



TEXAS STATE BOARD OF DENTAL EXAMINERS

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 2, Room 225
Austin, Texas 78701

**BOARD MEETING MINUTES
DECEMBER 11, 2020**

1. CALL TO ORDER.

Dr. Tillman called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:37 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
Ms. Kathryn Sisk	Member

b. Members Absent - Excused:

Mr. Rodney Bustamante	Member
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3. DISCUSSION AND APPROVAL OF MINUTES FROM PREVIOUS BOARD MEETINGS.

a. Minutes for September 11, 2020, Board Meeting.

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

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

4. DISCUSSION AND ACTION ON EMERGENCY RULE 22 Tex. Admin. Code § 108.7, Minimum Standard of Care - General. TIMECODE: 3:10

A motion was made to extend emergency rule 108.7 (16) for 60 days by Dr. McNeill and seconded by Dr. Quirch.

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

5. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

a. **Agreed Settlement Orders. TIMECODE: 4:55**

A motion was made Dr. Quirch and seconded by Dr. Yu to approve the Agreed Settlement Orders for Davis (2019-00566), Desai (2020-00030), Giovanetti (2019-01125), Mayes (2019-00181 & 2019-00182), Nelson (2018-00159, 2019-00600, & 2019-00970), Rutherford (2020-0228 & 2020-00561), Salinas (2019-00510), Snider (2019-00334), and Zeng (2019-00375).

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

b. **Remedial Plans. TIMECODE: 6:11**

A motion was made Dr. Henderson and seconded by Ms. Jones to approve the Remedial Plans for Abu-Tabra (2019-01173), Bell (2018-01031 & 2019-00127), Bunk (2018-00319), Burk (2019-00791), Carmichael (2019-00673), Coleman (2018-01279), Cook (2019-00526), Daniels (2019-00818), Ewing (2020-00827), Felicetta (2019-00986), (Fernandez - 2018-01370), Frank (2018-00185), Gordon (2020-00881), Grace (2019-01202), Htun (2019-01021), Karren (2019-00771), Le (2020-00056), Levy (2018-01315), Loiseau (2018-00863), Lyman (2019-00599), Mai (2019-00608), Michail (2018-00282), Norton (2020-00107), Nunez (2018-01316), Paz (2019-00892), Popat (2019-00372), Ramirez (2019-00658), Roshannejad (2019-00108), Sabino (2019-00862), Shere (2019-00855), Simmons (2019-01053), Smith (2017-00077), Smith (2018-01113), Starck (2017-00566 & 2018-00995), Stuart (2018-00102), Turner (2020-00699), Vo (2018-01118), Wabara (2019-00158), Wilkinson (2019-01029), Womack (2019-00961), and Yoon (2019-00547).

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

c. **Agreed Administrative Penalties. TIMECODE:7:05**

A motion was made Dr. McNeill and seconded by Dr. Burke to approve the Agreed Administrative Penalties for Farajnejad (2017-00978), Galvan (2016-00435 & 2017-00459), Layne (2019-00584), Lewright (2020-00372), Terrys Crown & Bridge Lab (2017-01677), and Welch (2019-00946).

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

d. Consent Orders. TIMECODE: 8:03

A motion was made Dr. Yu and seconded by Dr. Henderson to approve the Consent Orders for Garcia (2021-00170), Merchant (2021-00171), and Romero (2021-00124).

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

e. Pre-ISC Recommendations of Dismissal. TIMECODE: 9:16

A motion was made by Dr. Quirch and seconded by Dr. McNeill to approve the Pre-ISC Recommendations of dismissal for 2019-00936, 2020-000999, 2019-00846, 2019-01199, 2018-01342, 2018-01166, 2019-00541, 2020-00091, 2020-00510, 2020-00338, 2018-00087, 2020-00307, and 2020-00014.

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

A motion was made by Dr. McNeill and seconded by Dr. Henderson 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 8:50 a.m.

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

Executive Closed Session began at 8:50 a.m. and open session resumed at 8:58 a.m. and it was announced that no action was taken.

A motion was made by Dr. McNeill and seconded by Dr. Henderson to have TSBDE Case No(s). 2019-01141 and 2019-00998 referred for Informal Settlement Conferences.

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

f. Post-ISC Recommendations of Dismissals. TIMECODE: 21:23

A motion was made by Dr. Quirch and seconded by Dr. Burke to approve the Post-ISC Recommendations of dismissal for 2020-00349, 2017-01857, 2020-00165, 2020-00016, 2020-00254, 2019-00109, 2018-00870, 2020-00157, 2020-00888, 2019-00800, 2019-01180, 2019-00616, 2020-00147, 2019-01129, 2018-00395, 2018-01232, 2020-00500, 2019-00942, 2020-01060, 2020-00110, 2020-00939, 2020-00426, 2019-01192, 2020-00486, 2020-00163, 2019-00853, and 2019-00011.

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

g. Post-Mediation Recommendation of Dismissal. TIMECODE: 22:31

A motion was made by Dr. Quirch and seconded by Dr. Henderson to approve the Post-Mediation Recommendation of Dismissal for Falah Al-Gaissi (2019-00174).

