



TEXAS STATE BOARD OF DENTAL EXAMINERS

BOARD MEETING

Convenes on May 13, 2022 – 8:30 a.m. – Conclusion
William P. Hobby, Jr. Building
333 Guadalupe Street, Tower 3, Room 100
Austin, Texas 78701

BOARD MEETING MINUTES

1. Call to Order.

Dr. Yu called the meeting to order at 8:37am and asked Dr. McNeill to read the mission of the State Board of Dental Examiners.

2. Roll Call of Board Members.

Dr. Yu called on Dr. Quirch to call the roll and confirm a quorum was present.

A. Present:

Dr. Linda Burke	Present
Dr. Bryan Henderson	Present
Ms. Lorie Jones	Present
Dr. Margo Melchor	Present
Ms. Lois Palermo	Present
Dr. Jorge Quirch	Present
Dr. David Yu [ex officio]	Present

B. Absent: Excused

Dr. Yvonne Maldonado	Absent
Ms. Kathryn Sisk	Absent

Staff present: Ms. Nichols, Executive Director, Ms. Studdard, General Counsel, Ms. Kamp, Assistant General Counsel, Ms. Kappel, Deputy, Ms. Mendez, Director of

Licensing, Dr. Bell, Dental Director, Ms. Heiber, Director of Investigations, Mr. Gregory, Director of I.T., Mr. Matthews, IT Department, Ms. Richardson, Executive Assistant

3. Discussion and Approval of Minutes from Previous Board Meetings.

a. Minutes for February 18, 2022 Board Meeting.

A motion was made to approve the minutes by Dr. Quirch and seconded by Ms. Jones.

Dr. Linda Burke	For
Dr. Bryan Henderson	Abstains
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 7/ AGAINST: 0/ ABSTAIN:1/ MOTION CARRIES

4. Discussion and Possible Action on Proposed Case Resolutions.

a. Agreed Settlement Orders.

TIME CODE: 40:44

Ms. Studdard led the discussion.

A motion was made to approve the Agreed Settlement Orders as presented by Dr. McNeill and seconded by Dr. Quirch.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

b. Remedial Plans.

Ms. Studdard led the discussion.

A motion was made to approve the Remedial Plans as presented by Dr. Quirch and seconded by Dr. Burke.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

c. Agreed Administrative Penalties.

Ms. Studdard led the discussion.

A motion was made to approve the Agreed Administrative Penalties as presented by Dr. Henderson and seconded by Dr. McNeill.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

d. Consent Orders.

Ms. Studdard led the discussion.

A motion was made to approve the Consent Orders as presented by Dr. Quirch and seconded by Dr. Burke.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For

Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

e. Pre-ISC Recommendations of Dismissal.

TIME STAMP 43:36

Ms. Studdard led the discussion.

A motion was made to approve the Pre-ISC Recommendations of Dismissal as presented by Dr. Quirch and seconded by Ms. Jones.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	Abstains
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 7/ AGAINST: 0/ ABSTAIN:1/ MOTION CARRIES

f. Post-ISC Recommendations of Dismissal.

Ms. Studdard led the discussion.

A motion was made to approve the Post-ISC Recommendations of Dismissal as presented by Dr. Quirch and seconded by Ms. Jones.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

g. Modification Orders.

Ms. Studdard led the discussion. Dr. McNeill asked for background on the restrictions of practice. Ms. Studdard said it was an out-of-state disciplinary action and TSBDE

continued the restriction. The request is to remove the restriction. He has done several CEs in the areas requested.

A motion was made to approve the Modification Orders as presented by Dr. Quirch and seconded by Dr. Burke.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

h. Discussion of Specific Orders.

None.

5. Discussion and Possible Action on Cases Heard before the State Office of Administrative Hearings (SOAH).

a. Docket No. 504-21-2623, Arnold Medina, Jr., RDA, Dental Assistant Registration No. 14023. Consideration of the Administrative Law Judge's Proposal for Decision by Summary Disposition, Recommendations, and Board Action.

