or HTN, COPD, morbid obesity (BMI ≥40), active hepatitis, alcohol dependence or abuse, implanted pacemaker, moderate reduction of ejection fraction, ESRD undergoing regularly scheduled dialysis, premature infant PCA < 60 weeks, history (>3 months) of MI, CVA, TIA, or CAD/stents.
<b>ASA IV</b>	A patient with severe systemic disease that is a constant threat to life	Examples include (but not limited to): recent (< 3 months) MI, CVA, TIA, or CAD/stents, ongoing cardiac ischemia or severe valve dysfunction, severe reduction of ejection fraction, sepsis, DIC, ARD or ESRD not undergoing regularly scheduled dialysis
<b>ASA V</b>	A moribund patient who is not expected to survive without the operation	Examples include (but not limited to): ruptured abdominal/thoracic aneurysm, massive trauma, intracranial bleed with mass effect, ischemic bowel in the face of significant cardiac pathology or multiple organ/system dysfunction
<b>ASA VI</b>	A declared brain-dead patient whose organs are being removed for donor purposes	

*\*The addition of "E" denotes Emergency surgery: (An emergency is defined as existing when delay in treatment of the patient would lead to a significant increase in the threat to life or body part)*

chart via



Did you know that all licensees or registrants are required to hold a current BLS CPR certification, which includes a demonstration of skills and a written evaluation?

# LICENSING CERTIFICATES

TSBDE no longer issues separate certificates of registration for the following dental acts;

- Coronal Polishing,
- Pit and Fissure Sealant, and
- Nitrous Oxide Monitoring

The dentist is responsible for all dental acts delegated to a registered dental hygienist and registered dental assistant. This includes ensuring the hygienist and dental assistant both have an active license or registration with the TSBDE.

- Dental assistants taking patient x-rays must hold a current registration from the TSBDE.
- Dental hygienists and Registered Dental Assistants monitoring nitrous oxide must be registered with TSBDE.
- An application process is required in order for the specific N20 monitoring designation to be listed on the hygiene or registered dental assistant registration renewal certificate.
- Dentists cannot delegate coronal polishing or pit & fissure sealants to dental assistants unless the dental assistant completed the required education and training prior to the delegation. Dentists are responsible for verifying that the dental assistant has at least 2 years' experience, current basic life support, and completed the required 8 hours didactic and clinical education in coronal polishing and/or pit and fissure sealants prior to delegating those procedures.

Coronal Polishing: [Board Rule §114.5](#)

Pit & Fissure Sealant: [Board Rule §114.3](#)

Nitrous Oxide Monitoring (NOM): Board Rules [§114.4](#) and [§115.2](#)

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[Click here](#) to verify a dental hygiene license

[Click here](#) to verify a registered dental assistant

[Click here](#) to verify a dental license

# LICENSING

## Renewal Certificates

As of September 1, 2021, the Texas State Board of Dental Examiners no longer sends out printed renewal certificates and now dentists, hygienists, registered dental assistants, and dental laboratories can generate a digital copy of the renewal certificate online. The E-Certificate is available for printing 24-48 hours after the renewal application has been approved. It is not required to print a color copy. Be sure you are not on a hand held device; you need to be on a desktop or laptop. If you have a pop up blocker enabled it needs to be turned off.

<https://tsbde.texas.gov/ecertificate>

TSBDE will continue to print duplicate requests for those who submit the duplicate request form along with the required fee.

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TSBDE is reporting over 7,000 canceled dental licenses, 5,700 canceled dental hygiene licenses, and over 53,500 canceled dental assistant registrations. A license or registration will remain in an expired status for up to one year before it cancels.

Dentists must perform ongoing due diligence to ensure that all team members working in the dentist's practice remain in compliance with the TSBDE's license and registration requirements.

## Did you know ?

The following can be completed via your online licensing account portal:

- Renew your dental, dental hygiene, registered dental assistant license
- Update your address
- Submit your designation of records request (dentists only)
- Request for a verification of licensure - letter of good standing, from Texas to be sent to another state or organization (a fee is required)
- Submit your request for a name change (legal documentation required)
- and request for a duplicate license (a fee is required)

You may still print your e-renewal certificate for no fee at <https://tsbde.texas.gov/printcert/>.

