



November 2022

What a year!

We headed into 2022 with serious momentum and some big plans. We have adjusted our meetings to a hybrid manner, thanks to our skilled IT team. While there is no substitute for being together in-person, hybrid meetings give board members and the public the option to join virtually from anywhere via on our YouTube Channel, and we encourage you to do so! Additionally, our offices moved to a beautiful, new facility near the Capitol. The effort to transition from downtown to the Capitol Complex was an “all hands-on deck” four-day event with minimal down time. I am proud of our board staff under Executive Director Casey Nichols’ leadership for her managerial skills during that stress-filled time while never compromising the board’s mission.

A lot has happened during 2022. In dentistry, we had to face similar struggles just like other businesses. We had to work harder to accommodate patients as they became more comfortable seeking much delayed dental care. There was increased demand with labor shortages, overall costs rose which inevitably trickled to our patients and inadvertently affected access to care. We, too, struggle with work-life balance and the demands of keeping patients, staff and family fulfilled. Like you, board members are integral to our own practices, and we empathize with your challenges. Running or being a part of a business, finding the right employees, and preparing for an uncertain economy while maintaining our high standards are what bonds us, no matter what specialty, location, or patient-base. Fortunately, no one practices alone. You have a community of professionals ready and willing to help. Remember, all you have to do is reach out.

The 2023 legislative session will begin on January 10. I look forward to my first legislative session as the Presiding Officer. It is an honor to represent our profession to the legislators. It is a heavy burden but well worth the representation as a practicing dental health care profession (like you) to law-makers. I take the privilege to be able to serve the people of Texas seriously. I will advocate for common-sense laws that will protect the public.

2022 was an incredible transitional year. I look forward to the holidays and the excitement of a new year!

With warm wishes in peace and joy,

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

TSBDE MOVED

The TSBDE office has relocated from the William P. Hobby building to the new George H.W. Bush building! We appreciate your patience and understanding during our recent transition. For more information about the move, please visit:

[TFC | Texas Facilities Commission](#)

New address: 1801 Congress Avenue, Suite 8.600 Austin, TX 78701

As of July 11, 2022, all mail sent to TSBDE offices should be sent to the new address above. Mail previously sent to the old address (333 Guadalupe, Suite 3-800, Austin, TX 78701) will be forwarded to the new address via USPS.

Thank you for your patience and understanding during this transition.



Photo courtesy of the Texas Facilities Commission

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.

PROACTIVE MINUTE

Proactive minute: Hypertension in the dental office

Many regulatory boards tend to be reactive by their very nature. At our last several disciplinary review committee meetings we have discussed how we might be more preventative and proactive in nature as an agency. It can serve both the public and our licenses to think about prevention.

My focus here will be on the dental management of hypertensive patients. Negative outcomes such as a heart attack or stroke can and do happen when a patient with severe hypertension is treated in a dental office. It is important to note that each dentist is responsible for making clinical decisions for their patient. If there is a negative outcome, the standard of care is determined by your peers (Dental Review Panel members here in Texas). These DRP members will often use various published guidelines and reports from various organizations. The ADA summarizes several of the guidelines and implications of hypertension in dental care here: [ADA resources](#)

As the chair of the disciplinary review committee, I would encourage you to look at various resources that exist for managing patients with hypertension. This can involve making decisions about treating versus deferral and visiting their physician, sedation management options, and/or the use of vasoconstrictors in your local anesthetic. Unfortunately, hypertension is something we see frequently in our offices as well as negative outcomes at the board level. Keeping up to date on the latest patient management guidelines can be a proactive way to help safely manage your patients.

Robert G. McNeill, DDS, MD, MBA

ANESTHESIA ADVISORY COMMITTEE MEETING REPORT

The TSBDE Advisory Committee on Dental Anesthesia (ACDA) met on March 4, 2022, to discuss complaints resolved by the TSBDE involving anesthesia related issues from FY 2020 and FY 2021. The ACDA reviews de-identified data that remains confidential throughout the review process. The ACDA's function is to spot trends and provide recommendation and guidance to the TSBDE on anesthesia related issues.

The full report may be found here:

[Public Reports – Texas State Board of Dental Examiners](#)

ANESTHESIA ADVISORY COMMITTEE NEW MEMBERS

The Texas State Board of Dental Examiners would like to thank all of the practitioners who applied to serve on the Advisory Committee for Dental Anesthesia.

At the November 4, 2024 meeting, the Board appointed two new members to the committee. Dr. Zeeshan Moorani is a pediatric dentist, level 2 provider based in San Antonio and Dr. Shelby Nelson is a periodontist, level 3 provider based in Fort Worth. We would like to welcome Dr. Moorani and Dr. Nelson to the committee! Their appointment will continue through November 4, 2023. The Board's Presiding Officer also nominated Dr. Wayne Radwanski as committee chair and Dr. Moorani as vice chair.

The Board would like to thank Dr. Lisa Masters and Dr. Scott Ludlow for their service to the committee. Both outgoing members have been on the committee since its establishment. We would also like to thank Dr. Masters for serving as committee chair.

