



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

Convenes on March 12, 2021 – 8:30 a.m. – Conclusion  
William P. Hobby, Jr. Building  
333 Guadalupe Street, Tower 2, Room 102  
Austin, Texas 78701

**BOARD MEETING MINUTES  
MARCH 12, 2021**

**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	Member
Ms. Lois M. Palermo	Member
Dr. Linda T. Burke	Member
Dr. Margo Melchor	Member

**b. Members Absent - Excused:**

Mr. Rodney Bustamante	Member
Ms. Kathryn Sisk	Member

**3. DISCUSSION AND APPROVAL OF MINUTES FROM PERVIOUS BOARD MEETINGS. TIMECODE: 4:10:18**

a. Minutes for December 11, 2020 Board Meeting.

A motion was made by Dr. Henderson and seconded by Dr. Quirch to approve the Minutes as written for the December 11, 2020 Board Meeting.

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

b. Minutes for February 19, 2021 Board Meeting.

A motion was made by Dr. Melchor to remove the sentence “regarding companions” and seconded by Dr. McNeill to approve the amendment.

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

A motion was made by Dr. Henderson and seconded by Dr. Quirch to accept the amended Minutes for the February 19, 2021 Board Meeting.

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

**4. DISCUSSION AND POSSIBLE ACTION ON RE-APPOINTMENT OF INITIAL MEMBERS ON THE ADVISORY COMMITTEE ON DENTAL ANESTHESIA.**

Ms. Nichols reviewed the Advisory Committee on Dental Anesthesia appointments. A motion was made by Dr. Quirch and seconded by Dr. Burke to re-appoint the original members of the committee. Dr. Tillman drew names for two and one year terms:

Dr. Ford /2 year term

Dr. Randwanski /2 year term

Dr. Peak / 2 year term

Dr. Ludlow / 1 year term

Dr. Masters / 1 year term

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

**5. DISCUSSION AND POSSIBLE ACTION ON PROPOSED CASE RESOLUTIONS.**

a. **Agreed Settlement Orders. TIMECODE: 1:01:54**

A motion was made Dr. Henderson and seconded by Ms. Jones to approve the Agreed Settlement Orders for Bastani (2020-00351), Chandler (2020-00432), Douglas (20201-00322), Ghattas (2019-00978), Greeson (2018-00391; 2018-00401; 2018-00402 &2020-00843 ), Kristovich (2020-00070), Liska (2019-00568), Morales ( 2021-00192), Osamor (2019-01121), Razo (2020-00256), Rossi (2021-00322), Salinas-Chapa (2018-01101 & 2019-00964), Tran (2019-00420 & 2019-00550), Tran (2019-00877).

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

b. **Remedial Plans.**

A motion was made Dr. Quirch and seconded by Dr. Burke to approve the Remedial Plan for Bauer (2019-00684), Cha (2020-00025), Chau (2019-00953), Cherukadu (2019-00650), Cheung (2020-00455), Cohen (2020-01087), Cornelius (2020-00023), Lee (2020-00013), Morris (2019-01136), Mulamba (2019-01144), Nguyen (2017-01542), Nguyen (2020-00144), Ocker (2020-00672), Pickering (2019-00720), Radford (2020-00831), Stone (2020-00328), Strickland (2020-00203), Tippit (2020-00377), Vasarla (2020-00261), Wiggins (2020-00154), Wiggins (2020-00154), Yew (2019-00661).

(FOR - 9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**c. Agreed Administrative Penalties. TIMECODE: 1:04:13**

A motion was made Ms. Jones and seconded by Dr. Quirch to approve the Agreed Administrative Penalty for Vasarla (2020-00261).

(FOR - 9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**d. Consent Orders.**

A motion was made Dr. Quirch and seconded by Dr. Henderson to approve the Consent Orders as presented for Naputi (2021-00405), Agarwal (2021-00420), Nicholson (2021-00414).

(FOR - 9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**e. Pre-ISC Recommendations of Dismissal.**

A motion was made Dr. Burke and seconded by Dr. Yu to approve FY 2021 Q2 Pre-ISC DLBV Vol 1 as presented.

