



January 2022

A Message from our Presiding Officer, Dr. David H. Yu, DDS, MS

We made it through another year and now 2022 is here! While we all hoped and prayed that COVID would be behind us, I am hopeful that 2022 will be a year of cautious "normalcy." After two years of the pandemic, over 5 million people have died worldwide. It has changed our way of life. Our children will feel the effects of social distancing for years to come. We can't ignore these facts, but I challenge you to transform positively in the face of this adversity.

As we reflect on our own lives, both personal and professional, ask yourself, "What is the most precious gift that we can never get back?" To me, it's time. Time to make the most of every aspect of your life. We have watched the past two years alternate between stumbling onward and speeding forward, but now is the time to take the reins. I encourage you to remember your triumphs but also to foster the areas of your life that have been overlooked. As we turn towards a new year, let us harness this spirit of renewal and see what good we can do, now!

The transformation I've witnessed under our Executive Director, Ms. Casey Nichols, is astonishing. During the pandemic, our board was proactive in adapting to the crisis and keeping the public and our staff safe. Through trial and error and the help of our IT Project Manager, Mr. Daniel Matthews, we became the model agency for preparedness under the Continuity of Operations Plan (COOP). While most of our staff is busy at work, some are able to work remotely just as efficiently. I can say with pride that our board's performance metrics are the best it's ever been. Our IT Director, Mr. Christopher Gregory, developed new hybrid meeting technological protocols that have been shared with great success with other State agencies. The board has not only innovated new ideas but implemented them with remarkable efficiency. I'm proud to be part of a board focused on a common mission within a culture that promotes transformative ideas. As the Presiding Officer of the Texas State Board of Dental Examiners it is my goal to not only nurture innovation but also to encourage change for the better.

As we transition from our offices at the William P. Hobby, Jr. Building to our new home in the George H.W. Bush building, we are grateful and thrilled for new beginnings.

Wishing you peace, health, and happiness in 2022.

Your Presiding Officer,

Rule Reminders

Board rules §108.7 (Minimum Standard of Care) and §108.8 (Records) are the baselines that all practices must adhere to. Below are summaries of both rules. To see the full rules, please visit the Laws & Rules page on the board website [here](#).

§108.7 Minimum Standard of Care

- Conduct your practice in a manner consistent with that of a reasonable and prudent dentist under the same or similar circumstances.
- Maintain patient records that meet the requirements in §108.8.
- Maintain and review an initial medical history (including, but not limited to, known allergies to drugs, serious illness, current medications, previous hospitalizations and significant surgery, and a review of the physiologic systems obtained by patient history) and perform a limited physical evaluation for all dental patients (including, but not limited to, blood pressure and pulse/heart rate).
- Obtain and review an updated medical history and limited physical evaluation when a reasonable and prudent dentist would do so under the same or similar circumstances. At a minimum, a medical history and limited physical evaluation should be obtained and reviewed at the initial appointment and updated annually.
- For office emergencies, dentists shall maintain a positive pressure breathing apparatus (including oxygen), emergency equipment and drugs, and provide staff training in emergency procedures.
- Complete a current course in basic cardiopulmonary resuscitation given or approved by either the American Heart Association or the American Red Cross.
- Maintain written informed consent for all treatment plans and procedures where a reasonable possibility of complications exist.
- Other provisions of this rule include requirements pertaining to infection control, drug inventory, self-report of death or hospitalization, abandonment, practice closure, and prescribing or administering Halcion.

The information expressed in the newsletter is created or compiled by agency staff. It does not reflect the official position of the board or its members, and it should not be construed as legal advice.

Rule Reminders Cont'd.