TSBDE INVITATION TO EDUCATORS

The Texas State Board of Dental Examiners (TSBDE) would like to connect with Texas educators and hear updates from dental, hygiene and dental assisting programs. The Board invites a representative from your university, school or program to provide a brief ten (10) minute presentation at an upcoming meeting. Board members are interested in learning about class sizes, curriculum, graduation statistics, educational concerns, and how the Board can better assist educators. The Board will schedule two representatives to speak per meeting on a first come, first served basis. Speakers have the option to attend in person or virtually. The TSBDE Board meets on a quarterly basis.

If you are interested in addressing the Board or if you have additional questions, please contact Wendy Richardson at wrichardson@tsbde.texas.gov.

Please provide your name, title, school/program affiliation and your preferred Board meeting date. The TSBDE calendar is available here:

[TSBDE CALENDAR](#)

The TSBDE looks forward to connecting with our Texas educators!

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](#)

ASA Classifications by Robert G. McNeill, D.D.S., M.D.

One of the common challenges we see at the board while reviewing complaints is that charts will often lack an appropriate selection of the American Society of Anesthesiologist's (ASA) Physical Status classification. The purpose of the system is to assess and communicate a patient's pre-anesthesia medical co-morbidities. Board rule 110.13 requires the documentation of the ASA classification on the preoperative checklist for the administration of nitrous oxide and Levels 1, 2, 3 and 4 sedation/anesthesia. The classification may also determine if you may need a high-risk sedation permit per board rule 110.16 to treat ASA 3 or 4 patients with sedation levels 2, 3 or 4. The following are some common examples of ASA classifications:

ASA PS Classification	Definition	Adult Examples, Including, but not Limited to:
ASA I	A normal healthy patient	Healthy, non-smoking, no or minimal alcohol use
ASA II	A patient with mild systemic disease	Mild diseases only without substantive functional limitations. Examples include (but not limited to): current smoker, social alcohol drinker, pregnancy, obesity (30 < BMI < 40), well-controlled DM/HTN, mild lung disease
ASA III	A patient with severe systemic disease	Substantive functional limitations; One or more moderate to severe diseases. Examples include (but not limited to): poorly controlled DM or HTN, COPD, morbid obesity (BMI ≥40), active hepatitis, alcohol dependence or abuse, implanted pacemaker, moderate reduction of ejection fraction, ESRD undergoing regularly scheduled dialysis, premature infant PCA < 60 weeks, history (>3 months) of MI, CVA, TIA, or CAD/stents.
ASA IV	A patient with severe systemic disease that is a constant threat to life	Examples include (but not limited to): recent (< 3 months) MI, CVA, TIA, or CAD/stents, ongoing cardiac ischemia or severe valve dysfunction, severe reduction of ejection fraction, sepsis, DIC, ARD or ESRD not undergoing regularly scheduled dialysis
ASA V	A moribund patient who is not expected to survive without the operation	Examples include (but not limited to): ruptured abdominal/thoracic aneurysm, massive trauma, intracranial bleed with mass effect, ischemic bowel in the face of significant cardiac pathology or multiple organ/system dysfunction
ASA VI	A declared brain-dead patient whose organs are being removed for donor purposes	

"The addition of "E" denotes Emergency surgery: (An emergency is defined as existing when delay in treatment of the patient would lead to a significant increase in the threat to life or body part)

chart via



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?

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

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.

TSBDE is reporting over 7,200 canceled dental licenses, Over 5,900 canceled dental hygiene licenses, and over 55,800 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.

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
- 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)
- and request for a duplicate license (a fee is required)

You may still print your e-renewal certificate for no fee at <https://tsbde.texas.gov/printcert/>.

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

Anesthesia Application Document Requirements

The following is required to be mailed to the TSBDE:

1. Anesthesia Permit Application. Current application date is 19 July 2022.
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.
 - Follow-up Anesthesia Inspections: Compliance/Tier 1 Inspections where a recording violation was noted and a Violation of Recordings Affidavit was submitted to mitigate this violation will be scheduled for a follow-up Inspection. Random scheduling for these Follow-up Inspections began July 2022.

ANESTHESIA REMINDER FOR HIGH-RISK AND PEDIATRIC PATIENTS

TSBDE Rules 110.16 & 110.17

At the August 2022 board meeting, the board discussed rules 110.16 and 110.17, which pertain to administering sedation/anesthesia to high-risk and pediatric patients. Below is a summary of the discussion:

A dentist has a Level 2 permit and is also board authorized to provide sedation/anesthesia to high-risk patients and pediatric patients. If this same dentist applies for a Level 3 permit, and is approved for that level of sedation, they will also need to re-apply for authorization from the board in order to continue providing sedation/anesthesia to high-risk and pediatric patients. They cannot rely on the authorization previously received when the Level 2 permit was approved.

According to board rules 110.16 and 110.17, since this dentist is now a Level 3 permit holder, they need to provide, among other things, proof of successful management, either during a residency or education program, a certain number of patients sedated/anesthetized at a Level 3 route of administration, before they are allowed to provide sedation/anesthesia to high risk or pediatric patients.

