



## TEXAS STATE BOARD OF DENTAL EXAMINERS

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### BOARD MEETING MINUTES

April 26, 2013

- 1. CALL TO ORDER.** Dr. Ramos called the meeting of the Texas State Board of Dental Examiners to order at 8:45 a.m.
- 2. ROLL CALL.** Dr. Austin called the roll. It was noted for the record that a quorum was present.

**a. Members Present:**

Dr. Rodolfo Ramos	Presiding Officer
Dr. Steven Austin	Secretary
Dr. James Chancellor	Member
Ms. Renee Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Christi Leedy	Member
Mr. Lewis White	Member

**b. Members Absent:**

Dr. William Birdwell	Member	(Excused)
Dr. Maxwell Finn	Member	(Excused)
Dr. Tamela Gough	Member	(Excused)
Ms. Alicia Grant, RDH	Member	(Excused)
Ms. Whitney Hyde	Member	(Excused)
Ms. Evangelina Mote	Member	(Excused)
Ms. Emily Christy	Member	(Excused)

**c. Staff Present:**

Mr. Glenn Parker	Executive Director
Ms. Julie Hildebrand	General Counsel
Ms. Sarah Carnes-Lemp	Assistant General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Irma Rodriguez	Director of Administration and Finance
Ms. Vicki Shoesmith	Director of Licensing

A MOTION AS MADE BY DR. CHANCELLOR AND SECONDED BY DR. DEAN TO EXCUSE DR. GOUGH, DR. BIRDWELL, DR. FINN, MS. CHRISTY, MS. GRANT, MS. MOTE AND MS. HYDE, FROM THE MEETING. (FOR – 7 / OPPOSED – 0) MOTION CARRIES.

**3. REVIEW AND APPROVAL OF PAST MINUTES FROM JANUARY 25, 2013 BOARD MEETING.**

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. AUSTIN TO APPROVE THE MINUTES AS WRITTEN. (FOR – 7 / OPPOSED: 0) MOTION CARRIES.

**4. DISCUSSION AND ACTION ON PROPOSED AGREED SETTLEMENT ORDERS AND CONSENT ORDERS.**

**Agreed Settlement Orders.** The following orders were pulled from the Consent Agenda:

Chad Taylor, DDS License #22577

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. AUSTIN TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 7 / OPPOSED – 0) MOTION CARRIES.

**Consent Orders.** The following Consent Orders were pulled from the Consent Agenda:

Elizabeth G. Banks	Dental Assistant Applicant
Gwendolyn Rollins	Dental Assistant Applicant
Victor S. Eng	Texas Dental License #16421

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO APPROVE THE CONSENT ORDERS AS PRESENTED. (FOR – 7 / OPPOSED: 0) MOTION CARRIES.

**5. PUBLIC COMMENTS.** The following persons gave public testimony:

Ray Snider	Dr. John Roberts	Dr. Brendle Glomb
Martin Dewbar	Dr. Keith Thornton	Dr. Jerald Simmons

**6. MISCELLANEOUS REPORTS.**

**Professional Recovery Network Report.** The Board reviewed the PRN report submitted by Courtney Hulbert, LMSW, PRN Director.

**7. DISCUSSION AND POSSIBLE ACTION CONCERNING ADVISORY COMMITTEE REPORTS.**

7.1. Dental Laboratory Certification Council (DLCC) Report. Mr. Gary Morgan presented the DLCC Report.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO APPOINTMENT MS. BRENDA TRIPLETT AND MR. THOMAS ANTHONY TO THE DLCC FOR A TWO-YEAR TERM. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

7.2. Dental Hygiene Advisory Committee (DHAC) Report. The Board reviewed the DHAC report Submitted by Lois Palermo, RDH, DHAC Presiding Officer.

**8. DISCUSSION AND POSSIBLE ACTION REGARDING RULES.**

**8.1. Consideration of final adoption of amendments to 22 Tex. Admin. Code, Section 108.8, Records of the Dentist.**

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO ADOPT AMENDMENTS, WITHOUT CHANGES, TO RULE 108.8, CONCERNING RECORDS OF THE DENTIST. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

**8.2. Consideration of final adoption without changes of 22 Tex. Admin. Code, Chapter 101, Dental Licensure.**

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. LEEDY TO ADOPT AMENDMENTS, WITHOUT CHANGES, TO CHAPTER 101 CONCERNING DENTAL LICENSURE. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

**8.3. Consideration of final adoption of amendments of 22 Tex. Admin. Code, Chapter 103, Dental Hygiene Licensure.**

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. LEEDY TO ADOPT AMENDMENTS, WITHOUT CHANGES, TO CHAPTER 103 CONCERNING DENTAL HYGIENE LICENSURE. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

**8.4. Consideration of proposal of Rule Review - 22 Tex. Admin. Code, Chapter 103, Dental Hygiene Licensure.**

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. AUSTIN TO PROPOSE A RULE REVIEW OF CHAPTER 103 CONCERNING DENTAL HYGIENE LICENSURE AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

