



May 2023

## Collaboration with Educators

As presiding officer of the board, I believe that it is crucial for regulatory bodies like the TSBDE to work collaboratively with educators in dental and hygiene schools to ensure that students receive top-notch academic and clinical training. By doing so, the TSBDE can help to ensure that the graduates are equipped with the skills, knowledge, and ethical standards needed to provide quality oral healthcare services to the people of Texas. We recognize that the dental students of today are our peers of tomorrow.

Educators play a critical role in the future of oral healthcare by training and preparing the next generation of dentists and dental hygienists. They provide students with the knowledge, skills, and clinical experience needed to provide high-quality patient care. In addition to teaching, educators are involved in research and scholarship, helping to advance the field of dentistry and improve patient outcomes. They also serve as mentors and advisors to students, offering guidance and support as those students navigate their careers. Everyone has had educators that have touched their lives with wisdom and encouragement, which is why these educators deserve the praise and support of all of us.

During the presiding officer report at each board meeting, we offer an opportunity for faculty members from two different institutions to present to the board and the public about the dental and hygiene education programs at their school. My purpose behind this initiative was to foster greater communication between the board and educators and to allow these educators to laud their colleagues, students and courses of study. I also hope that this outreach introduces students and educators to the TSBDE as a resource and a guide, instead of just a licensing and regulatory body. This collaborative effort is instrumental in maintaining the high level of professionalism and quality of care that Texas citizens deserve from their dental professionals.

As a reminder, the board and individual board members are available to assist educators in promulgating rules and providing resources to students. Overall, the partnership between educators and the board is essential to maintaining the highest standards of education and training for future dental professionals in Texas. Thank you for ensuring that new graduates are receiving the best possible education and training. This guarantees that the next generation of dental professionals in Texas provide the best care to their patients and ensure that public and dental health are advanced throughout the great state of Texas.

With Gratitude,

David H. Yu, DDS, MS  
Presiding Officer of the Texas State Board of Dental Examiners

# CONTINUING EDUCATION REMINDER

**Please remember that in order to get credit for your continuing education hours, you must take a course by one of the approved providers listed in [TSBDE Rule 104.2](#). TSBDE approved continuing education providers include:**

AADB-ACE

American Dental Association--Continuing Education Recognition Program (CERP)

American Dental Association, its component, and its constituent organizations

Academy of General Dentistry, and its constituents and approved sponsors

Dental/dental hygiene schools and programs accredited by the Commission on Dental

Accreditation of the American Dental Association

American Dental Association approved specialty organizations

American Dental Hygienists' Association, its component, and its constituent organizations

American Medical Association approved specialty organizations

American Medical Association approved hospital courses

National Dental Association, its constituent, and its component societies

National Dental Hygienists' Association, its constituent, and its component societies

Medical schools and programs accredited by the Standards of the Medical Specialties, the American

Medical Association, the Advisory Board for Osteopathic Specialists and Boards of Certification, or the American Osteopathic Association

Western Regional Examining Board

American Academy of Dental Hygiene

American Dental Education Association

American Heart Association

Texas Dental Hygiene Educators' Association

Dental Laboratory Association of Texas

Dental Assisting National Board

American Dental Assistants Association and its constituent organizations

The Compliance Division, LLC

Dental Compliance Specialists, LLC

Texas School of Sleep Medicine and Technology

Boyd W. Shephard, DDS, JD

Dental Risk Solutions, LLC

# **Consolidated Appropriations Act**

## **Attention DEA-Registered Practitioners**

In December 2022, Congress passed a bill that included the Medication Access and Training Expansion (MATE) Act. This new law requires prescribers of controlled substances, including dentists, to complete eight hours of one-time training on safely prescribing controlled substances (Schedules II, III, IV, and/or V) in order to receive or renew their registration with the U.S. Drug Enforcement Administration (DEA). This new requirement will go into effect on June 27, 2023.

The bill requires controlled substances training focused on the treatment and management of those patients with substance abuse disorders. It's for all DEA-registered practitioners, except for veterinarians. This is a one time, eight-hour training requirement that will not be required on a cyclical basis.

To demonstrate compliance with this new requirement, practitioners will be asked to check a box on their DEA registration submission, this applies to both initial registrations and renewals. The practitioner will affirm that he/she has completed the required training. The training does not have to be completed in one eight-hour session, it can be cumulative across multiple sessions. The course must be taken through one of the DEA's approved providers listed [here](#).

As long as a Texas licensed prescriber takes a controlled substance course through one of TSBDE's approved providers found in Rule 104.2, it should fulfill the requirements for additional continuing education required pursuant to Rule [111.1](#) and the new DEA requirement.

