TEXAS STATE BOARD OF DENTAL EXAMINERS
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BOARD MEETING MINUTES
August 31, 2018

1. CALL TO ORDER – BOARD MEETING.

Dr. Quirch called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:31 a.m.

2. ROLL CALL.

Dr. Bush called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr.	M. David Tillman	Presiding Officer—via video
Ms.	Lois M. Palermo	Member
Dr.	Bryan N. Henderson	Member
Dr.	David H. Yu	Member
Dr.	Robert G. McNeill	Member
Ms.	Lorie Jones	Member
Dr.	Margo Melchor	Member
Ms.	Kathryn Sisk	Member
Dr.	Jorge Quirch	Secretary - Acting Presiding Officer Present in Austin
Dr.	Kimberly Haynes	Member

b. Members Absent – Un-Excused:

Mr.	Rodney Bustamante	Member

c. Staff Present:

Dr.	W. Boyd Bush	Executive Director
Ms.	Christine Mendez	Licensing Director
Mr.	Alex Phipps	General Counsel
Dr.	Brooke Bell	Dental Practice Director
Ms.	Wendy Richardson	Executive Assistant
Ms.	Leticia Kappel	Director of Finance and Administration
Mr.	Dan Matthews	IT department

3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE JUNE 1, 2018 BOARD MEETING.

A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY MS. JONES TO APPROVE THE MINUTES AS AMENDED. (FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4. **DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.**

4.1. Agreed Settlement Orders.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. MCNEILL TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED.
(FOR –10/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.2. Remedial Plans.

A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY MS. PALERMO TO APPROVE THE REMEDIAL PLANS AS PRESENTED.
(FOR – 10/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.3. Consent Orders.

A MOTION WAS MADE BY DR. HAYNES AND SECONDED BY DR. YU TO APPROVE THE CONSENT ORDERS AS PRESENTED.
(FOR – 10/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.4. Modification Orders.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. YU TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.5. Staff Pre-ISC Recommendations of Dismissals.

A MOTION WAS MADE BY MS. JONES AND SECONDED BY DR. HENDERSON TO CHANGE 2017-01563 TO A REMEDIAL PLAN.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY DR. YU TO APPROVE THE DISMISSALS AS PRESENTED WITH THE EXCEPTION OF 2017-01563.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.6. Staff Post-ISC Recommendations of Dismissals.

DR. MCNEILL BROUGHT UP FOR DISCUSSION 2017-00289. BOARD STAFF PROVIDED A BRIEF SYNOPSIS. A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY MS. JONES TO APPROVE THE DISMISSALS AS PRESENTED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

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

5.1 BOARD STAFF RECOMMENDATION PRESENTED BY OLIVIA ROBERTS, STAFF ATTORNEY. A MOTION WAS MADE BY DR. MCNEILL AND SECONDED BY DR. YU TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT THE ORDER OF THE BOARD AS PRESENTED AND TO REVOKE THE DENTAL ASSISTANT REGISTRATION #72347.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIED.

6. **DISCUSSION AND POSSIBLE ACTION ON FIELD G. HARRISON, DDS V. TSBDE, CAUSE NO. 03-18-00229- CV.**

APPELLATE COUNSEL SYREETA ALEXANDER, AND AGENCY LEGAL COUNSEL SARAH WOLFE WERE PRESENT FROM THE OFFICE OF ATTORNEY GENERAL. DR. HARRISON APPEARED WITH COUNSEL. DR. HARRISON'S ATTORNEY SPOKE ABOUT THE TIMING OF THE VIOLATIONS AND REQUEST FOR A REMEDIAL PLAN. DR. HARRISON SPOKE ABOUT HIS ERRORS AND REQUESTED CONSIDERATION OF A REMEDIAL PLAN. MS. ALEXANDER SPOKE ABOUT THE CASE AND THE STATUS OF THE BOARD ORDER AND APPEAL. A MOTION WAS MADE BY DR. HENDERSON TO ENTER INTO EXECUTIVE CLOSED SESSION TO DISCUSS PENDING LITIGATION WITH COUNSEL UNDER TEX. GOV'T CODE § 551.071. THE MOTION WAS SECONDED BY DR. YU.
(FOR – 10 / OPPOSED – 0/ ABSTAIN – 0) MOTION CARRIED.