Be sure you are not on a hand held device; you will need to be on a desktop or laptop. Also, if you have a pop up blocker enabled it will need to be turned off.

All of the above requires a registration to the Online Licensing System for Texas. If you have registered but have not accessed your account since 2011 or longer, you will need to re-register.



# ANESTHESIA

Pursuant to 22 Tex. Admin. Code § 110.18, TSBDE is conducting sedation and anesthesia compliance inspections. Failure to allow the inspection to take place may result in suspension in one or more of your permits.

Pursuant to 22 Tex. Admin. Code § 110.18, regardless of issue date, all Level 2, 3, and 4 permit holders will be subject to at least one inspection prior to September 1, 2022. All Level 2, 3, and 4 permit holders who received their initial permit after March 1, 2018, must be inspected within a year of receiving their permit.

Texas dentists who hold a Level 2, 3, and 4 sedation permit, please ensure you have a current work address, phone number, and email on file with TSBDE. If you need to update your information, you may email the following information to [anesthesiainfo@tsbde.texas.gov](mailto:anesthesiainfo@tsbde.texas.gov).

1. Full Name
2. Dental License Number
3. Work Address
4. Email
5. Phone Number
6. Indicate if your work address is your mailing address

# ANESTHESIA

## Reminder

Pursuant to 22 Tex. Admin. Code § 110.18 regarding the  
Inactive and Exempt-location Status:

### Inactive status:

Permit holder may forego an inspection if they submit a notarized, Board-issued affidavit that they will not administer levels 2, 3, or 4 sedation/anesthesia until first notifying the Board in writing that they wish to resume those activities. A permit holder must complete a compliance/Tier 1 inspection prior to resuming the administration of sedation/anesthesia at the inactive permit level. The permit holder must comply with continuing education and any other permit requirements during this time. During the period of inactive status, a permit holder may not delegate any inactive-status level of sedation/anesthesia to a certified registered nurse anesthetist or any other dental or medical professional except a dentist with a permit issued by the Board for the procedure being performed or a physician anesthesiologist licensed by the Texas Medical Board. If the permit holder is later found to have administered or delegated the administration of level 2, 3, or 4 sedation/anesthesia while in inactive status, the Board shall pursue revocation of their dental license.

### Exempt-location status:

The Board shall not inspect a level 2, 3, or 4 permit holder who provides those services exclusively in a state-licensed hospital or state-licensed ambulatory surgery center. The permit holder must attest to that fact with a notarized, Board-issued affidavit and may not provide those services at a non-exempt location until first notifying the Board in writing and successfully completing a compliance/Tier 1 inspection. During the period of exempt-location status, a permit holder may not delegate the administration of any level of sedation/anesthesia to a dental or medical professional outside a state-licensed hospital or state-licensed ambulatory surgery center. If they are later found to have administered or delegated the administration of level 2, 3, or 4 sedation/anesthesia in a non-exempt location, the Board shall pursue revocation of their dental license.

# ANESTHESIA

## Anesthesia Application Document Requirements

The following is required to be mailed to the TSBDE:

1. Anesthesia Permit Application. Current application date is 19 July 2022.
2. Required fee.
3. Copy of current Basic Life Support CPR card and PALS or ACLS certification.
  - Nitrous Oxide/Oxygen Inhalation Sedation – Basic Life Support
  - Level 1: Minimal Sedation – Basic Life Support
  - Sedation Level 2, 3 & 4 – Basic Life Support and ACLS or PALS if treating adults and children 13 years of age or older (Note: PALS is required if treating children under the age of 13 years old).
4. Official proof of completion of a qualifying course and case management experience. Training and case management experience is found on each application. See TSBDE Rules and Regulations, Chapter 110 and/or the application for specific training requirements.
5. National Practitioner Data Bank (NPDB) Self-Query. All applicants are required to complete a self-query of the NPDB. The report results must remain in the original sealed envelope and be attached to your application to TSBDE. NPDB self-query reports are valid for 60 days. See application for more information.
6. Proof of Jurisprudence Assessment completion for dentist with sedation permit. Pursuant to 22 Tex. Admin. Code § 110.9, a permit holder for nitrous oxide, level 1, level 2, level 3, or level 4 sedation/anesthesia must take and pass the online jurisprudence examination of Chapter 110 (relating to Anesthesia and Sedation). An applicant for a sedation/anesthesia permit must have passed the Chapter 110 (relating to Sedation and Anesthesia) component of the jurisprudence examination for the highest level for which you are applying, within one year immediately prior to application.
  - Follow-up Anesthesia Inspections: Compliance/Tier 1 Inspections where a recording violation was noted and a Violation of Recordings Affidavit was submitted to mitigate this violation will be scheduled for a Follow-up Inspection. Random scheduling for these Follow-up Inspections began July 2022.