(FOR - 9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**f. Post-ISC Recommendations of Dismissal.**

A motion was made Dr. Yu and seconded by Dr. Quirch to approve FY 2021 Q2 Post-ISC DLBV Vol 1. and FY 2021 Q2 Post-ISC DLBV Vol 2.

(FOR -9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**g. Modification Orders.**

A motion was made Dr. Quirch and seconded by Dr. Yu to approve the modification order as presented for German (2021-00169).

(FOR - 8/OPPOSED- o/ABSTAIN-1) MOTION CARRIES

**h. Discussion of Specific Orders.**

None presented.

**6. DISCUSSION AND POSSIBLE ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH). TIMECODE:1:10:30**

**a. Docket No. 504-21-0824, Eric Jerome Hall, DDS, Dental License No. 30724.**

Consideration of Order No. 4 Order of Default Dismissal and Remand, Recommendations, and Board Action.

Board staff recommendation presented by Sonya Subash, Staff Attorney.

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

(FOR - 8/OPPOSED- o/ABSTAIN-1) MOTION CARRIES

**b. Docket No. 504-20-3040, Cindy Rodriguez, RDA, Dental Assistant Registration No. 85706.**

Consideration of the Administrative Law Judge's Proposal for Decision by Summary Disposition, Recommendations, and Board Action.

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

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

(FOR - 9/OPPOSED- o/ABSTAIN-o) MOTION CARRIES

**7. PRESIDING OFFICER REPORT. TIMECODE: 1:12:46**

Ms. Nichols reviewed the AADB conference that was attended by Dr. Yu, Dr. Henderson and Ms. Nichols. A discussion of the Smile Direct Club and status of different state vaccination policies occurred. Attorney roundtable was valuable per Ms. Nichols. WREB report was given by Dr. Henderson. Dr. Yu and Dr. McNeill gave a report on the simulation on testing. Dr. Quirch did the orientation and has a test scheduled. Dr. Melchor joined WREB and her first engagement is in Utah in April. Senate and House budget appropriations were completed by Dr. Tillman and Ms. Nichols. Dr. Tillman can do the April 6 & 7, 2021 Dental Hygiene visit. Ms. Palermo is doing a CDCA exam in April and sits on the Hygiene Exam Review Committee that has not met yet.

**8. PROFESSIONAL RECOVERY NETWORK (PRN). TIMECODE: 1:31:35**

Debbie Garza the Executive Director spoke. New PRN director starts on March 29, 2021. Steady increase in referrals. Compliance is acceptable. Spring seminar will be virtual and is being planned.

**9. DISCUSSION AND POSSIBLE ACTION ON CONTINUING EDUCATION REVIEW COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE:1:33:49**

**a. Committee recommendation and possible action on 22 Tex. Admin. Code § 104.5, Auditable Documentation.**

Ms. Mendez spoke on the subject. Specialties like polishing and pit and fissure should be kept indefinitely or as long as the specialty is being performed. Documents should be kept for 3 years to meet the audit guideline. Ms. Diane Rhodes/TDA has created an app that tracks the Dentists' CE needs for subscribers. The app will be for TDA members only but it is proposed by Dr. Henderson to partner with TDA to include it on the TSBDE website.

TDA's intent is to have the app work with the board's third party vendor to seamlessly transfer information. TDA advises there is no immediate plan to create the app for dental hygienists or dental assistants. Dr. Henderson advises that AADB is reaching out to all states to work on a CE plan and questions how TDAs app is different. TDA is customizing their app to TSBDE CE requirements. In the future, it may incorporate dentists with other state licenses beyond Texas. It may be offered as a free product for TDA dentists but final decisions have not been made on the for-profit side of TDA.

**10. DISCUSSION AND POSSIBLE ACTION ON LICENSING COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE: 2:00:24**

Dr. Quirch gave a review of the committee meeting.

- a. Update on proposed rules pertaining to live patient examinations. Whatever schools are allowing during the pandemic will be accepted by the state until the Governor rules differently. Dr. Melchor clarified that this includes Dental Hygiene students.
- b. Committee recommendation and possible action on the Dental Public Health specialty becoming an online course. Ms. Studdard reviewed the topic. The board staff will return with suggestions on this topic.
- c. Committee recommendation and possible action on request for exception to Board rule:
  - i. 2021-Q3-DDS1

The applicant withdrew his application. No action taken.

ii. 2021-Q3-DDS2

Dr. Thacker spoke on her own behalf. Ms. Mendez advised that Dr. Thacker does not have the three year requirement for a license by credential. Dr. Henderson calls the question. Committee recommended denial of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to deny the exception of 2021-Q1-DDS2.