Executive Closed Session Began at: 9:02 am
Open session resumed at: 9:24 am, and it was announced that no action was taken.

AFTER RESUMING OPEN SESSION, A MOTION WAS MADE BY MS. JONES TO END NEGOTIATIONS AND PROCEED WITH THE PENDING APPEAL. THE MOTION WAS SECONDED BY MS. PALERMO.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

7. DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR EXCEPTION TO BOARD RULES UNDER RULE 125.1 – JERRY L. TEAGUE, DDS.

DR. TEAGUE SPOKE ON HIS OWN BEHALF AND REQUESTED AN EXCEPTION TO BOARD RULES TO PERMIT A MODIFICATION OF HIS EXISTING BOARD ORDER PRIOR TO COMPLETION OF TWO-THIRDS OF THE ORDER TERM. MR. PHIPPS SPOKE TO THE TIMELINE OF THE CASE AND THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION AFTER A CONTESTED CASE HEARING. A MOTION WAS MADE BY DR. MCNEILL TO GRANT EXCEPTION TO THE BOARD RULE. THE MOTION WAS SECONDED BY DR. HAYNES.
(FOR – 0/ OPPOSED – 9 / ABSTAIN – 1) MOTION DENIED.

8. PRESIDING OFFICER'S REPORT.

DR. TILLMAN DELIVERED HIS REPORT VIA VIDEO CONFERENCE. HE WILL BE BACK TO NORMAL ACTIVITIES IN A FEW WEEKS AND DOING WELL. DR. TILLMAN COMMENDED STAFF AND BOARD MEMBERS AND THE LEADERSHIP OF THE EXECUTIVE DIRECTOR.

9. MISCELLANEOUS REPORTS.

9.1. Professional Recovery Network Report (PRN)

DR. QUIRCH INTRODUCED MS. BRITTANY LASH, DIRECTOR OF PRN. A 3RD QUARTER REPORT WAS GIVEN FOR 2018. DR. BUSH ASKED FOR A BOARD MEMBER TO VOLUNTEER FOR THE PRN COMMITTEE THAT MEETS 2 TIMES A YEAR, 1 IS A PHONE CALL. DR. YU VOLUNTEERED.

10. DISCUSSION AND POSSIBLE ACTION ON ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS:

10.1 DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED RULES

10.1.1 PROPOSED AMENDMENT TO 22 TEX. ADMIN.CODE § 102.1 FEES

THERE WERE NO PUBLIC COMMENTS. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE PROPOSED RULE AS PRESENTED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIED.

10.1.2 PROPOSED AMENDMENT TO 22 TEX. ADMIN.CODE § 110.9 – ANESTHESIA PERMIT RENEWAL

THERE WERE NO PUBLIC COMMENTS. THE MOTION AROSE AS A RECOMMENDATION FROM COMMITTEE TO ADOPT THE PROPOSED RULE AS PRESENTED, A SECOND WAS NOT NEEDED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIED.

10.1.3 ACTION ON NEW 22 TEX. ADMIN.CODE § 110.16, SEDATION/ANESTHESIA OF HIGH-RISK PATIENTS

MR. PHIPPS READ THE WRITTEN PUBLIC COMMENTS SUBMITTED TO THE BOARD. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE PROPOSED RULE AS PRESENTED.
(FOR – 9 / OPPOSED – 0 / ABSTAIN – 1). MOTION CARRIED.

10.1.4 ACTION ON NEW 22 TEX. ADMIN. CODE § 110.17, SEDATION/ANESTHESIA OF PEDIATRIC PATIENTS

MR. PHIPPS READ THE WRITTEN PUBLIC COMMENTS SUBMITTED TO THE BOARD. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE PROPOSED RULE AS PRESENTED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIED.

