



## TEXAS STATE BOARD OF DENTAL EXAMINERS

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### Board Meeting Minutes January 30, 2004

1. **CALL TO ORDER:** Dr. Tippit called the meeting of the Texas State Board of Dental Examiners to order on January 30, 2004. The time was 8:04 a.m.

2. **ROLL CALL:** Dr. Irons called the roll. It was noted for the record that a quorum was present.

**a. Members Present:**

Dr. Nathaniel Tippit	Presiding Officer
Dr. J. Kevin Irons	Secretary
Ms. Tammy Allen, RDH	Member
Ms. Amy Juba	Public Member
Mr. Oscar Garcia	Public Member
Dr. Gary McDonald	Member
Ms. Helen McKibben, RDH	Member
Dr. Martha Malik	Member
Dr. Norman Mason	Member
Ms. Marti Morgan	Public Member
Ms. Phyllis Stine	Public Member
Dr. George Strunk	Member
Dr. Paul Stubbs	Member
Dr. Juan Villarreal	Member
Mr. Charles Wetherbee	Public Member

**b. TSBDE Staff Present:**

Mr. Bobby D. Schmidt, M.Ed.	Executive Director
Mr. Ben Ablon	Director of Enforcement
Mr. Fread Houston	General Counsel
Ms. Carol McPherson	Director of Administration, Finance and Personnel
Ms. Sherri Sanders	Director of Licensing and Examinations
Mr. Rob Hill	Attorney
Ms. Heather Fritz	Attorney
Ms. Laura Kelley	Attorney
Mr. Lorenzo Nieto	Attorney
Ms. Vicki Shoemith	Executive Assistant
Ms. Barbara Jenschke	Dental Assistant Coordinator

**d. Others Present:**

Ms. Delon (Laqua) Bilodeau	Dr. Don Lutes
Mr. Matt Bilodeau	Ms. Pam Meyers
Mr. R. Black	Mr. Pat Michalec
Dr. Patricia L. Blanton	Mr. Greg Myers
Mr. Jay Bond	Ms. Erica Nordin
Dr. Dennis Brender	Dr. Mark Peppard
Dr. Shelley Canada	Dr. Matt Roberts
Ms. Renee Cornett	Ms. Susan Ross
Mr. Roosevelt Davis	Dr. Ed Sauer
Ms. Tracey DeMont	Dr. Brian Schaff
Mr. Bill Fredericks	Dr. Steven Schwartz
Ms. Kathy Gibson	Dr. Glenda Smith
Dr. O. Z. Helmer	Dr. Larry Spradley
Ms. Jayne L. Hoertel	Ms. Della Polly Stewart
Mr. Bob Hull	Mr. Louis A. Stewart, Jr.
Ms. Shelly Jones	Ms. Lola Strunk
Dr. J. Kavin Kelp	Dr. Donald R. Tamplen
Dr. Sherry Kolb	Dr. Celia Tays
Dr. Chuck Kolb	Ms. Sandy Telegany
Ms. Shelly Liebham	Dr. Michael Vaclav
Mr. Stan LaCroix	Mr. Jerry Valdez
Ms. Mary Laqua	Dr. Herbert Wade
Mr. Travis Laqua	Dr. Karen Walker
Ms. Mary Kay Linn	Dr. Albert D. Wells
Mr. Joe Little	Ms. Joanne Wineinger

**3. REVIEW AND APPROVAL OF PAST MINUTES.**

Dr. Malik requested a change to Paragraph 5b(2) subparagraph, 4<sup>th</sup> sentence pertaining to continuing education hours. She asked that the number “8” be changed to a “4” (4 could be interactive on the internet).

Dr. Stubbs requested a change to Paragraph 5g, subparagraph 8, last sentence, changing the acronym

“ADA” to “AADE” (the AADE sees this as a real problem with jurisdiction and monitoring of complaints).

**MOTION BY DR. STUBBS, SECONDED BY DR. VILLARREAL TO APPROVE THE MINUTES FROM THE OCTOBER 30, 2003 MEETING AS CORRECTED. (FOR - 15 / OPPOSED - 0) MOTION CARRIES****4. APPEARANCES BEFORE THE BOARD.**

**a. Mr. Robert Hull, M.Th., Director of the Professional Recovery Network - Progress Report on the Professional Recovery Network.** Mr. Hull reported that currently there are 21 Board Ordered dentists under monitoring, 2 of which were inactivated at the request of Mr. Houston. There are 11 volunteers and 5 Dental Hygienists, 3 of which are Board Ordered and 2 volunteers. He also stated that there is one Dental Assistant who is in the process of getting treatment in an out-patient setting and will sign a Monitoring Agreement next week.

Mr. Hull stated that there has been some confusion expressed by participants regarding drug screening, explaining that the previous program required participants to call in once until their name was selected to give a urine sample, that they were not required to call in till the next time they were told to, whether that was a month or three months later. Mr. Hull shared that participants have been told that the current program requires them to call in every day, Monday through Friday.

Another problem Mr. Hull shared concerns participants turning in the Recovery Group Sign-in Sheet which verifies attendance at meetings. He indicated that several people under contract for quite some time have complained that they haven't had to do this in the past and don't understand why it's required now. Mr. Hull shared that Ms. Johnston has told participants that submission of the sign-in sheet is a requirement and asked if he could prepare a letter, with support from the Board and Staff, to encourage better cooperation on the part of participants.

Dr. Tippit asked Mr. Hull to prepare a letter for review by the Professional Recovery Network Liaison, Dr. George Strunk, and Staff covering the issue of compliance.

Dr. Strunk stated that he will see to the resolution of this matter and asked Mr. Hull to send him a copy of the contract he requires participants to sign as well as the protocol he uses in determining the response given to volunteers and Board Ordered participants.

Dr. Tippit added that the volunteer program should be such where the individual does not feel in jeopardy, that it must be communicated clearly at what point, in the event a volunteer becomes a threat to the citizens of Texas, they are turned into the Board Enforcement Division. He then asked Dr. Strunk to develop a set of Board Protocols pertaining to volunteers which would state at what point a volunteer's status changes.

