



**TEXAS STATE BOARD OF DENTAL EXAMINERS**  
**333 Guadalupe, Tower 2, Conference Room 2-225**  
**Austin TX 78701**  
**June 20, 2003**  
**Convenes at 8:00 a.m.**

**MINUTES**

**I. CALL TO ORDER**

Dr. Nathaniel Tippit, President, called the meeting to order at 8:04 a.m., June 20, 2003.

**II. ROLL CALL**

Dr. Kevin Irons called the roll.

The following members were present:

Mr. Garcia	Ms. Morgan
Dr. Irons	Dr. Starr
Ms. Juba	Ms. Stine
Dr. Kennedy	Dr. Strunk
Dr. Malik	Dr. Tippit
Dr. Mason	Dr. Villarreal
Dr. McDonald	Mr. Wetherbee
Ms. McKibben, RDH	Ms. Cornett, RDH

Ms. Allen arrived at 8:40 a.m.

The following members were absent:

Dr. Stubbs

The following staff was present:

Mr. Schmidt	Ms. Chambers
Ms. McPherson	Mr. Ablon
Ms. Sanders	Mr. Houston
Ms. Kelley	Ms. Guillen

The following guests were present:

David Canfield, DDS	Larry Spradley, DDS
Hope Garza	Bob Robinson
Joanne Ursieinger	Pat Patterson
Alicia Grant	Jay Bond

Ms. Tippit

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

The Board reviewed the minutes from the March 21, 2003

**A MOTION BY MS. JUBA, SECONDED BY DR. KENNEDY TO APPROVE THE MINUTES FROM THE MARCH 21, 2003 MEETING. (FOR – 15 – OPPOSED – 0) MOTION CARRIES**

#### IV. APPEARANCES BEFORE THE BOARD

The following individuals appeared before the Board.

- A. Devi Bates, RDH request to reinstate retired Dental Hygiene License #8241.  
**A MOTION BY MR. GARCIA, SECONDED BY MS. JUBA TO REINSTATE DENTAL HYGIENE LICENSE #8241. (FOR – 15 – OPPOSED – 0) MOTION CARRIES**
- B. Julia Weimer-Cleary, B.S., RDH requests to reinstate retired Dental Hygiene License # 2296.  
**A MOTION BY MS. STINE, SECONDED BY DR. MALIK TO REINSTATE DENTAL HYGIENE LICENSE #2296. (FOR – 16- OPPOSED 0) MOTION CARRIES**
- C. Deidra L. Denton, RDH requests to reinstate retired Dental Hygiene License #18792.  
**A MOTION BY MS. MCKIBBEN, RDH, SECONDED BY DR. MCDONALD TO REINSTATE DENTAL HYGIENE LICENSE #18792. (FOR – 16 – OPPOSED 0) MOTION CARRIES**
- D. Marci Elkins, RDH requests to reinstate retired Dental Hygiene License #5417.  
**A MOTION BY DR. KENNEDY, SECONDED BY DR. VILLARREAL TO REINSTATE DENTAL HYGIENE LICENSE #5417. (FOR - 16 – OPPOSED – 0) MOTION CARRIES**
- E. Karen Hamilton, RDH requests to reinstate to reinstate Dental Hygiene License #2992.  
**A MOTION TO APPROVE BY MS. MCKIBBEN, RDH, SECONDED BY DR. VILLARREAL TO REINSTATE DENTAL HYGIENE LICENSE # 2992. (FOR – 16 – OPPOSED 0) MOTION CARRIES**
- F. Tom Carr, DDS requests approval to take WREB examination.  
**A MOTION BY DR. STARR, SECONDED BY DR. MCDONALD TO APPROVE REQUEST, BUT DR. CARR MUST APPEAR BEFORE THE BOARD AGAIN BEFORE HIS DENTAL LICENSE IS REINSTATED. (FOR – 16 – OPPOSED 0) MOTION CARRIES**
- G. William G. Patterson, DDS requests approval to take the WREB examination.  
**A MOTION BY MR. WETHERBEE , SECONDED BY DR. VILLARREAL TO APPROVE REQUEST. (FOR 15 – OPPOSED 1, DR. MALIK) MOTION CARRIES**
- H. David Canfield, DDS presented the Board with a new manual for a continuing education course for the renewal of enteral conscious sedation permits as required by Rule 110.2 (f)(2)(A).  
**NO VOTE REQUIRED.**
- I. Larry Spradley, DDS presented the Board with proposed revisions to the two manuals for an enteral sedation course and a parenteral conscious sedation course.  
**DR. MCDONALD WILL EVALUATE WITH THE ANESTHESIA CONSULTANTS AND REPORT BACK IN AUGUST 2003.**
- I. Bob Robinson, Texas Dental Peer Assistance Program (TDPAP), requested that the Board consider publishing on the TSBDE website – a mechanism whereby individuals can make a tax deductible contribution to the TDPAP.  
**DR. STRUNK WILL WORK WITH MR. HOUSTON REGARDING THE LEGALITIES OF THIS PROCEDURE AND REPORT TO THE BOARD IN AUGUST 2003.**