10.1.5 ACTION ON NEW 22 TEX. ADMIN. CODE § 110.18, INSPECTION OF SEDATION/ANESTHESIA PROVIDERS

MR. PHIPPS READ THE WRITTEN PUBLIC COMMENTS SUBMITTED TO THE BOARD. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE PROPOSED RULE AS PRESENTED.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIED.

10.2 DISCUSSION AND POSSIBLE ACTION ON PROPOSED POLICY GUIDANCE AND POSSIBLE RULE AMENDMENTS:

10.2.1 EXISTING 22 TEX. ADMIN. CODE § 110.13 - REQUIRED PREOPERATIVE CHECKLIST FOR ADMINISTRATION OF NITROUS OXIDE AND LEVELS 1, 2, 3, AND 4 SEDATION/ANESTHESIA.
10.2.2 EXISTING 22 TEXAS ADMIN. CODE § 110.14 – EMERGENCY PREPAREDNESS POLICIES AND PROCEDURES.
10.2.3 EXISTING 22 TEXAS ADMIN. CODE § 110.15 – PREVENTION OF AND RESPONSE TO SEDATION/ANESTHESIA EMERGENCIES.

MR. PHIPPS READ THE PUBLIC COMMENTS REGARDING CONFUSION SURROUNDING THE THREE RULES. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DIRECT BOARD STAFF TO REVISIT AND PREPARE AMENDED LANGUAGE FOR EACH OF THE THREE RULES TO ALLOW CONSIDERATION BY THE COMMITTEE AT A FUTURE MEETING.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIED.

11. DISCUSSION AND POSSIBLE ACTION ON DISCIPLINARY REVIEW COMMITTEE REPORT AND RECOMMENDATONS:

11.1 DISCUSSION AND POSSIBLE ACTION ON EXISTING 22 TEX.ADMIN.CODE § 101.8, PERSONS WITH CRIMINAL BACKGROUNDS

MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.
(FOR – 10 / OPPOSE – 0 / ABSTAIN – 0) MOTION CARRIED.

11.2 DISCUSSION AND POSSIBLE ACTION ON THE USE OF ADMINISTRATIVE PENALTIES AND RELATED RULEMAKING

11.2.1 EXISTING 22 TEX. ADMIN.CODE 107.201 – PROCEDURES FOR ALTERNATIVE INFORMAL ASSESSMENT OF ADMINISTRATIVE PENALTY

MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.
(FOR – 9 / OPPOSE – 1 / ABSTAIN – 0). MOTION CARRIES.

11.2.2 EXISTING 22 TEX. ADMIN.CODE 107.202 – ALTERNATIVE INFORMAL ASSESSMENT OF ADMINISTRATIVE PENALTY SCHEDULE
MR. PHIPPS PRESENTED THE RULE AMENDMENT AND NECESSARY CHANGES TO THE TEXT. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS PRESENTED.
(FOR – 9 / OPPOSE – 1 / ABSTAIN – 0). MOTION CARRIES

11.3 DISCUSSION AND POSSIBLE ACTION ON DISCIPLINARY MATRIX AND RELATED RULEMAKING
MR. PHIPPS DISCUSSED POTENTIAL CHANGES TO THE DISCIPLINARY MATRIX. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DIRECT STAFF TO REVIEW AND PRESENT TO THE COMMITTEE AT A LATER MEETING.
(FOR – 9 / OPPOSED – 0 / ABSTAIN – 1). MOTION CARRIES

12. DISCUSSION AND POSSIBLE ACTION ON DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS:

12.1 ACTION ON AMENDMENT OF 22 TEX. ADMIN. CODE § 114.12, CONTINUING EDUCATION CERTIFICATE HOLDERS
MR. PHIPPS READ THE WRITTEN PUBLIC COMMENTS SUBMITTED TO THE BOARD. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE RULE AS PRESENTED.
(FOR – 10 / OPPOSE – 0 / ABSTAIN – 0). MOTION CARRIES

12.2 DISCUSSION AND POSSIBLE ACTION ON EXISTING RULES

12.2.1 DISCUSSION AND POSSIBLE ACTION ON 22. TEX. ADMIN. CODE § 114.4, MONITORING THE ADMINISTRATION OF NITROUS OXIDE
MR. PHIPPS DESCRIBED THE PROPOSED LANGUAGE AMENDING THE EXISTING RULE. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO PROPOSE THE RULE AS DRAFTED.
(FOR – 10 / OPPOSE – 0 / ABSTAIN – 0). MOTION CARRIES.