Mr. Hull reported that Sunday, March 7, 2004, is the first Spring Seminar focusing on Recovery, Alcohol/Drug and Mental Health issues. He further added that pharmacists are required to attend this training as per their contract and the same requirement applies to dentists. Mr. Hull also shared that Dr. Jim Tracey from Rancho Mirage will be conducting training on how to do interventions. If anyone is interested in attending it will be held at the Texas Pharmacy Association Office, 1624 East Anderson Lane, Austin, TX. A continental breakfast and lunch served. A response by those who wish to attend is requested for planning purposes.

Mr. Schmidt thanked all the professional associations for communicating information about the new program and shared the new name as being the "Professional Recovery Network".

Mr. Hull stated that he will be speaking at the Dental Hygienist School at the Texas A&M Health Science Center Dental School in Dallas on February 2, 2004.

**b. A.D. Wells, D.D.S., C.C.H.P., Dental Director, UTMB Correctional Managed Care – Presentation on Dentistry in the Prison Setting.**

Dr. Tippit introduced Dr. A. D. Wells, Director of the UTMB Correctional Managed Care and Ms. Pam Meyers, R.D.H. Dental Hygiene Program Coordinator. Dr. Wells and staff deliver dental services in prison in the State of Texas.

Dr. Wells gave a presentation covering dentistry in the prison setting, addressing patient needs, national health care goals, effectiveness and patient satisfaction. The presentation also covered co-lead agencies, high risk groups, statistical information within the Texas Department of Criminal Justice and the services provided to incarcerated individuals.

Dr. Irons asked Dr. Wells who designed the Tele-dentistry Model he uses and how long has it been in effect. Dr. Wells responded that this model has been in effect for a couple of years, set up by an information specialist. Dr. Irons asked when an examination is done with Tele-dentistry, how often is the patient seen by the dentist after he's done an evaluation. Dr. Wells stated that these patients are often seen once or twice a week, that this is an intermediate step.

**c. Ms. Rene Cornett, R.D.H., Chair, Dental Hygiene Advisory Committee – Meeting Report of January 9, 2004.**

Ms. Cornett reported stated that the Committee discussed and unanimously supports Proposed Amendments to Rule 107.63 regarding the coordination of complaints and the related investigation processes.

Ms. Cornett shared that the Committee is developing language to amend Rule 108.25 in anticipation of the Centers for Disease Control and Prevention (CDC) guidelines regarding annual tuberculosis testing of healthcare providers.

Ms. Cornett reported that the following motion was presented and passed in response to the Board directive to develop a process for the refreshing the list of dental hygiene examiner recommendations for service with the Western Regional Examining Board (WREB):

- The 10 dental hygienists WREB examiners appointee recommendations will include all dental hygienists that hold TSBDE and DHAC appointments and 5 additional hygienists.
- WREB appointments will run concurrent with the respective TSBDE/DHAC member's term and one of the remaining five dental hygienists will be replaced annually.

Ms. Cornett stated that there are plans to develop a process for the selection of the dental hygienist which will include communicating with constituencies regarding the opportunity available.

Ms. Cornett reported that she was accepted by acclamation to serve as Chair of the DHAC for FY 04. She also stated that the next DHAC meeting is scheduled for Friday, April 2, 2004 and a third meeting is tentatively scheduled for either July 23<sup>rd</sup> or August 20, 2004.

Dr. Tippit asked if would be providing a list of the 10 hygienists for WREB for confirmation at the April 2004 meeting.

Ms. Cornett stated that a list will be forwarded at that time.

Ms. Allen asked for clarification on the list of 10 hygienists to be forwarded through the TSBDE.

Ms. Cornett responded that this list will be sent to WREB as a recommendation of who to utilize, even though WREB will use anyone they wish. She cited as an example, Ms. Lana Crawford. If WREB chooses to maintain Ms. Crawford as an examiner since she serves in a leadership role, then the TSBDE would not recommend her. The purpose behind submitting 10 names is to allow a system of refresh, thus allowing new individuals to opportunity to serve in the examiner role.

Dr. Tippit stated that with a 10% turnover every year on the State of Texas list, new process would ensure that a young hygienist coming up will have at least a chance to serve as a WREB examiner, rather than the 10 individuals getting a freeze and a lock on serving for many years.

Ms. Cornett stated that because of the size of the State of Texas, there is a need for more than what is available through the State Board and DHAC, so this is a way to build in the additional positions and allow for a refresh.

Dr. Irons shared his appreciation to Ms. Cornett for organizing the dental hygiene program in Austin. This will help to serve under-served communities.

**d. Mr. Roosevelt Davis, M.S., C.D.T. – Chair, Dental Laboratory Certification Council – Meeting Report of January 9, 2004.**

Dr. Tippit shared with the Board that Mr. Davis is Director of the Dental Laboratory Training Program at the University of Texas-San Antonio and is serving as the newly elected chair of the Dental Laboratory Certification Council (DLCC).

Mr. Davis reported that the Committee supports and recommends to the Board Proposed Amendments to Chapter 116 – Dental Laboratories and Amendments to Rule 107.202 as a result of SB 1571 of the 78<sup>th</sup> Legislative Session.

Mr. Davis reported that Mr. Ablon provided a report on complaints filed against Dental Laboratories and that the Committee discussed and voted on changes to the Dental Laboratory Application/Renewal Form to be compliant with SB 1571. He further added that reports were given on the TSBDE Website, Newsletter and Budget. He further added that he was elected as Chair of the DLCC.

Mr. Davis stated that the Committee discussed and certified the electronic version of Registered Dental Laboratories for 2004 and hereby recommends the Board approve this version. He also added that there are approximately 879 laboratories listed in this directory.

**A MOTION BY DR. VILLARREAL, SECONDED BY MS. JUBA TO APPROVE THE ELECTRONIC VERSION OF REGISTERED DENTAL LABORATORIES FOR 2004. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

Mr. Davis closed his report by sharing appreciation to the Staff on behalf of the DLCC for their work and support.

Dr. Tippit called for a break at 9:00 a.m. The meeting reconvened at 9:15 a.m.

**5. CONSIDERATION AND DECISION REGARDING A PROPOSAL FOR DECISION FROM THE STATE OFFICE OF ADMINISTRATIVE HEARINGS – DONALD R. TAMPLIN, D.D.S.**

Dr. Tippit explained the protocols to be used in conducting this Proposal for Decision (PFD), stating the respective time limit allotted for individuals addressing the Board, the question and answer format, and the voting process.