# **ANESTHESIA REMINDER FOR HIGH-RISK AND PEDIATRIC PATIENTS**

## **TSBDE Rules 110.16 & 110.17**

At the August 2022 board meeting, the board discussed rules 110.16 and 110.17, which pertain to administering sedation/anesthesia to high-risk and pediatric patients.

Below is a summary of the discussion:

A dentist has a Level 2 permit and he's also board authorized to provide sedation/anesthesia to high-risk patients and pediatric patients. If this same dentist applies for a Level 3 permit, and is approved for that level of sedation, he will also need to re-apply for authorization from the board in order to continue providing sedation/anesthesia to high-risk and pediatric patients. He cannot rely on the authorization he previously received when he was a Level 2 permit holder.

According to board rules 110.16 and 110.17, since this dentist is now a Level 3 permit holder, he needs to provide, among other things, proof that he successfully managed, either during a residency or education program, a certain number of patients sedated/anesthetized at a Level 3 route of administration, before he's allowed to provide sedation/anesthesia to high risk or pediatric patients.

You can find the applications for the administration of anesthesia to high-risk and pediatric patients on the board's website here:

<https://tsbde.texas.gov/licensing/dentists/sedation-of-high-risk-and-pediatric->

TSBDE will be closed on the following holidays:

Monday, September 5 - Labor Day

Friday, November 11 - Veterans Day

# Reminder

Prior to prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol, a dentist must access the patient's prescription drug history through the Texas Pharmacy Board's Prescription Monitoring Program (PMP) pursuant to board rule [111.3](#).

Additionally, a yearly self-query through PMP must be done pursuant to board rule [111.2](#).



## Fiscal Year 2021 PMP Data

QUARTER 2



### 8,457,526

Controlled substances dispensed, as reported to the Texas Prescription Monitoring Program (PMP) in FY2021 - Q2

### TOP 15 CONTROLLED SUBSTANCES DISPENSED

Controlled Substance	NUMBER OF Rx
HYDROCODONE	1,097,372
TRAMADOL	895,666
DEXTROAMPHETAMINE	758,053
CODEINE	694,044
ALPRAZOLAM	687,725
ZOLPIDEM	534,617
CLONAZEPAM	447,946
METHYLPHENIDATE	385,424
TESTOSTERONE	341,566
LORAZEPAM	321,354
AMPHETAMINE	311,767
PHENTERMINE	293,782
PREGABALIN	289,828
OXYCODONE	215,112
DIAZEPAM	154,743

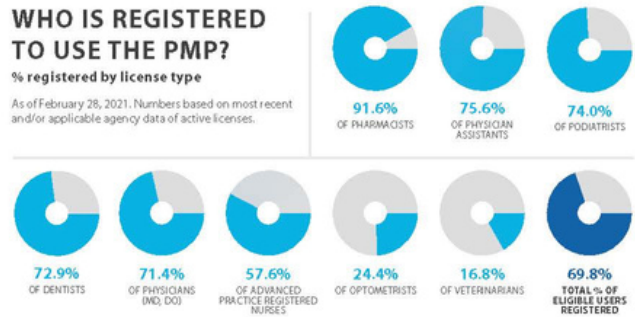


[txpmp.org](http://txpmp.org)

### WHO IS REGISTERED TO USE THE PMP?

% registered by license type

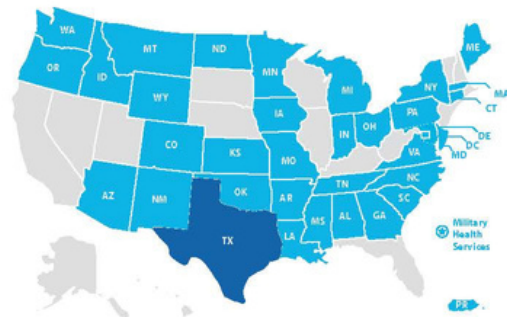
As of February 28, 2021. Numbers based on most recent and/or applicable agency data of active licenses.