Ms. Kamp led the discussion. A motion to approve the staff's recommendation to adopt the order was made by Dr. Henderson and seconded by Dr. Quirch.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

b. Docket No. 504-22-1992, Rebecca Schiller, RDH, Registered Dental Hygienist No. 21555. Consideration of the Administrative Law Judge's Proposal for Decision by Summary Disposition, Recommendations, and Board Action.

TIME CODE 54:08

Ms. Kamp led the discussion. The respondent wanted to appear but had a family emergency.

A motion to approve the staff's recommendation to adopt the order was made by Dr. Quirch and seconded by Ms. Jones.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

6. Presiding Officer Report.

Dr. Yu gave his report. He thanked the stakeholders for their participation as well as Ms. Marquita Pride who has stepped down from the board. The Promethean demo was held in Dr. Yu's office and he thanked the board members and staff who presented it. The Executive Director annual review is upcoming with Ms. Jones and Ms. Kappel leading. The WREB annual meeting is in January. The ADEX report from Ms. Palermo discussed the mannequin exam versus live patient exam and which states will approve live patient or live patient/mannequin. CRDTS meeting is on June 18, 2022 in Kansas City, a Sim2 Care product will be demonstrated. The SRTA (State Resources for Testing and Assessments) exam is given by examiners that are typically state or city board members and Dr. Yu felt the exams were professional and well run. Dr. McNeill's independent study and his Harvard Executive Fellowship is in conjunction with the Department of Defense. His project is on health professional service members and their needs. The Attorney Roundtable elected Dr. Maldonado to be TSBDE caucus representative. An issue of dental practitioner shortages was highlighted. Dr. Yu considers having the deans of dental, dental hygiene and dental assistant schools to present at future meetings. Dr. Melchor requests newsletter coverage of students and community engagement.

TIMECODE: 1:18:59

7. Professional Recovery Network Report (PRN).

Ms. Leal presented her report.

8. Discussion and Possible Action on Continuing Education Review Committee Report and Recommendations.

- a. Committee recommendation and possible action on 22 Tex. Admin. Code § 104.2, Continuing Education Providers.

Dr. Melchor led the discussion.

A motion was made to approve Dr. Joe Waller of Dental Risk Solutions was made by Dr. Quirch and no second was needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

Also discussed was the renewal of CE providers and putting a reapplication or report into place. The staff was charged with researching the reapplication or report process that can be suggested at the next meeting.

9. **Discussion and Possible Action on Licensing Committee Report and Recommendations.**

- a. Committee recommendation and possible action on application for registration of a non-profit corporation authorized to hire dentists.

Dr. Quirch led the discussion. Dr. Carlo spoke about his organization that treats those living with HIV. It was confirmed that the organization meets all of the TSBDE requirements.

A motion was made to approve Dr. Carlo's non-profit organization Prism NTX by Ms. Jones and no second was needed as it came from the committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

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

i. 2022-Q4-RDA1

Ms. Mendez led the discussion. Ms. Helmers was deemed ineligible as she was one week out of compliance.

A motion to allow exception to the board rule by Dr. McNeill and no second is needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	Abstain
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	Abstain
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 6/ AGAINST: 0/ ABSTAIN:2/ MOTION CARRIES

TIME CODE 1:32:41

ii. 2022-Q4-RDH1

Ms. Mendez led the discussion. Mr. Aniceto De La Cruz Maldonado asked for an exception to board rule for his canceled dental hygiene license due to missed continuing education credits.

A motion to deny the request was made by Dr. Burke and no second is needed as it came from the committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

iii. 2022-Q4-DDS1

Ms. Mendez led the discussion. Licensing found Dr. Pierre was ineligible due to the CITA exam taken in 2017 that states exam results will be accepted for five years. He missed the deadline by 17 days.

A motion to approve the request was made by Dr. Burke and no second is needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

iv. 2022-Q4-DDS2

Ms. Mendez led the discussion. Dr. Masha was 7 days shy of his licensure. His social security number created a paper-work issue that delayed processing.