The following individuals addressed the Board in this matter:

Mr. Fread Houston	TSBDE General Counsel
Mr. Greg Myers	Attorney for the Respondent
Dr. Donald R. Tamplen	Respondent
Ms. Delon Laqua Bilodeau	Complainant
Mr. Matt Bilodeau	Husband of Ms. Delon Laqua Bilodeau
Ms. Mary Sary Laqua	Mother of Ms. Delon Laqua Bilodeau
Mr. Travis Laqua	Brother of Ms. Delon Laqua Bilodeau
Dr. Steven Schwartz	Character Witness for Dr. Tamplen
Mr. Lewis A. Stewart, Jr.	Character Witness for Dr. Tamplen
Dr. Edward Sauer	Character Witness for Dr. Tamplen
Dr. Don Lutes	Character Witness for Dr. Tamplen
Dr. Michael D. Vaclav	Character Witness for Dr. Tamplen

A letter written by Mr. Michael Makris, Attorney with the firm Makris Law Firm, P.C., was submitted by Ms. Delon Laqua Bilodeau testifying as to her character.

Dr. Tippit asked Dr. Irons to conduct a roll call vote:

- Dr. Nathaniel Tippit – Presiding Officer did not vote as no tie was declared.
- Dr. J. Kevin Irons – No
- Ms. Tammy Allen, R.D.H. – Yes
- Mr. Oscar Garcia – No
- Ms. Amy Juba – Yes
- Dr. Gary McDonald – Yes
- Ms. Helen McKibben, R.D.H. – Yes
- Dr. Martha Malik – Yes
- Dr. Norman Mason – No
- Ms. Marti Morgan – Yes
- Ms. Phyllis Stine – Yes
- Dr. Paul Stubbs – No
- Dr. George Stunk – Yes
- Dr. Juan Villarreal – No
- Mr. Charles Wetherbee – No

**A MOTION MADE BY MS. ALLEN, SECONDED BY DR. MALIK TO REVOKE THE LICENSE OF DR. DONALD R. TAMPLIN. (FOR – 8 / OPPOSED – 6 / 1 – ABSTENSION) MOTION CARRIES**

## **6. COMMITTEE REPORTS.**

### **a. Enforcement Committee Report.**

Dr. Irons reported that the Committee received First Quarter Reports from the Enforcement and Legal Divisions and held discussions regarding Rule 107.63 – Informal Disposition.

Dr. Irons reported on discussions regarding Rule 108.6 – Report of Patient Death or Injury Requiring Hospitalization, sharing that this rule was tabled pending further action by Dr. McDonald who will work with Staff to develop a definition to clarify for the dentist what a hospitalization is.

Dr. Irons reported on the discussion of taking blood pressures for recordkeeping, stating that if the patient is 12 years of age or younger, a blood pressure is not indicated.

### **b. Licensing Committee Report.**

Dr. Malik reported on one request for Alternative Continuing Education (CE) submitted by a hygienist living in Brazil who is having difficulty locating English speaking courses. The Committee approved her request to pursue CE through self-study and over the internet while she remains in Brazil.

Dr. Malik also stated that the Committee discussed adding a CE requirement that all dentists and hygienists obtain a course in Ethics and Jurisprudence every three years with emphasis on commonly violated rules and regulations and new laws that have been passed within those three years for licensure renewal.

Dr. Malik reported on the Proposed Amendments to Chapter 114 – Dental Assistants and repealing Rule 115.10 which was incorporated into the new proposed Chapter 114.

In closing, Dr. Malik reported that the Committee reviewed the results of the psychometric analysis on the current Radiology Examination Test Bank. The Committee voted to eliminate 24 questions which had an affirmative response of less than 49%. She also stated that 70 new questions will be added to the examination which will cover revisions to the radiology manual.

### **c. Legislative Committee Report.**

Ms. Juba reported the Committee met to review data Staff compiled demonstrating discrepancies between the classifications of TSBDE employees versus those of similar agencies. Staff also presented a list of needs that range from personnel to technology-based items. The Committee will be presenting these needs in detail to the Board at the April 2004 Meeting so Board Member's will have a better understanding of what we hope to go to various committees with.

Ms. Juba stated that Staff has been requested to provide the Committee first an Agency Facts Sheet listing its accomplishments and improvements made for presentation to the Board. Secondly, Staff will be providing a timeline of anticipated events it will be going through during the budgetary process. She also stated that Mr. Schmidt will ask Mr. Houston to prepare a memo that defines what lobbying is and what our rights and privileges are and what they are not. Lastly, Mr. Schmidt will provide a list of LBB Staff and Governor's Budget Staff that will be most influential in where we go with our requests.

Ms. Juba indicated she would not be present at the April 2004 Board Meeting; however, she will be appointing another member of the Committee to facilitate the Legislative Committee Meeting and present this information.

Ms. Juba stated that the Board has to ask for salary increases and reclassify jobs based on the requirements of each position. For example, she stated that in reviewing the duties of an Investigator or an Attorney in this Agency vary quite dramatically from other Boards.

**d. Professional Evaluation Committee Report**

Dr. Tippit reported on the appeal of Case Number 04-222-1121A heard and acted on.

Dr. Tippit asked Mr. Houston to report on the protocol of the Professional Evaluation Committee (PEC).

Mr. Houston stated that a PEC was convened on December 4, 2003. The Committee was composed of Board Members Dr. Tippit, Ms. Juba and Dr Strunk for the special purpose of hearing an appeal from a complainant who wanted to appeal the closure of a particular case in conjunction with the Informal Settlement Conference that was held in December.

Mr. Ablon stated that in accordance with Rule 107.102, a complainant may appeal the dismissal of a case and that specified requirements set forth in this rule must be met before an appeal can be heard. In this particular case, the complainant submitted photographs not provided during the initial investigation. After a review of this evidence,

Mr. Ablon determined that requirements had been met and opened a new case. The case was reviewed, including new evidence and Staff recommendation was that the case be dismissed. It was the decision of the PEC that this case be dismissed with no further Board action was required.

**e. AADE Liaison Report.**

Dr. Malik reported that the AADE will meet at the end of March and a report will be submitted at the April 2004 meeting.

