



# **TEXAS STATE BOARD OF DENTAL EXAMINERS BOARD MEETING**

**Convenes on June 3, 2016 - 8:30 A.M. - Conclusion  
333 Guadalupe St, Tower 2, Suite 225  
Health Professions Council Conference Room  
Austin, TX 78701**

## **AGENDA**

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. DISCUSSION AND REVIEW OF MINUTES FROM THE FEBRUARY 26, 2016, BOARD MEETING.**
- 4. ELECTION OF BOARD SECRETARY.**
- 5. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.**
  - 5.1. Agreed Settlement Orders.
  - 5.2. Remedial Plans.
  - 5.3. Consent Orders.
  - 5.4. Modification Orders.
  - 5.5. Staff Recommendations of Dismissal.
- 6. PRESIDING OFFICER REPORT.**
- 7. MISCELLANEOUS REPORTS.**
  - 7.1. Professional Recovery Network Report.
  - 7.2. Western Regional Examining Board Dental Hygiene Report.
  - 7.3. Western Regional Examining Board Report.
- 8. DISCUSSION AND ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS.**
  - 8.1. Anesthesia Workgroup.
  - 8.2. Dental Hygiene Advisory Committee.
  - 8.3. Licensing Committee.
    - 8.3.1. Discussion and Action on Application for Special Consideration or Exception to Board Rules.
      - 8.3.1.1. Victor Firmani, DDS.
    - 8.3.2. Discussion and Action on Applications for Licensure/Registration.
      - 8.3.2.1. Application 2016Q3RDA1.
      - 8.3.2.2. Application 2016Q3RDA2.
      - 8.3.2.3. Application 2016Q3DEN1.
      - 8.3.2.4. Application 2016Q3RDA3.
      - 8.3.2.5. Application 2016Q3RDA4.
      - 8.3.2.6. Application 2016Q3DEN2.
      - 8.3.2.7. Application 2016Q3DEN3.
    - 8.3.3. Discussion and Action on CE Audit Vendors.
- 9. APPEARANCES BEFORE THE BOARD.**
  - 9.1. Carlos Morales-Ryan.
  - 9.2. Patricia Garcia-Morales.

## **10. DISCUSSION AND ACTION ON RULES.**

### **10.1. Discussion regarding future rulemaking.**

- 10.1.1. Past stakeholder meetings.
- 10.1.2. Future stakeholder meetings.
- 10.1.3. Future rulemaking topics.\*
  - 10.1.3.1. Procedures Governing Grievances, Hearings, and Appeals.
  - 10.1.3.2. Prescribing to Friends and Family Members.
  - 10.1.3.3. Delegable Duties to Dental Assistants.
  - 10.1.3.4. Modification of Orders.
  - 10.1.3.5. Disciplinary Matrix.
  - 10.1.3.6. Continuing Education Audits.
  - 10.1.3.7. Withdrawal of Application for Licensure or Registration.

### **10.2. Discussion and action regarding proposals of new rules.**

- 10.2.1. 22 Tex. Admin. Code, 100.6, Executive Committee of the Board.
- 10.2.2. 22 Tex. Admin. Code, 100.7, Standing Committees of the Board.
- 10.2.3. 22 Tex. Admin. Code, 100.8, Ad Hoc Committees of the Board.
- 10.2.4. 22 Tex. Admin. Code, 100.9, Advisory Committees and Workgroups Established by the Board.
- 10.2.5. 22 Tex. Admin. Code, 100.10, Stakeholder Meetings Convened by Staff.
- 10.2.6. 22 Tex. Admin. Code, 107.220, Initiation of Complaint Based on NPDB Report.
- 10.2.7. 22 Tex. Admin. Code, 107.221, Confidential Referral to Peer Assistance Program.

### **10.3. Discussion and action regarding rule review proposed at February 26, 2016, meeting.**

- 10.3.1. 22 Tex. Admin. Code, 110.1 through 110.10, Sedation and Anesthesia.

### **10.4. Discussion and action regarding adoption of proposed rule amendments.**

- 10.4.1. 22 Tex. Admin. Code, 102.1, Fee Schedule.
- 10.4.2. 22 Tex. Admin. Code, 108.12, Dental Treatment of Obstructive Sleep Apnea.

