

**SBDE NO. 2016-02083**

**IN THE MATTER OF** § **BEFORE THE EXECUTIVE COMMITTEE**  
§  
**MISTY JAYE BROWN, DDS** § **OF THE TEXAS STATE BOARD OF**  
§  
**TEXAS DENTAL LICENSE 18158** § **DENTAL EXAMINERS**

**ORDER OF TEMPORARY SUSPENSION**

On the 31<sup>st</sup> 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 Misty Jaye Brown, D.D.S., License No. 18158, 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 Misty Jaye Brown, 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 Misty Jaye Brown, D.D.S., 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.

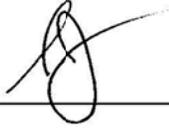
This matter shall be set for a hearing before the State Office of Administrative Hearings not later than the 30<sup>th</sup> day after the date the license, and any and all related permits, are suspended by the Order. At that time, the State Board of Dental Examiners will present evidence to show that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

During the suspension period referred to above, Misty Jaye Brown, D.D.S. 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.

Misty Jaye Brown, D.D.S., 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, Misty Jaye Brown, D.D.S. 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 31<sup>st</sup> day of August, 2016.

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

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

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|-----------------------------------|----------|---------------------------------------|
| <b>IN THE MATTER OF</b>           | <b>§</b> | <b>BEFORE THE EXECUTIVE COMMITTEE</b> |
| <b>MISTY BROWN, DDS</b>           | <b>§</b> | <b>OF THE TEXAS STATE BOARD OF</b>    |
| <b>TEXAS DENTAL LICENSE 18158</b> | <b>§</b> | <b>DENTAL EXAMINERS</b>               |

**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 Misty Brown, DDS (Respondent), Texas Dental License No. 18158, based on alleged violations of the Dental Practice Act (the Act), Tex. Occ. Code §§ 251.001 *et seq.* and SBDE Rules, 22 Tex. Admin. Code §§ 101.1 *et seq.*

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

**JURISDICTION**

1. The SBDE has authority and jurisdiction over Respondent's dental license pursuant to Tex. Occ. Code §§ 251.001 *et seq.* and 22 Tex. Admin. Code §§ 101.1 *et seq.*
2. Respondent's dental license was 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 or permit 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's physical health or well-being.

## FACTUAL ALLEGATIONS

Staff has received information and based on that information believes that Respondent has engaged in conduct in violation of the Act and SBDE Rules. 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, Staff alleges:

1. On or about August 18, 2016, Respondent engaged in dishonorable conduct in the practice of dentistry; violated or refused to comply with a law relating to the regulation of dentists; and was physically or mentally incapable of practicing in a manner that is safe for the person's dental patients.

Specifically, on or about October 22, 2009, Respondent entered into a 15 year Professional Recovery Network (PRN) Support Agreement. On or about August 18, 2016, Respondent was discharged from PRN based on noncompliance with the requirements of the PRN Support Agreement.

2. This conduct also constitutes noncompliance with the SBDE Order entered on May 9, 2005.

## LEGAL AUTHORITY

1. The conduct described above constitutes a violation of Tex. Occ. Code § 263.002(a)(3), (10), (11); and 22 Tex. Admin. Code §§ 108.1(1), 108.9(6), (7).
2. Section 263.004 of the Act authorizes the SBDE to temporarily suspend a person's license or permit.

## 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 Respondent's license pursuant to Section 263.004 of the Texas Occupations Code.

Filed this 31<sup>st</sup> day of August, 2016.

Respectfully submitted,

TEXAS STATE BOARD OF  
DENTAL EXAMINERS



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