## V. COMMITTEE REPORTS

### A. Licensing Committee

Dr. Malik reported that the Licensing Committee met on June 19, 2003. A quorum of the committee members was present. Three alternative continuing education courses were considered – 2 were approved and 1 was denied. Five sets of rules were considered for proposed amendments: Rule 101.7, Licensure by Credentials, Dentist; Rule 102.1, Fee Schedule; Rule 103.2 Licensure by Credentials, Dental Hygienist; Rule 114.2 Extension of Duties of Auxillary Personnel, Dental Assistants; and Rule 115.1, Extension of Duties of Auxillary Personnel, Dental Hygienist. In addition, Rule 104.3, Retired Status, was considered for repeal.

### B. Legislative Committee

Ms. Juba reported that the Legislative Committee met on June 19, 2003. A quorum was present. Ms. Juba and Mr. Schmidt presented the committee with an update of the 78<sup>th</sup> Legislative Session.

### C. Enforcement Committee

Dr. Irons reported that the Enforcement Committee met on June 19, 2003. A quorum was present. Mr. Ablon presented the committee with the enforcement division monthly and case aging reports. Mr. Houston presented the committee with the monthly legal division report. Dr. Irons and Mr. Ablon presented the committee with an update on HB 875, which gave the agency the authority to commission the investigators as peace officers. Mr. Ablon reported that the enforcement division manual had been updated to reflect new policy and procedures due to the statutory change. The committee decided that all cases involving a death will be automatically routed for Informal Settlement Conference or to the State Office of Administrative Hearings. The committee also discussed the new protocols for Informal Settlement Conferences.

## VI. RULES

A. Rule 107.102, Procedures in Conduct of Investigation

**A MOTION BY MS. ALLEN, RDH, SECONDED BY MR. WETHERBEE TO ADOPT RULE 107.102, PROCEDURES IN CONDUCT OF INVESTIGATION. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

B. Rule 101.7, Licensure by Credentials, Dentist

**A MOTION BY MR. WETHERBEE, SECONDED BY DR. MALIK TO PROPOSE AN AMENDMENT TO RULE 101.7, LICENSURE BY CREDENTIALS, DENTIST AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

C. Rule 102.1, Fees

**A MOTION BY MS. JUBA, SECONDED BY MR. GARCIA TO PROPOSE AN AMENDMENT TO RULE 102.1, FEES AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

D. Rule 103.2, Licensure by Credentials, Dental Hygienist

**A MOTION BY DR. MCDONALD, SECONDED BY MS. STINE TO PROPOSE AN AMENDMENT TO RULE 103.2, LICENSURE BY CREDENTIALS, DENTAL HYGIENIST AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

E. Rule 114.2, Extension of Duties of Auxiliary Personnel, Dental Assistants

**NO BOARD ACTION NECESSARY – REJECTED IN THE LICENSING COMMITTEE.**

F. Rule 115.1, Extension of Duties of Auxiliary Personnel, Dental Hygienist

**NO BOARD ACTION NECESSARY – REJECTED IN THE LICENSING COMMITTEE.**

G. Rule 104.3, Retired Status

**MOTION BY DR. MALIK, SECONDED BY MS. STINE TO REPEAL RULE 104.3 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

**VII. LICENSING/EXAMINATION COMMITTEE REPORT**

New policy was put in to place regarding the reinstating of a license. An applicant must reapply for all permits when requesting that a license be reinstated.