12.2.2 DISCUSSION AND POSSIBLE ACTION ON 22 TEX. ADMIN. CODE 117.1, EXEMPTIONS
THE COMMITTEE RECOMMENDED BOARD STAFF CONTINUE TO INVESTIGATE POSSIBLE CHANGES TO THE RULE BUT PROPOSED NO AMENDMENTS TO THE TEXT OF THE RULE AT THIS TIME. A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DIRECT BOARD STAFF TO REVIEW AND CONSIDER NECESSARY CHANGES FOR PRESENTATION AT A FUTURE MEETING.
(FOR – 10 / OPPOSE – 0 / ABSTAIN – 0). MOTION CARRIES.

12.3 DISCUSSION AND POSSIBLE ACTION ON RULEMAKING RELATED TO PRACTICE ISSUES:
THE COMMITTEE DISCUSSED PRACTICE ISSUES RELATED TO THE FOLLOWING THREE TOPICS:

12.3.1 USE OF SILVER DIAMINE FLOURIDE
12.3.2 TELEDENTISTRY PRACTICE
12.3.3 TREATMENT OF OBSTRUCTIVE SLEEP APNEA

THE COMMITTEE DIRECTED BOARD STAFF TO CONTINUE REVIEW OF TOPICS AND GATHER FURTHER STAKEHOLDER INPUT BEFORE PRESENTING POTENTIAL RULEMAKING OR OTHER ACTIONS TO THE BOARD AT A FUTURE MEETING. NO ACTION WAS TAKEN BY THE BOARD AT THIS TIME.

Dr. Quirch called for a break at 10:54 am.
Dr. Quirch reconvened the meeting at 11:04 am.

13. DISCUSSION AND POSSIBLE ACTION ON LICENSING COMMITTEE REPORT AND RECOMMENDATIONS:

13.1.1 Application 2018-Q4-RDA1
13.1.2 Application 2018-Q3-RDA2
13.1.3 Application 2018-Q3-RDA3
13.1.4 Application 2018-Q3-RDA4
13.1.5 Application 2018-Q3-RDA5

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY ALL FIVE OF THE APPLICATIONS.
(FOR – 9 / OPPOSE – 0 / ABSTAIN – 1). MOTION CARRIES.

13.2 DISCUSSION AND POSSIBLE COMMITTEE ACTION ON STAFF'S DEFERRAL TO LICENSING COMMITTEE RECOMMENDATIONS

13.2.1 Application 2018-Q4-DDS1
13.2.2 Application 2018-Q4-DDS2
13.2.4 Application 2018-Q4-RDH2

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY ALL THREE OF THE APPLICATIONS.
(FOR – 9 / OPPOSE – 0 / ABSTAIN – 1). MOTION CARRIES.

13.2.3 Application 2018-Q4- RDH1

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ACCEPT THE APPLICATION OF 2018-Q4-RDH1.
(FOR – 9 / OPPOSE – 0 / ABSTAIN – 1). MOTION CARRIES.

13.3 DISCUSSION AND POSSIBLE ACTION ON COURSE PROVIDERS

13.3.1 SMART TRAINING CONTINUING EDUCATION –LEE SLATON

LEE SLATON SPOKE ON BEHALF OF SMART TRAINING. THE COMMITTEE DID NOT MAKE A RECOMMENDATION. A MOTION WAS MADE TO APPROVE THE COURSE PROVIDER BY DR. YU. THE MOTION WAS SECONDED BY DR. QUIRCH.
(FOR – 2 / OPPOSED – 4 / ABSTAIN – 4) MOTION FAILED.