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

h. Modification Orders. TIMECODE: 23:57

A motion was made by Dr. Yu and seconded by Dr. McNeill to approve the Modification Order for Hudgins (2020-01053).

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

i. Discussion of Specific Orders. TIMECODE: 26:08

None.

6. DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH). TIMECODE: 26:11

a. Docket No. 504-21-0415, Casey Morrow, RDA, Texas Dental Assistant Registration No. 39182.

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

Board staff recommendation presented by Sonya Subash, Staff Attorney.

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

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

7. PRESIDING OFFICER REPORT. TIMECODE: 29:15

Dr. Tillman gave the Presiding Officer's report. Ms. Jones gave the HERB report.

Ms. Palermo discussed the CRDTS Hygiene Review Committee and noted many were going back to the live patient aspect of the exam.

Dr. Henderson discussed the DERB Meeting held on November 14, 2020. Dr. Henderson announced the virtual AADB meeting in February.

8. PROFESSIONAL RECOVERY NETWORK REPORT (PRN).

TIMECODE: 40:01

Dr. Abraham gave his report. Patty Dobson will take over from Dr. Abraham on December 12, 2020.

9. DISCIPLINARY COMMITTEE REPORT AND RECOMMENDATIONS.

Dr. McNeill clarified that a dentist should not be providing a COVID vaccination for their patients. Discussion occurred about COVID vaccinations and the scope of dental practice. Ms. Studdard advised that dentists can't provide vaccinations for their staff.

10. LICENSING COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE: 1:09:12

Committee recommendation and possible action on a presentation from the Commission on Dental Competency Assessments (CDCA).

Dr. Champagne and Dr. Shayna Overfelt gave a presentation and will send tooth samples to all board members that request them. Dr. Overfelt presented and answered questions. No action was taken.

- a. Committee recommendation and possible action on request for exception to Board rules: **TIMECODE: 1:19:20**

i. 2021-Q2-DDS1.

Committee recommended a six-month extension granted to sell Dr. Bui's practice. A motion was made and did not require a second because the recommendation was made from the committee to grant the exception of 2021-Q2-DDS1.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

ii. 2021-Q2-DDS2.

Committee recommended granting of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to grant the exception of 2021-Q2-DDS2.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

iii. 2021-Q2-DDS3.

Committee recommended denial of the exception to board 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-Q2-DDS3.

(FOR – 7/ OPPOSED – 2/ABSTAIN – 1) MOTION CARRIES

- b. Committee recommendation and possible action on Dr. Madhu Shrestha's request to take the WREB clinical examination.

Ms. Mendez discussed the request. Dr. Shrestha discussed her request.

A motion was made and did not require a second because the recommendation was made from the committee to deny the request.

(FOR – 6/ OPPOSED – 3/ABSTAIN – 1) MOTION CARRIES

The Presiding Officer called for a recess at 10:32 a.m.

The Presiding Officer called the meeting back to order at 10:50 a.m. **TIMECODE: 2:12:19**

Return to DDS2 item. Dr. Foes spoke on her own behalf. Discussion occurred and upon the legal team's review of the stipend, licensure by credential will automatically be allowed.

- c. Committee recommendation and possible action on Texas State Technical College's request for approval to provide a nitrous oxide monitoring course.

Ms. Mendez discussed that Texas State Technical College was provided in 1999, however, they are not currently on our institution approval list. The committee took no action.

A motion was made by Dr. Henderson and seconded by Dr. Yu approve the Texas State Technical College's nitrous oxide monitoring course.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- d. Committee recommendation and possible action on Dallas College's request to be a registered dental assistant (RDA) course provider. **TIMECODE: 2:30:20**

Committee recommended approval of the request to be an RDA course provider. A motion was made to approve the request and did not require a second because the recommendation was made from the committee.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- e. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.54, Advertising Specialties.

Ms. Studdard reviewed the topic. A motion was made to approve the rule as presented and did not require a second because the recommendation was made from the committee.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- f. Committee recommendation and possible action on 22 Tex. Admin. Code § 119.10, Oral Medicine.

A motion was made to approve the rule as presented and did not need a second because the recommendation was made from the committee.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- g. Committee recommendation and possible action on 22 Tex. Admin. Code § 119.11, Dental Anesthesiology.

A motion was made to approve the rule as presented and did not need a second because the recommendation was made from the committee

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- h. Committee recommendation and possible action on 22 Tex. Admin. Code § 119.12, Orofacial Pain.

A motion was made to approve the rule as presented and did not need a second because the recommendation was made from the committee.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

**11. DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.
TIMECODE: 3:28:29**

- a. Discussion and possible action on reasonable fees dentists charge patients for copies of CBCT scans.

Ms. Studdard discussed the inquiry about specific fees for a CBCT scan copy. Committee recommends Rule 108.8(g)(3)(f) be amended to include a \$30 maximum duplication fee for a CBCT scan. 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 – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- b. Discussion and possible action on informed consents for the following procedures: cutting of hard and soft tissues, and procedures involving sedation/anesthesia.