**f. WREB Liaison Report.**

Dr. Malik presented information from the Western Regional Examining Board (WREB) Meeting stating that AADE is working on establishing common criteria for grading across the nation so there will be more uniformity. She further added that this meeting was devoted more to finance and reported that WREB's computer-generated Prosthodontic Exam and Periodontic Assessment completion deadlines is set for September 1, 2004.

Dr. Malik stated that the Prosthodontic Exam will be given by Thompson Prometric and can be taken up to 60 days before the exam, up to the first day of the exam, and within 2 days after the last day of the clinical exam. She also added that nothing is completely finalized but this is the thinking at the moment.

Dr. Malik also reported that at a cost of approximately \$50, exam scores can be transferred between the regional boards and would be good for a period of one calendar year following the exam.

Dr. Malik commented on the future of WREB exams, stating WREB has conducted a survey of different practitioners and decided the exam may need to be geared more towards what practitioners are actually doing in their practice. She also stated that it had been proposed that there would be two crown preps on a mannequin or natural teeth in the same model that is used for the Endodontic procedure, then the practitioner would do one restoration on a live patient. Periodontal scaling and root planing would remain the same.

Dr. Malik reported that WREB is currently developing a Skills Assessment Exam which will provide an assessment for State Boards who want to evaluate a dentist's ability to practice following a prolonged absence from practice; recovery from addiction, following remediation or other circumstances that require an assessment that is more specific, or less complete than the clinical examination. This would only be clinical and be given in conjunction with a regularly scheduled WREB dental exam. She shared that Part 1 would be on a typodont where the candidate would do a Class 2 amalgam preparation and a cast gold full crown preparation which would be graded and if passed then the candidate would do a direct amalgam preparation and finish on a live patient.

Dr. Malik reported that Professional Background Investigative Service background checks take approximately 3 to 6 weeks to complete and 11 states are currently using this service. She also mentioned that the top 3 states who use their services are Nevada, New Mexico and Texas, in that order.

Dr. Malik reported that the California Board rejected the PGY-1 program that New York instituted. She also stated that for those Board Members who are WREB examiners, the Personal Digital Assistants will be used for calibration but not for grading this year. She also reported that WREB reported its financial health as being very good and that they are trying to build a reserve for expenses in case of a disaster.

Dr. Stubbs reported that his term serving on the WREB Dental Hygiene Operative Committee is due to end soon and he has been asked by Dr. David Low, Chair of the WREB Dental Examining Review Committee, to serve on the Dental Operative Committee. He further shared that that one of the issues of concern is the development of a portion on gold casting which was dropped from the WREB Exam in Dentistry.

Dr. Stubbs stated that this issue will be reevaluated at the next meeting in May.

**g. Database Ad-Hoc Committee Report**

Dr. Tippit reported that this Committee did not meet, however a report will be given at the April 2004 Board Meeting.

**h. Examination Ad-Hoc Committee Report.**

Dr. Villarreal reported that this Committee discussed Proposed Amendments to Chapter 101 – Licensure by Examination and Chapter 103 – Dental Hygiene Licensure. Both Chapters are being recommended to the Board at this meeting for publishing in the Texas Register for 30-day comment.

Dr. Tippit stated that he attended the Southern Regional Testing Agency, Inc. (SRTA) examination and found it to be a very interesting and fair examination.

Dr. Villarreal announced that he and Dr. Mason will attend a NERB exam, conducting a calibration in early April.

**i. Medicaid Fraud Ad-Hoc Committee Report.**

Dr. McDonald reported that this Committee has not met yet but stands ready to move when the Governor's Office is prepared to initiate this action.

**j. Staff Dentist Search Ad-Hoc Committee Report**

Dr. Irons stated there is nothing to report from this Committee at this time.

**7. RULES.**

**a. Discuss and Consider Adopting Amendments to Rule 117.1 – Exemptions.**

Mr. Hill reported on the Adoption of Amendments to Rule 117.1 – Exemptions. This section provides that members of the faculty of a reputable dental or dental hygiene college or school are no longer exempt from licensure and must be licensed to practice dentistry in Texas or must obtain a license to practice where such faculty members perform their services for the sole benefit of such school or college.

**A MOTION BY MR. WETHERBEE, SECONDED BY MS. ALLEN TO ADOPT AMENDMENTS TO RULE 117.1 – EXEMPTIONS. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**b. Discuss and Consider Adopting New Rule 117.2 – Faculty Licensure.**

Mr. Hill reported on the Adoption of New Rule 117.2 – Faculty Licensure. This section provides that any person who serves as a faculty member of a dental school must hold a dental school faculty license.

**A MOTION BY DR. STUBBS, SECONDED BY DR. MASON TO ADOPT NEW RULE 117.2 – FACULTY LICENSURE. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**c. Discuss and Consider Adopting New Rule 117.3 – Faculty Licensure, Dental Hygiene.**

Mr. Hill reported on the Adoption of New Rule 117.3. The section provides that any person who serves as a faculty member of a dental hygiene school must hold a dental or dental hygiene school faculty license.

**A MOTION BY MR. WETHERBEE, SECONDED BY DR. MCDONALD TO ADOPT NEW RULE 117.3 – FACULTY LICENSURE, DENTAL HYGIENE. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**d. Discuss and Consider Proposing Amendments to Chapter 101 – Licensure by Examination.**

Mr. Hill reported on the Proposed Amendments to Chapter 101 – Licensure by Examination. This chapter's extensive revisions primarily clarify and standardize language, and improve organization.

**A MOTION BY DR. STUBBS, SECONDED BY DR. VILLARREAL TO PROPOSE AMENDMENTS TO CHAPTER 101 – LICENSURE BY EXAMINATION, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**e. Discuss and Consider Proposing Amendments to Chapter 103 – Dental Hygiene Licensure.**

Mr. Hill reported on the Proposed Amendments to Chapter 103 – Dental Hygiene Licensure. This chapter's extensive revisions primarily clarify and standardize language, and improve organization.

**A MOTION BY MR. WETHERBEE, SECONDED BY DR. MASON TO PROPOSE AMENDMENTS TO CHAPTER 103 – DENTAL HYGIENE LICENSURE, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**f. Discuss and Consider Proposing Amendments to Rule 107.63 – Informal Disposition.**

Mr. Hill reported on the Proposed Amendments to Rule 107.63 – Informal Disposition. The section as amended contains revisions to clarify and standardize language, and to improve organization.

