



TEXAS STATE BOARD OF DENTAL EXAMINERS

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 3, Room 100
Austin, Texas 78701

**BOARD MEETING MINUTES
MARCH 6, 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.

Ms. Jones 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
Mr. Rodney Bustamante	Member

b. Members Absent – Excused:

Dr. Margo Melchor	Member
Ms. Kathryn Sisk	Member

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

a. Minutes for November 15, 2019, Board Meeting.

A motion was made by Dr. Quirch and seconded by Dr. Burke to approve the Minutes for the November 15, 2019 Board Meeting.

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

4. NONIMATION AND BOARD VOTE TO ELECT A SECRETARY.

Dr. Tillman asked for nominations for Board Secretary. Dr. Henderson nominated Dr. Quirch. No additional nominations were made. Nomination of Dr. Quirch was accepted.

5. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

a. Agreed Settlement Orders.

A motion was made by Ms. Jones and seconded by Dr. Yu to approve the Agreed Settlement Orders for Brown (2014-01802, 2016-00184, 2016-01349, 2016-01882, 2016-0283, 2017-00220, 2017-01480, 2017-01656, 2018-00042, 2018-00313, 2018-01012, 2020-00160); Tillman (2015-01289, 2017-00683, 2017-01454, 2017-01489, 2017-01494, 2017-01605, 2017-01634, 2018-00003, 2018-00194, 2018-00419, 2018-00904; Liang (2016-01627, 2016-02032); Hochstein (2017-00880); Pedlar (2017-01745); Bushman (2017-01821); Levine (2018-00666); Nguyen (2018-00699); Kelley (2018-01102, 2018-00896); Butler (2018-01204); Reeves (2018-01230, 2018-01360, 2018-01412, 2018-00516, 2018-01217, 2018-014045, 2018-01185); Madden (2018-01385); Hurme (2019-00160); and Bonnet (2019-01338).

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

b. Remedial Plans.

A motion was made by Dr. Henderson and seconded by Dr. Quirch to approve the Remedial Plans for Hoang (2017-00909); Nguyen (2017-01474); Welch (2017-01569, 2019-00128, 2019-00129); Lufburrow (2017-01740); Prida (2018-00216); Garrone (2018-00333); Vu (2018-00369); Meadows (2018-00497); Chawala (2018-00690, 2018-01417); Clifford (2018-00800); Phan (2018-00873); Simpson (2018-00877); Rossen (2018-00897); Song (2018-00922); Achkar (2018-00924); Blanchard (2018-00961); Simmons (2018-00997); Ward (2018-01122); Johnson (2018-01124, 2018-01129, 2018-01130); Zarei (2018-01222); Holloway (2019-00072); Ahmadi (2019-00099); Pratt (2019-00117); Eakin (2019-00159); Cheng (2019-00171); Udunka (2019-00194); Kebodeaux (2019-00226); Plunk (2019-00255); Fenn (2019-00467); Hussain (2019-00595); and Matlock (2019-00860).

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

c. Agreed Administrative Penalties.

A motion was made by Dr. Burke and seconded by Dr. Yu to approve the Agreed Administrative Penalties for Hepworth (2018-00508); Sagar (2018-00586); Raymond (2018-00836); Rapanotti (2018-00868, 2019-00115); Han (2018-00921); Reuth (2018-01334); Peterson (2018-01336); Yarbrough (2019-00382); Holland (2019-00387); Torrano (2019-00403); Huynh (2019-01035); and Andersen (2019-01214).

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

d. Consent Orders.

A motion was made by Ms. Palermo and seconded by Ms. Jones to approve the Consent Orders for Cox (2020-00130); Charles (2020-00320); Truong (2020-00321); Mata (2020-00324); Lay (2020-00358); and Dunlap (2020-00519).

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

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 2018-00860; 2019-00487; 2019-00168; 2018-00692; 2019-00103; 2018-01435; 2019-00139; 2019-00871; 2018-01439; 2019-00014; 2019-00610; 2019-00163; 2018-00982; 2019-00161; 2019-00531; 0000-00738; and 2017-00669;

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

f. Post-ISC Recommendations of Dismissal.

