



TEXAS STATE BOARD OF DENTAL EXAMINERS

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 3, Room 800
Austin, Texas 78701

**BOARD MEETING MINUTES
NOVEMBER 15, 2019**

1. CALL TO ORDER – BOARD MEETING.

Dr. Tillman called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:40 a.m. Dr. Tillman introduced Casey Nichols as the new General Counsel, as well as the introduction of Linda Burke, DDS as a new board member.

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

2. Introduction of New Board Member and Committee Appointments.

Dr. Linda Burke was introduced as a new board member that specializes in pediatrics. Committee appointments were made during the Presiding Officer Report.

3. ROLL CALL.

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

a. Members Present:

Dr. David Tillman	Presiding Officer
Dr. Bryan N. Henderson	Member
Dr. David H. Yu	Member
Dr. Robert G. McNeill	Member
Ms. Lorie Jones, RDH	Member
Dr. Margo Melchor	Member
Ms. Lois M. Palermo, RDH	Member
Dr. Linda T. Burke	Member

b. Members Absent – Excused:

Dr. Jorge Quirch	Secretary
Ms. Kathryn Sisk	Member
Ms. Rodney Bustamante	Member

c. Staff Present:

Dr. W. Boyd Bush	Executive Director
Ms. Casey Nichols	General Counsel
Dr. Brooke Bell	Director of Dental Practice Division
Ms. Christine Mendez	Director of Licensing Division
Ms. Charlice Kruger, RDH	Director of Investigations
Ms. Wendy Richardson	Executive Assistant
Mr. Dan Matthews	IT Department Project Manager

4. REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS BOARD MEETINGS.

a. Minutes for August 23, 2019, Board Meeting.

A motion was made by Dr. Henderson and seconded by Dr. McNeill to approve the Minutes for the August 23, 2019 Board Meeting.

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

5. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

Ann Gleeson, complainant in Case No. 2017-01633, was present and discussed her concerns with the possible settlement of Case No. 2017-01633.

A motion was made by Dr. McNeill and seconded by Ms. Jones 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 8:56 a.m.

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

Executive Closed Session began at 8:56 a.m. and open session resumed at 9:30 a.m. and it was announced that no action was taken.

a. Agreed Settlement Orders.

A motion was made by Dr. McNeill and seconded by Ms. Jones to approve the Agreed Settlement Orders for Ruiz (2014-01727, 2016-01824 & 2016-01988); Foreman (2015-00563 & 2016-01816); Spencer (2016-01352); Patel (2016-01652); Koob (2017-00101 & 2017-01343); Master (2017-00514); Guillen (2017-00588); Gervais (2017-00861); Johnson (2017-01064, 2017-01892 & 2018-01030); Hoover (2017-01517, 2017-01525, 2017-01526, 2017-01528, 2017-01529, 2017-01531, 2017-01532, 2017-01534, 2017-01535 & 2017-01737); Bone (2017-01604); Smith (2017-01649 & 2018-01384); Jung (2017-01746; 2017-01898 & 2018-00573); Radford (2017-01842); Arpero (2017-01915); Hensel (2018-00122); Moore (2018-00127); Radtke (2018-00335, 2018-00641 & 2019-00548); Norman (2018-00305); Hoelzer (2018-00321); Tubb (2018-00347); Robinson (2018-00417); Kheirieh (2018-00461); Kouri (2018-00517); Foster (2018-00761); Bailey (2018-00996); Webb (2018-01152); Huynh (2019-00071); Stephens (2019-00365); Nguyen (2019-00687); and Tello (2019-01207).

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

Dr. McNeill requested to pull the Agreed Settlement Order for Case No. 2017-01745 and add a PRN evaluation stipulation. A motion was made by Dr. McNeill and seconded by Dr. Burke to add a PRN evaluation stipulation in the Agreed Settlement Order.

FOR – 7/OPPOSED – 1/ABSTAIN – 0) MOTION CARRIES

b. Remedial Plans.

A motion was made by Ms. Jones and seconded by Ms. Palermo to approve the Remedial Plans for Pevow (2017-01169); Duey (2017-01287); Pacas (2017-01314); Craig (2017-01315); Song (2017-01574); Hsia (2017-01635); Rackham (2017-01727); Denman (2017-01738); Moore (2017-01747); Hojas (2017-01791); Widdig (2017-01796); Vu (2017-01822); Dadashyan (2017-01833); Feimster (2017-01841); Kral (2017-01859); Buckles (2017-01880); Estes (2017-01884); Pham (2017-01886); Burden (2018-00133); Watson (2018-00211); Garcia (2018-00273); Leiker (2018-00307); Patel (2018-00309); Shehane (2018-00310); Johnson (2018-00322); Zitterich (2018-00376); Noble (2018-00648); McNary (2018-00835); Fitzgerald (2018-00998); Crouch (2018-01075; 2018-01107 & 2019-00093); Nassari (2018-01157); Strombee (2019-00318); Lanese (2019-00379); and Harris (2019-00384).

