

SBDE NO. 2015-01876

IN THE MATTER OF § **BEFORE THE EXECUTIVE COMMITTEE**
§
JOANN N. KRAMER, RDA § **OF THE TEXAS STATE BOARD OF**
§
REGISTERED DENTAL ASSISTANT § **DENTAL EXAMINERS**
NO. 2780 and NITROUS OXIDE §
CERTIFICATE NO. 52007 §

ORDER OF TEMPORARY LICENSE SUSPENSION

On the 17th day of November, 2015, 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 Joann N. Kramer, Registered Dental Assistant No. 2780 and Nitrous Oxide Certificate No. 52007, 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, that the continued practice of dentistry by Joann N. Kramer, RDA, would constitute a clear, imminent or continuing threat to a person's physical health and well-being.

IT IS, THEREFORE ORDERED that Texas Dental Assistant Registration No. 2780 and Nitrous Oxide Certificate No. 52007, issued to Joann N. Kramer, is 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 is suspended by the Order. At that time, the State Board of Dental Examiners will present evidence to show that the dental assistant registration and nitrous oxide certificate of Joann N. Kramer should remain suspended.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 17th day of November, 2015.



Rudy G. Ramos, Jr., D.D.S.
Presiding Officer
Texas State Board of Dental Examiners

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PETITION FOR TEMPORARY SUSPENSION

Now comes the Staff of the State Board of Dental Examiners (SBDE) and files this Petition for Temporary Suspension (Petition) against Joann N. Kramer, RDA (Respondent), Texas Dental Assistant Registration No. 2780 and Nitrous Oxide Certificate No. 52007, based on alleged violations of the Dental Practice Act (the Act), Tex. Occ. Code §§ 251.001 *et seq.* and Board Rules, 22 Tex. Admin. Code §§ 101.1 *et seq.*

In support of this Petition and based upon reasonable information and belief, Staff states the following:

JURISDICTION

1. The SBDE has authority and jurisdiction over Respondent's dental assistant registration pursuant to Tex. Occ. Code §§ 251.001 *et seq.* and 22 Tex. Admin. Code §§ 101.1 *et seq.*
2. Respondent's dental assistant registration and nitrous oxide certificate were in full force and effect at all dates and times material and relevant to this Petition.
3. Section 263.004 of the Act requires the SBDE or an executive committee of the SBDE to temporarily suspend a person's license if it determines that the continued practice of dentistry by the person would constitute a clear, imminent, or continuing threat to the person or another person's physical health or well-being.

FACTUAL ALLEGATIONS

SBDE Staff has received information and based on that information believes that Respondent has engaged in conduct in violation of the Act and SBDE Rules. SBDE Staff further believes that this conduct shows that this petition and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas. Based on such information and belief, SBDE Staff alleges:

From June 23, 2015, through the present, Respondent was addicted to and habitually intemperate in the use of nitrous oxide, and improperly obtained and used nitrous oxide. Respondent admitted to the SBDE's investigations staff that Respondent had used nitrous oxide directly from Respondent's former employer before, during and after work hours, without the consent of Respondent's former employer and for no dental purpose or treatment. Respondent was photographed using the nitrous oxide breathing apparatus when Respondent's former employer was not present. Respondent was not being treated by Respondent's former employer at the time, and was not receiving sedation for any dental purpose.

LEGAL AUTHORITY

1. The conduct described above constitutes a violation of Tex. Occ. Code § 263.002(a)(3), (7), (11); and 22 Tex. Admin. Code § 114.10(4)(A)-(C), (6), (8).
2. Section 263.004 of the Act authorizes the Board to temporarily suspend a person's license.

PRAYER

Staff requests that the Executive Committee of the SBDE 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 Assistant Registration No. 2780 and Nitrous Oxide Certificate No. 52007, pursuant to Section 263.004 of the Texas Occupations Code.

Filed this 17th day of November, 2015.

Respectfully submitted,

TEXAS STATE BOARD OF
DENTAL EXAMINERS



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