



# The Texas State Board of Dental Examiners



September 2020

## Agency News

### Ms. Casey Nichols, Executive Director

Casey Nichols currently serves as the Executive Director for the Texas State Board of Dental Examiners (TSBDE).

Ms. Nichols previously served as the General Counsel for TSBDE. Her role included providing counsel and supervision to the legal division who handle administrative prosecution of regulatory and compliance cases. Ms. Nichols provided legal advice to the agency, which included rulemaking, compliance with the Texas Public Information Act and Texas Open Meetings Act, and the interpretation of laws, regulations and rules.



Prior to joining TSBDE in 2019, Ms. Nichols served as an enforcement attorney for the Texas Department of Motor Vehicles. Ms. Nichols also prosecuted health care cases on behalf of the Florida Department of Health for several regulatory boards including the Board of Nursing, Board of Pharmacy, and Board of Osteopathic Medicine. Ms. Nichols was the sole prosecutor for the Board of Opticianry and Board of Respiratory Care. Ms. Nichols has a bachelor's degree from Texas A&M University, a law degree from Florida Coastal School of Law, and is licensed to practice law in Florida and Texas.

### **2020 Anesthesia Advisory Committee Meeting**

**October 14, 2020 via Zoom**

### **Anesthesia Stakeholder Meeting**

**October 5, 2020 via Zoom**

*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*

**Updated Emergency Rule §108.7 ([Link to the Texas Register](#))**

Dental Health Care Personnel (DHCP) may resume the use of ultrasonic devices for hygiene services. DHCP are no longer required to complete the full treatment of one patient before leaving the treatment area and on to another patient. DHCP are required to remove PPE before returning home, but are no longer required to change from scrubs to personal clothing. DHCP should maintain due diligence related to antiseptic control at all times.

**ADOPTED RULES**  
**SEPTEMBER 21, 2020 BOARD MEETING**

102.1 Fees [link to the Texas Register](#)

110.2 Sedation Anesthesia Permit [link to the Texas Register](#)

110.9 Anesthesia Permit Renewal [link to the Texas Register](#)

**PROPOSED RULES**  
**SEPTEMBER 21, 2020 BOARD MEETING**

101.2 Licensure by Examination

103.2 Licensure by Examination

104.1 Requirement

114.12 Continuing Education for Certificate Holders

111.5 Electronic Prescribing Waiver

Proposed rules will be posted in the Texas Register

*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.*

# BOARD MEMBER SPOTLIGHT:

## Robert McNeill, DDS, MD



It is a privilege and a blessing to serve the Governor and the people of our great state as a TSBDE board member. I originally grew up in Canada and continue to play hockey in Dallas to this day. I graduated dental school from the University of Detroit Mercy. During that time I served as the national president of the American Student Dental Association. I went on to earn my M.D. and certificate in Oral and Maxillofacial Surgery from Case Western Reserve University. I currently practice in Garland, Texas as a partner for The Dental Specialists. I also completed an Integrative Medicine Fellowship with the University of Arizona School of Medicine. Currently, I'm enrolled in an MBA program with University of Texas at Dallas/UT Southwestern School of Medicine. I consider myself a life-long learner. My parents always told me to stay in school.

My involvement with the dental board started with being a reviewer for the dental review panel (DRP). I found that in my role as a reviewer, I became a much better doctor from a clinical standpoint, and I was able to improve my documentation.

Additionally, I served as a part-time staff dentist working directly with the dental board to help with the DRP review process. I encourage each of you to look into becoming a DRP reviewer, as I think you will find it an excellent way to become aware of board rules as well as improve your knowledge on standard of care issues.

In 2016, I was given the opportunity to serve on the Blue Ribbon Panel on dental sedation safety as part of a Sunset Review for the TSBDE. This too provided a great experience to look at the data on safety issues related to anesthesia, work with a diverse group of colleagues and then come up with recommendations for the legislature.

Currently, I am the chairperson on the Disciplinary Review Committee while I also serve as a member of the Anesthesia Committee with the dental board. One of the things that I cherish the most about serving on the dental board is interacting with my colleagues. I love interacting with others on a variety of issues, and I enjoy opportunities to build a consensus among the group that will provide a workable solution.

I have been asked to give advice to licensees as it relates to the board. I would encourage everyone to go to the website at <https://tsbde.texas.gov/laws-rules/> and go through the board rules. There are many rules that we are required to follow. Often, practitioners will experience problems because they are not aware of the current rules and regulations. Another service offered through the board is for our colleagues who are having challenges with mental health or substance abuse issues. I like to encourage anyone struggling, to reach out for support from our local societies and utilize the statewide Professional Recovery Network (PRN) <http://www.txprn.com/>. These are great resources that I wish more people would access before a small issue becomes a much larger issue. These issues are certainly some of the parts of my board duties that I find the most heart breaking.

On a personal note, I have three great boys who love adventure. They push me to stay young at heart and keep me active. I will usually have some type of hockey injury at any given time and one of my vices is that I have a motorcycle that I enjoy taking to national parks and forests.

# PMP NOTICE

Beginning March 1, 2020, prescribers were required to check a patient's Texas Prescription Monitoring Program (PMP) history before dispensing or prescribing opioids, benzodiazepines, barbiturates, or carisoprodol.

Visit the Texas PMP home page for additional information and resources.

The Pharmacy Board also has a link to TMB's guidance on the use of [PMP](#),

Texas Medical Board Releases Initial Guidance on Physician Requirements to Check the [Texas PMP](#)

The Texas Medical Board (TMB) has released a statement outlining initial guidance regarding new physician requirements to check the [Texas Prescription Monitoring Program \(PMP\)](#) outlined in recent legislation.

