



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES June 5, 2009

1. **CALL TO ORDER:** Dr. McDonald called the meeting of the Texas State Board of Dental Examiners (SBDE) to order. The time was 11:02 a.m.
2. **ROLL CALL:** Dr. Purifoy called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. Gary W. McDonald	Presiding Officer
Dr. William Purifoy	Secretary
Dr. Steven Austin	Member
Ms. Mary Baty, RDH	Member
Dr. William Birdwell	Member
Dr. Maxwell Finn	Member
Dr. Tamela Gough	Member
Ms. Alicia Grant, RDH	Member
Ms. Whitney Hyde	Public Member
Ms. Ann Pauli	Public Member
Dr. Rudolfo Ramos	Member
Mr. Jerry Romero	Member
Dr. Russell Schlattman	Member
Mr. Arthur Troilo	Public Member

b. Members Absent:

Ms. Georgiana Matz	Public Member	(Excused)
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c. SBDE Staff Present:

Ms. Sherri Sanders Meek	Executive Director
Mr. Harry Deckard	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Brenda Kilburn	Director of Administration
Ms. Sandy Ferris	Director of Licensing
Dr. James Kennedy	Staff Dentist
Ms. Vicki Shoosmith	Executive Assistant
Ms. Lisa Hoyt	Staff Attorney
Ms. Victoria Pearce	Staff Attorney
Ms. Carey Olney	Staff Attorney
Ms. Debbie Powell	Legal Assistant
Ms. Kendra Smith	Administrative Assistant

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MS. PAULI TO EXCUSE MS. MATZ FROM THE MEETING. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

3. REVIEW AND APPROVAL OF MINUTES FROM THE JANUARY 16, 2009 BOARD MEETING.

In Paragraph 8d(6)(d) the vote was changed to reflect one (1) abstention.

A MOTION WAS MADE BY MR. ROMERO AND SECONDED BY DR. AUSTIN TO APPROVE THE MINUTES AS AMENDED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

4. APPEARANCES.

- Dr. Rollin A. Khoury – Seeking a Modification to his Board Order – SBDE 08-0740-0701.

A MOTION WAS MADE TO APPROVE STAFF’S REQUEST TO MODIFY THE EDUCATIONAL REQUIREMENTS OF DR. KHOURY’S BOARD ORDER – SBDE 08-0740-0701. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY DR. GOUGH AND SECONDED BY MS. PAULI TO DENY DR. KHOURY’S REQUEST FOR A MODIFICATION TO HIS BOARD – SBDE 08-0740-0701. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

5. ITEMS FOR GENERAL DISCUSSION.

- Discuss and Consider Delegation of Duties to Dental Assistants.

Dr. McDonald announced that this discussion was Tabled at the April 2009 Board Meeting due to pending legislation. Rules will be presented to the Board at the August Board Meeting.

6. RULES.

- a. Discuss and Consider proposed amendments to Rule 101.3 – Licensure by Credentials.

A MOTION WAS MADE BY MR. ROMERO AND SECONDED BY DR. FINN TO APPROVE THE PROPOSED AMENDMENTS TO RULE 101.3 (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- b. Discuss and Consider proposed amendments to Rule 102.1 – Fee Schedule.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY MR. TROILO TO APPROVE THE PROPOSED AMENDMENTS TO RULE 102.1 (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- c. Discuss and Consider proposed amendments to Rule 103.3 – Licensure by Credentials.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. PAULI TO APPROVE THE PROPOSED AMENDMENTS TO RULE 103.3 (FOR - 13 / OPPOSED – 0) MOTION CARRIES.

7. RULES REVIEW.

- a. Discuss and consider the final adoption of Chapter 104 – Continuing Education.

The Rule Review of Chapter 104 is on-going. Rulemaking actions will be presented to the Board at a Future meeting.

- b. Discuss and consider final adoption of Chapter 107 – Dental Board Procedures.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. HYDE TO APPROVE THE FINAL ADOPTION OF THE RULES REVIEW OF CHAPTER 107. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- c. Discuss and consider final adoption of Chapter 108 – Professional Conduct.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. GRANT TO APPROVE THE FINAL ADOPTION OF THE RULES REVIEW OF CHAPTER 108. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- d. Discuss and consider final adoption of Chapter 110 – Enteral Conscious Sedation.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. FINN TO APPROVE THE FINAL ADOPTION OF THE RULES REVIEW OF CHAPTER 110. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8. AGENCY DIVISION REPORTS.

a. Licensing Division.