It was requested that legal staff review language on informed consent. The committee took no action.

- c. Committee recommendation and possible action on currently proposed rule from September 11, 2020 Board meeting: 22 Tex. Admin. Code § 111.5 – Electronic Prescribing Waivers, published in the November 6, 2020 edition of the Texas Register.

Ms. Studdard spoke about the e-prescription waivers. A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as published.

(FOR – 9/ OPPOSED – 0/ABSTAIN – 1) MOTION CARRIES

**12. ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS.
TIMECODE: 2:46:19**

- a. Discussion and possible action on Anesthesia Jurisprudence Examination. The exam now available and requires a score of 80 to pass. No action was taken.
- b. Discussion and possible action on Advisory Committee on Dental Anesthesia 2020 Report.

Ms. Studdard discussed the report. No action was taken.

- c. Discussion of public input received at October 5, 2020 Stakeholder Meeting.

Ms. Studdard read the oral and written comments. No action was taken.

- d. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.7 – Minimum Standard of Care, General. **TIMECODE: 3:24:01**

Committee recommendation on proposed rule as published with no second needed as the recommendation came from committee.

Dr. Tillman accepts an editorial change of Halcion (*Triazolam*).

The proposed rule will go to the Governor's office and then will be published in the Texas Register for comments.

(FOR – 9/ OPPOSED – 1 /ABSTAIN – 0) MOTION CARRIES

13. CONTINUING EDUCATION REVIEW COMMITTEE REPORT AND RECOMMENDATIONS. TIMECODE: 3:29:07

- a. Discussion and possible action on TSBDE's application for continuing education (CE) providers.

Ms. Mendez approved the final outcome of the CE provider application. Staff will look into 104.2(b) to look at CE provider qualifications annually. No action was taken.

- b. Committee recommendation and possible action on currently proposed rule from September 11, 2020 Board Meeting: 22 Tex. Admin. Code § 104.1 – Requirement, published in the November 6, 2020 edition of the Texas Register.

Ms. Studdard reviewed the proposed rule. No public comments received. A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as published.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

- c. Committee recommendation and possible action on currently proposed rule from September 11, 2020 Board Meeting: 22 Tex. Admin. Code § 114.12 – Continuing Education for Certificate Holders, published in the November 6, 2020 edition of the Texas Register.

Ms. Studdard reviewed the proposed rule. No public comments received. A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as published.

(FOR – 9/ OPPOSED – 1/ABSTAIN – 0) MOTION CARRIES

14. PUBLIC COMMENTS. TIMECODE: 3:42:37

Dr. Radwanski spoke on the subject of dentists administering COVID vaccines and testing. Dr. Black spoke from the Texas Tech University regarding Hunt School of Dental Medicine in El Paso opening in July, 2021.

15. AGENCY ACTIVITY REPORTS. 4:10:10

a. Executive Division Report.

Ms. Kappel gave her report that was uploaded to the Board member website. Ms. Kappel gave a COVID 19 update, remote working plan, Legislative update, audit update, budget committee meeting update, and noted that the Human Trafficking video from the Office of the Attorney General is reviewed by all staff.

The Presiding Officer called for a recess at 12:54 p.m.

The Presiding Officer called the meeting back to order at 1:15 p.m.

b. Finance and Administration Division Report. TIMECODE: 4:37:00

Ms. Kappel presented the division report. All reports have been uploaded to the Board member website.

c. Licensing Division Report. TIMECODE: 4:50:36

Ms. Mendez presented her division report. All reports have been uploaded to the Board member website. There is currently only one registration for the Nitrous stand-alone and those practitioners who do not register will be in “Expired Status” and in September move to “Cancelled Status”.

d. Dental Division/Investigations Report. TIMECODE: 4:59:40

Dr. Bell uploaded her written report to the Board member website. She requested that ISC panel members please utilize the DRP feedback form during ISCs to update training for DRP members. Periodontists and OMS’s are needed on the Dental Review Panel.

A motion was made by Dr. Henderson to and seconded by Dr. Quirch to approve the recommendation for the new member of the Dental Review Panel.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES

Investigations report: There were nine cases per analyst in the past few months and now thirteen per analyst, likely because of closed offices due to COVID. Two investigators were lost to 5% cut and we are hoping we can rehire one. All reports of statistics are uploaded to the board site.

d. Legal Division Report. TIMECODE: 5:05:44

Ms. Studdard gave the legal division report. All materials have been uploaded to the website. New staff attorneys are Cary Bruner and Evelyn Hernandez.

16. ANNOUNCEMENTS. TIMECODE: 5:07:06

None.

17. **ADJOURN.**

Dr. McNeill made a motion and Ms. Palermo seconded to adjourn the meeting at 1:46 p.m.

(FOR – 10/ OPPOSED – 0/ABSTAIN – 0) MOTION CARRIES



David Tillman, DDS
Presiding Officer
December 11, 2020



Jorge Quirch, DDS
Board Secretary
December 11, 2020