**8.5. Consideration of proposal of Rule Review - Chapter 115, Extension of Duties of Auxiliary Personnel--Dental Hygiene.**

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. AUSTIN TO PROPOSE A RULE REVIEW OF CHAPTER 115 CONCERNING EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL HYGIENE FOR 30-DAY PUBLIC COMMENT. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

**8.6. Consideration of a new rule 22 Tex. Admin Code, Section 110.10, Use of General Anesthetic Agents.**

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. CORNETT TO PROPOSE NEW RULE 110.10 CONCERNING USE OF GENERAL ANESTHETIC AGENTS, AS AMENDED, FOR 30-DAY PUBLIC COMMENT. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

- 8.7. Consideration of motion to direct staff to prepare and publish for comment in the Texas Register new or amended rules as necessary to comply with and implement legislation that will be passed by the Texas Legislature this legislative session so that those rules can be considered for adoption at the August board meeting. This action is necessary to comply with timelines for bills having an effective date before January 1, 2014.**

**It was noted for the record that Mr. White stepped out of the room.**

A MOTION WAS MADE BY DR AUSTIN AND SECONDED BY DR. DEAN TO DIRECT STAFF TO PREPARE AND PUBLISH FOR PUBLIC COMMENT NEW AND AMENDED RULES AS NECESSARY TO COMPLY WITH AND IMPLEMENT LEGISLATION THAT WILL PASS BY THE TEXAS LEGISLATURE THIS SESSION SO THOSE RULES CAN BE CONSIDERED FOR ADOPTION AT THE AUGUST BOARD MEETING. (FOR - 6 / OPPOSED - 0) MOTION CARRIES.

**It was noted for the record that Mr. White rejoined the meeting.**

- 8.8. Consideration of proposal of new rule 22 Tex. Admin. Code, Section 108.12 - Dental Treatment of Sleep Disorders.**

Rule language was modified at the meeting and will be proposed at the August 2013 Board Meeting.

**9. DISCUSSION OF AND POSSIBLE ACTION CONCERNING TEXAS MEDICAL DISCLOSURE PANEL'S PROPOSED INFORMED CONSENT RULE.**

No action taken.

**10. AGENCY DIVISION ACTIVITY REPORTS.**

- 10.1. Administration and Finance Report.** Ms. Rodriguez presented the AY 2013 Operating Budget and information regarding travel and rental cars.
- 10.2. Licensing Division Report.** Ms. Shoesmith presented licensing statistics, a progress report on business processes as well as a review of ongoing and completed projects in the division.
- 10.3. Enforcement Division Report.** Ms. Jones presented Enforcement Division quarterly statistics and a report on complaints dismissed through March 31, 2013.
- 10.4. Legal Division Report.** Ms. Hildebrand reported on Legal Case Statistics, current case statistics, Informal Settlement Conference dates, SOAH Hearing statistics and cases on appeal.

## **11. CONSIDERATION AND POSSIBLE ACTION ON HEARINGS AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).**

### **11.1. Administrative Law Judge Proposals for Decision.**

Docket No. 504-13-1443, Cassandra Pacheco, RDA, Texas Registered Dental Assistant Number 11520.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-13-1443.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-13-1443, including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Cassandra Pacheco, Texas Registered Dental Assistant Number 11520.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO ACCEPT THE PROPOSAL FOR DECISION ON SUMMARY DISPOSITION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE TEXAS REGISTERED DENTAL ASSISTANT NO. 11520 ISSUED TO CASSANDRA PACHECO. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

### **11.2. Default Orders.**

Docket No. 504-13-1608, Brooke Haywood, RDA, Texas Registered Dental Assistant Number 14118.

- Consideration of the Administrative Law Judge's Order No. 2 Dismissing Case from Docket in Docket No. 504-13-1608.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-13-1608, including Adoption of the Order of the Board, including Findings of Fact and Conclusions of Law.
- Consider recommendations and take action: Brook Haywood, RDA, Texas Registered Dental Assistant Number 14118.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO ADOPT THE ORDER OF THE BOARD AND REVOKE TEXAS REGISTERED DENTAL ASSISTANT NO. 14118 ISSUED TO BROOK HAYWOOD. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

## **12. EXECUTIVE DIRECTOR'S REPORT.**

Mr. Parker provided information to the Board on filing the Personal Financial Statement with the Texas Ethics Commission. He reported that the August Board Meeting has been changed to August 2, 2013. Mr. Parker stated that appointments to the Board should be announced soon. In closing, Mr. Parker, briefed the Board on legislation relating to dentistry.

## **13. PRESIDING OFFICER'S REPORT.**

Dr. Ramos briefly discussed bills before the legislature that will have an impact on the Board.

**14. ADJOURN.**

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. CORNETT TO ADJOURN THE MEETING AT 1:37 P.M. (FOR - 7 / OPPOSED - 0) MOTION CARRIES.

- SIGNED -

- SIGNED -

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**RODOLFO G. RAMOS JR., DDS, PC**  
**Presiding Officer**

**August 2, 2013**

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**STEVEN AUSTIN, DDS**  
**Board Secretary**

**August 2, 2013**