

SBDE NOS. 2016-00814 & 2016-01347

IN THE MATTER OF	§	BEFORE THE EXECUTIVE COMMITTEE
DANIEL SENA, DDS	§	OF THE TEXAS STATE BOARD OF
TEXAS DENTAL LICENSE 14692	§	DENTAL EXAMINERS

ORDER OF TEMPORARY SUSPENSION

On the 31st day of August, 2016, an Executive Committee of the State Board of Dental Examiners (Executive Committee) met in an emergency meeting to hear evidence and information in the above-styled case pursuant to section 263.004 of the Texas Occupations Code.

The Executive Committee heard evidence and information that the continued practice of dentistry by Daniel Sena, D.D.S., License No. 14692, would constitute a clear, imminent or continuing threat to a person's physical health or well-being.

The Executive Committee finds, based on the evidence and information presented and the factual and legal bases stated in the Petition for Temporary Suspension, attached and incorporated herein, that the continued practice of dentistry by Daniel Sena, D.D.S., would constitute a clear, imminent or continuing threat to a person's physical health and well-being.

IT IS, THEREFORE ORDERED that the license, and any and all related permits, issued to Daniel Sena, D.D.S., are hereby temporarily suspended pursuant to Section 263.004 of the Texas Occupations Code. This Order is final and effective as of the date of signing.

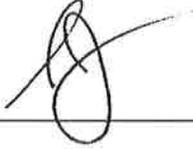
This matter shall be set for a hearing before the State Office of Administrative Hearings not later than the 30th day after the date the license, and any and all related permits, are suspended by the Order. At that time, the State Board of Dental Examiners will present evidence to show that the license of Daniel Sena, D.D.S. should remain suspended.

During the suspension period referred to above, Respondent SHALL NOT practice dentistry as defined under Section 251.003, Texas Occupations Code, and is prohibited from performing those acts, procedures, and treatments specified under Section 251.003(a)(1)-(10), Texas Occupations Code, in effect at the time of ratification of this Order and any amendments thereafter. Section 251.003(a)(1) and (4) are excepted from this requirement.

Respondent, during this emergency suspension period, may perform only administrative tasks limited exclusively to: opening mail, referring patients, and accepting payments on accounts. During the period of suspension, Respondent SHALL NOT delegate any clinical tasks to any employee or auxiliary and SHALL NOT allow any employee or auxiliary, if any, to practice outside the scope of their permitted duties as defined by the Dental Practice Act and rules and regulations of the Board.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 31st day of August, 2016.

A handwritten signature in black ink, appearing to be 'S. Austin', written over a horizontal line.

Steven J. Austin, D.D.S., Presiding Officer
Texas State Board of Dental Examiners

the location identified as his registered location for DEA purposes. During a joint DEA/Board investigation of the premises, investigators determined that Respondent failed to observe applicable DEA regulations regarding the storage of controlled substances. Additionally, Respondent possessed the following drugs at his home:

- a. Ketamine (Schedule III CS), a drug restricted to Level 4 permit holders by Board Rule 110.10.
 - b. Propofol (prescription-only Dangerous Drug), a drug restricted to Level 4 permit holders by Board Rule 110.10.
 - c. Oxymetholone (Schedule III CS), a synthetic anabolic steroid which has no dental purpose and was not prescribed to Respondent or Respondent's patients.
 - d. Testosterone Enanthate (Schedule III CS), an anabolic steroid which has no dental purpose and was not prescribed to Respondent or Respondent's patients.
2. During the February 5, 2016, investigation, Board staff discovered records related to the sedation of a minor patient on or about May 6, 2015. During the sedation of a minor patient on May 6, 2015, Respondent fell below the minimum standard of care and committed dishonorable conduct when administering sedation to the patient. Specifically:
- a. Respondent failed to establish intravenous access to administer medications to the minor patient, leading to Respondent administering Midazolam, Flumazenil, Propofol, and Clindamycin intramuscularly during the course of the procedure.
 - b. Respondent utilized intramuscular Propofol during the sedation of the minor patient, a medication Respondent is not authorized to use by Board Rule 110.10.
 - c. Respondent administered 30 mg of Midazolam to the 39-40 lb minor patient, when the appropriate dose would have been 9 mg.
 - d. Respondent provided the minor patient with a prescription for a pre-appointment dose of Triazolam 0.125 mg.
3. During the May 6, 2015, sedation of the minor patient, Respondent fell below the minimum standard of care, committed dishonorable conduct and failed to make, maintain and keep adequate records. Specifically:
- a. Respondent did not weigh the child himself but instead relied on the parent's weight information.
 - b. Respondent did not create an adequate time-oriented anesthetic record, and failed to monitor vital signs at 10 minute intervals.
 - c. Respondent failed to obtain an adequate written informed consent signed by the guardian of the minor patient for the sedation. Instead, Respondent wrote in the name of the guardian on a consent form without the guardian's consent.
 - d. Respondent failed to document and review the patient's medical history.

- e. Respondent failed to provide pre- and post-operative instructions to the patient's guardian.

LEGAL AUTHORITY

1. The conduct described above constitutes a violation of Tex. Occ. Code § 263.002(a)(3), (4), (7), (10); and 22 Tex. Admin. Code §§ 108.1(1), 108.7(1), (2), (4), (7), 108.8(b)(4)-(5), (c)(1), (5), (7), (8), (9), (10), (12), 108.9(1), (2)(A), (4)(E)-(F), (6), (11), 110.5(b)(1)-(2), (c)(1), (2)(A), (C), (F), (5)(A)-(C), (6)(D), (8), 110.10(a).
2. Section 263.004 of the Act authorizes the Board to temporarily suspend a person's license or permit.

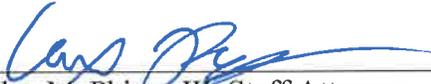
PRAYER

Staff requests that the Executive Committee of the Board determine that Respondent has engaged in conduct that shows that the continued practice of dentistry by Respondent would constitute a clear, imminent, or continuing threat to a person's health or well-being. Staff further requests that the Executive Committee enter an *Order of Temporary Suspension* suspending Texas Dental License No. 14692, and/or sedation/anesthesia permits pursuant to Section 263.004 of the Texas Occupations Code.

Filed this 31st day of August, 2016.

Respectfully submitted,

TEXAS STATE BOARD OF
DENTAL EXAMINERS



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