A motion to approve the exception to the rule was made by Dr. McNeill and no second is needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

c.. Committee recommendation and possible action on 22 Tex. Admin. Code § 114.3 (Pit and Fissure Sealant), § 114.4 (Nitrous Oxide Monitoring), and § 114.5 (Coronal Polishing).

Ms. Kamp led the discussion. RDA certificates affect staffing and the dental community needs to be educated that the training is required for Xrays, pit and fissure sealant and coronal polishing and Nitrous Oxide. Note that Nitrous Oxide training needs to be submitted within 5 years. If Nitrous Oxide is not on their certificate an RDA cannot monitor Nitrous. This information will be included in the newsletter.

TIMECODE 1:31:45

- d. Committee recommendation and possible action on presentation provided by the Southern Regional Testing Agency and Promethean Dental Systems.

Dr. Hanlon and Dr. Muncy gave a presentation on the Promethean system. A public member made a comment regarding creating a dental hygiene path to non-profit work.

10. Discussion and Possible Action on Dental Practice Committee Report and Recommendations.

- a. Committee recommendation and possible action on 22 Tex. Admin. Code § 108.25, Dental Health Care Workers.

Dr. Burke thanked her committee members and stakeholders. Ms. Studdard led the discussion of a repeal of rule 108.25 and she advised the language was a duplicate of the statute.

A motion was made to approve the repeal was made by Dr. Henderson and no second is needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

- b. Committee recommendation and possible action on permitted dental assistant duties.

The issue of dental assistant probing was discussed and the highlight was responsibility always lies with the Dentist. What is in rule versus what is in statute was covered. Discussion only.

TIMECODE: 1:48:00

- c. Committee recommendation and possible action on the currently proposed rule from the February 18, 2022 Board Meeting: 22 Tex. Admin. Code § 108.16 – Teledentistry, published in the March 11, 2022 issue of the Texas Register.

Ms. Studdard led the discussion. Several public comments are included in the materials, including the Regulatory Compliance letter. The committee voted unanimously to adopt.

Mr. Trey Lawrence representing the AAO and TAO spoke. Discussion of shall vs. must is a legal question. Dr. Quirch communicated he'd make an amendment to the rule. Dr. Burke confirmed our priority is protecting the public and serving the stakeholder community. Ms. Palermo inquired about carving out the orthodontist portion. Dr. Holden spoke for Align Technologies and spoke of a research study that Dr. Henderson inquired about. The committee recommendation was to adopt the rule as amended.

A motion to adopt the rule 108.16 as amended was made by Ms. Jones and seconded by the committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	Abstain
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 7/ AGAINST: 0/ ABSTAIN:1/ MOTION CARRIES

A motion to amend the amended motion was made by Dr. Quirch with language of “if an irreversible procedure is to be performed an in-person examination must be performed prior to Teledentistry” and seconded by Dr. McNeill.

TIMECODE: 2:39:05

Dr. Quirch withdrew his motion.

d. Committee recommendation and possible action on the currently proposed rule from the February 18, 2022 Board Meeting: 22 Tex. Admin. Code § 108.7, Minimum Standard of Care, General, published in the March 11, 2022 issue of the Texas Register.

The committee voted unanimously to adopt the rule. Based on stakeholder feedback the updated subsection 4 portion is “should be performed and reviewed annually” and the regulatory board approved TSBDE moving forward to adopt.

A motion was made to accept the rule as 108.7 as amended by Ms. Jones and no second is needed as it came from committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

BREAK 10:39 am

BREAK RETURN 10:55 am

11. Discussion and Possible Action on Disciplinary Review Committee Report and Recommendations.

- a. Committee recommendation and possible action on remediation programs in disciplinary proceedings.

Dr. McNeill spoke about the committee meeting discussion. Dr. McNeill submitted a Harvard document for the board to review. The article talks about regulatory standpoints of decreasing the bad and increasing the good. He thanked the stakeholders and the TDA, and the immediate past president that is attending the meeting today.