From Q1 of FY2021 to Q2 of FY2021, the number of registrants increased by **4,070**.

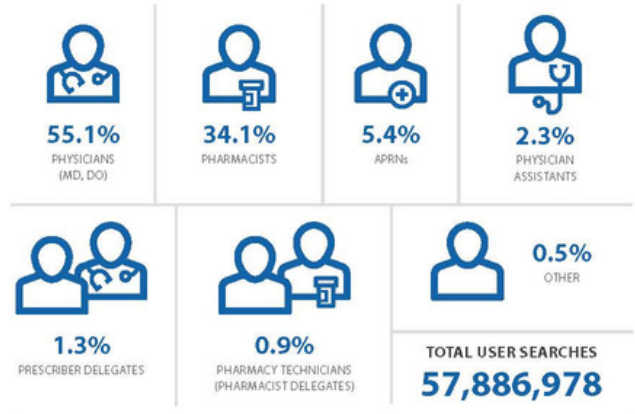
### PARTNER STATES

Texas partners with 36 other states/entities to share data via the PMP Interconnect.



### WHO USES THE TEXAS PMP?

% of user searches by license type

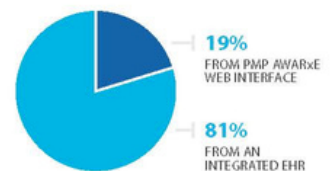


### INTEGRATED ACCESS

Integration allows providers immediate access to the PMP through their EHR.

### 46,740,832

SEARCHES FROM AN INTEGRATED EHR



# FRAUD ALERTS

Some stakeholders have received fraudulent calls or emails purporting to be from The Texas State Board of Dental Examiners (TSBDE). If you suspect any telephone call or correspondence from our agency is fraudulent, please notify us by emailing [licensinghelp@tsbde.texas.gov](mailto:licensinghelp@tsbde.texas.gov).

## Fraudulent Phone Calls

TSBDE urges you to be on the lookout for unexpected scam phone calls from anyone claiming to be from our office.

A caller from the TSBDE office will always:

Introduce himself or herself as a TSBDE employee.

Be able to verify specific details on prior notices or historical account information.

Explain your licensing or compliance fees.

Encourage you to call the telephone number(s) on our website if you have any questions about the process: [tsbde.texas.gov/resources/agency-contacts/](http://tsbde.texas.gov/resources/agency-contacts/)

A caller from the TSBDE office will never:

Threaten to bring in local police, FBI, immigration officers or other law-enforcement to have you arrested for not paying.

Pressure you to make a payment.

Ask for personal information not directly related to an agency transaction.

Ask for money outside of routine transactions made through Texas.gov or our secure vendors.

Ask for bank account information.

If you are unsure that the person calling you is from the TSBDE office, please hang up and call the appropriate number on our website:

<http://tsbde.texas.gov/resources/agency-contacts/>

## Spoofed Emails / Recent Phishing Attempts

Cybercriminals have attempted to send spoofed (impersonated) emails — appearing to be from the TSBDE office. Our office, like other companies and government agencies, has unfortunately been the subject of a number of recent email fraud attacks, including:

Spoofed emails claiming to be from our office but using a domain not associated with the agency, urging recipients to click on a “secure message” but the attachment is malicious, intended to steal usernames and passwords. Emails should come from someone with our domain: [jsmith@tsbde.texas.gov](mailto:jsmith@tsbde.texas.gov).

# FRAUD ALERTS

Spoofed emails purporting to be from our office but using a fake agency email domain telling recipients to click on an attachment and sign in to receive a message. The attachment contains a fraudulent link designed to steal your login credentials.