## **BOARD MEETING**

**May 5th 2023**

## **Adopted Rules**

### **Rule 104.2 Continuing Education Providers**

## **Proposed Rules**

Please visit  
Proposed Rules – Texas State Board of Dental Examiners  
for updates

# TEXAS EDUCATORS

The Texas State Board of Dental Examiners heard from stakeholders at its February 2023 meeting that it is difficult to find coronal polishing programs for dental assistants. If your school or program is interested in providing coronal polishing education, you can find the course requirements in [board rule §114.5](#).

# NON PROFIT ORGANIZATIONS

The Texas State Board of Dental Examiners (TSBDE) will approve and certify any health organization or other organization qualified to contract with or employ dentists upon submission of an application meeting board rule 107.205 requirements. To learn more about becoming a nonprofit corporation and to see a list of approved nonprofit health organizations, please visit: [TSBDE Non Profit Organizations](#)

# LICENSING CERTIFICATES

TSBDE no longer issues separate certificates of registration for the following dental acts:

- Coronal Polishing,
- Pit and Fissure Sealant, and
- Nitrous Oxide Monitoring

The dentist is responsible for all dental acts delegated to a registered dental hygienist and registered dental assistant. This includes ensuring the hygienist and dental assistant both have an active license or registration with the TSBDE.

- Dental assistants taking patient x-rays must hold a current registration from the TSBDE.
- Dental hygienists and Registered Dental Assistants monitoring nitrous oxide must be registered with TSBDE.
- An application process is required in order for the specific N2O monitoring designation to be listed on the hygiene or registered dental assistant registration renewal certificate.
- Dentists cannot delegate coronal polishing or pit & fissure sealants to dental assistants unless the dental assistant completed the required education and training prior to the delegation. Dentists are responsible for verifying that the dental assistant has at least 2 years' experience, current basic life support, and completed the required 8 hours didactic and clinical education in coronal polishing and/or pit and fissure sealants prior to delegating those procedures.

Coronal Polishing: Board Rule §114.5

Nitrous Oxide Monitoring (NOM): Board Rules §114.4

Pit & Fissure Sealant: Board Rule §114.3 and §115.2

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## LICENSING VERIFICATIONS

[Click here](#) to verify a dental hygiene license

[Click here](#) to verify a registered dental assistant

[Click here](#) to verify a dental license

# LICENSING

## Renewal Certificates

As of September 1, 2021, the Texas State Board of Dental Examiners no longer sends out printed renewal certificates and now dentists, hygienists, registered dental assistants, and dental laboratories can generate a digital copy of the renewal certificate online. The E-Certificate is available for printing 24-48 hours after the renewal application has been approved. It is not required to print a color copy. Be sure you are not on a hand held device; you need to be on a desktop or laptop. If you have a pop up blocker enabled it needs to be turned off.

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

TSBDE will continue to print duplicate requests for those who submit the duplicate request form along with the required fee.

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TSBDE is reporting over 7,460 canceled dental licenses, Over 6,040 canceled dental hygiene licenses, and over 55,838 dental assistant registrations. A license or registration will remain in an expired status for up to one year before it cancels.

Dentists must perform ongoing due diligence to ensure that all team members working in the dentist's practice remain in compliance with the TSBDE's license and registration requirements.

**Office Closures**  
**Memorial holiday on May 29, 2023**  
**Independence Day on July 4, 2023**

## Did you know ?

The following can be completed via your online licensing account portal:

- Renew your dental, dental hygiene, registered dental assistant license
- Update your address
- Print your certificate from your online licensing account
- Submit your designation of records request (dentists only)
- Request for a verification of licensure - letter of good standing, from Texas to be sent to another state or organization (a fee is required)
- Submit your request for a name change (legal documentation required)
- Request for a duplicate license (a fee is required)

Be sure you are not on a hand held device; you will need to be on a desktop or laptop. Also, if you have a pop up blocker enabled it will need to be turned off.

All of the above requires a registration to the Online Licensing System for Texas. If you have registered but have not accessed your account since 2011 or longer, you will need to re-register.

# ANESTHESIA DECLARATION

As a reminder by signing the Unsworn Declaration during your Anesthesia Inspection you are swearing to the below statement:

I certify that I shall maintain supplies of the type and quantity identified above for all locations where I provide Level \_\_\_\_\_ [Permit Level] sedation/anesthesia services throughout the State of Texas. I acknowledge that failure to maintain the above supplies in adequate quantities shall represent grounds for disciplinary action against my dental license.