A motion was made by Dr. Henderson and seconded by Dr. Yu to approve the Post-ISC Recommendations for Dismissal for 2019-00138; 2017-00974; 2017-01643; 2018-00861; 2018-00864; 2018-00927; 2018-00918; 2018-00954; 2018-01123; 2018-01159; 2018-00662; 2018-00334; 2019-00089; 2019-00088; 2018-00535; 2017-01874; 2018-00824; 2018-01215; 2019-00195; 2017-01564; 2017-01888; 2018-00571; 2018-00593; 2019-00890; 2019-00192; 2018-01313; 2017-01748; 2018-01424; 2019-00737; 2019-00642; 2019-00601; 2018-00123; 2019-00032; 2018-00119; 2018-01025; 2019-00025; 2019-00393; 2017-00883; 2018-00845; 2019-00177; 2018-01243; 2019-00294; 2018-01367; 2018-01026; 2018-01374; 2018-01111; 2018-01096; 2019-00235; 2019-00185; and 2018-01428.

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

g. Modification Orders.

None presented.

h. Discussion of Specific Orders.

None presented.

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

a. Docket No. 504-20-1535, Robert Cisneros, DDS, Dental License No. 14476.

Consideration of the Administrative Law Judge's Order No. 1 Conditional 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. Quirch and seconded by Dr. McNeill to adopt the Order of the Board recommended by staff.

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

b. Docket No. 504-20-0318, Clarissa Blair RDA, Registered Dental Assistant No. 74246.

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

Board staff recommendation presented by Sonya Subash, Staff Attorney. Clarissa Blair appeared before the Board and made a presentation.

A motion was made by Dr. McNeill and seconded by Dr. Burke to go into Executive Session for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act, Section 551.071, Government Code at 8:49 a.m.

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

Executive Closed Session began at 8:49 a.m. and open session resumed at 8:54 a.m. and it was announced that no action was taken.

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

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

c. Docket No. 504-20-1651, Michele Davila, Registered Dental Assistant No. 23773.

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

Board staff recommendation presented by Sonya Subash, Staff Attorney.

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

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

7. DISCUSSION AND ACTION ON Robert Beck, DMD, MD v. TSBDE, Cause No. D-1-GN-18-002051, in the 345th Civil District Court of Travis County, Texas; Robert L. Beck, DMD, MD v. Steven J. Austin, DDS, et al, Cause No. 5:19-cv-00525-DAE, in the United States District Court for the Western District of Texas, San Antonio Division.

Sarah Wolfe from the Attorney General's office appeared before the Board and made a presentation. Louis Leichter, attorney for Dr. Beck, appeared before the Board and made a presentation.

A motion was made by Dr. Yu and seconded by Dr. McNeill to go into Executive Session for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act, Section 551.071, Government Code at 9:00 a.m.

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

Executive Closed Session began at 9:00 a.m. and open session resumed at 9:22 a.m. and it was announced that no action was taken.

Motion was made by Dr. McNeill to enter into appropriate agreements, orders or judgments to formalize those terms and conditions and to resolve the pending litigation with Dr. Beck, subject to the approval of the OAG, including necessary non-substantive changes that may be required. Dr. McNeill further moved that the Board authorize the Assistant Attorney General or the Board Chair, as is appropriate, to sign the agreements, orders or judgments. Motion was seconded by Mr. Bustamante.

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

8. 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 gave a status report. Currently, the order from the District Court has not been received, so no action will be taken today and agenda item will be rescheduled for the June Board meeting.

9. PRESIDING OFFICER REPORT.

Dr. Tillman discussed the Anesthesia Advisory Committee vacancy and his recommendation was for Dr. Hendrix, who is a medical anesthesiologist, to be appointed to this committee.

Dr. Tillman discussed the Executive Director review and will ask for a task force to preside over this review.

10. PROFESSIONAL RECOVERY NETWORK REPORT (PRN).

Eden Males, Director and Debbie Garza, CEO were present. Ms. Males gave her report. Ms. Garza discussed the issue of outstanding invoices.