§108.8 Records

- Records shall be kept a minimum of five years from the last date of treatment. If a patient was under 18 years of age when last treated, the records shall be maintained until the patient reaches age 21 or for five years from the date of last treatment, whichever is longer.
- Records must include: the patient's name, date of visit, reason for visit, vitals, medical history/limited physical, findings and charting of clinical and radiographic oral examination, documentation of tactile and visual examination of hard and soft tissues, diagnoses, treatment recommendations and options, treatment provided, medications and dosages, complications, written informed consent, controlled substances requirements, and confirmable identification of the provider.
- A dentist who leaves a location or practice shall maintain all dental records belonging to him or her, make a written transfer of records to the succeeding dentist, or make a written agreement for the maintenance of records. A dentist who enters into a written transfer of records agreement or records maintenance agreement shall notify the board within 15 days of the agreement.
- Dental records shall be made available for inspection and reproduction on demand of board employees.
- Copies of dental records shall be made available to the patient within 30 days upon request.

Electronic Prescribing Waiver

Effective January 1, 2021, Texas Health and Safety Code § 481.0755 requires that prescriptions for controlled substances be issued electronically, except in limited circumstances, or unless a waiver has been granted by the appropriate agency. A dentist may apply for a waiver from the electronic prescribing requirement by submitting a waiver request to the TSBDE and providing required information.

Please visit <https://tsbde.texas.gov/e-prescribing-waiver/> for additional information.

The waiver form is available here: [Electronic Prescribing Waiver Form](#)

Once approved, waivers will be issued for a period of one year and verification of an approved waiver will be displayed on the TSBDE website.

Dentists may apply for a subsequent waiver no more than 30 days before an active waiver expires. If you are granted a waiver, it will be displayed on your profile in the TSBDE Public License Search under “Electronic Rx Waiver Expiration Date.”

<https://tsbde.texas.gov/e-prescribing-waiver/>

TSBDE will not send you a paper copy of this waiver; pharmacies refer to the prescriber’s public profile on the TSBDE website to verify a prescriber's waiver status.

Please contact waivers@tsbde.texas.gov, if you have any questions or need assistance.

TSBDE will be closed on the following holiday: Martin Luther King, Jr. Day January 17

BOARD MEETING DECEMBER 10, 2021

Proposed Rule

Rule 107.204 Remedial Plans

[Link to Rule 107.204](#)

Adopted Rules

Rule 101.14 Exemption from Licensure for Certain Military Spouses
(Dental Licensure)

[Link to Rule 101.14](#)

Rule 103.10 Exemption from Licensure for Certain Military Spouses
(Hygiene Licensure)

[Link to Rule 103.10](#)

Rule 108.74 Call Coverage Agreements

[Link to Rule 108.74](#)

House Bill 1540

At the December 2021 Board meeting, the Disciplinary Review Committee discussed House Bill 1540, which was recently passed by the 87th Legislature. The Bill amends Section 43.021 of the Texas Penal Code. This section references the offense of solicitation of prostitution, and the amendment to this section changes the offense from a Class A misdemeanor to a felony.

TSBDE Rule 101.8 imposes sanctions against licensees or applicants who are convicted of a felony offense. Specifically, Rule 101.8 requires that the Board “revoke the license of a current licensee who receives a final felony conviction” and “deny an applicant who received a final felony conviction that is still pending final disposition.” In other words, if a licensee or applicant is convicted of the felony offense of solicitation of prostitution, the board will seek revocation or deny a license.

The 87th Legislature passed over 600 bills that Governor Abbott signed into law. A full list of new laws may be found [here](#)

Human Trafficking Prevention Training Required!

REMINDER

As of October 1, 2021, all initial applicants must complete a human trafficking prevention course that is approved by the Texas Health and Human Services Commission (HHSC) as a prerequisite for licensure or registration. The course must also be taken prior to renewing a license or registration.

Board staff is aware that some licensees are taking human trafficking prevention courses that are not approved by HHSC. Please ensure that the course is approved by HHSC before submitting your course completion certificate. Courses not approved by HHSC will not be accepted to fulfill this requirement. Information is available on the [TSBDE website](#).

The applicable rules are sections 101.1, 103.1, 104.1, 114.6, and 114.12 of the Texas Administrative Code.