## ANESTHESIA INSPECTION SURVEY

The Texas State Board of Dental Examiners asks that you provide us with feedback regarding your anesthesia inspection process by completing the following survey.

Click Here: [Inspection Questionnaire](#)



# ANESTHESIA

## 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.

## **ANESTHESIA INSPECTION REMINDER FOR INACTIVE OR EXEMPT STATUS**

If you are an anesthesia provider in an inactive or exempt-location status, you may forego an inspection as long as you continue in that status. But if a permit holder wishes to resume administering levels 2, 3 or 4 sedation/anesthesia or provide services at a non-exempt location, that provider must first 1) notify the Board in writing and 2) complete a compliance/Tier 1 inspection. Failure to notify the Board and complete the inspection before providing sedation/anesthesia services, may result in the revocation of your dental license. Please review [TSBDE Rule 110.18](#).

# ANESTHESIA

## Anesthesia Application Document Requirements

The following is required to be mailed to the TSBDE:

1. Anesthesia Permit Application. Current application date is 10 January 2023.
2. Required fee.
3. Copy of current Basic Life Support card and PALS or ACLS certification.
  - Nitrous Oxide/Oxygen Inhalation Sedation – Basic Life Support
  - Level 1: Minimal Sedation – Basic Life Support
  - Sedation Level 2, 3 & 4 – Basic Life Support and ACLS or PALS if treating adults and children 13 years of age or older (Note: PALS is required if treating children under the age of 13 years old).
4. Official proof of completion of a qualifying course and case management experience. Training and case management experience is found on each application. See TSBDE Rules and Regulations, Chapter 110 and/or the application for specific training requirements.
5. National Practitioner Data Bank (NPDB) Self-Query. All applicants are required to complete a self-query of the NPDB. The report results must remain in the original sealed envelope and be attached to your application to TSBDE. NPDB self-query reports are valid for 60 days. See application for more information.
6. Proof of Jurisprudence Assessment completion for dentist with sedation permit. Pursuant to 22 Tex. Admin. Code § 110.9, a permit holder for nitrous oxide, level 1, level 2, level 3, or level 4 sedation/anesthesia must take and pass the online jurisprudence examination of Chapter 110 (relating to Anesthesia and Sedation). An applicant for a sedation/anesthesia permit must have passed the Chapter 110 (relating to Sedation and Anesthesia) component of the jurisprudence examination for the highest level for which you are applying, within one year immediately prior to application.

# Reminder

Prior to prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol, a dentist 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](#).



## Fiscal Year 2021 PMP Data

QUARTER 2



### 8,457,526

Controlled substances dispensed, as reported to the Texas Prescription Monitoring Program (PMP) in FY2021 - Q2

### TOP 15 CONTROLLED SUBSTANCES DISPENSED

Controlled Substance	NUMBER OF Rx
HYDROCODONE	1,097,372
TRAMADOL	895,666
DEXTROAMPHETAMINE	758,053
CODEINE	694,044
ALPRAZOLAM	687,725
ZOLPIDEM	534,617
CLONAZEPAM	447,946
METHYLPHENIDATE	385,424
TESTOSTERONE	341,566
LORAZEPAM	321,354
AMPHETAMINE	311,767
PHENTERMINE	293,782
PREGABALIN	289,828
OXYCODONE	215,112
DIAZEPAM	154,743

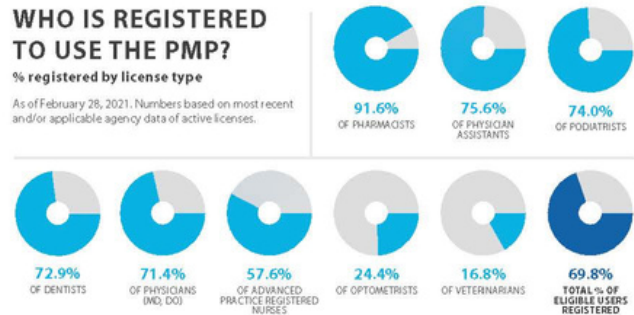


[txpmp.org](http://txpmp.org)

### WHO IS REGISTERED TO USE THE PMP?

% registered by license type

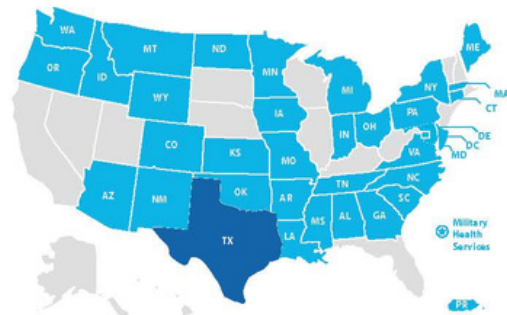
As of February 28, 2021. Numbers based on most recent and/or applicable agency data of active licenses.