A motion was made by Dr. Quirch and seconded by Dr. Yu to go into Executive Session for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act, Section 551.071, Government Code at 9:36 a.m.

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

Executive Closed Session began at 9:36 a.m. and open session resumed at 9:43 a.m. and it was announced that no action was taken.

11. DISCIPLINARY COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on Board action taken against Dental Review Panel members.

Dr. McNeill gave a brief overview of the meeting. No action was taken.

12. LICENSING COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on Request for Exception to Board Rules: 2020-Q2-DDS1.

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-Q2-DDS1.

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

- b. Committee recommendation and possible action on Request for Exception to Board Rules: 2020-Q2-DDS2

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-Q2-DDS2.

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

- c. Committee recommendation and possible action on Staff's Recommended Application Denial: 2020-Q2-RDH1

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-Q2-RDH1.

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

- d. Committee recommendation and possible action on Staff's Recommended Application Denial: 2020-Q2-RDH2

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-Q2-RDH2.

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

- e. Committee recommendation and possible action on Request for Reinstatement of Revoked License: 2020-Q2-DDS3

Committee recommended a five (5) year probated suspension. Staff will extend a Consent Order. A motion was made and did not require a second because the recommendation was made from the committee to extend a five (5) year probated suspension Consent Order to 2020-Q2-DDS3.

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

- f. Committee recommendation and possible action on Application for Licensure: 2020-Q2-RDA1

Committee recommended a five (5) year probated suspension with a PRN evaluation. Staff will extend a Consent Order. A motion was made and did not require a second because the recommendation was made from the committee to extend a five (5) year probated suspension, with PRN evaluation, Consent Order to 2020-Q2-RDA1.

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

- g. Committee recommendation and possible action on Request for Approval of Remediation Program: 2020-00570

No action taken by committee.

- h. Committee recommendation and possible action on 22 Tex. Admin. Code § 101.14 – Military Spouse.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- i. Committee recommendation and possible action on 22 Tex. Admin. Code § 103.10– Military Spouse.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- j. Committee recommendation and possible action on 22 Tex. Admin. Code § 114.7– Military Spouse.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- k. Committee recommendation and possible action on 22 Tex. Admin. Code § 101.3– Licensure by Credentials.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- l. Committee recommendation and possible action on 22 Tex. Admin. Code § 101.4– Temporary Licensure by Credentials.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- m. Committee recommendation and possible action on 22 Tex. Admin. Code § 103.3– Licensure by Credentials.

Ms. Nichols discussed the proposed 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 - o/ABSTAIN - o) MOTION CARRIES

- n. Committee recommendation and possible action on 22 Tex. Admin. Code § 103.4– Temporary Licensure by Credentials.

Ms. Nichols discussed the proposed 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 - 0/ABSTAIN – 0) MOTION CARRIES

- o. Committee recommendation and possible action on 22 Tex. Admin. Code § 101.15– Reinstatement of Cancelled License.

Ms. Nichols discussed the proposed 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 - 0/ABSTAIN – 0) MOTION CARRIES

- p. Committee recommendation and possible action on 22 Tex. Admin. Code § 103.11– Reinstatement of Cancelled License.

Ms. Nichols discussed the proposed 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 - 0/ABSTAIN – 0) MOTION CARRIES

13. DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on the sale of CBD oil in a dental office.

Committee made no recommendation and took no action.

- b. Committee recommendation and possible action on a dentist partnering with a physician or medical group to host a health fair at a dental office.

Committee made no recommendation and took no action.

- c. Committee recommendation and possible action on the use of electronic records.

Committee made no recommendation and took no action.

- d. Committee recommendation and possible action on dental laboratories outsourcing to dental laboratories not registered with the Board.

Committee made no recommendation and took no action.

14. ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on request for exception to Board rules: 2020-00568.

Committee recommended that the exception be granted, upon proof that the Applicant provide proof, from the State of California, of the dental license and nitrous permit. A motion was made and did not require a second because the recommendation was made

from the committee to contingently approve the exception to Board rules for 2020-00568.