### **10.5. Discussion and action regarding adoption of proposed repeal of rules.\*\***

- 10.5.1. 22 Tex. Admin. Code, 107.69, Alternative Informal Assessment of Administrative Penalty.
- 10.5.2. 22 Tex. Admin. Code, 107.202, Disciplinary Guidelines and Administrative Penalty Schedule.
- 10.5.3. 22 Tex. Admin. Code, 107.300, Registration of Non-Profit Corporations Authorized to Hire Dentists.
- 10.5.4. 22 Tex. Admin. Code, 107.100, Receipt, Processing, and Coordination of Complaints.
- 10.5.5. 22 Tex. Admin. Code, 107.101, Preliminary Inquiry of a Complaint.
- 10.5.6. 22 Tex. Admin. Code, 107.102, Commencement of an Official Complaint.
- 10.5.7. 22 Tex. Admin. Code, 107.103, Disposition of an Official Complaint.
- 10.5.8. 22 Tex. Admin. Code, 107.104, Confidentiality of Investigations.
- 10.5.9. 22 Tex. Admin. Code, 107.105, Request for Information and Records from Licensees.
- 10.5.10. 22 Tex. Admin. Code, 107.106, Use of Expert Panel.
- 10.5.11. 22 Tex. Admin. Code, 107.107, Selection of Expert Reviewers.
- 10.5.12. 22 Tex. Admin. Code, 107.108, Determination of Competency by the Expert Panel.
- 10.5.13. 22 Tex. Admin. Code, 107.110, Compliance.

### **10.6. Discussion and action regarding adoption of proposed rules.\*\***

- 10.6.1. 22 Tex. Admin. Code, 107.69, Temporary Suspension in Emergency.
- 10.6.2. 22 Tex. Admin. Code, 107.100, Definitions.
- 10.6.3. 22 Tex. Admin. Code, 107.101, Responsibilities of Investigations Division and Dental Practice Division.
- 10.6.4. 22 Tex. Admin. Code, 107.102, Complaints.
- 10.6.5. 22 Tex. Admin. Code, 107.103, Preliminary Investigation of a Complaint.
- 10.6.6. 22 Tex. Admin. Code, 107.104, Official Investigation of a Complaint.
- 10.6.7. 22 Tex. Admin. Code, 107.105, Collection of Information and Records.
- 10.6.8. 22 Tex. Admin. Code, 107.106, Confidentiality of Investigations.
- 10.6.9. 22 Tex. Admin. Code, 107.107, Use of Dental Review Panel.
- 10.6.10. 22 Tex. Admin. Code, 107.108, Assignment of Dental Review Panel Members.
- 10.6.11. 22 Tex. Admin. Code, 107.109, Review by Dental Review Panel Members.

- 10.6.12. 22 Tex. Admin. Code, 107.200, Disposition of a Filed Complaint.
- 10.6.13. 22 Tex. Admin. Code, 107.201, Procedures for Alternative Informal Assessment of Administrative Penalty.
- 10.6.14. 22 Tex. Admin. Code, 107.202, Alternative Informal Assessment of Administrative Penalty Schedule.
- 10.6.15. 22 Tex. Admin. Code, 107.205, Registration of Non-Profit Corporations Authorized to Hire Dentists.
- 10.6.16. 22 Tex. Admin. Code, 107.300, Responsibilities of Compliance Division.

## **11. AGENCY ACTIVITY REPORTS.**

- 11.1. Executive Director's Report.
- 11.2. Finance and Administration Division Report.
- 11.3. Licensing Division Report.
- 11.4. Joint Report of the Investigations and Dental Practice Divisions.
- 11.5. Legal Division Report.

## **12. DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).**

### **12.1. Docket No. 504-16-1013, Michael A. McCann, DDS, Texas Dental License No. 10723.**

Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action.

### **12.2. Docket No. 504-15-0919, Joanna Faz, RDA, Registered Dental Assistant No. 45571.**

Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action.

### **12.3. Docket No. 504-16-1557, D. William Gary, DDS, Texas Dental License No. 25687.**

Consideration of the Administrative Law Judge's Order No. 4 Dismissing Case, Recommendations, and Board Action.

### **12.4. Docket No. 504-16-3119, Miner Jerome Holmes, DDS, Texas Dental License No. 10514.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations, and Board Action.

### **12.5. Docket No. 504-16-1210, Joann N. Kramer, RDA, Registered Dental Assistant No. 2780 and Nitrous Oxide Certificate No. 52007.**

Consideration of the Administrative Law Judge's Order No. 4 Granting Motion to Dismiss and Remand, Recommendations, and Board Action.

### **12.6. Docket N. 504-16-2366, Amanda M. Malesich, RDA, Registered Dental Assistant No. 77204.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations, and Board Action.

## **13. PUBLIC COMMENTS.**

## **14. ANNOUNCEMENTS.**

## **15. ADJOURN.**

**EXECUTIVE SESSION:** The board reserves the right to conduct a closed meeting to discuss any posted agenda items as authorized by law. Specifically, the board may enter executive session to conduct a private consultation with its attorney to seek advice about pending or contemplated litigation or a settlement offer, pursuant to Section 551.071 of the Texas Government Code.

\* Discussion of future rulemaking topics is not limited to the posted discussion items.

\*\* Considerations named under agenda items 10.5 and 10.6 may be taken out of order as needed.