From Q1 of FY2021 to Q2 of FY2021, the number of registrants increased by **4,070**.

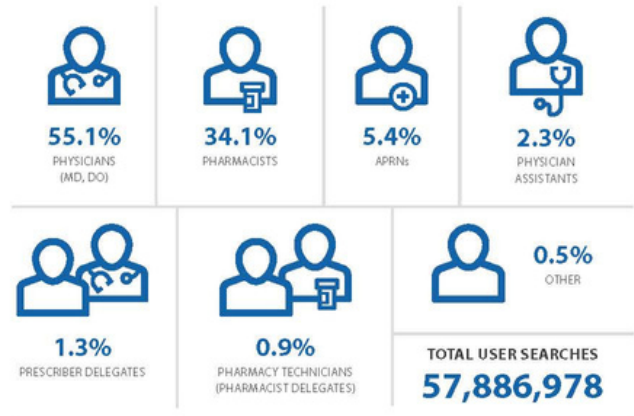
### PARTNER STATES

Texas partners with 36 other states/entities to share data via the PMP Interconnect.



### WHO USES THE TEXAS PMP?

% of user searches by license type

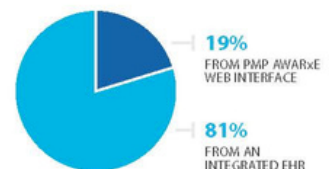


### INTEGRATED ACCESS

Integration allows providers immediate access to the PMP through their EHR.

### 46,740,832

SEARCHES FROM AN INTEGRATED EHR



# Reminder

If you or someone you know is struggling with a mental health condition, please visit [MentalHealthTx.org](http://MentalHealthTx.org) for education and treatment opportunities for those coping with mental health conditions and those who support them.

This resource is sponsored by the Texas Statewide Behavioral Health Coordinating Council and is designed to equip you with knowledge, resources, and a sense of hope for the future – for yourself or someone else you care about. To learn more, please visit [mentalhealth.org](http://mentalhealth.org).



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](http://www.txprn.com)**

**click for [www.txprn.com](http://www.txprn.com)**

# FRAUD ALERTS

Some stakeholders have received fraudulent calls or emails purporting to be from The Texas State Board of Dental Examiners (TSBDE). If you suspect any telephone call or correspondence from our agency is fraudulent, please notify us by emailing [licensinghelp@tsbde.texas.gov](mailto:licensinghelp@tsbde.texas.gov).

## Fraudulent Phone Calls

TSBDE urges you to be on the lookout for unexpected scam phone calls from anyone claiming to be from our office.

A caller from the TSBDE office will always:

- Introduce himself or herself as a TSBDE employee.

- Be able to verify specific details on prior notices or historical account information.

- Explain your licensing or compliance fees.

- Encourage you to call the telephone number(s) on our website if you have any questions about the process: [tsbde.texas.gov/resources/agency-contacts/](http://tsbde.texas.gov/resources/agency-contacts/)

A caller from the TSBDE office will never:

- Threaten to bring in local police, FBI, immigration officers or other law-enforcement to have you arrested for not paying.

- Pressure you to make a payment.

- Ask for personal information not directly related to an agency transaction.

- Ask for money outside of routine transactions made through Texas.gov or our secure vendors.

- Ask for bank account information.

If you are unsure that the person calling you is from the TSBDE office, please hang up and call the appropriate number on our website:

<http://tsbde.texas.gov/resources/agency-contacts/>

## Spoofed Emails / Recent Phishing Attempts

Cybercriminals have attempted to send spoofed (impersonated) emails — appearing to be from the TSBDE office. Our office, like other companies and government agencies, has unfortunately been the subject of a number of recent email fraud attacks, including:

Spoofed emails claiming to be from our office but using a domain not associated with the agency, urging recipients to click on a “secure message” but the attachment is malicious, intended to steal usernames and passwords. Emails should come from someone with our domain: [jsmith@tsbde.texas.gov](mailto:jsmith@tsbde.texas.gov).

# FRAUD ALERTS

Spoofed emails purporting to be from our office but using a fake agency email domain telling recipients to click on an attachment and sign in to receive a message. The attachment contains a fraudulent link designed to steal your login credentials.

Spoofed emails purporting to be from an authorized TSBDE email service but using a comcast.net email domain. The attached PDF instructs users to click on a "View Information" link which is designed to steal login credentials.