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

- d. Committee recommendation and possible action on 22 Tex. Admin. Code § 101.2, Licensure by Examination (Dental Licensure). The committee combined the CDCA name change from the previous title North East Regional Board as well as TSBDE becoming a member of CDCA. Dr. McNeill made a motion for an amendment to strike line under C2 "examination results will be accepted 5 years from the date of the examination." Dr. Yu seconds the amendment to the rule. Legal deferred to Ms. Mendez regarding the need for this change to the rule. Ms. Mendez advises that changes can be made internally without a rule change. Ms. Studdard advises that the rule has not been published yet. Dr. McNeill withdraws his motion for an amendment. The motion was made and did not require a second because the recommendation was made from the committee.

(FOR – 9/ OPPOSED –o/ABSTAIN – o) MOTION CARRIES

Dr. Tillman called for a break at 10:30am to return at 10:45am

**RESUME AT TIMECODE: 2:52:32**

- e. Committee recommendation and possible action on 22 Tex. Admin. Code § 103.2, Licensure by Examination (Dental Hygiene Licensure).

The committee combined the CDCA name change from the previous title North East Regional Board as well as TSBDE becoming a member of CDCA for dental hygienists. The motion was made and did not require a second because the recommendation was made from the committee.

(FOR – 9/ OPPOSED –o/ABSTAIN – o) MOTION CARRIES

- f. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 108.54, Advertising Specialties, published in the January 8, 2021 edition of the Texas Register.

The motion was made and did not require a second because the recommendation was made from the committee.

(FOR – 9/ OPPOSED –o/ABSTAIN – o) MOTION CARRIES

- g. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 119.10, Oral Medicine, published in the January 8, 2021 edition of the Texas Register.

The motion was made and did not require a second because the recommendation was made from the committee. Ms. Palermo inquired about what the Oral Medicine entails. Dr. Quirch advised it includes special needs patients.

(FOR – 9/ OPPOSED –o/ABSTAIN – o) MOTION CARRIES

- h. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 119.11, Dental Anesthesiology, published in the January 8, 2021 edition of the Texas Register.

The motion was made and did not require a second because the recommendation was made from the committee.

(FOR – 9/ OPPOSED –o/ABSTAIN – o) MOTION CARRIES

- i. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 119.12, Orofacial Pain, published in the January 8, 2021 edition of the Texas Register.

The motion was made and did not require a second because the recommendation was made from the committee. Dr. Melchor inquired about the Orofacial Pain term and Dr. Henderson clarified that it is a previously voted on specialty that the board is now recognizing.

(FOR – 9/ OPPOSED –0/ABSTAIN – o) MOTION CARRIES

**TIMECODE: 3:01:14**

**11. DISCUSSION AND POSSIBLE ACTION ON DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.**

- a. Committee recommendation and possible action on dentists administering the COVID-19 vaccine.

Ms. Nichols reviewed the COVID 19 vaccination policy. The PREP Act will protect dentists if vaccinating but it may not give permission to vaccinate. Dr. Melchor inquires if it will apply to dental hygienists. Ms. Nichols stated if the Governor provides orders it may include dental hygienists. Ms. Jones inquired if dentists can provide any other vaccinations and legal advised that they can't. No vote, discussion only.

- b. Committee recommendation and possible action on rulemaking pertaining to botox.

Board staff to recommend keeping the existing policy or bring back any other recommendations to the board. No vote, discussion only.

- c. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 108.8, Records of the Dentist, published in the January 8, 2021 edition of the Texas Register.

Committee determined that the maximum a dentist can charge to duplicate a scan should be \$30. The motion was made and did not require a second because the recommendation was made from the committee.

(FOR – 9/ OPPOSED –0/ABSTAIN – o) MOTION CARRIES

**12. DISCUSSION AND POSSIBLE ACTION ON ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE: 3:13:20**

- a. Committee recommendation and possible action on data points Board staff can provide to the Advisory Committee on Dental Anesthesia.