**A MOTION BY MS. MCKIBBEN, SECONDED BY MR. GARCIA TO PROPOSE AMENDMENTS TO RULE 107.63 – INFORMAL DISPOSITION, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**g. Discuss and Consider Proposing Amendments to Rule 108.6 – Report of Patient Death or Injury Requiring Hospitalization.**

Dr. Tippit reported that this rule has been tabled pending further action from the Enforcement Committee.

**h. Discuss and Consider Proposing Amendments to Rule 108.7 – Minimum Standard of Care, General.**

Mr. Hill reported on the Proposed Amendments to Rule 108.7 – Minimum Standard of Care, General. The amendments clarify that blood pressure and heart rate measurements must be taken as part of the required initial medical examination of any patient, except that such measurements are not required for patients 12 years of age or younger, unless the patient's medical condition or history indicate such a need.

**A MOTION BY DR. STUBBS, SECONDED BY DR. STRUNK TO PROPOSE AMENDMENTS TO RULE 108.7 – MINIMUM STANDARD OF CARE, GENERAL, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**i. Discuss and Consider Proposing Amendments to Rule 108.33 – Sedation/Anesthesia Permit.**

Mr. Hill reported on Proposed Amendments to Rule 108.33 – Sedation/Anesthesia Permit stating that the proposed amendment adds 108.33(c), which creates a process and requirements for a provisional permit that would allow a licensed dentist with appropriate qualifications to administer parenteral conscious sedation and/or deep sedation and general anesthesia. Currently, permits require the approval of the Board, which only meets four times per year.

Mr. Hull further added that language has also been added to 108.33(h)(1)(A)(i) to impose a five-year limit on the amount of time certain training will be considered current for the purpose of acquiring a nitrous oxide/oxygen inhalation conscious sedation permit.

In closing, Mr. Hill reported that all other proposed amendments are for grammatical or organizational purposes.

**A MOTION BY DR. MCDONALD, SECONDED BY MS. MCKIBBEN TO PROPOSE AMENDMENTS TO RULE 108.33 – SEDATION/ANESTHESIA PERMIT, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**j. Discuss and Consider Proposing Amendments to Rule 108.34 – Permit Requirements and Clinical Provisions.**

Mr. Hill reported that the amendments proposed are made necessary by proposed amendments to Rule 108.33, and only change three citations to subsections of Rule 108.33 that would be changed should the proposed amendments be approved.

**A MOTION BY DR. MCDONALD, SECONDED BY DR. STRUNK TO PROPOSE AMENDMENTS TO RULE 108.34 – PERMIT REQUIREMENTS AND CLINICAL PROVISIONS, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**k. Discuss and Consider Proposing Amendments to Chapter 114 – Dental Assistants.**

Mr. Hill reported on Proposed Amendments to Chapter 114 stating that these sections contain extensive revisions to clarify and standardize language, as well as new language to enact the provisions of Senate Bill 263, 25, 78<sup>th</sup> Legislature, requiring that dental assistants that make x-rays be registered to do so. He provided the following specifics within this Chapter:

Proposed Amendments to Rule 114.1 incorporate the definition of a “reversible” procedure, and specific examples of “irreversible” procedures that were previously contained in Rule 114.2.

Rule 114.2, which contains definitions, is proposed for repeal, with those definitions reduced and redistributed to the proposed amendments in other sections.

A new Rule 114.2 is proposed to detail the requirements and process for the registration of dental assistants who perform x-ray procedures.

Proposed Amendments to Rule 114.3 incorporate some of the definitions previously found in Rule 114.2, and clarify and organize the remainder of its language.

Rule 114.10 is proposed for addition as a new section, relocating language from Rule 115.10, which details the currently existing x-ray certification process for dental assistants. That language currently resides in Chapter 115, which relates to dental hygienists. Accordingly, Rule 115.10 is concurrently being proposed for repeal. Language clarifying the dates for transition between the two registration schemes has also been added, as Rule 114.10(a).

**A MOTION BY MS. MCKIBBEN, SECONDED BY MS. MORGAN TO PROPOSE AMENDMENTS TO CHAPTER 114 – DENTAL ASSISTANTS, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**l. Discuss and Consider Repeal of Rule 115.10 – Radiologic Procedures.**

Mr. Hill reported on Rule 115.10 stating the repeal is necessary because the language in this section is being relocated to New Rule 114.10, which is published contemporaneously as a proposed rule in the Texas Register. Although Chapter 115 pertains to dental hygienists, the provisions of Rule 115.10 were only relevant to dental assistants.

**A MOTION BY DR. MALIK, SECONDED BY DR. MCDONALD TO PROPOSE AMENDMENTS TO RULE 115.10 – RADIOLOGIC PROCEDURES AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**m. Discuss and Consider Proposing Amendments to Chapter 116 – Dental Laboratories.**

Mr. Hill reported on the Proposed Amendments to Chapter 116 – Dental Laboratories, stating the proposed repeals and new sections improve the chapter’s clarity, consistency, and organization.

**A MOTION BY MS. MCKIBBEN, SECONDED BY DR. STRUNK TO PROPOSE AMENDMENTS TO CHAPTER 116 – DENTAL LABORATORIES, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**n. Discuss and Consider Proposing Amendments to Rule 107.202 – Disciplinary Guidelines and Administrative Penalty Schedule.**

Mr. Hill reported on the Proposed Amendments to Rule 107.202 stating that the amendment is being proposed to remove the words “and address” from Rule 107.202(d)(6)(B), as required by SB 1571, 4, 78<sup>th</sup> Legislature.

**A MOTION BY MS. ALLEN, SECONDED BY MS. MCKIBBEN TO PROPOSE AMENDMENTS TO RULE 107.202 – DISCIPLINARY GUIDELINES AND ADMINISTRATIVE PENALTY SCHEDULE, AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**8. LICENSING DIVISION REPORT.**

**a. Discuss and Consider Approval of Parenteral Anesthesia Permit Applications.**

Dr. McDonald reported that seven practitioners who have applied for Parenteral Anesthesia Permit Applications. These applications have been reviewed by Dr. McDonald and Staff and are hereby submitted to the Board for approval.