You may find the rules [here](#).

Anesthesia Information

Reminder, pursuant to 22 Tex. Admin. Code § 110.13 Sedation and Anesthesia, Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia: a dentist administering nitrous oxide or Level 1, 2, 3, or 4 sedation/anesthesia must create, maintain, and include in the patient's dental records a document titled "preoperative sedation/anesthesia checklist." The checklist must be completed prior to commencing a procedure for which the dentist will administer nitrous oxide or Level 1, 2, 3, or 4 sedation/anesthesia. The checklist may be paper or electronic.

Pursuant to 22 Tex. Admin. Code § 110.18, TSBDE is conducting sedation and anesthesia compliance inspections. Failure to allow the inspection to take place may result in suspension in one or more of your permits.

Pursuant to 22 Tex. Admin. Code § 110.18, regardless of issue date, all Level 2, 3, and 4 permit holders will be subject to at least one inspection prior to September 1, 2022. All Level 2, 3, and 4 permit holders who received their initial permit after March 1, 2018, must be inspected within a year of receiving their permit.

Pursuant to 22 Tex. Admin. Code § 110.14 Sedation and Anesthesia, Emergency Preparedness Policies and Procedures: all permit holders, including nitrous oxide/oxygen inhalation sedation permit holders, must develop written emergency preparedness policies and procedures specific to the permit holder's practice setting that establishes a plan for the management of medical emergencies in each practice setting in which the dentist administers sedation/anesthesia. Make note from this rule the requirements of specific protocols, staff training log, emergency drug log, equipment readiness log, individual staff roles and responsibilities, and review requirements.

Texas dentists who hold a Level 2, 3, and 4 sedation permit, please ensure you have a current work address, phone number, and email on file with TSBDE. If you need to update your information, you may email the following information to anesthesiainfo@tsbde.texas.gov.

1. Full Name
2. Dental License Number
3. Work Address
4. Email
5. Phone Number
6. Indicate if your work address is your mailing address

Anesthesia Information

Reminder

Pursuant to 22 Tex. Admin. Code § 110.18 regarding the Inactive and Exempt-location Status:

Inactive status:

Permit holder may forego an inspection if they submit a notarized, Board-issued affidavit that they will not administer levels 2, 3, or 4 sedation/anesthesia until first notifying the Board in writing that they wish to resume those activities. A permit holder must complete a compliance/Tier 1 inspection prior to resuming the administration of sedation/anesthesia at the inactive permit level. The permit holder must comply with continuing education and any other permit requirements during this time. During the period of inactive status, a permit holder may not delegate any inactive-status level of sedation/anesthesia to a certified registered nurse anesthetist or any other dental or medical professional except a dentist with a permit issued by the Board for the procedure being performed or a physician anesthesiologist licensed by the Texas Medical Board. If the permit holder is later found to have administered or delegated the administration of level 2, 3, or 4 sedation/anesthesia while in inactive status, the Board shall pursue revocation of their dental license.

Exempt-location status:

The Board shall not inspect a level 2, 3, or 4 permit holder who provides those services exclusively in a state-licensed hospital or state-licensed ambulatory surgery center. The permit holder must attest to that fact with a notarized, Board-issued affidavit and may not provide those services at a non-exempt location until first notifying the Board in writing and successfully completing a compliance/Tier 1 inspection. During the period of exempt-location status, a permit holder may not delegate the administration of any level of sedation/anesthesia to a dental or medical professional outside a state-licensed hospital or state-licensed ambulatory surgery center. If they are later found to have administered or delegated the administration of level 2, 3, or 4 sedation/anesthesia in a non-exempt location, the Board shall pursue revocation of their dental license.

The TSBDE answers your questions

Can I prescribe or dispense a drug for sedation without a level sedation permit?

No. Dentists prescribing medications for sedation below MRD must have a Level 1 Minimal Sedation permit. Minimal sedation is defined as a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. You must have at least a Level 1 sedation permit to prescribe or dispense these medications to your patients and shall not exceed the maximum recommended doses under board rules §110.1 and §110.4.