Spoofed emails purporting to be from an authorized TSBDE email service but using a comcast.net email domain. The attached PDF instructs users to click on a "View Information" link which is designed to steal login credentials.

Please be advised that as a licensee of TSBDE, some of your practice information is published to the public. Be wary of this when someone claims to be from TSBDE. To see what information is available, you may visit: <https://tsbde.texas.gov/resources/public-license-search/>

## Recent Phone Scam Attempts

August 2020: Two licensees have reported that a person called them purporting to be from TSBDE pressuring them about TSBDE investigations and requesting money. TSBDE will never pressure you for money over the phone. If you owe licensing or other fees to TSBDE, we have official channels to collect that money and will work with you if you have any questions.

These cybercriminals are putting your information at risk and trying to damage good customer relationships. That is why we are expanding our efforts to fight fraud and keep you safe and secure.

Please be advised that as a licensee of TSBDE, some of your practice information is published to the public. Be wary of this when someone claims to be from TSBDE. To see what information is available, you may visit: <https://tsbde.texas.gov/resources/public-license-search/>

If you are suspicious about an email or phone call that claims to be from the TSBDE office, follow these tips:

- Question whether the information should be requested via email or telephone.
- Be wary of links and attachments. Consider the context of the email, look for red flags such as poor grammar and/or sentence structure, and when in doubt, don't click.
- Use an email spam filter and up-to-date virus software and avoid public Wi-Fi.
- When suspicious, do not respond to the original email. Use independent sources to verify sender details and establish a new channel of communication to confirm with the sender.

If you suspect any communication from our agency is fraudulent, please notify us by emailing [licensinghelp@tsbde.texas.gov](mailto:licensinghelp@tsbde.texas.gov).

# Texas Administrative Code TSBDE Rules & Regulations

## Dental Practice Act Occupational Health Safety Code

### Common Violations Organized by Subject Matter



#### **Pertaining to Treatment Planning**

TSBDE Rule 108.2 Fair Dealing (a) – Shall advise patient, before beginning treatment, of the proposed treatment, and any reasonable alternatives.

TSBDE Rule 108.2 Fair Dealing (b) – Such advice shall include, at a minimum: (1) the nature and extent of the treatment needed by such patient; (2) the approximate time required to perform the recommended dental treatment and services; (3) the terms and conditions of the payment of his fee; and (4) any further or additional service or returns by the patient or adjustments, repair, or consultation and the time within which this shall occur.

TSBDE Rule 108.8(c)(4) – treatment plan with recommendations, and options.

DPA Sec. 259.001. False statements to patients.

#### **Pertaining to Diagnosis**

TSBDE Rule 108.2 Fair Dealing (d) - Neither the Dentist nor his employee (s) shall mislead dental patients as to the gravity or lack thereof such patient's dental needs.

TSBDE Rule 108.2 (e) Fair Dealing - A dentist shall not flagrantly or persistently overcharge, overdiagnose, or overtreat a patient. For this rule the meaning of the term includes, but is not limited to, collecting or attempting to collect a fee without reasonable justification for any element of dental services provided to a patient that is in excess of the fee the dentist ordinarily charges to others for the same service

TSBDE Rule 108.8(c)(3) – Diagnosis recorded in chart.

DPA Sec. 259.001. False statements to patients.

#### **Pertaining to Medications Given and Prescribed**

TSBDE Rule 111.2 – Self-query of Prescription Monitoring Program

TSBDE Rule 110.10 Use of General Anesthetics – Prohibition of certain drugs and drug classes for use in Minimal and/or Moderate sedation.

TSBDE Rule 108.8(c)(6) – record of Medication and dosages given to patient;

DPA Sec. 258.053 – Use of Certain Drugs.

HSC Sec. 481.071. – Prescribing, Dispensing, Delivering or Administering a Controlled Substance for non-medical purposes.

HSC Sec. 481.129- Prescribing for Non-Dental purposes.

HSC Sec. 483.045 – Forgery of a Prescription.

HSC Sec. 481.129 (2)– Fraud. Using a control substance registration issued to another.

HSC Sec. 483.022 – Failure to maintain designated agent list for telephonic prescriptions.