**PERMITS**

Parenteral Anesthesia Permit Applications

**A MOTION BY DR. MCDONALD, SECONDED BY DR. MASON TO APPROVE APPLICATIONS FOR 6 SEDATION ANESTHESIA PERMITS. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

Nitrous Oxide Permit Applications

**A MOTION BY DR. MCDONALD, SECONDED BY MR. WETHERBEE TO APPROVE APPLICATIONS FOR 103 NITROUS OXIDE PERMITS. (FOR - 16 – OPPOSED – 0) MOTION CARRIES**

Enteral Conscious Sedation Applications

**A MOTION BY DR. MCDONALD, SECONDED BY DR. MASON TO APPROVE APPLICATIONS FOR 114 ENTERAL CONSCIOUS SEDATION PERMITS. (FOR – 16 – OPPOSED - 0) MOTION CARRIES**

**VIII. ENFORCEMENT DIVISION REPORT**

Mr. Ablon presented the case aging report dated June 2, 2003, the 3<sup>rd</sup> quarter report for the Enforcement Division, and the report dismissing cases in the Enforcement Division for March, April and May 2003. Mr. Ablon also reported to the Committee that the goal of the Enforcement Division is to carry only FY 2003 cases forward in to FY 2004. Mr. Ablon presented new members to the Enforcement Task Force for approval.

**A MOTION BY DR. VILLARREAL, SECONDED BY DR. MASON TO APPROVE THE NEW TASK FORCE MEMBERS. (FOR – 16 – OPPOSED – 0) MOTION CARRIES**

**IX. ADMINISTRATION DIVISION REPORT**

Ms. McPherson presented the Budget Review Update to the Board. Ms. McPherson presented the 2<sup>nd</sup> Quarter Performance Report to the Board.

**X. LEGAL DIVISION REPORT**

Mr. Houston presented the 30 Agreed Settlement Orders to the Board for approval.

**A MOTION BY DR. KENNDY, SECONDED BY MS. ALLEN, RDH, TO APPROVE THE AGREED SETTLEMENT ORDERS. (FOR 16 - OPPOSED – 0\*, #19 MS. STINE OPPOSED, # 30 MS. ALLEN, RDH, OPPOSED, DR. IRONS - RECUSE)**

Mr. Houston presented the dismissal letters for approval.

**A MOTION BY DR. IRONS, SECONDED BY DR. STRUNK TO APPROVE THE DISMISSED CASES. (FOR - 16 – OPPOSED – 0) MOTION CARRIES**

**XI. EXECUTIVE SESSION**

The Board went in to Executive Session at 1:58 p.m. for the purpose of a six-month evaluation of the Executive Director. The board came out of Executive Session at 2:44 p.m. and reported a favorable evaluation of the Executive Director.

**XII. EXECUTIVE DIRECTOR REPORT**

Mr. Schmidt presented the Board the Executive Director's Report. The emphasis of the report was an update of the 78<sup>th</sup> Legislative Session.

**XIII. PRESIDENT'S REPORT**

The emphasis of Dr. Tippit's report was budgetary issues. Dr. Tippit reported to the Board that Dr. Malik would be the TSBDE Dentist representative to WREB and AADE and that Ms. Allen would be the TSBDE Dental Hygienist representative to WREB. Dr. Tippit presented the list of WREB Dental Examiners to the Board.

**A MOTION BY DR. KENNEDY, SECONDED BY MR. WETHERBEE TO ACCEPT THE WREB DENTAL EXAMINERS. (FOR – 16 – OPPOSED - 0) MOTION CARRIES**

Dr. Tippit presented the list of WREB Dental Hygiene Examiners to the Board.

**A MOTION BY MR. WETHERBEE, SECONDED BY DR. VILLARREAL TO APPROVE THE WREB DENTAL HYGIENE EXAMINERS. (FOR - 16 – OPPOSED – 0) MOTION CARRIES.**

**XIV. PUBLIC COMMENTS**

There were no public comments.

**XV. ANNOUNCEMENTS**

There were no announcements.

**XVI. ADJOURN**

**A MOTION BY MS. MORGAN, SECONDED BY MS. STINE TO ADJOURN THE MEETING AT 3:30 P.M. (FOR – 16 – OPPOSED – 0) MOTION CARRIED**

- SIGNED -

- SIGNED -

**DR. NATHANIEL G. TIPPIT**  
Presiding Officer  
Texas State Board of Dental Examiners

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

**Date Signed: October 31, 2003**

**Date Signed: September 15, 2003**