What are the new requirements when sedating patients?

- 1) Pre-Operative Checklist: For all sedation levels including nitrous, a pre-op checklist must be completed prior to sedating a patient pursuant to board rule §110.13.
- 2) PMP Query: Prior to prescribing or dispensing certain medications, such as opioids or benzodiazepines, you must access the patient's prescription drug history through the Texas Pharmacy Board's Prescription Monitoring Program (PMP) pursuant to board rule §111.3. Additionally, a yearly self-query through PMP must be done pursuant to board rule §111.2.
- 3) Electronic prescriptions of all controlled substances are required pursuant to Texas Health and Safety Code § 481.0755. Dentists can apply for waivers in certain circumstances pursuant to board rule §111.5, see the TSBDE website.
- 4) Emergency preparedness: written policies and procedures must be reviewed and updated at least annually along with drug logs, staff training, and equipment readiness pursuant to board rule §110.14.
- 5) Inspections of all Level 2, 3, and 4 sedation permit holders are being held pursuant to board rule §110.18. New Level 2-4 permit holders must be inspected within a year of receiving their permit.
- 6) If you sedate high risk patients (board rule §110.16) or pediatric patients (board rule §110.17), you must have the respective certification.

I have a Level 3 sedation permit. Can I delegate a nurse anesthetist to sedate my patient?

You can delegate a nurse anesthetist to sedate only up to your sedation permit level (see board rules §110.3, §110.4, §110.5, §110.6). Even though the nurse anesthetist is trained for deep/general anesthesia, board rules do not allow for higher level sedation than your permit allows. The use of general or deep anesthetic agents (see board rule §110.10) by a nurse anesthetist is prohibited unless the dentist has a sedation Level 4 permit. A medical or dental anesthesiologist can independently administer sedatives at a higher level.

**Did
you
know
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Did you know that all licensees or registrants are required to hold a current BLS CPR certification, which includes a demonstration of skills and a written evaluation?

RETIREMENT

Thinking about retiring? Among all other things that go with retirement, be sure to submit your retirement form to the board. Otherwise your license will expire and then cancel. Visit the board's website to obtain information on placing your dental or dental hygiene license on a retirement status.

<https://tsbde.texas.gov/licensing/dentists/dentist-retire-a-license/>



The Professional Recovery Network (PRN) is the peer assistance program for the Texas State Board of Dental Examiners (TSBDE). PRN helps to identify, assist, support, monitor and advocate for Texas-licensed dental professionals who may be struggling with substance abuse and/or mental health issues. PRN adheres to a dual philosophy that provides an opportunity for confidential recovery while protecting the public from unsafe professional practice.

- ▶ PRN accepts self-referrals, third-party referrals, and referrals from TSBDE. All concerned third-party sources are kept confidential.
- ▶ Information about a participant's enrollment in the PRN program is kept strictly confidential.
- ▶ If you or a dental colleague are experiencing impairment due to substance use or mental illness, the Professional Recovery Network is here to provide **support** and an opportunity for **confidential recovery**.

PRN Helpline: 800-727-5152

Visit us online: www.txprn.com

What constitutes a patient hospitalization for the purposes of a self-report?