HSC Sec. 483.045 (5) – Forgery of a Prescription by telephonic means.



**Texas Administrative Code**  
**TSBDE Rules & Regulations**  
**Dental Practice Act**  
**Occupational Health Safety Code**  
**Common Violations Organized by Subject Matter**

**Pertaining to Sedation and Anesthesia**

TSBDE Rule 110.2 Sedation/Anesthesia Permit Requirements

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation ; (b) SOC ; (c) Clinical Requirements; (c)(5) (A-C) Nitrous Oxide Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(5) (A-C) Minimal Sedation Documentation Requirements

TSBDE Rule 110.5 Moderate Sedation - (b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(4) Monitoring Requirements; (c)(5) (A-C) Moderate Sedation Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation - b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(4) Monitoring Requirements; (c) (5) (A-C) General/Deep Sedation Documentation Requirements

TSBDE Rule 110.10 Use of General Anesthetics – Prohibition of certain drugs and drug classes for use in Minimal and/or Moderate sedation.

TSBDE Rule 110.13 Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia

**Pertaining to Records Sedation Records/Documentation**

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation (c)(5) (A-C) Nitrous Oxide Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (c)(5) (A-C) Minimal Sedation Documentation Requirements

TSBDE Rule 110.5 Moderate Sedation - (c)(5) (A-C) Moderate Sedation Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation (c)(5) (A-C) General/Deep Sedation Documentation Requirements

TSBDE Rule 110.13 Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia

**Pertaining to Records/Documentation**

TSBDE Rule 108.8(b)(3) - Reason for visit recorded.

TSBDE Rule 108.8(b)(4) - baseline vitals recorded.

TSBDE Rule 108.8(b)(5) – notation of reason vital signs not recorded in patient's chart.

TSBDE Rule 108.8(c)(1) – written review of medical history and limited review of medical exam.

TSBDE Rule 108.8(c) (2) (A) – documentation of radiographs taken and findings deduced from them, including radiograph films or digital reproductions.

**Texas Administrative Code**  
**TSBDE Rules & Regulations**  
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**Pertaining to Records/Documentation Continued:**

TSBDE Rule 108.8(c)(3) – Diagnosis recorded in chart.

TSBDE Rule 108.8(c)(4) – treatment plan with recommendation, and options.

TSBDE Rule 108.8(c)(5) – record of treatment provided.

TSBDE Rule 108.8(c)(6) – record of medication and dosages given to patient

TSBDE Rule 108.8(c)(7) – record of complications

TSBDE Rule 108.8 (c)(8) - written and signed informed consent.

TSBDE Rule 108.8(c)(11) - confirmable identification of source of notations in patient chart.

TSBDE Rule 108.8(e) (2)– A dentist who enters into a written transfer of records agreement shall notify the State Board of Dental Examiners in writing within fifteen (15) days of a records transfer agreement

TSBDE Rule 108.8(g) – Shall furnish copies of dental records to a patient who requests his or her dental records

TSBDE Rule 108.10 - Notification of Change of Information

DPA Sec. 258.0511 Access to Dental Records.

DPA Sec. 256.105 – Failure to notify the Board of change of information.

**Pertaining to Collection of Information and Records**

TSBDE Rule 107.105(a) Dental Records. Upon request by board staff, a dental custodian of records shall provide copies of dental records or original records. Board staff may require a dental custodian of records to submit records immediately if required by the urgency of the situation or the possibility that the records may be lost, damaged, or destroyed.

TSBDE Rule 107.105(b) Response to Board Requests. In addition to the requirements of responding or reporting to the board under this section, a licensee/registrant shall respond in writing to all written board requests for information within ten days of receipt of such request.

TSBDE Rule 107.105(c) Business Records Affidavits. Dental records must be provided under a business records. Dental records must be provided under a business records affidavit or as otherwise required by board staff.

TSBDE Rule 108.8(f) – Dental records shall be made available for inspection and reproduction on demand by the officers, agents, or employees of the State Board of Dental Examiners

DPA Sec. 258.0511 Access to Dental Records -(b) On demand, the dental custodian of records shall give access to the board

DPA Sec. 256.105 – Failure to notify the Board of change of information.