- (1) *Discuss and Consider Approval of Parenteral Anesthesia Permit Applications.*

A MOTION WAS MADE BY DR. FINN AND SECONDED BY DR. AUSTIN TO APPROVE 7 PARENTERAL ANESTHESIA PERMIT APPLICATIONS. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- (2) *Report of Nitrous Oxide and Enteral Conscious Sedation Permit Applications.* Ms. Ferris reported that 21 Nitrous Oxide permits were issued and 47 Enteral Conscious Sedation Permit Applications were approved.

- (3) *Licensing Division Report.* Ms. Ferris reported on Licensing statistics through June 5, 2009.

b. Enforcement Division. Ms. Jones presented the Case Aging Report and Monthly Activity Report.

c. Administration Division. Ms. Kilburn presented the Fiscal Year Budget and LBB Performance Report.

d. Legal Division Report.

- (1) *SOAH Settlement Orders.* No SOAH Settlement Orders were presented.

- (2) *Proposals for Decision.* No Proposals for Decision were presented.

- (3) *Proposed Board Orders.*

SBDE 03-277-1217	SBDE 03-250-1206	SBDE 05-0890-0401
SBDE 06-0840-0606	SBDE 08-0107-1009	SBDE 08-0742-0715
SBDE 07-0083-1011	SBDE 07-0120-1013	SBDE 07-0586-0326

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. PURIFOY TO APPROVE THE PROPOSED BOARD ORDERS AS PRESENTED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- (4) *Modifications to Board Orders.* No Board Orders for modification were presented.

(5) Board Informal Settlement Conference Settlement Orders.

December 5, 2008 Board ISC. (Panelists: Dr. Strunk, Ms. McKibben, R.D.H., and Ms. Pauli)

SBDE 08-0457-0317

A MOTION WAS MADE BY MR. ROMERO AND SECONDED BY MR. TROILO TO APPROVE SETTLEMENT ORDER SBDE 08-0457-0317 AS PRESENTED. (FOR – 12 / OPPOSED – 0 / ABSTENSIONS - 1) MOTION CARRIES.

(6) Staff Informal Settlement Conference Settlement Orders. No Staff ISC Settlement Orders were presented.

(7) Legal Division Report. Mr. Deckard presented the Legal Division Report through June 5, 2009.

9. DECLARATIONS FROM BOARD MEMBERS INTERESTED IN SERVING AS SECRETARY OF THE BOARD.

Dr. McDonald covered the declaration and election process for Board Secretary then opened the floor for declarations. Dr. Gough declared her availability and interest in serving as the SBDE Secretary.

10. EXECUTIVE DIRECTOR’S REPORT.

Ms. Meek updated the Board on the upcoming ADA/AADE Fall Meeting. She also provided a report on the Enrolled Legislation related to Dentistry from the 81st Legislative Session. Ms. Meek briefed the Board on the agency’s Appropriations Request and provided a status regarding the on-going audit.

11. PRESIDING OFFICER’S REPORT.

Dr. McDonald reported on Board Member Training conducted on August 27, 2009. He also asked Board Members to complete and return their Informal Settlement Conference Selection Forms by June 26, 2009.

12. EXECUTIVE SESSION.

The Presiding Officer called the meeting into Executive Session at 12:45 p.m. pursuant to Texas Government Code, Sections 551.071 and 551.074 of the Open Meetings Act. The Presiding Officer reconvened in open session at 12:54 p.m.

13. PUBLIC COMMENTS. Nancy Cline, R.D.H. and Dr. Douglas Terry presented public comments.

14. ANNOUNCEMENTS.

- a. The next meeting of SBDE Committees are tentatively scheduled for Thursday, August 27, 2009.
- b. The next Board Meeting is tentatively scheduled for Friday, August 28, 2009.

13. ADJOURN.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY DR. PURIFOY TO ADJOURN THE MEETING AT 1:05 P.M. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- SIGNED -

- SIGNED -

GARY W. MCDONALD, D.D.S.
Presiding Officer
Texas State Board of Dental Examiners

WILLIAM L. PURIFOY, D.D.S.
Secretary
Texas State Board of Dental Examiners

Date: August 28, 2009

Date: August 28, 2009