**A MOTION BY DR. MCDONALD, SECONDED BY DR. IRONS TO APPROVE SEVEN PARENTERAL ANESTHESIA PERMIT APPLICATIONS. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**b. Discuss and Consider Approval of Nitrous Oxide Permit Applications.**

Dr. McDonald reported that 46 practitioners have submitted Nitrous Oxide Permit Applications, that he and Staff have reviewed these applications and submit them to the Board for approval.

**A MOTION BY DR. MCDONALD, SECONDED BY DR. STRUNK TO APPROVE 46 NITROUS OXIDE PERMIT APPLICATIONS. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**c. Discuss and Consider Approval of Enteral Conscious Sedation Permit Applications.**

Dr. McDonald reported that 34 applicants have submitted applications for Enteral Conscious Sedation Permits. He added that these applications have been reviewed by himself and Staff and are hereby submitted to the Board for approval.

**A MOTION BY DR. MCDONALD, SECONDED BY DR. STUBBS TO APPROVE 34 ENTERAL CONSCIOUS SEDATION PERMIT APPLICATIONS. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**d. Licensing Division First Quarter Report.**

Ms. Sanders reported on First Quarter report from the Licensing Division.

**9. ENFORCEMENT DIVISION REPORT.**

**a. Enforcement Division Case Aging and First Quarter Reports.**

Mr. Ablon shared the Enforcement Division Case Aging Report and First Quarter statistics. He also covered the Cases Dismissed for October, November and December 2003.

**b. Approval of Task Force Consultants.**

Mr. Ablon submitted two individuals for approval of appointment to the Enforcement Task Force. Both individuals were referred by Dr. David Wilhite, a current Task Force Consultant.

Mr. Ablon stated that the first individual being submitted for approval is Dr. John Williamson. Dr. Williamson graduated from Baylor University and has been in practice since 1988 and practices in Cedar Hill, a suburb of Dallas County. Dr. Williamson is eager to help with the review cases.

The second individual Mr. Ablon is submitting for approval is Dr. Richard Heard. Dr. Heard graduated from University of Texas-Houston and has been in practice since 1973 and practices in Victoria, Texas.

Mr. Ablon stated that neither gentlemen have had any complaints with the Board, no disciplinary actions, and both are general practitioners.

Mr. Ablon reported that Mr. Bill Williamson has been hired to as an Investigator with the TSBDE. Mr. Williamson will station his office in Huntsville, Texas, which will eliminate some of the workload from the two Houston investigators and take all cases in the East Texas area which had been previously handled by the investigator stationed in Dallas.

**A MOTION BY DR. MCDONALD, SECONDED BY DR. STUBBS TO APPROVE THE APPOINTMENT OF DR. JOHN WILLIAMSON AND DR. RICHARD HEARD TO THE ENFORCEMENT TASK FORCE. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

Dr. Irons asked if anyone has elected to be taken off the Task Force.

Mr. Ablon responded that he hasn't had not anyone request to be taken off.

Dr. Irons stated that some task force members go to great lengths, being very meticulous; having them aboard has lightened the workload of the Secretary of the Board.

Dr. Villarreal acknowledged Mr. Ablon for coming down to the Rio Grande Valley and giving a presentation to their dental society on Diversion.

Mr. Ablon shared that attendees were provided a pamphlet on preventing diversion and shared that his presentation covers information on the most commonly violated Board rules and statutes.

Dr. Malik shared that Mr. Ablon also traveled to Victoria, Texas, and gave this presentation to 81 people who appreciate his time and want him to return next year.

Mr. Ablon stated that TDA has scheduled him to give this presentation to the graduating class at Baylor University in April 2004.

**10. ADMINISTRATIVE DIVISION REPORT.**

**a. FY 2004 Budget.**

Ms. McPherson reported that we have 67% of the year remaining and 73% of the budget remaining and that 83% of the Travel Budget remains unspent. She also reported on the Comparison of Expenditures to Revenue Collected stating that total expenditures for the first 4 months totaled \$515,209 and that total revenue came to \$768,461. Lastly, Ms. McPherson shared that Excess of Revenue Over Expenditures came to \$253, 252.

**b. LBB First Quarter Performance Report.**

Ms. McPherson reported that we have 10 measures were reported to the Legislative Budget Board (LBB). The report is as follows:

	<u>2004 Target</u>	<u>First Quarter Result</u>
Measure on Complaints Resolved	603	218
Measure on Peer Assistance Program	64	22
Measure on Licenses Issued: Dentists	420	56
Measure on Licenses Renewed: Dentists	11,479	3,009
Measure on Licenses Issued: Dental Hygienists	461	69
Measure on Licenses Renewed: Dental Hygienists	8,334	2,318
Measure on Avg. Time for Complaint Resolution	275 days	372.5 days
Measure on Avg. License Cost/Individual: Dentist	\$4.65	\$4.69
Measure on Avg. License Cost/Facility	\$7.99	\$8.35
Measure on Avg. License Cost/Individual: Dental Hygienist	\$3.35	\$3.65

Ms. McPherson stated that an Explanation of Variance was provided to the LBB with every measure.

**11. LEGAL DIVISION REPORT.**

**a. Discuss and Consider Approval of Agreed Settlement Orders.**

Mr. Houston read Agreed Settlement Orders that came as a result of State Office of Administrative Hearing (SOAH) action.

- SBDE No. 97-347-0217, 98-455-0529, 98-509-0622
- SBDE No. 99-507-0706, 00-627-0814, 01-472-0409, 02-154-1114, 02-167-1126, 02-278-0110, 02-399-0219, 02-409-0220, 02-462-0312, 03-245-1205, 03-295-1230

**A MOTION BY DR. STUBBS, SECONDED BY MS. MCKIBBEN TO APPROVE THE AGREED SETTLEMENT ORDERS FROM SOAH READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

Mr. Houston read through the submitted the Proposed Board Order Cases as follows:

- |                             |                             |
|-----------------------------|-----------------------------|
| SBDE Case No. 02-875-0826RY | SBDE Case No. 03-889-0716   |
| SBDE Case No. 03-087-0927   | SBDE Case No. 03-372-0123   |
| SBDE Case No. 02-589-0430   | SBDE Case No. 02-181-1127DI |
| SBDE Case No. 03-305-1230   | SBDE Case No. 03-602-0407   |
| SBDE Case No. 02-322-0124CC | SBDE Case No. 03-279-1217   |
| SBDE Case No. 03-994-0820   | SBDE Case No. 02-037-0925   |
| SBDE Case No. 02-393-0214   | SBDE Case No. 03-190-1106   |
| SBDE Case No. 03-227-1122   | SBDE Case No. 03-311-1231   |

**A MOTION BY MS. MCKIBBEN, SECONDED BY DR. MASON TO APPROVE PROPOSED BOARD ORDERS AS READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 15 / OPPOSED - 0) MOTION CARRIES**

Mr. Houston read through the submitted Settlement Order from the July Informal Settlement Conference, Panelists: Dr. Tippit, Dr. Villarreal and Ms. Morgan.