**Pertaining to Vitals**

TSBDE Rule 108.8(b)(4) - baseline vitals recorded.

TSBDE Rule 108.8(b)(5) – notation of reason vital signs not recorded in patient's chart.

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation ; (c)(2)(C) Pre-procedural baseline vitals, (c)(5) (A) Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(C) Monitoring Requirements (c)(5) (C) Documentation Requirements

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**Pertaining to Vitals Cont'd.**

TSBDE Rule 110.5 Moderate Sedation -(c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(B-D)

Monitoring Requirements (c)(5) (C) Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation (c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(A-

C)Monitoring Requirements (c)(5) (C) Documentation Requirements

**Pertaining to Professional Responsibility (General)**

TSBDE Rule 108.3 (a) Consumer Information - A Texas dentist practicing dentistry in Texas shall notify dental patients that complaints concerning dental services can be directed to the Board by providing the name, mailing address, and telephone numbers of the Board.

TSBDE Rule 108.4 Names of Dentists.

TSBDE Rule 108.5 (a), (b 1, 2, & 5) Patient Abandonment

TSBDE Rule 108.6 Report of patient death or injury requiring hospitalization.

TSBDE Rule 108.9(4)(D-F) – Dishonorable Conduct – Misconduct involving drugs or alcohol

TSBDE Rule 108.9(11) – Dishonorable Conduct – Unprofessional conduct - “disgrace, degrade, or bring discredit upon the licensee or the dental profession”.

TSBDE Rule 108.10 - Notification of Change of Information

TSBDE Rule 108.11 - Display of Registration

TSBDE Rule 108.12 - Dental Treatment of Obstructive Sleep Apnea - A dentist shall not independently diagnose obstructive sleep apnea (OSA). A dentist may fabricate an oral appliance for treatment of OSA only in collaboration with a licensed physician

TSBDE Rule 108.13 – Practice of Dentistry on Certain Children (Parent in the Room rule)

TSBDE Rule 108.14 – Pediatric and Special Needs Case Management (Protective Stabilization rule)

TSBDE Rule 108.15 – Emergency Preparedness – dentist shall maintain and annually update written P&P for responding to emergency situations.

DPA Sec. 259.002. Notification of qualifications.

DPA Sec. 266.201(d) A dentist shall label as provided by board rule a removable dental prosthesis fabricated in this state by the dentist or by a person under a prescription or work order prepared by the dentist.

**Pertaining to Delegating Duties**

TSBDE Rule 108.2 Fair Dealing (f) – Dentist may not employ an auxiliary to perform any dental procedure that he can not perform personally.

TSBDE Rule 108.9(10) – Dishonorable Conduct – Improper delegation

DPA Sec. 256.001 – Practicing Dentistry without a license.

DPA Sec. 258.001. Impermissible delegations.

DPA Sec. 262.151(a)(2) - Delegations of Duties by Dentist – No exam by dentist within preceding 12 calendar months.

**Pertaining to Auxiliary Personnel - Dental Assistants**

TSBDE Rule 114.2 (b) (4) Dental Assistants not current in basic life support training.

TSBDE Rule 114.3 Pit and Fissure Sealants (d)(1) two years experience

TSBDE Rule 114.5 Coronal Polishing (b)(2) two years experience, (c)Billed as a prophylaxis

TSBDE Rule 116.10 Prosthetic Identification. Failure to place an identification mark on a removal prosthetic device that clearly identifies the patient.

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**Pertaining to CPR**

TSBDE Rule 108.7(5)(C) Minimum Standard of Care- Basic Life support training.  
TSBDE Rule 114.2 (b) (4) Dental Assistants not current in basic life support training.  
DPA Sec 257.0004 - License Renewal - CPR

**Pertaining to Continuing Education**

TSBDE Rule 104.1 Continuing Education requirements. Non compliance.  
TSBDE Rule 104.4 (b) Falsification of CE on renewal application.  
TSBDE Rule 111.1 – Additional controlled substances CE requirement

**Pertaining to Fees**

TSBDE Rule 108.2 Fair Dealing (c) - Written request from patient to Dentist to provide explanation of charges in plain language.  
DPA Sec. 259.008. Unprofessional Conduct. - Obtaining or attempting to collect a fee by fraud or misrepresentation.  
DPA Sec. 259.001. False statements to patients.