13.3.2 NITROUS OXIDE MONITORING CERTIFICATION COURSE – JASON GOODCHILD, DMD

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO DENY THE APPLICATION OF THE COURSE PROVIDER.
(FOR – 10/ OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIES

13.4 DISCUSSION AND POSSIBLE ACTION ON DENTAL HYGIENE CLINICAL REMEDIATION APPLICATION – KALENE HUMMEL

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE

FROM THE COMMITTEE TO APPROVE THE APPLICATION.
(FOR – 10/ OPPOSED – 0 / ABSTAIN – 0). MOTION CARRIES.

14. PUBLIC COMMENTS.

DR. QUIRCH CALLED FOR PUBLIC COMMENTS. STEVE BRESNEN, APPEARING ON BEHALF OF THE ASSOCIATION OF DENTAL SERVICE ORGANIZATIONS, REQUESTED TIME TO COMMENT ON ITEM 16.1 OF THE AGENDA, AND SPOKE AT THAT TIME.

15. AGENCY ACTIVITY REPORTS.

DR. QUIRCH ASKED EACH DEPARTMENT TO DELIVER THEIR REPORT.

15.1 Executive Division Report

DR. BUSH HIGHLIGHTED ITEMS FROM THE UPLOADED REPORT MATERIALS. DR. BUSH REPORTED THAT ONCE THE ANESTHESIA INSPECTION RULES ARE APPROVED WE WILL PUT PROCEDURES INTO PLACE. THE GOVERNOR'S OFFICE IS NOW REQUIRED TO REVIEW RULES BEFORE SUBMITTING TO THE TEXAS REGISTRY AND THIS IS NEW FOR ALL STATE BOARDS. THE JOINT BUDGET HEARING FOR THE NEXT BIENNIUM WAS AUGUST 23RD. EXCEPTIONAL ITEMS AND WHAT IS COMPLETED WAS INCLUDED. THEY ARE PLEASED WITH OUR PROGRESS ON SENATE BILL 313. ISSUE WITH FUNDING FOR ANESTHESIA PROGRAM IN 2018 AND REQUESTED IT BE PUT BACK IN THE BUDGET FOR 20/21 AS OUR FIRST EXCEPTIONAL ITEM. EXCEPTIONAL ITEM #2 IS MERIT RAISES FOR STAFF TO BRING UP RETENTION. WE LOST 49 STAFF MEMBERS OVER THE LAST THREE YEARS. EXCEPTIONAL ITEM #3 IS A HALF TIME DENTIST TO ASSIST DR. BELL IN REVIEWING CASES. WORKING WITH LEGISLATURE AND COMMITTEES ON GETTING OUR MESSAGE OUT AND ANSWERING QUESTIONS. LOOKING AT DATA STORAGE OPTIONS FOR THE OVERFLOW OF BOXED FILES. NEWSLETTER #1 WAS SENT TO OUR 80,000 EMAIL LIST.

15.2 Finance and Administration Division Report

LETICIA KAPPEL REPORTED ON FINANCE. AGENCY WILL TRANSITION TO CAPPS SOFTWARE FOR HR PAYROLL AND FINANCIAL MODULES. SEPT 11TH BEGIN TRAINING AND WE WILL HAVE ONE DEDICATED AGENCY PERSON. TAKES ONE YEAR TO TRANSITION WITH SEPT 1, 2019 AS THE ANTICIPATED GO LIVE DATE. OUR AGENCY WILL BE TRAINED IN 2022 FOR THE FINANCIAL PORTION. STAFF SERVICES OFFICER POSITION WILL BE INTERVIEWING IN ONE WEEK. 50 FTES CURRENTLY. EVERY DIVISION BUT EXECUTIVE HAS AN OPENING. 4 STAFF SLATED FOR ANESTHESIA PROGRAM. LAR IS A CONTINUOUS PROCESS. STATE AUDITOR'S AUDIT WAS FINISHED, AND SUBMITTED AND PUBLISHED AUGUST 30TH. THE REPORT SUBMITTED THE FOLLOWING FOR CONSIDERATION: AMOUNT OF PAYMENTS, IF PAYMENT IS OVER IT IS KEPT AND PROCESSED; FINES NEED TO BE PAID IN FULL BEFORE PROCESSING; AGENCY SHOULD FOLLOW THE DISCIPLINARY MATRIX. THE RECOMMENDATIONS ARE ONLY SUGGESTED CHANGES AND NOT RULES. SUGGESTED DUE DATES ON COMPLIANCE WERE MISSING OR INCORRECT. DISCIPLINARY ACTIONS NOT PAID IN A TIMELY MANNER. DATABASE ACCESS LEVELS WERE TAKEN CARE OF DURING THE AUDIT.