SBDE Case No. 02-351-0205DI

**A MOTION BY MS. JUBA, SECONDED BY DR. MCDONALD TO APPROVE THE SETTLEMENT ORDER FROM THE JULY INFORMAL SETTLEMENT CONFERENCE READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 12 / ABSTAIN - 3) MOTION CARRIES**

Mr. Houston read through the submitted Settlement Orders from the October Informal Settlement Conference, Panelists: Dr. McDonald, Dr. Villarreal and Ms. Stine.

SBDE Case No. 02-405-0219DI

SBDE Case No. 02-416-0222

SBDE Case No. 02-506-0402DI

SBDE Case No. 02-339-0130BA

**A MOTION BY MR. GARCIA, SECONDED BY DR. MASON TO APPROVE AGREED SETTLEMENT ORDERS FROM THE OCTOBER INFORMAL SETTLEMENT CONFERENCE READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 12 / ABSTAIN - 3) MOTION CARRIES.**

Mr. Houston read through the submitted Settlement Orders from the December Informal Settlement Conference, Panelists: Dr. Tippit, Dr. Strunk and Ms. Juba.

SBDE Case No. 02-519-0408

SBDE Case No. 03-198-1108

SBDE Case No. 02-866-0823

SBDE Case No. 02-318-0118DI

SBDE Case No. 03-288-1219

SBDE Case Nos. 02-612-0509, 03-321-0103, 03-421-0203

**A MOTION BY MS. ALLEN, SECONDED BY MS. MCKIBBEN TO APPROVE AGREED SETTLEMENT ORDERS FROM THE DECEMBER INFORMAL SETTLEMENT CONFERENCE READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 12 / ABSTAIN – 3) MOTION CARRIES**

Mr. Houston read the findings of SBDE Case Nos. 02-333-0129, 03-184-1106 from the December Informal Settlement Conference.

**A MOTION BY DR. STUBBS, SECONDED BY DR. MASON TO APPROVE PROPOSED BOARD ORDER NO. 03-573-0327. (FOR – 15 / OPPOSED - 0) MOTION CARRIES**

Mr. Houston read the findings of a Proposed Board Order Case Number 03-573-0327.

**A MOTION BY DR. STUBBS, SECONDED BY DR. MCDONALD TO APPROVE AGREED SETTLEMENT ORDERS FROM CASE NUMBER 03-573-0327 FROM THE DECEMBER INFORMAL SETTLEMENT CONFERENCE. (FOR – 12 / ABSTAIN – 3) MOTION CARRIES**

**b. Discuss and Consider Approval of Dismissal Letters.**

Mr. Houston read through the submitted Dismissal Letters as follows:

SBDE Case No. 02-613-0509, 02-814-0731

SBDE Case No. 02-791-0722

SBDE Case No. 02-480-0318

SBDE Case No. 02-815-0731

SBDE Case No. 01-615-0619

SBDE Case No. 02-525-0410

SBDE Case No. 02-161-1120

SBDE Case No. 02-677-0606

SBDE Case No. 02-042-0925

SBDE Case No. 02-356-0205

SBDE Case No. 00-129-1118

**A MOTION BY MR. GARCIA, SECONDED BY DR. MASON TO APPROVE DISMISSAL LETTERS READ BY MR. HOUSTON, TSBDE GENERAL COUNSEL. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

**c. Legal Division Report.**

Mr. Houston reported the Legal Division's First Quarter statistics, stating that an Informal Settlement Conference was held on December 4-5, 2003 with 30 cases being heard, addressing 20 respondents. He further added that 15 Board Orders were proposed, 11 Dismissals were recommended and 3 cases were tabled for future consideration/further action. One case was referred to SOAH.

Regarding Initial Proposed Board Orders (PBOs), Mr. Houston reported 28 PBOs were dispatched since the last Board Meeting in October 2003 and 17 PBOs were received and approved at this Board Meeting.

Mr. Houston further reported that 15 cases have been closed since the last Board Meeting and SOAH actions include 1 PFD issued since the last Board Meeting and that 41 cases are currently under prosecution at SOAH. He also added that 35 cases were filed at SOAH since the October as well.

Lastly, Mr. Houston shared that the next Informal Settlement Conference is scheduled for February 12-13, 2004, where 32 cases are scheduled to be heard and panelists will be Dr. Irons, Dr. Mason and Mr. Garcia.

Mr. Houston closed his report by introducing the newest members to the Legal Division, attorneys Ms. Heather Fritz who joined the TSBDE in November and Mr. Lorenzo Nieto who joined the Agency in December. Both Ms. Fritz and Mr. Nieto have been a huge asset in terms of seeing that cases are getting filed at SOAH.

Ms. Juba asked that a schedule of Settlement Conferences be forwarded to Board Members.

Mr. Houston stated that a new schedule will be prepared and forwarded to Board Members as some have indicated an interest in serving later this year.

Ms. McKibben asked if the addition of the two new attorneys completes staffing in the Legal Division.

Mr. Houston responded that it does complete the staffing within the division.

Mr. Garcia asked how many cases are in the Legal Division at this time.

Mr. Houston responded that there are an estimated 615-620 cases in the Legal Division at this time.

Mr. Garcia asked if a monthly activity report be developed to show Board Members how many cases are in the Legal Division and how they're being disposed of.

Mr. Houston responded he will see that a monthly report is created and e-mailed to Board Members.

**d. Report of Liaison to Legal Division for SOAH Resolution.**

Mr. Garcia reported that 41 cases have been filed at SOAH since the last Board Meeting. He further added that this is a tremendous increase since only 28 cases were filed at SOAH in all of 2002 and stated this is definitely a step in the right direction and applauded the efforts of the Legal Division.