**Pertaining to Licensee Criminal Background**

TSBDE Rule 101.8 Licensure of persons with criminal backgrounds.  
DPA Sec. 53.021 Authority to Revoke, Suspend, or Deny License – Conviction of felony or misdemeanor related to profession.

**Pertaining to Advertising and Business Promotion**

TSBDE Rule 108.3 (a) Consumer Information - A Texas dentist practicing dentistry in Texas shall notify dental patients that complaints concerning dental services can be directed to the Board by providing the name, mailing address, and telephone numbers of the Board.  
TSBDE Rule 108.4 Names of Dentists.  
TSBDE Rule 108.50 (b) Business Promotion - Deceptive Advertising  
TSBDE Rule 108.55 Announcement of Credentials in Non-Specialty Areas.  
TSBDE Rule 108.56 Specialty Announcement.  
TSBDE Rule 108.57 (c) (1) False or Misleading Communications - contain material misrepresentation of fact.  
TSBDE Rule 108.57 (c) (8) Testimonials.  
TSBDE Rule 108.57 False, Misleading or Deceptive Advertising.  
DPA Sec. 259.001. False statements to patients.  
DPA Sec. 259.002. Notification of qualifications.  
DPA Sec. 259.006. Unlawful advertising in general.  
DPA Sec. 259.003(a). Use of Trade Name – Failure to provide name of treating dentist before or after treatment.  
DPA Sec. 259.003(b). Use of Trade Name – Advertisement under corporate, company or association that does not prominently include the name of at least one dentist.

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**Pertaining to Advertising and Business Promotion Cont'd.**

DPA Sec. 259.003(c). Use of Trade Name – Fail to file a list of dentists practicing under a trade name.

DPA Sec. 259.003(d). Use of Trade Name – Failure to provide an updated list of dentists practicing under a trade name within 30 days of a change.

**Pertaining to Contractual Agreements (Owner Responsibilities)**

TSBDE Rule 108.70 Improper Influence on Professional Judgment.

TSBDE Rule 108.71 Providing Copies of Certain Contracts.

DPA Sec. 259.004 (b) - Owner or Supervising Dentist's responsibilities relative to the SOC provided by associate dentists in the practice.

**Pertaining to Laboratory**

DPA Sec. 266.201(a) PRESCRIPTION REQUIRED. A dentist who orders a dental laboratory service shall prepare and deliver to the dental laboratory a prescription or work order for the service to be performed.

DPA Sec. 266.201(b) The prescription or work order must contain: (1) the signature and Texas dental license number of the dentist; (2) the date the prescription or work order is signed; (3) the patient's name; and (4) a description of the dental laboratory service ordered.

DPA Sec. 266.201(c) A dentist shall keep a copy of each prescription or work order at the dentist's office in a separate file for two years for inspection by the board's officers, agents, or employees.

DPA Sec. 266.201(d) A dentist shall label as provided by board rule a removable dental prosthesis fabricated in this state by the dentist or by a person under a prescription or work order prepared by the dentist.

**Pertaining to Sanitation and Infection Control**

TSBDE Rule 108.21 Sanitation and Infection Control – Requirements

TSBDE Rule 108.22 Access to dental office for sanitation inspection.

TSBDE Rule 108.24 Required Sterilization and Disinfection

**Pertaining to Mobile dental facilities**

TSBDE Rule 108.40 Mobile dental facilities – permit required.

TSBDE Rule 108.43 Operating Requirements for Permitted Mobile Dental Facilities or Portable Dental Units.

# **BOARD MEETING**

## **August 12, 2022**

### **Proposed Rules**

Please visit  
[Proposed Rules – Texas State Board of Dental Examiners](#)  
for updates

### **Adopted Rules**

[Rule 104.2 Continuing Education Providers](#)

[Repeal 108.25 Dental Health Care Workers](#)

**The Mission of the Texas State Board of Dental Examiners is to protect the public health and safety and promote high quality and safe dental care by providing enforcement, licensing, peer assistance, and related information services to licensees and their patients**

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Your response is appreciated.