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

- b. Committee recommendation and possible action on request for exception to Board rules: 2020-00595.

Committee recommended that the exception be granted, when the Applicant provides proof, from the State of Louisiana, of the dental license and nitrous certificate in good standing. A motion was made and did not require a second because the recommendation was made from the committee to contingently approve the exception to Board rules for 2020-00595.

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

The Presiding Officer called for a recess at 10:38 a.m.

The Presiding Officer called the meeting back to order at 11:01 p.m.

- c. Committee recommendation and possible action on medications reserved for Level 4 permit use only- direction for anesthesia inspectors.

Committee had no recommendation and took no action.

- d. Committee recommendation and possible action on pre-medicating patients with halcion prior to treatment.

Committee had no recommendation and took no action.

- e. Committee recommendation and possible action on the ASA Classification System.

- i. Discussion on the classification between ASA II and ASA III patients.

Committee had no recommendation and took no action.

15. CONTINUING EDUCATION REVIEW COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action regarding the CE Provider Application.

Committee had no recommendation and took no action.

- b. Committee recommendation and possible action to review current approved providers to determine continued eligibility.

Committee had no recommendation and took no action.

16. PUBLIC COMMENTS.

Dr. Boyd Shepherd gave public comment on Dr. Robert Anderton. A moment of silence was taken in his memory.

17. AGENCY ACTIVITY REPORTS.

a. Executive Division Report.

Dr. Bush gave his report that was uploaded to the Board member website. Discussed the next legislative session and cutting costs and effectiveness. He discussed the move to the Capitol Complex. The Strategic Plan will be put together from yesterday's meeting and sent out for review, within the next month.

b. Finance and Administration Division Report.

Leticia Kappel presented the division report. All reports have been uploaded to the website. A majority of the staff was given merit raises. The budget is in a good spot, but it is tight for the remainder of the fiscal year. Ms. Kappel answered a few questions concerning PRN.

c. Licensing Division Report.

Ms. Hernandez presented the division report. She reminded the Board of the expo dates.

d. Dental Division Report.

Dr. Bell presented her division report. All reports have been uploaded to the website. She is looking at condensing and revamping the Dental Review Panel training. There will be a training webinar for the Dental Review Panel this summer.

i. Discussion and Possible Action on Dental Review Panel Applications

There are 6 applicants up for a vote. Dr. Bell recommends approval of all six (6) applicants. A motion was made by Dr. Henderson and seconded by Dr. Quirch to accept the six (6) Dental Review Panel applicants.

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

e. Legal Division Report.

Ms. Nichols presented her division report. There is an increase in SOAH cases. She encouraged everyone to look at the ISC schedule and sign up for open spots. She discussed the Pre-ISC process. The PMP program and waivers were discussed and possible rules to be proposed.

f. Investigations Division Report.

Ms. Kruger presented her division report. All reports have been uploaded to the website.

Dr. Henderson wanted to comment on the anesthesia inspection program. Over 3,000 inspections have been completed and approximately 400 scheduled for the quarter. Well above the goal set by the legislature.

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

Dr. Tillman will set up a task force for the annual review of the Executive Director. Ms. Palermo will head up the task force.

A motion was made by Dr. Henderson and seconded by Dr. McNeill to go into Executive Session for personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee under the authority of the Open Meeting Act, Section 551.074, Government Code at 12:37 p.m.

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

Executive Closed Session began at 12:37 p.m. and open session resumed at 12:58 p.m., and it was announced that no action was taken.

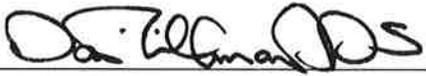
19. ANNOUNCEMENTS.

None.

20. ADJOURN.

A motion was made by Dr. Quirch and seconded by Ms. Jones to adjourn the meeting at 12:59 p.m.

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



David Tillman, DDS
Presiding Officer
June 5, 2020



Jorge Quirch, DDS
Board Secretary
June 5, 2020