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

c. Agreed Administrative Penalties.

A motion was made by Dr. McNeill and seconded by Ms. Palermo to approve the Agreed Administrative Penalties for White (2017-01633); Hillin (2018-00784); Megens (2018-00806); Mann (2018-01021); Bloom (2018-01179); Lim (2018-01219); Kushner (2018-01245); Safford (2018-01373); and Hedge (2019-00666).

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

d. Consent Orders.

A motion was made by Dr. Henderson and seconded by Dr. Burke to approve the Consent Orders for Brimberry (2019-01007); Moore (2019-01208); Barrera (2020-00044); and Garner (2020-00101).

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

e. Pre-ISC Recommendations of Dismissal.

A motion was made by Dr. Yu and seconded by Ms. Jones to approve the Pre-ISC Recommendations for Dismissal for 2018-00758; 2018-00788; 2018-00777; 2018-00859; 2018-01016; 2018-00869; 2017-01208; and 2018-00595.

(FOR – 8/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 2018-00130; 2018-00308; 2018-00248; 2018-00757; 2018-00659; 2018-00465; 2018-00776; 2018-00631; 2018-00293; 2018-00488; 2018-01153; 2018-00245; 2017-01601; 2018-00567; 2018-00520; 2018-00658; 2018-01041; 2018-01120; 2017-01795; 2018-00801; 2019-00544; 2018-00842; 2018-01218; 2018-00810; 2019-00091; 2018-00306; 2018-00600; 2018-00843; 2018-00583; 2018-00805; 2018-00780; 2018-00711; 2018-01034; 2018-01109; 2019-00081; 2018-00522; 2018-00512; 2018-00466; and 2018-00782.

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

g. Modification Orders.

A motion was made by Dr. McNeill and seconded by Dr. Yu to approve the Modification Order for SBDE Den Board No. 2019-01215 MODIFICATION.

(FOR – 7/OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

h. Discussion of Specific Orders: Panel Recommendation of Denial for Modification of SBDE No. 2017-00243.

A motion was made by Ms. Jones and seconded by Dr. Burke to deny the modification of SBDE No. 2017-00243.

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

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

a. Docket No. 504-19-3307, Jovanna Diaz, Applicant.

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

Board staff recommendation presented by Andrew Hurt, Staff Attorney.

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

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

7. PRESIDING OFFICER REPORT.

Dr. Tillman appointed Dr. Burke to the Disciplinary and Licensing Committees.

Dr. Tillman introduced the creation a new committee for CE provider recommendations. He appointed Dr. Burke as chair, with Dr. Quich, Ms. Sisk and Dr. Tillman as ex officio.

Dr. Tillman also announced that Dr. Quirch will no longer serve on the Anesthesia Committee.

8. PROFESSIONAL RECOVERY NETWORK REPORT (PRN).

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

There was a discussion about PRN evaluations.

9. ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS.

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

10. DISCIPLINARY REVIEW COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on application for modification of SBDE No. 2016-00477.

Committee recommended to lift the enforced suspension and add a 2-year probated suspension.

A motion was made by Dr. McNeill and Ms. Palermo 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 9:55 a.m.

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

Executive Closed Session began at 9:55 a.m. and open session resumed at 10:15 a.m. and it was announced that no action was taken.

A motion was made by Ms. Palermo and seconded by Dr. Burke to amend to lift the enforced suspension and recommend that Ms. Bedard submit to a PRN evaluation and a 2 year probated suspension with direct supervision.

(FOR – 6/OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

A motion was made by Ms. Palermo and seconded by Dr. McNeill to adopt the amendment.

(FOR – 7/OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

- b. Committee recommendation and possible action on proposed rule amendment from August 23, 2019 Board Meeting: 22 Tex. Admin. Code § 101.8 - Persons with Criminal Backgrounds, published in the October 11, 2019 issue of the Texas Register.

Dr. McNeill discussed the rule. Ms. Nichols discussed the rule amendment.

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

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

11. DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on proposed rule amendments from August 23, 2019 Board Meeting: 22 Tex. Admin. Code Chapter 111 - Standards For Prescribing Controlled Substances And Dangerous Drugs.

- i. 22 Tex. Admin. Code § 111.1 - Additional Continuing Education Required, published in the October 11, 2019 issue of the Texas Register.