Dr. Bell will investigate data points and add to the DRP worksheet. Dr. Bell will return for more guidance from the board once she has done her research. No vote, discussion only.

- b. Committee recommendation and possible action on currently proposed rule from December 11, 2020 Board meeting: 22 Tex. Admin. Code § 108.7 – Minimum Standard of Care, General, published in the January 8, 2021 edition of the Texas Register.

Committee supported to adopt the rule. Dr. Yu commented that we are picking on one drug and there are also issues with Informed Consent. Dr. McNeill discussed other issues like unmonitored use at home and including “should” will allow for clinical judgement. The motion was made and did not require a second because the recommendation was made from the committee.

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

**13. DISCUSSION AND POSSIBLE ACTION ON DISCIPLINARY COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE: 3:21:42**

- a. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.6, Report of Patient Death or Injury Requiring Hospitalization.

Dr. McNeill reviewed the discussion of self-reports and Dr. Bell's input was appreciated. No vote, discussion only.

- b. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.57, False, Misleading or Deceptive Advertising.

Dr. McNeill reviewed the discussion of advertising and future advertising in the social media realm. No vote, discussion only.

- c. Committee recommendation and possible action on Agreed Administrative Penalties (AAP) and cases resolved prior to an informal settlement conference.

Dr. McNeill reviewed agency efficiency, staff and legal resources, AAP formation and use, and positive progression with DRP, investigations and legal. No vote, discussion only.

**14. PUBLIC COMMENTS. TIMECODE: 3:26:46**

None.

**15. AGENCY ACTIVITY REPORTS. TIMECODE: 3:26:55**

- a. Executive Division Report.

Ms. Nichols gave her report. Covid 19 procedures are still in place in the office and highly encouraging staff wear masks. Work from home still in place. Option for Zoom or in person for ISC meetings continues. LAR has been presented to the Senate Committee and House Committee. May of 2022 move to new building anticipated. AADB meeting was successful. Electronic Prescribing Waivers have been processed and over 2,000 have been processed to date. Fraud has increased and even with staff members and use of their social security numbers as well as hacking attempts. We will not have the Licensing Expo this year due to Covid issues.

- b. Finance and Administration Division Report.

Ms. Kappel gave her department report. She gave an update on the anticipated move fees, staffing, LAR, recent audit, budget status and the change to the HPC system upgrades for all agencies.

- c. Licensing Division Report.

Ms. Mendez gave her department report. The agency is on track with inspections. We lost one inspector and Mr. Jackson is leaving March 1<sup>st</sup>, 2021. An inspector was hired, a previous TSBDE employee. Effective September 1, 2021 licensees can print their renewal certificates on their own, they will not be sent from our offices. Other data is in the report posted to the board materials.



d. Dental Division/Investigations Report.

Dr. Bell gave her department reports. Total number of ISC dates may be reduced in the future. Periodontist hired and we have 19 cases waiting to review. Please send colleagues to Dr. Bell for DRP consideration. The fee paid per case should be reviewed and hopefully it will be on par with the medical board in the future per Dr. Tillman. Dr. Bell's reports are posted to the board materials.

- i. Discussion and possible action on Dental Review Panel (DRP) mentees.  
A motion was made by Dr. Yu and seconded by Dr. Quirch to approve the proposed DRP members.

(FOR – 9/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

e. Legal Division Report.

Ms. Studdard reviewed the Emergency Rule 108.7. It will be effective until June 18, 2021 or when the Governor's lifts the disaster declaration. Ms. Studdard's report is posted to board materials.

**16. ANNOUNCEMENTS. TIMECODE: 4:15:00**

Dr. Tillman was presented with a gift and cake to thank him for his board service.

**17. ADJOURN.**

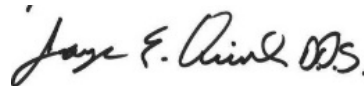
A motion was made by Dr. McNeill and seconded by Dr. Quirch to adjourn the meeting at 12:11pm.

(FOR – 9/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES



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Dr. David Yu  
Presiding Officer  
June 18, 2021



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Dr. Jorge Quirch  
Board Secretary  
June 18, 2021