Please be advised that as a licensee of TSBDE, some of your practice information is published to the public. Be wary of this when someone claims to be from TSBDE. To see what information is available, you may visit: <https://tsbde.texas.gov/resources/public-license-search/>

## Recent Phone Scam Attempts

August 2020: Two licensees have reported that a person called them purporting to be from TSBDE pressuring them about TSBDE investigations and requesting money. TSBDE will never pressure you for money over the phone. If you owe licensing or other fees to TSBDE, we have official channels to collect that money and will work with you if you have any questions.

These cybercriminals are putting your information at risk and trying to damage good customer relationships. That is why we are expanding our efforts to fight fraud and keep you safe and secure.

Please be advised that as a licensee of TSBDE, some of your practice information is published to the public. Be wary of this when someone claims to be from TSBDE. To see what information is available, you may visit: <https://tsbde.texas.gov/resources/public-license-search/>

If you are suspicious about an email or phone call that claims to be from the TSBDE office, follow these tips:

- Question whether the information should be requested via email or telephone.
- Be wary of links and attachments. Consider the context of the email, look for red flags such as poor grammar and/or sentence structure, and when in doubt, don't click.
- Use an email spam filter and up-to-date virus software and avoid public Wi-Fi.
- When suspicious, do not respond to the original email. Use independent sources to verify sender details and establish a new channel of communication to confirm with the sender.

If you suspect any communication from our agency is fraudulent, please notify us by emailing [licensinghelp@tsbde.texas.gov](mailto:licensinghelp@tsbde.texas.gov).



# **Texas Administrative Code TSBDE Rules & Regulations**

## **Dental Practice Act Occupational Health Safety Code**

### **Common Violations Organized by Subject Matter**



#### **Pertaining to Treatment Planning**

TSBDE Rule 108.2 Fair Dealing (a) – Shall advise patient, before beginning treatment, of the proposed treatment, and any reasonable alternatives.

TSBDE Rule 108.2 Fair Dealing (b) – Such advice shall include, at a minimum: (1) the nature and extent of the treatment needed by such patient; (2) the approximate time required to perform the recommended dental treatment and services; (3) the terms and conditions of the payment of his fee; and (4) any further or additional service or returns by the patient or adjustments, repair, or consultation and the time within which this shall occur.

TSBDE Rule 108.8(c)(4) – Treatment plan with recommendations, and options. DPA Sec. 259.001. False statements to patients.

#### **Pertaining to Diagnosis**

TSBDE Rule 108.2 Fair Dealing (d) - Neither the Dentist nor his employee (s) shall mislead dental patients as to the gravity or lack thereof such patient's dental needs.

TSBDE Rule 108.2 (e) Fair Dealing - A dentist shall not flagrantly or persistently overcharge, overdiagnose, or overtreat a patient. For this rule the meaning of the term includes, but is not limited to, collecting or attempting to collect a fee without reasonable justification for any element of dental services provided to a patient that is in excess of the fee the dentist ordinarily charges to others for the same service

TSBDE Rule 108.8(c)(3) – Diagnosis recorded in chart.

DPA Sec. 259.001. False statements to patients.

#### **Pertaining to Medications Given and Prescribed**

TSBDE Rule 111.2 – Self-query of Prescription Monitoring Program

TSBDE Rule 110.10 Use of General Anesthetics – Prohibition of certain drugs and drug classes for use in Minimal and/or Moderate sedation.

TSBDE Rule 108.8(c)(6) – Record of Medication and dosages given to patient;

DPA Sec. 258.053 – Use of Certain Drugs.

HSC Sec. 481.071. – Prescribing, Dispensing, Delivering or Administering a Controlled Substance for non-medical purposes.

HSC Sec. 481.129- Prescribing for Non-Dental purposes.

HSC Sec. 483.045 – Forgery of a Prescription.

HSC Sec. 481.129 (2)– Fraud. Using a control substance registration issued to another.

HSC Sec. 483.022 – Failure to maintain designated agent list for telephonic prescriptions.

HSC Sec. 483.045 (5) – Forgery of a Prescription by telephonic means.