TDA provided written comments of approval. A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

(FOR – 7/OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

- ii. 22 Tex. Admin. Code § 111.3 - Prescription Monitoring by the Dentist, published in the October 11, 2019 issue of the Texas Register.

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

(FOR – 7/OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

12. LICENSING COMMITTEE REPORT AND RECOMMENDATIONS.

- a. Committee recommendation and possible action on requests for exception to Board rules:

- i. 2020-Q1-DDS1

Committee recommended denial of application. Joe Loiacono, counsel for applicant, was present to discuss the application. Mr. Loiacono asked the Board to follow rules and license by credentials and gives a brief history.

A motion was made by Dr. McNeill and seconded by Ms. Jones 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 10:47 a.m.

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

Executive Closed Session began at 10:47 a.m. and open session resumed at 11:05 a.m. and it was announced that no action was taken.

A motion was made and did not require a second because the recommendation was made from the committee to deny the application of 2020-Q1-DDS1.

(FOR - 0/OPPOSED – 7/ABSTAIN – 1) MOTION DENIED

A motion was made by Dr. McNeill and seconded by Dr. Yu to allow exception to the rules and grant licensure by credentials to 2020-Q1-DDS1.

(FOR – 6/OPPOSED - 0/ABSTAIN – 2) MOTION CARRIES

- ii. 2020-Q1-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 2019-Q1-RDH1.

(FOR – 7/OPPOSED – 1/ABSTAIN – 0) MOTION CARRIES

- b. Committee recommendation and possible action on application for reinstatement:

- i. 2020-Q1-DDS2

Committee recommendation is denial of reinstatement.

A motion was made by Dr. McNeill 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 11:12 a.m.

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

Executive Closed Session began at 11:12 a.m. and open session resumed at 11:22 a.m. and it was announced that no action was taken.

A motion was made did not require a second because the recommendation was made from the committee to deny the application of 2020-Q1-DDS2.

(FOR – 0/OPPOSED – 8/ABSTAIN – 0) MOTION DENIED

Motion was made by Dr. McNeill and seconded by Ms. Jones to approve a consent order for a 5-year probated suspension for 2020-Q1-DDS2.

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

- c. Committee recommendation and possible action on proposed rule amendment from August 23, 2019 Board Meeting: 22 Tex. Admin. Code § 104.1 – Requirement, published in the October 11, 2019 issue of the Texas Register.

Dr. Melchor discussed the rule. TDA submitted public comments.

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

(FOR - 3/OPPOSED - 0/ABSTAIN – 5) MOTION CARRIES

13. Public Comments.

No public comments.

14. Agency Activity Reports.

- a. Executive Division Report.

Dr. Bush reported on hiring the new general counsel, Casey Nichols. He also announced that Leticia Kappel is now our deputy Executive Director. He discussed going to several conferences over the summer, where tele-dentistry is a huge topic. Dr. Bush also discussed performance measures.

- b. Finance and Administration Division Report.

Leticia Kappel presented the division report. All reports have been uploaded to the website. Ms. Kappel stated that a mini-audit occurred and no report has been received to date. There is a new employee in enforcement, bring the total to 57 FTEs filled. There will be an all staff meeting on December 10.

- c. Licensing Division Report.

Ms. Mendez presented her division report. Applications for initial licensure are being processed in 1-2 weeks. The dentist application has been revised to remove the corporate dentistry question. The division has one vacant position, due to a retirement.

d. Dental Division Report.

Dr. Bell presented her division report. She has hired a new dental hygienist for in the Dental Division. She has been getting a lot of applications for the Dental Review Panel. She would encourage approval for those being considered today.

e. Discussion and possible action on Staff recommendations for appointments to Dental Review Panel.

A motion was made by Dr. McNeill and seconded by Dr. Burke to approve the recommendations for new members of the Dental Review Panel.

{FOR – 8/OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

f. Legal Division Report.

Ms. Nichols gave the legal division report. The SOAH numbers are slightly lower, but the number will increase by the next meeting. The 2020 ISC schedule was included in the legal division report and board members were encouraged to sign up.

g. Investigations Division Report.

Ms. Kruger gave the investigations division report. All materials have been uploaded to the website. Ms. Kruger discussed days to resolution, as well as the number of complaints for FY 2019.

15. Announcements.

Board members discussed various dental organizations and meeting they have attended and are going to attend in the future.

16. Adjourn.

Dr. Burke made a motion and Dr. Yu seconded to adjourn the meeting at 12:10 a.m.

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



David Tillman, DDS
Presiding Officer
March 6, 2020



Jorge Quirch, DDS
Board Secretary
March 6, 2020