You can find the applications for the administration of anesthesia to high-risk and pediatric patients on the board's website here:

<https://tsbde.texas.gov/licensing/dentists/sedation-of-high-risk-and-pediatric->

TSBDE will be closed on the following holidays:
November 23-25 Thanksgiving Holiday
December 23-26 Christmas Holiday
December 30 New Years Holiday

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

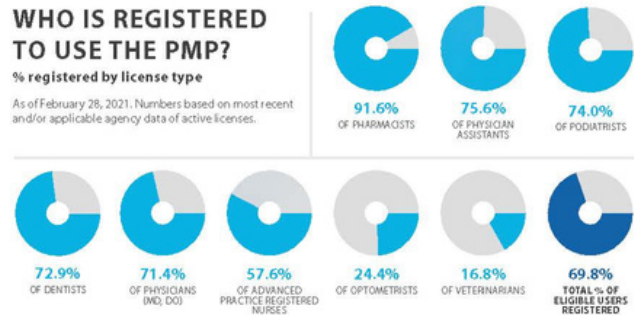


txpmp.org

WHO IS REGISTERED TO USE THE PMP?

% registered by license type

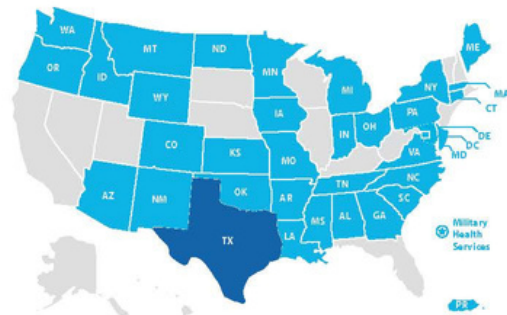
As of February 28, 2021. Numbers based on most recent and/or applicable agency data of active licenses.



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

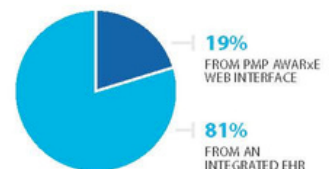


INTEGRATED ACCESS

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 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.



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

click for 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.

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/

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.

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.

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

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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.

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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.

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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.

BOARD MEETING

November 4, 2022

Adopted Rules

Rule 101.2 Dental Licensure by Examination:

Rule 101.3 Dental Licensure by Credentials:

Rule 103.2 Dental Hygiene Licensure by Examination:

Rule 103.3 Dental Hygiene Licensure by Credentials:

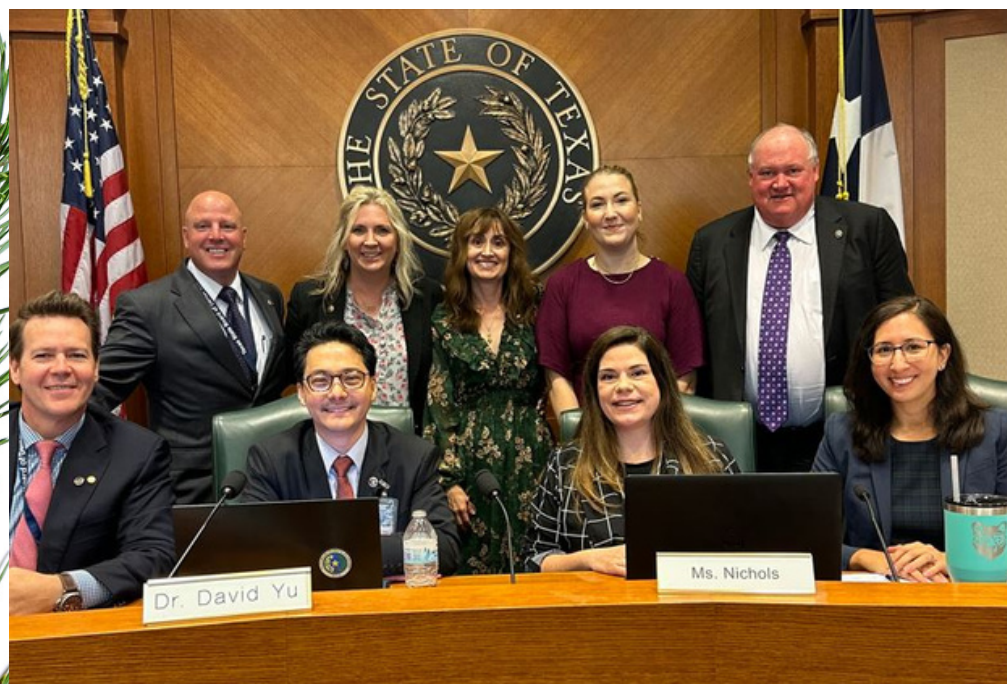
Proposed Rules

Please visit
[Proposed Rules – Texas State Board of Dental Examiners](#)
for updates

**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**

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.

Happy Holidays



**and Happy New Year
from the TSBDE staff**