



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

August 14, 2015

1. CALL TO ORDER – BOARD MEETING.

Dr. Ramos called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 9:45 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 G. Ramos Jr.	Presiding Officer
Dr. Steven J. Austin	Secretary
Dr. Kirby Bunel Jr.	Member
Dr. James W. Chancellor	Member
Ms. Emily W. Christy	Member
Ms. Renée S. Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Christie M. Leedy	Member
Mr. Timothy J. O'Hare	Member
Ms. Lois M. Palermo, RDH	Member
Dr. M. David Tillman	Member
Mr. Lewis M. White	Member
Dr. Jason A. Zimmerman	Member

b. Members Absent:

Ms. Whitney Hyde	Member
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c. Staff Present:

Ms. Nycia Deal	Interim Executive Director and General Counsel
Ms. Simone Salloum	Assistant General Counsel
Dr. Brooke Bell	Director of Dental Division
Ms. Irma Rodriguez	Director of Finance and Administration Division
Ms. Lisa Jones	Director of Investigations Division
Ms. Vicki Shoemith	Director of Licensing Division

3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE MAY 29, 2015, BOARD MEETING.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO APPROVE THE MINUTES AS WRITTEN.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

4.1. Agreed Settlement Orders.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. CHANCELLOR TO APPROVE THE AGREED SETTLEMENT ORDERS AS WRITTEN.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

4.2. Remedial Plans.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. TILLMAN TO APPROVE THE REMEDIAL PLANS AS PRESENTED.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4.3. Consent Orders.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO APPROVE THE CONSENT ORDERS AS WRITTEN.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4.4. Modification Orders.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4.5. Nunc Pro Tunc Orders.

A MOTION WAS MADE BY MR. WHITE AND SECONDED BY DR. CHANCELLOR TO APPROVE THE NUNC PRO TUNC ORDERS AS PRESENTED.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4.6. Dismissals.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. ZIMMERMAN TO APPROVE THE DISMISSALS AS PRESENTED.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

5. PUBLIC COMMENTS.

There were no public comments at this board meeting.

6. MISCELLANEOUS REPORTS.

6.1. Professional Recovery Network (PRN) Report.

Ms. Hulbert presented the PRN report.

6.2. Western Regional Examining Board (WREB) Dental Hygiene Report.

Ms. Palermo presented the WREB Dental Hygiene report.

6.3. Western Regional Examining Board Report.

Dr. Ramos presented the WREB report.

7. DISCUSSION AND ACTION ON APPLICATIONS FOR SPECIAL CONSIDERATION OR EXCEPTION TO BOARD RULES.

7.1. Jason Morris, DDS.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. WHITE TO GRANT DR. MORRIS' APPLICATION FOR SPECIAL CONSIDERATION OR EXCEPTION TO BOARD RULE.
(FOR – 4 / OPPOSED – 8 / ABSTAIN – 0) MOTION FAILS.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. AUSTIN TO DENY DR. MORRIS' APPLICATION FOR SPECIAL CONSIDERATION OR EXCEPTION TO BOARD RULE.
(FOR – 8 / OPPOSED – 4 / ABSTAIN – 0) MOTION CARRIES.

7.2. Rupen Shah, BDS.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. TILLMAN TO DENY DR. SHAH'S APPLICATION FOR SPECIAL CONSIDERATION OR EXCEPTION TO BOARD RULE.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

7.3. Kathy Russell, DDS.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY MR. WHITE TO DENY DR. RUSSELL'S APPLICATION FOR SPECIAL CONSIDERATION OR EXCEPTION TO BOARD RULE.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

Ms. Christy stepped out at 10:52 a.m. and returned at 10:54 a.m.

8. DISCUSSION AND ACTION ON REQUESTS FOR APPROVAL OF CONTINUING EDUCATION PROVIDERS.

Dr. Zimmerman stepped out at 10:56 a.m. and returned at 11:13 a.m.

8.2. Texas School of Sleep Medicine and Technology.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. CHANCELLOR TO GRANT THE REQUEST FOR APPROVAL OF CONTINUING EDUCATION PROVIDER.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

Mr. White stepped out at 11:04 a.m. and returned at 11:07 a.m.

8.1. DOCS Education “Oral Sedation Course” for Level 2 Sedation Permit.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. AUSTIN TO TABLE THE REQUEST FOR APPROVAL OF CONTINUING EDUCATION PROVIDER UNTIL AFTER IT IS AUDITED BY TSBDE BOARD MEMBERS AND THEY PROVIDE FEEDBACK TO THE FULL BOARD.
(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

9. DISCUSSION AND ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS.

Discussion and Action Concerning Committees and Committee Reports occurred after Agenda item # 12, Consideration and Possible action on Hearings at the State Office of Administrative Hearings (SOAH) and after the Executive Session called by the Presiding Officer.

10. DISCUSSION AND ACTION ON RULES.

10.1. Discussion and action regarding adoption of rule proposals.

10.1.1. 22 Tex. Admin. Code 102.1, Fee Schedule.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO WITHDRAW THE PROPOSAL AND RE-PROPOSE RULE 102.1 WITH CHANGES AS DISCUSSED.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

10.2. Discussion and action regarding proposals of rules.

10.2.1. 22 Tex. Admin. Code 108.54, Advertising of Specialties.

BOARD STAFF DID NOT RECOMMEND A PROPOSAL FOR RULE 108.54.