**12. NOMINATION FROM BOARD MEMBERS FOR THE POSITION OF BOARD SECRETARY AND SELECTION OF BOARD SECRETARY.**

**A MOTION BY MS. JUBA, SECONDED BY DR. MASON THAT DR. GARY MCDONALD BE NOMINATED FOR BOARD SECRETARY. MOTION WAS DEFERRED TO AN ACCEPTANCE BY ACCLAMATION.**

**A MOTION MADE BY DR. IRONS, SECONDED BY MR. WETHERBEE THAT DR. MCDONALD BE ACCEPTED BY ACCLAMATION. (FOR – 15 / OPPOSED – 0) MOTION CARRIES**

### **13. EXECUTIVE SESSION.**

The Board conducted a closed meeting to receive legal advice, discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific board employees pursuant to Sections 555.071 and 551.074, the Texas Open Meetings Act, codified as Chapter 551 of the Government Code.

Dr. Malik and Ms. Allen left the meeting at 5:00 p.m. It was noted that a quorum still remained and the meeting continued.

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

Mr. Schmidt's report focused on Agency accomplishments during his first year as Executive Director of the TSBDE.

The Executive Division has been stabilized with the addition of Ms. Shoesmith who has given the Agency a more professional look and improved the support provided to Agency Staff and Board Members. With the assistance of Ms. Shoesmith, this has allowed him to concentrate on his duties as Executive Director.

The Administration Division, managed by Ms. McPherson was able to survive a 7% budget cut in FY 2003 and an additional 6.25% budget cut in 2004 without a reduction force. He also added that this Division provides timely and accurate reports when requested, updates survey requests from numerous agencies and maintains the financial integrity of the agency.

The Licensing Division, managed by Ms. Sanders remains stable, readily accepting challenges on a daily basis and responding to those challenges in a positive manner. Mr. Schmidt further added that mandates from the 78<sup>th</sup> Legislative Session will present future challenges that include the addition of two new data sets, dental/dental hygiene faculty and dental assistants; the creation of two new examinations for dental assistants; and an increase in workload with limited funding for additional staff.

Mr. Schmidt reported that the Enforcement Division, managed by Mr. Ben Ablon, has made remarkable strides during FY 2003 and continues on this path in FY 2004. He stated that investigations are now conducted in a professional manner by a qualified and experienced investigative staff. Investigations are completed in an efficient manner, documented properly and resolved within an acceptable timeframe.

Mr. Schmidt also shared that the 78<sup>th</sup> Legislative Session brought about changes to the Dental Practice Act that allows for the TSBDE Investigators to be licensed peace officers and that the statistical data verifies that the accomplishments of this division are now being recognized by other state and federal agencies as exemplary.

Mr. Schmidt reported that FY 2003 was a year of realignment, reassessment and redirection for the Legal Division managed by Mr. Fread Houston. This Division is now prepared to accept new cases and dispose of back-logged cases in an efficient and effective manner. He further added that the Legal Division has been supplemented with the addition of two more attorneys which has allowed Mr. Houston to structure the Division in a way that allows cases to be directed through the administrative system in a well-organized manner. FY 2004 will see this Division monitoring cases and workload in a logical and orderly approach.

Mr. Schmidt stated that the opportunity to direct this Agency at this place in time has been a very rewarding experience. The future of this Agency rests in our ability to establish goals and objectives in a strategic plan that can be both attained and measured. He added that we must achieve parity with other agencies. Parity comes from performance. Performance allows us to tell our story in a beneficial and positive manner and that parity also allows us to retain those we recruit. Mr. Schmidt stated that it is imperative that this become our management practice and proactively manage our human capital resources.

Ms. Juba asked what we can expect from the professional associations with a vested interest in the Dental Assistant issue.

Mr. Schmidt stated that in his opinion, if the associations think a preparatory course needs to be put in place, then a prep course is what they should be working on. He also added that the comments raised by the associations and legislators is subsiding, that each legislative office is being provided the same information, a chronology of events, in writing.

Mr. Schmidt stated that the Licensing Division will be sending 150 surveys to various members of stakeholder organizations in the near future to establish a job task analysis for a Dental Assistant should be--knowledge, skills and abilities.

**15. PRESIDING OFFICER’S REPORT.**

Dr. Tippit reported on his attendance a SRTA exam and looks forward to observing a NERB exam. He further added that he has met with Dr. Blanton, Dr. Wade and Dr. Long and headway will be made regarding the Dental Assistant issue.

Dr. Tippit expressed his thanks to Dr. Irons for his work as Secretary of the Board, that it has been his privilege to serve as Presiding Officer and wants everyone to know it’s been a terrific experience.

Dr. Mason asked that the minutes reflect on behalf of the Board a commendation to Dr. Tippit for an outstanding job serving as Presiding Officer of the Texas State Board of Dental Examiners.

**16. PUBLIC COMMENTS.**

The following individuals gave public comment on the implementation of certification requirements for Dental Assistants:

Dr. Patricia Blanton	President, Texas Dental Association
Dr. Herbert L. Wade, Jr.	President Elect, Texas Dental Association
Ms. Erica Nordin	Dental Assistant to Mark Peppard, D.D.S.

Mr. Bond shared his thanks to the Board and Dr. Tippit and Dr. Irons for their understanding and indulgence as we work through the issues of mutual concern.

**17. ANNOUNCEMENTS.**

Dr. Tippit announced the next Informal Settlement Conference is scheduled for February 12-13, 2004.

Dr. Tippit announced the next dates for Committee Meetings and Board Meeting as April 15-16, 2004.

Dr. Tippit announce the next meeting date of the Dental Hygiene Advisory Committee as April 2, 2004.

Dr. Villarreal commended Dr. Tippit for his work as Presiding Officer and for allowing members of the Board to serve in important roles and to become actively involved.

**18. ADJOURN. A MOTION BY MS. MORGAN, SECONDED BY MS. JUBA TO ADJOURN THE MEETING AT 5:35 P.M. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.**

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**DR. J. KEVIN IRONS**  
**Presiding Officer**  
**Texas State Board of Dental Examiners**

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**DR. GARY W. MCDONALD**  
**Secretary**  
**Texas State Board of Dental Examiners**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_