- b. Committee recommendation and possible action on presentation by Affiliated Monitors, Inc.

Ms. Deann Conroy of Affiliated Monitors, Inc. gave a presentation on the company. Dr. Melchor asked who trains their monitors. The company advised that they train monitors that might not be practitioners in the specialty. Dr. McNeill would like Assessments on Remediation Program on the agenda for the next meeting.

TIMECODE: 3:00:36

12. Discussion and Possible Action on Anesthesia Committee Report and Recommendations.

- a. Committee recommendation and possible action on request for exception to Board rules: 2022-Q4-DDS1.

Dr. Henderson led the discussion.

A motion was made to deny the request by Dr. Henderson and no second was needed as it came from the committee.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	Abstain
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 7/ AGAINST: 0/ ABSTAIN:1/ MOTION CARRIES

- b. Committee recommendation and possible action on 22 Tex. Admin. Code § 110.5, Moderate Sedation.

Dr. Henderson reviewed the committee discussion on the topic. Ms. Studdard led the discussion regarding Level 3 Sedation permits and the internship or residency needing the requirement of CODA approval. Discussion only.

TIMECODE: 3:04:45

- c. Committee recommendation and possible action on report from the Advisory Committee on Dental Anesthesia.

Ms. Studdard led the discussion. Ms. Studdard reviewed the pre-operative checklist issue and ASA miscategorization issue. The AAC suggested removing the pre-operative checklist or making it more clear. Our pre-operative checklist became a requirement in 2019. Eight deaths included nitrous in this report. TSBDE is one of the few states doing this report on a regular basis. The report is posted on our website. The report covers anesthesia or sedation cases for 2020 and 2021. Two committee members are coming off the Anesthesia Advisory Committee and applications are welcome.

13. Public Comments. None.

14. Agency Activity Reports.

- a. Executive Division Report.

Ms. Nichols gave her report that is also uploaded to the board website.

- i. TSBDE Strategic Plan FY 2023-2027.

TIME CODE: 3:26:33

- b. Finance and Administration Division Report.

Ms. Kappel gave her report that is also uploaded to the board website.

- c. Licensing Division Report.

Ms. Mendez gave her report that is also uploaded to the board website.

TIMECODE: 3:53:43

d. Dental Division Report.

Dr. Bell gave her report that is also uploaded to the board website. She is working on a re-boot of the DRP training with input from the legal team. The goal is more consistent outcomes. Five DRP mentees are presented today. Three will do an additional test case. In dire need of a prosthodontist for the DRP.

TIMECODE: 3:29:01

i. Discussion and possible action on Dental Review Panel (DRP) mentees.

Five DRP mentees are presented today. Three will do an additional test case. In dire need of a prosthodontist for the DRP.

A motion to approve the DRP candidates was made by Dr. McNeill and seconded by Ms. Jones.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES

e. Investigations Division Report.

Ms. Heiber gave her report and it was uploaded to the board site. She advised that 205 investigations have been performed. Compared to four years ago with more staff members it took 90 days to complete a case instead of the current 75 days. In 2018 the rate was 72 percent over 90 days. Today we have 0% over 75 days.

f. Legal Division Report.

Ms. Studdard gave her report and it was uploaded to the board site.

15. Announcements.

Ms. Jones introduced various professionals in attendance, Melissa Terry and new lobbyist Denise Rose.

16. Adjourn.

A motion was made to adjourn the meeting at 12:06 pm by Dr. McNeill and seconded by Dr. Quirch.

Dr. Linda Burke	For
Dr. Bryan Henderson	For
Ms. Lorie Jones	For
Dr. Yvonne Maldonado	Absent
Dr. Margo Melchor	For
Dr. Robert McNeill	For
Ms. Lois Palermo	For
Dr. Jorge Quirch	For
Ms. Kathryn Sisk	Absent
Dr. David Yu [ex officio]	For

FOR: 8/ AGAINST: 0/ ABSTAIN:0/ MOTION CARRIES



Dr. David Yu

Presiding Officer



Dr. Jorge Quirch

Board Secretary