# CE NOTICE

**Online or live interactive webinars count towards the required 16 hours of technical or scientific coursework. If the webinar is prerecorded or non-interactive, it will count towards the required 8 hours of self-study.**

New CE Requirements. **NEW – Pain Management** (104.1)(B) Effective January 1, 2021, a licensed dentist whose practice includes direct patient care must complete not less than 2 hours of continuing education annually, and not less than 4 hours for each biennial renewal, regarding safe and effective pain management related to the prescription of opioids and other controlled substances. These 4 hours may be used to satisfy the 16-hour technical and scientific requirement. The courses taken to satisfy the safe and effective pain management requirement must include education regarding:

- (i) reasonable standards of care;
- (ii) the identification of drug-seeking behavior in patients; and
- (iii) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

**NEW- Prescribing and Monitoring Controlled Substances** (111.1)

Effective until September 1, 2020, each dentist who is permitted by the Drug Enforcement Agency to prescribe controlled substances shall complete every three years a minimum of two hours of continuing education in the abuse and misuse of controlled substances, opioid prescription practices, and/or pharmacology. This continuing education may be utilized to fill the continuing education requirements of annual renewal.(b)

## New Human Trafficking Prevention Training Required!

### Training Required: Human Trafficking Prevention Training for Health Care Practitioners

**Beginning September 1, 2020**, certain health care practitioners who provide direct patient care must complete an approved human trafficking prevention training course in order to renew their license. In order to satisfy the training requirement, the course must be approved by the Texas Health and Human Services Commission.

Health care practitioners are in a unique position to intervene in human trafficking, one of the most insidious and seemingly invisible public health challenges. This includes both labor and sex trafficking, and may involve people of any age, gender, race/ethnicity, nationality, immigration status, or sexual orientation. Victims and survivors of human trafficking may be seen at local clinics, emergency departments, or other medical settings and the health care team's actions at that moment can make a life-saving difference. This training is meant to provide you with a variety of resources to inform and support planning for that critical response.

[Click here for more information on the Human Trafficking Training](#)

# CE NOTICE

## Controlled Substances

Each Dentist who is permitted by DEA to prescribe controlled substances shall conduct at least one self-query through the PMP of the Texas State Board of Pharmacy.

<https://www.pharmacy.texas.gov/PMP/>

Effective March 1, 2020, prior to prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol, a dentist shall access the patient's prescription drug history report through the Texas State Board of Pharmacy's Prescription Monitoring Program (PMP)

<https://www.pharmacy.texas.gov/PMP/>

Beginning September 1, 2020, each dentist who is permitted by DEA to prescribe controlled substances must complete two (2) CE hours related to approved procedures of prescribing and monitoring controlled substances;

- For dentists authorized to prescribe controlled substances before 09/01/2020, the two (2) hours must be completed by 09/01/2021
- For dentists who are authorized to prescribe controlled substances on or after 09/01/2020, the two (2) CE hours must be completed by the first anniversary of obtaining the DEA permit.

Once a DEA permit holder has taken the two (2) hour course, they are not required to take the course again. The two (2) hours may be taken to satisfy the recordkeeping CE requirement.

Effective January 1, 2021, a licensed dentist whose practice includes direct patient care must complete at least four (4) CE hours for each biennial renewal, regarding safe and effective pain management related to the prescription of opioids and other controlled substances. The courses taken to satisfy the safe and effective pain management requirement must include education regarding the following:

Reasonable standards of care

The identification of drug-seeking behavior in patients, and

Effectively communicating with patients regarding the prescription of an opioid or other controlled substance

These four (4) hours may be used to satisfy the technical and scientific requirement.

**Update:** TSBDE will count the two (2) hours of CE required for DEA permit holders towards the four (4) hours of CE required for all licensed dentists.

# 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 effective May 10, 2018 and amended to be effective March 20, 2019.

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 permit(s).

Pursuant to 22 Tex. Admin. Code § 110.18, regardless of issue date, all level, 3, and 4 permit holders will be subject to at least one inspection prior to September 1, 2022.

Reminder, 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 establish a plan for the management of medical emergencies in each practice setting in which the dentist administers sedation/anesthesia effective May 10, 2018 and amended to be effective March 20, 2019. Make note from this rule the requirement of specific protocols, staff training log, emergency drug log, equipment readiness log, individual staff roles and responsibilities, and review requirements.

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.

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](mailto: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



# Fax Number Update!

For the Texas State Board of Dental Examiners

The Texas State Board of Dental Examiners is updating our Fax Service and will be replacing our old fax numbers with new fax numbers for every department and the agency's general line.

**Beginning October 1, 2020, TSBDE will be using the New Numbers exclusively.** Until the end of September, we will receive faxes from both numbers.

If you have any questions, please contact [licensinghelp@tsbde.texas.gov](mailto:licensinghelp@tsbde.texas.gov).

Thank you for your time and patience as we upgrade!

Department	Old Number	New Number
Agency (General)	512-463-7452	512-649-0797
Compliance	512-682-0418	512-649-2791
Enforcement	512-692-2517	512-649-2732
Legal	512-305-9364	512-649-2482
Licensing	512-463-7452	512-649-1658

**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?**

**TSBDE will be closed on the following holidays:**  
Wednesday, November 11, 2020 Veteran's Day  
Wednesday - Friday, November 25-27, Thanksgiving holiday

**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.**



# FRAUD ALERT

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).

You may also visit the Consumer Protection section of the Texas Office of the Attorney General to learn about common scams and how to report scammers here: [report here](#)

## **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 a TSBDE domain: [jsmith@tsbde.texas.gov](mailto:jsmith@tsbde.texas.gov).

# FRAUD ALERT *continued*

Spooled 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 log-in credentials.

Spooled 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).