**Texas Administrative Code**  
**TSBDE Rules & Regulations**  
**Dental Practice Act**  
**Occupational Health Safety Code**  
**Common Violations Organized by Subject Matter**

**Pertaining to Sedation and Anesthesia**

TSBDE Rule 110.2 Sedation/Anesthesia Permit Requirements

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation ; (b) SOC ; (c) Clinical Requirements; (c)(5) (A-C) Nitrous Oxide Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(5) (A-C) Minimal Sedation Documentation Requirements

TSBDE Rule 110.5 Moderate Sedation - (b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(4) Monitoring Requirements; (c)(5) (A-C) Moderate Sedation Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation - b) SOC; (c) Clinical Requirements; (c)(2) Pre-procedural requirements (informed consent, baseline vitals, etc) (c)(4) Monitoring Requirements; (c)(5) (A-C) General/Deep Sedation Documentation Requirements

TSBDE Rule 110.10 Use of General Anesthetics – Prohibition of certain drugs and drug classes for use in Minimal and/or Moderate sedation.

TSBDE Rule 110.13 Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia

**Pertaining to Records Sedation Records/Documentation**

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation (c)(5) (A-C) Nitrous Oxide Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (c)(5) (A-C) Minimal Sedation Documentation Requirements

TSBDE Rule 110.5 Moderate Sedation - (c)(5) (A-C) Moderate Sedation Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation (c)(5) (A-C) General/Deep Sedation Documentation Requirements

TSBDE Rule 110.13 Required Preoperative Checklist for Administration of Nitrous Oxide and Levels 1, 2, 3, and 4 Sedation/Anesthesia

**Pertaining to Records/Documentation**

TSBDE Rule 108.8(b)(3) - Reason for visit recorded.

TSBDE Rule 108.8(b)(4) - Baseline vitals recorded.

TSBDE Rule 108.8(b)(5) – Notation of reason vital signs not recorded in patient's chart.

TSBDE Rule 108.8(c)(1) – Written review of medical history and limited review of medical exam.

TSBDE Rule 108.8(c) (2) (A) – Documentation of radiographs taken and findings deduced from them, including radiograph films or digital reproductions.



**Texas Administrative Code  
TSBDE Rules & Regulations  
Dental Practice Act  
Occupational Health Safety Code  
Common Violations Organized by Subject Matter**

**Pertaining to Records/Documentation Continued:**

TSBDE Rule 108.8(c)(3) – Diagnosis recorded in chart.

TSBDE Rule 108.8(c)(4) – Treatment plan with recommendation, and options.

TSBDE Rule 108.8(c)(5) – Record of treatment provided.

TSBDE Rule 108.8(c)(6) – Record of medication and dosages given to patient

TSBDE Rule 108.8(c)(7) – Record of complications

TSBDE Rule 108.8 (c)(8) – Written and signed informed consent.

TSBDE Rule 108.8(c)(11) – Confirmable identification of source of notations in patient chart.

TSBDE Rule 108.8(e) (2) – A dentist who enters into a written transfer of records agreement shall notify the State Board of Dental Examiners in writing within fifteen (15) days of a records transfer agreement

TSBDE Rule 108.8(g) – Shall furnish copies of dental records to a patient who requests his or her dental records

TSBDE Rule 108.10 - Notification of Change of Information

DPA Sec. 258.0511 Access to Dental Records.

DPA Sec. 256.105 – Failure to notify the Board of change of information.

**Pertaining to Collection of Information and Records**

TSBDE Rule 107.105(a) Dental Records. Upon request by board staff, a dental custodian of records shall provide copies of dental records or original records. Board staff may require a dental custodian of records to submit records immediately if required by the urgency of the situation or the possibility that the records may be lost, damaged, or destroyed.

TSBDE Rule 107.105(b) Response to Board Requests. In addition to the requirements of responding or reporting to the board under this section, a licensee/registrant shall respond in writing to all written board requests for information within ten days of receipt of such request.

TSBDE Rule 107.105(c) Business Records Affidavits. Dental records must be provided under a business records. Dental records must be provided under a business records affidavit or as otherwise required by board staff.

TSBDE Rule 108.8(f) – Dental records shall be made available for inspection and reproduction on demand by the officers, agents, or employees of the State Board of Dental Examiners

DPA Sec. 258.0511 Access to Dental Records -(b) On demand, the dental custodian of records shall give access to the board

DPA Sec. 256.105 – Failure to notify the Board of change of information.

**Pertaining to Vitals**

TSBDE Rule 108.8(b)(4) - Baseline vitals recorded.

TSBDE Rule 108.8(b)(5) – Notation of reason vital signs not recorded in patient's chart.