15.3 Licensing Division Report

MS. MENDEZ ADVISED BOARD MEMBERS THAT THE LICENSING DIVISION REPORT WAS PROVIDED IN THE BOARD MATERIALS AND HIGHLIGHTED ITEMS. DENTAL ASSISTANT UPDATED ONLINE APPLICATION WENT LIVE 8/19/2018. RETIRED CHARITY DENTAL LICENSES NO LONGER REQUESTING THE SUBMISSION OF THE AADB AND NPDB SELF-QUERY REPORTS. REGARDING FINGERPRINT SERVICES, EFFECTIVE 01/01/2019, TOTAL COST OF FINGERPRINTS FOR AN APPLICANT CRIMINAL HISTORY BACKGROUND CHECK WILL BE $38.25. THIS HAS INCREASED BY $1. BIENNIAL RENEWAL UPDATE - STAGGERED RENEWALS WILL BEGIN IN SEPTEMBER AFFECTING THOSE RENEWING IN OCTOBER. A METHODOLOGY HAS BEEN CREATED IN ORDER TO EVENLY DISTRIBUTE RENEWALS MOVED TO A BIENNIAL RENEWAL. RENEWAL NOTICES WILL CONTINUE TO BE SENT OUT 60 DAYS PRIOR TO THE EXPIRATION DATE TO THE MAILING ADDRESS PROVIDED. SO IF THE RENEWAL IS UPDATED TO REFLECT ONE YEAR, THEN THE

FOLLOWING RENEWAL WILL BE APPROVED FOR TWO YEARS. NEW CE & JP REQUIREMENTS WILL ALIGN WITH THE BIENNIAL RENEWAL. WE CONTINUE WORKING ON STREAMLINING PROCESSES FOR OUR LICENSEES AND APPLICANTS. ABILITY TO DOWNLOAD A PDF RENEWAL CERTIFICATE FROM WEBSITE UNDER DISCUSSION. WE WILL NO LONGER ACCEPT PAPER COPIES FOR PROOF EDUCATION/COURSE COMPLETION FOR FOREIGN EDUCATED GRADUATES WHO COMPLETE AN APPROVED TWO YEAR SPECIALTY PROGRAM OR FOR A DENTIST APPLYING FOR ANESTHESIA PRIVILEGES. WE WILL ASK FOR THE OFFICIAL DOCUMENTATION FROM THE PROGRAM DIRECTOR/CHAIR TO BE SUBMITTED. THE DOCUMENT MUST BE IN A SEALED ENVELOPE AND UNOPENED. LICENSING EXPO HAD 479 PARTICIPANTS. THANKS TO ALL DIVISIONS INVOLVED.

15.4 Dental Division Report

DR. BELL UPDATED THE BOARD AND HIGHLIGHTED ITEMS. 757 INVESTIGATIONS WERE COMPLETED BY THE ANALYSTS THIS FISCAL YEAR; BY CONTRAST THEY WERE ASSIGNED 461 NEW CASES DURING THAT TIME, AND ARE NOW CAUGHT UP. PUSHING 2018 CASES THROUGH AND WILL MEET 180 DAYS TO SCHEDULE WITHIN DEADLINE. ONE ANALYST RESIGNED DUE TO LOCATION AND WE ARE NOT LIKELY REPLACING HER. CURRENTLY 20 CASES ON AVERAGE PER ANALYST. DRP UPDATE: PROCESSED 650 CASES THIS YEAR, AN ALL-TIME HIGH.