10.2.2. 22 Tex. Admin. Code 101.6, Dental Licensing of Military Service Members, Military Veterans, and Military Spouses.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. CHRISTY TO PROPOSE THE REPEAL OF RULE 101.6 FOR PUBLICATION IN THE TEXAS REGISTER.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

A MOTION WAS MADE BY MS. CHRISTY AND SECONDED BY DR. CHANCELLOR TO PROPOSE NEW RULE 101.6 FOR PUBLICATION IN THE TEXAS REGISTER.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

10.2.3. 22 Tex. Admin. Code 114.5, Coronal Polishing Certificate.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. AUSTIN TO AMEND RULE 114.5 WITHOUT CHANGES TO THE PROPOSED TEXT.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

10.3. Discussion regarding further rule-making topics.

10.3.1. 22 Tex. Admin. Code 107.63, Informal Disposition and Alternative Dispute Resolution.

Ms. Deal led the discussion regarding Rule 107.63, Informal Disposition and Alternative Dispute Resolution.

10.3.2. Appeal of Case Dismissal.

Ms. Deal led the discussion regarding Case Dismissals.

10.3.3. Termination of Patients.

Ms. Deal led the discussion regarding Termination of Patients.

The Presiding Officer called for a break at 11:20 a.m. The meeting reconvened at 11:40 a.m.

11. AGENCY DIVISION ACTIVITY REPORTS.

Division directors presented progress reports and statistics, business processes, made recommendations to the Board, and provided personnel updates from the previous Board meeting.

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

12.1. Docket No. 504-15-2035; Tameka Lashon King, Applicant for Dental Assistant Registration.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND RECOMMENDS A CONDITIONAL DENTAL ASSISTANT REGISTRATION IN THE FORM OF A PROBATED SUSPENSION FOR THREE YEARS WITH OTHER REQUIREMENTS AS DESCRIBED IN THE ORDER.

(FOR – 8 / OPPOSED – 4 / ABSTAIN – 0) MOTION CARRIES.

12.2. Docket No. 504-13-4419; Robert M. Lasell, DDS, Texas Dental License No. 17092.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, IMPOSE A FIVE YEAR PROBATED SUSPENSION WITH OTHER REQUIREMENTS AS DESCRIBED IN THE ORDER.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

12.3. Docket No. 504-15-1200 and 504-15-1202; Felisha Nicole Salinas, Registered Dental Assistant No. 28804 and Applicant for Nitrous Oxide Monitoring Certificate.

A MOTION WAS MADE BY DR. LEEDY AND SECONDED BY DR. AUSTIN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, REVOKE REGISTERED DENTAL ASSISTANT CERTIFICATE NO. 28804 AND DENY THE APPLICATION FOR A NITROUS MONITORING TO FELISHA NICOLE SALINAS.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

12.4. Docket No. 504-15-1212; Maybelline Colmenares, Registered Dental Assistant No. 67729.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. CORNETT TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AND REVOKE TEXAS REGISTERED DENTAL ASSISTANT CERTIFICATE NO. 67729 ISSUED TO MAYBELLINE COLMENARES.

(FOR – 11 / OPPOSED – 1 / ABSTAIN – 0) MOTION CARRIES.

12.5. Docket No. 504-15-4211; Brian C. Dayton, Texas Dental License No. 13857.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. WHITE TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AND REVOKE TEXAS DENTAL LICENSE NO. 13857 TO BRIAN C. DAYTON.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

12.6. Docket No. 504-15-1187; Dana W. Chudej, Texas Dental License No. 14735.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. AUSTIN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, IMPOSE AN ENFORCED SUSPENSION UNTIL DR. CHUDEJ COMES INTO COMPLIANCE WITH THE 2014 ORDER, FOLLOWED BY A FIVE YEAR PROBATED SUSPENSION, AND COMPLY WITH OTHER REQUIREMENTS AS DESCRIBED IN THE ORDER.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

12.1. Docket No. 504-15-2035; Tameka Lashon King, Applicant for Dental Assistant Registration.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. LEEDY TO RECONSIDER THE PREVIOUS MOTION MADE ON TAMEKA LASHON KING AND REVOTE ON DOCKET NO. 504-15-2035.

(FOR – 4 / OPPOSED – 8 / ABSTAIN – 0) MOTION FAILS.

The Presiding Officer called for an Executive Session at 12:38 p.m. The Board meeting reconvened at 1:06 p.m.

9. DISCUSSION AND ACTION CONCERNING COMITTEES AND COMMITTEE REPORTS.

9.1. Executive Director Selection Committee.

Dr. Ramos and Ms. Deal announced that the Board would go into Executive Session.

Non-critical agency staff and public members were asked to step out of the room for the discussion on this Agenda item and would be allowed to return once the session concluded.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. CORNETT TO GIVE AUTHORITY TO THE EXECUTIVE DIRECTOR SELECTION COMMITTEE TO EITHER EXTEND AN OFFER AND NEGOTIATE EMPLOYMENT OR REPOST THE EXECUTIVE DIRECTOR POSITION.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

13. EXECUTIVE DIRECTOR'S REPORT.

Ms. Deal relayed information on agency staff training, Sunset Commission and review, and updates to 2012 and 2013 cases.

14. PRESIDING OFFICER'S REPORT.

Dr. Ramos thanked agency staff for their hard work, Ms. Deal for serving as Interim Director, expressed his appreciation for Ms. Mote who resigned from the Board, and thanked the Executive Director Selection Committee for their time and efforts.

15. ANNOUNCEMENTS.

Next Board Meeting: Friday, November 20, 2015.

16. ADJOURN.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. CHANCELLOR TO ADJOURN THE MEETING AT 1:13 P.M.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

- SIGNED -

- SIGNED -

Rodolfo G. Ramos Jr., DDS, PC
Presiding Officer
November 20, 2015

Steven J. Austin, DDS
Board Secretary
November 20, 2015