TEXAS STATE BOARD OF DENTAL EXAMINERS
333 Guadalupe Street, Tower 3, Suite 800, Austin, Texas 78701-3942
Phone: (512) 463-6400 | Fax: (512) 463-7452

BOARD MEETING MINUTES
December 7, 2018

1. **CALL TO ORDER – BOARD MEETING.**

   DR. TILLMAN CALLED THE MEETING OF THE TEXAS STATE BOARD OF DENTAL EXAMINERS (TSBDE) TO ORDER AT 1:42 P.M.

2. **ROLL CALL.**

   DR. TILLMAN CALLED THE ROLL. IT WAS NOTED FOR THE RECORD THAT A QUORUM WAS PRESENT.

   a. **Members Present:**

DR. M. DAVID TILLMAN	PRESIDING OFFICER-IN PERSON
DR. BRYAN N. HENDERSON	MEMBER-VIA VIDEO
DR. DAVID H. YU	MEMBER-IN PERSON
DR. ROBERT G. MCNEILL	MEMBER VIA VIDEO
MS. LORIE JONES	MEMBER VIA VIDEO
DR. MARGO MELCHOR	MEMBER VIA VIDEO
DR. KIMBERLY HAYNES	MEMBER VIA VIDEO

   b. **Members Absent**

MR. BUSTAMANTE	MEMBER – NOT EXCUSED
DR. QUIRCH	MEMBER - EXCUSED
MS. LOIS M. PALERMO	MEMBER – AUDIO/VIDEO FEED NOT WORKING - EXCUSED
MS. KATHRYN SISK	MEMBER - AUDIO/VIDEO FEED NOT WORKING - EXCUSED

   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

3. **PUBLIC COMMENTS.**

   THERE WERE NO PUBLIC COMMENTS.

4. **DISCUSSION AND POSSIBLE ACTION ON DISCIPLINARY REVIEW COMMITTEE RECOMMENDATIONS FOR CURRENTLY-PROPOSED RULES.**

4.1 COMMITTEE RECOMMENDATION AND POSSIBLE BOARD ACTION ON PROPOSED AMENDMENT TO 22 TEX. ADMIN. CODE § 101.8 - PERSONS WITH CRIMINAL BACKGROUNDS.

NO PUBLIC COMMENTS WERE RECEIVED. DISCUSSION OF AN AMENDMENT TO THE PROPOSED TEXT TO CHANGE SUBSECTION (d) OF THE RULE TO REFLECT DISCRETIONARY ACTION REQUESTED BY DR. MCNEILL. DR. TILLMAN CALLED ON MR. PHIPPS TO REVIEW THE PROPOSED TEXT OF RULE 101.8 PUBLISHED IN THE TEXAS REGISTER, AND THE PROPOSED AMENDMENT REQUESTED BY DR. MCNEILL TO SUBSECTION (d), CHANGING "SHALL" TO "MAY" IN THE FINAL SENTENCE OF SUBSECTION 101.8(d)(1)(C) AND THE SECOND-TO-LAST SENTENCE OF SUBSECTION 101.8(d)(2)(F). MR. PHIPPS NOTED THAT THIS CHANGE PERMITS THE AGENCY DISCRETION FOR CLASS B MISDEMEANORS INSTEAD OF MANDATORY ACTION. DR. MCNEILL MADE A MOTION AMEND THE PROPOSED TEXT TO INCLUDE NEW LANGUAGE IN SUBSECTION (d) REGARDING DISCRETIONARY ACTION, AS DESCRIBED BY MR. PHIPPS. THE MOTION WAS SECONDED BY DR. YU.
(FOR -7 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE COMMITTEE TO ADOPT THE PROPOSED RULE.
(FOR- 7 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

4.2 COMMITTEE RECOMMENDATION AND POSSIBLE BOARD ACTION ON PROPOSED AMENDMENT TO 22 TEX. ADMIN. CODE § 107.201 - PROCEDURES FOR ASSESSMENT OF ADMINISTRATIVE PENALTIES IN INFORMAL COMPLAINT RESOLUTION.

NO PUBLIC COMMENTS WERE RECEIVED. MR. PHIPPS REVIEWED THE PROPOSED TEXT. THE RULE DID NOT RECEIVE A RECOMMENDATION FROM THE COMMITTEE. A MOTION TO ADOPT THE RULE AS PROPOSED IN THE TEXAS REGISTER WAS MADE BY DR. MCNEILL AND SECONDED BY DR. HENDERSON.
(FOR -6 / OPPOSED – 1 / ABSTAIN – 0) MOTION CARRIED.

4.3 COMMITTEE RECOMMENDATION AND POSSIBLE BOARD ACTION ON PROPOSED AMENDMENT TO 22 TEX. ADMIN. CODE § 107.202 - ADMINISTRATIVE PENALTY SCHEDULE.

NO PUBLIC COMMENTS WERE RECEIVED. MR. PHIPPS REVIEWED THE PROPOSED TEXT. THE RULE DID NOT RECEIVE A RECOMMENDATION FROM THE COMMITTEE. A MOTION TO ADOPT THE RULE AS PROPOSED IN THE TEXAS REGISTER WAS MADE BY DR. HENDERSON AND SECONDED BY DR. MCNEILL.
(FOR – 7 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

5. **DISCUSSION AND POSSIBLE ACTION ON DENTAL PRACTICE COMMITTEE RECOMMENDATIONS FOR CURRENTLY-PROPOSED RULE.**

5.1 COMMITTEE RECOMMENDATION AND POSSIBLE BOARD ACTION ON PROPOSED AMENDMENT TO 22 TEX. ADMIN. CODE § 114.4 - MONITORING THE ADMINISTRATION OF NITROUS OXIDE.

MR. PHIPPS REVIEWED THE WRITTEN PUBLIC COMMENTS RECEIVED BY THE BOARD, AND NOTED THAT THE COMMITTEE RECOMMENDED A CHANGE TO THE PROPOSED TEXT IN THE TEXAS REGISTER, THE CHANGE WAS TO RE-INSTATE THE REFERENCE TO "CODA ACCREDITED" PROGRAMS IN SUBSECTION 114.4(d)(2)(C). THE BOARD CONSIDERED THE PRESENTED RULE WITH THE AMENDED LANGUAGE AS RECOMMENDED BY THE COMMITTEE. 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 -6 / OPPOSED – 1/ ABSTAIN – 0) MOTION CARRIED.

6. **ANNOUNCEMENTS.**
DR. TILLMAN ANNOUNCED THAT AN ANESTHESIA COMMITTEE MEMBER RESIGNED. IF ANYONE WOULD LIKE TO NOMINATE A REPLACEMENT, PLEASE DO. A DENTAL ANESTHESIOLOGIST, LEVEL 4 IS NEEDED.

7. **ADJOURN.**
A MOTION TO ADJOURN WAS MADE BY DR. MCNEILL AND SECONDED BY MS. JONES.
(FOR – 7 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIED.

ADJOURNED AT 2:47PM

David Tillman, DDS
Presiding Officer
February 22, 2019

Jorge Quirch, DDS
Board Secretary
February 22, 2019