2017 PROCESSED 628
2016 PROCESSED 500
2015 PROCESSED IN 476

CHARLICE HAS TAKEN ON A NUMBER OF PROJECTS NOW THAT SHE'S CAUGHT UP-- FROM 170 CASES DOWN TO 5 CASES CURRENTLY. DR. HENDERSON ASKED ABOUT GIVING DATA FOR ANESTHESIA OUTCOMES. DR. BELL ADVISED THAT IT EXISTS AND CAN BE PULLED AT ANY TIME.

15.5 Legal/Enforcement Report

MR. PHIPPS PROVIDED A LEGAL REPORT INCLUDING LEGAL DIVISION STATISTICS. THE DISCUSSION HIGHLIGHTED THAT 264 ADDITIONAL COMPLAINTS WERE CLOSED IN FY 2018 THAN THE PREVIOUS YEAR. THIS REFLECTS AN INCREASE OF COMPLAINT RESOLUTIONS IN LINE WITH FY 2013-2015, SHOWING INCREASED CLOSURE RATES DESPITE THE ADDITIONAL REQUIREMENTS IMPOSED BY S.B. 313. MR. PHIPPS NOTED THAT THIS INCREASE IN PRODUCTIVITY HAPPENED DESPITE HAVING ONLY TWO ATTORNEYS REMAINING ON STAFF FROM FY2015, LAUREN STUDDARD AND HIMSELF. DESPITE SIGNIFICANT ATTORNEY TURNOVER, THE LEGAL DEPARTMENT MOVED FORWARD WITH 39 DAYS OF INFORMAL SETTLEMENT CONFERENCES. MR. PHIPPS PRESENTED INFORMAL SETTLEMENT CONFERENCE DATES FOR 2019.

16. DISCUSSION AND POSSIBLE ACTION ON PROPOSED RULES NOT ORIGINATING FROM COMMITTEES.

16.1 DISCUSSION AND POSSIBLE ADOPTION OF AMENDED 22 Tex. Admin. Code § 101.11, EMPLOYMENT BY ESTATE OF DENTIST OR PERSON ACTING FOR MENTALLY INCOMPETENT DENTIST.

STEVE BRESNEN SPOKE ON BEHALF OF THE ASSOCIATION OF DENTAL SERVICE ORGANIZATIONS REGARDING THE ISSUES THEY SEE WITH THE PROPOSED TEXT OF THE RULE. A MOTION TO TABLE THE ITEM AND SCHEDULE FOR DISCUSSION AT AN UPCOMING DENTAL PRACTICE COMMITTEE MEETING WAS MADE BY DR. YU. THE MOTION WAS SECONDED BY DR. HENDERSON.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

16.2 DISCUSSION AND POSSIBLE ADOPTION OF AMENDED 22 TEX. ADMIN. CODE §107.63 – INFORMAL DISPOSITION AND MEDIATION

MR. PHIPPS DESCRIBED THE CHANGES TO THE EXISTING RULE INCORPORATING CHANGES FROM SENATE BILL 313 OF THE 85TH LEGISLATURE, AND CHANGES TO PROCEDURE IN THE LAST YEAR. A MOTION WAS MADE BY DR. MELCHOR AND SECONDED BY DR. MCNEILL TO ADOPT THE RULE AS PRESENTED.

(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

17. DISCUSSION AND POSSIBLE ACTION ON PETITION FOR ADOPTION OF A RULE - 22 TEX. ADMIN. CODE § 108.14 - PEDIATRIC AND SPECIAL NEEDS CASE MANAGEMENT; PROTECTIVE STABILIZATION.

MR. PHIPPS DESCRIBED THE PETITION FOR A REVIEW OF THE RULE BY THE TEXAS DENTAL ASSOCIATION. A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY MS. JONES TO SCHEDULE A STAKEHOLDER MEETING AND DISCUSSION AT AN UPCOMING DENTAL PRACTICE COMMITTEE MEETING.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

18. ANNOUNCEMENTS.

NONE.

19. ADJOURN.

A MOTION WAS MADE BY DR. MCNEILL TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY DR. HENDERSON.

(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

ADJOURNED AT 12:33PM

David Tillman, DDS
Presiding Officer
February 22, 2019

Jorge Quirch, DDS
Board Secretary - ACTING PRESIDING OFFICER
February 22, 2019