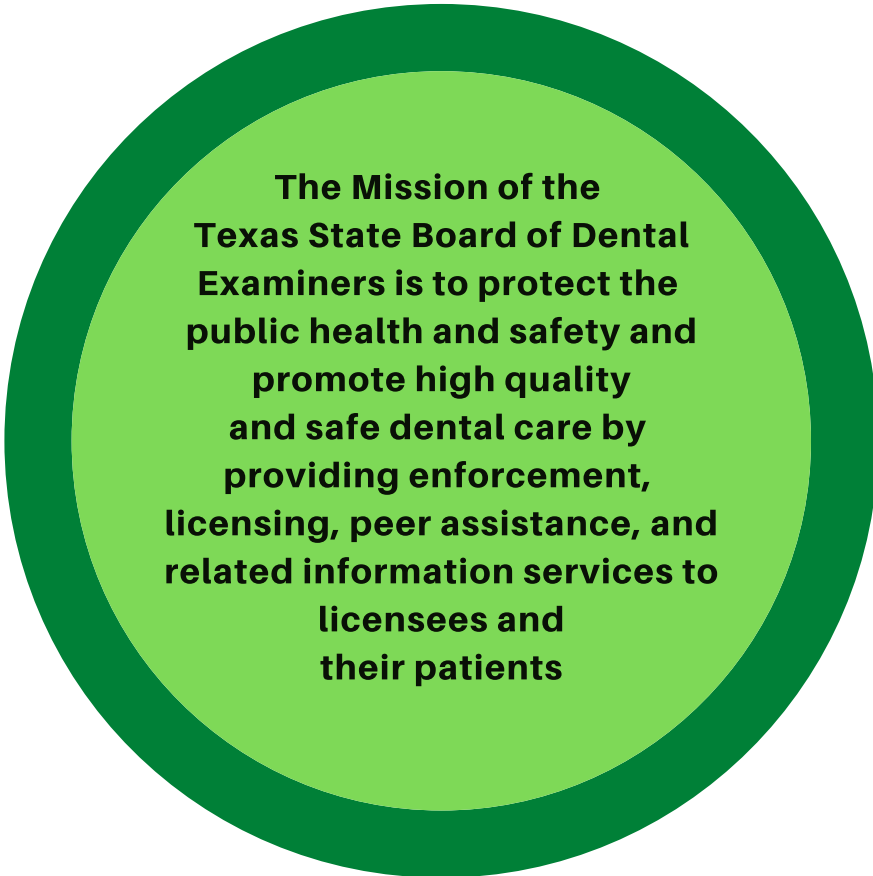
Pursuant to board rule 22 Tex. Admin. Code § 108.6(2), a dentist must submit a written report to the board when a hospitalization of a dental patient occurs as a possible consequence of receiving dental services from the reporting dentist, and it must be reported within 30 days of the hospitalization or such a time as the dentist becomes aware of or reasonably should have become aware of the hospitalization. According to the rule, the term “hospitalization” is defined as an examination at a hospital or emergency medical facility that results in an in-patient admission for the purpose of treatment and/or monitoring. The board interprets “in-patient admission” to mean a full admission to the hospital or emergency medical facility and not a 23-hour observation status.

Renewal Certificates

Effective September 1, 2021, TSBDE will eliminate the printing and mailing out of renewal certificates.

A licensee/registrant now has the ability to generate a digital copy of their renewed certificate online. Renewal certificates will be available for printing 24-48 hours after the renewal application has been approved. TSBDE will continue to print duplicate requests for those who submit the duplicate request form along with the required fee. It is not required to print a color copy.

<https://tsbde.texas.gov/ecertificate/>



**The Mission of the
Texas State Board of Dental
Examiners is to protect the
public health and safety and
promote high quality
and safe dental care by
providing enforcement,
licensing, peer assistance, and
related information services to
licensees and
their patients**

Dental Review Panel applications

Interested in joining the Dental Review Panel? Everyone is encouraged to apply. We are especially in need of the following:

- Prosthodontists
- Periodontists
- Oral Surgeons
- Level 3 General Dentists
- Applicants with experience in full mouth rehabilitation

We are not accepting RDH applicants at this time. Please click [here](#) for details. Have questions? Email us at tsbdereviewer@tsbde.texas.gov.





December 2021 Board Meeting. Austin, Texas



Dr. David Yu with Governor Greg Abbott



Dr. David Yu at the Texas Governor's Mansion

How are we doing? The Texas State Board of Dental Examiners asks that you provide us with feedback by completing the following survey. [Please click here.](#)
Your response is appreciated.

2022

TSBDE

wishes you

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Happy New Year!