TSBDE Rule 110.3 Nitrous Oxide/Oxygen Inhalation Sedation ; (c)(2)(C) Pre-procedural baseline vitals, (c)(5) (A) Documentation Requirements

TSBDE Rule 110.4 Minimal Sedation - (c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(C) Monitoring Requirements (c)(5) (C) Documentation Requirements

**Texas Administrative Code  
TSBDE Rules & Regulations  
Dental Practice Act  
Occupational Health Safety Code  
Common Violations Organized by Subject Matter**

**Pertaining to Vitals Cont'd.**

TSBDE Rule 110.5 Moderate Sedation -(c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(B-D) Monitoring Requirements (c)(5) (C) Documentation Requirements

TSBDE Rule 110.6 Deep/General Sedation (c)(2)(C) Pre-procedural requirements- baseline vitals (c)(4)(A-C) Monitoring Requirements (c)(5) (C) Documentation Requirements

**Pertaining to Professional Responsibility (General)**

TSBDE Rule 108.3 (a) Consumer Information - A Texas dentist practicing dentistry in Texas shall notify dental patients that complaints concerning dental services can be directed to the Board by providing the name, mailing address, and telephone numbers of the Board.

TSBDE Rule 108.4 Names of Dentists.

TSBDE Rule 108.5 (a), (b) 1, 2, & 5 Patient Abandonment

TSBDE Rule 108.6 Report of patient death or injury requiring hospitalization.

TSBDE Rule 108.9(4)(D-F) – Dishonorable Conduct – Misconduct involving drugs or alcohol

TSBDE Rule 108.9(11) – Dishonorable Conduct – Unprofessional conduct - “disgrace, degrade, or bring discredit upon the licensee or the dental profession”.

TSBDE Rule 108.10 - Notification of Change of Information

TSBDE Rule 108.11 - Display of Registration

TSBDE Rule 108.12 - Dental Treatment of Obstructive Sleep Apnea - A dentist shall not independently diagnose obstructive sleep apnea (OSA). A dentist may fabricate an oral appliance for treatment of OSA only in collaboration with a licensed physician

TSBDE Rule 108.13 – Practice of Dentistry on Certain Children (Parent in the Room rule)

TSBDE Rule 108.14 – Pediatric and Special Needs Case Management (Protective Stabilization rule)

TSBDE Rule 108.15 – Emergency Preparedness – dentist shall maintain and annually update written P&P for responding to emergency situations.

DPA Sec. 259.002. Notification of qualifications.

DPA Sec. 266.201(d) A dentist shall label as provided by board rule a removable dental prosthesis fabricated in this state by the dentist or by a person under a prescription or work order prepared by the dentist.

**Pertaining to Delegating Duties**

TSBDE Rule 108.2 Fair Dealing (f) – Dentist may not employ an auxiliary to perform any dental procedure that he can not perform personally.

TSBDE Rule 108.9(10) – Dishonorable Conduct – Improper delegation

DPA Sec. 256.001 – Practicing Dentistry without a license.

DPA Sec. 258.001. Impermissible delegations.

DPA Sec. 262.151(a)(2) - Delegations of Duties by Dentist – No exam by dentist within preceding 12 calendar months.

**Pertaining to Auxiliary Personnel - Dental Assistants**

TSBDE Rule 114.2 (b) (4) Dental Assistants not current in basic life support training.

TSBDE Rule 114.3 Pit and Fissure Sealants (d)(1) two years experience

TSBDE Rule 114.5 Coronal Polishing (b)(2) two years experience, (c) Billed as a prophylaxis

TSBDE Rule 116.10 Prosthetic Identification. Failure to place an identification mark on a removal prosthetic device that clearly identifies the patient.

**Texas Administrative Code**  
**TSBDE Rules & Regulations**  
**Dental Practice Act**  
**Occupational Health Safety Code**  
**Common Violations Organized by Subject Matter**

**Pertaining to CPR**

TSBDE Rule 108.7(5)(C) Minimum Standard of Care- Basic Life support training.  
TSBDE Rule 114.2 (b) (4) Dental Assistants not current in basic life support training.  
DPA Sec 257.0004 - License Renewal - CPR

**Pertaining to Continuing Education**

TSBDE Rule 104.1 Continuing Education requirements. Non compliance.  
TSBDE Rule 104.4 (b) Falsification of CE on renewal application.  
TSBDE Rule 111.1 – Additional controlled substances CE requirement

**Pertaining to Fees**

TSBDE Rule 108.2 Fair Dealing (c) - Written request from patient to Dentist to provide explanation of charges in plain language.  
DPA Sec. 259.008. Unprofessional Conduct. - Obtaining or attempting to collect a fee by fraud or misrepresentation.  
DPA Sec. 259.001. False statements to patients.

**Pertaining to Licensee Criminal Background**

TSBDE Rule 101.8 Licensure of persons with criminal backgrounds.  
DPA Sec. 53.021 Authority to Revoke, Suspend, or Deny License – Conviction of felony or misdemeanor related to profession.

**Pertaining to Advertising and Business Promotion**

TSBDE Rule 108.3 (a) Consumer Information - A Texas dentist practicing dentistry in Texas shall notify dental patients that complaints concerning dental services can be directed to the Board by providing the name, mailing address, and telephone numbers of the Board.  
TSBDE Rule 108.4 Names of Dentists.  
TSBDE Rule 108.50 (b) Business Promotion - Deceptive Advertising  
TSBDE Rule 108.55 Announcement of Credentials in Non-Specialty Areas.  
TSBDE Rule 108.56 Specialty Announcement.  
TSBDE Rule 108.57 (c) (1) False or Misleading Communications - contain material misrepresentation of fact.  
TSBDE Rule 108.57 (c) (8) Testimonials.  
TSBDE Rule 108.57 False, Misleading or Deceptive Advertising.  
DPA Sec. 259.001. False statements to patients.  
DPA Sec. 259.002. Notification of qualifications.  
DPA Sec. 259.006. Unlawful advertising in general.  
DPA Sec. 259.003(a). Use of Trade Name – Failure to provide name of treating dentist before or after treatment.  
DPA Sec. 259.003(b). Use of Trade Name – Advertisement under corporate, company or association that does not prominently include the name of at least one dentist.

**Texas Administrative Code  
TSBDE Rules & Regulations  
Dental Practice Act  
Occupational Health Safety Code  
Common Violations Organized by Subject Matter**

**Pertaining to Advertising and Business Promotion Cont'd.**

DPA Sec. 259.003(c). Use of Trade Name – Fail to file a list of dentists practicing under a trade name.

DPA Sec. 259.003(d). Use of Trade Name – Failure to provide an updated list of dentists practicing under a trade name within 30 days of a change.

**Pertaining to Contractual Agreements (Owner Responsibilities)**

TSBDE Rule 108.70 Improper Influence on Professional Judgment.

TSBDE Rule 108.71 Providing Copies of Certain Contracts.

DPA Sec. 259.004 (b) - Owner or Supervising Dentist's responsibilities relative to the SOC provided by associate dentists in the practice.

**Pertaining to Laboratory**

DPA Sec. 266.201(a) PRESCRIPTION REQUIRED. A dentist who orders a dental laboratory service shall prepare and deliver to the dental laboratory a prescription or work order for the service to be performed.

DPA Sec. 266.201(b) The prescription or work order must contain: (1) the signature and Texas dental license number of the dentist; (2) the date the prescription or work order is signed; (3) the patient's name; and (4) a description of the dental laboratory service ordered.

DPA Sec. 266.201(c) A dentist shall keep a copy of each prescription or work order at the dentist's office in a separate file for two years for inspection by the board's officers, agents, or employees.

DPA Sec. 266.201(d) A dentist shall label as provided by board rule a removable dental prosthesis fabricated in this state by the dentist or by a person under a prescription or work order prepared by the dentist.

**Pertaining to Sanitation and Infection Control**

TSBDE Rule 108.21 Sanitation and Infection Control – Requirements

TSBDE Rule 108.22 Access to dental office for sanitation inspection.

TSBDE Rule 108.24 Required Sterilization and Disinfection

**Pertaining to Mobile dental facilities**

TSBDE Rule 108.40 Mobile dental facilities – permit required.

TSBDE Rule 108.43 Operating Requirements for Permitted Mobile Dental Facilities or Portable Dental Units.

**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**

## **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.**

**[RETIRE A LICENSE FORM](#)**

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.

# In Memoriam

We have recently lost one of our colleagues, Dr. Cindy Cho along with her husband, Mr. Kyu Cho and their 3-year-old son James Cho in the mass shooting in Allen, Texas. As a board, we offer caring support to her surviving son, family, staff, and community. Dr. Cho was a 2013 graduate of UT Health School of Dentistry San Antonio.

We are a community as dental professionals. Dentists, hygienists, dental assistants, and front office staff work collectively as a team. We have been through a lot together. COVID would be one example and this senseless tragedy is another.

I encourage you to proactively take care of yourself and one another. Mental and physical well-being are critical elements that allow us to care for the vital oral health needs of our communities as well as ourselves. If we don't take care of ourselves, it makes it difficult to care for others.

The owner of a diner the Cho family frequented made the following request: "In honor of the Cho family, I ask you all to please be kind, continue to make memories with your loved ones, put the phones down and be in the moment with the ones who mean the most to you".

May we use this tragedy to be a reminder of our sense of community and to not take a single moment for granted.

Robert G. McNeill, DDS, MD, MBA, FACD, FICD