



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES June 13, 2008

1. **CALL TO ORDER:** Dr. McDonald called the meeting of the Texas State Board of Dental Examiners to order. The time was 8:05 a.m.
2. **ROLL CALL:** Mr. Wetherbee called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. Gary W. McDonald	Presiding Officer
Mr. Charles Wetherbee	Secretary
Mr. Oscar Garcia	Public Member
Dr. Tamela Gough	Member
Ms. Ann Pauli	Public Member
Dr. William Purifoy	Member
Ms. Phyllis Stine	Public Member
Dr. George Strunk	Member
Dr. Juan D. Villarreal	Member

b. Members Absent:

Ms. Tammy Allen, RDH	Member	(Excused)
Dr. Norman Mason	Member	(Excused)
Ms. Helen McKibben, RDH	Member	(Excused)
Ms. Georgiana Matz	Public Member	(Excused)
Dr. Russell Schlattman	Member	(Excused)
Dr. Paul E. Stubbs	Member	(Excused)

c. TSBDE Staff Present:

Ms. Sherri Sanders Meek	Executive Director
Ms. Vicki Shoesmith	Executive Assistant
Mr. Fread Houston	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Brenda Kilburn	Director of Administration
Ms. Sandy Ferris	Director of Licensing
Ms. Victoria Pearce	Attorney
Mr. Rodney Montes	Attorney
Ms. Deborah Powell	Legal Assistant

A MOTION WAS MADE BY DR. VILLARREAL AND SECONDED BY MS. PAULI TO EXCUSE THOSE MEMBERS NOT IN ATTENDANCE AT THE MEETING. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

3. REVIEW AND APPROVAL OF MINUTES FROM THE JANUARY 25, 2008 BOARD MEETING.

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. STRUNK TO APPROVE THE MINUTES AS WRITTEN. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

4. APPEARANCES.

- a. **Dr. Michael Krynik – Request approval to take the WREB and seek subsequent licensure.**

A MOTION WAS MADE BY GARCIA AND SECONDED BY DR. PURIFOY TO APPROVE THE REQUEST OF DR. KRYNIK TO TAKE THE WREB. DR KRYNIK MUST ALSO PARTICIPATE IN THE PROFESSIONAL RECOVERY NETWORK (PRN), COMPLETE REMEDIAL EDUCATION OR TRAINING AND PRESENT BEFORE THE BOARD AT THE AUGUST 2008 MEETING TO REPORT ON THE STATUS OF COMPLETING REMEDIAL EDUCATION OR TRAINING AND PARTICIPATION IN THE PRN PROGRAM. (FOR – 8 / OPPOSED 0) MOTION CARRIES.

- b. **Ms. Kimberly Whisenhunt – Request for Modification of PRN Requirements.**

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY DR. PURIFOY TO APPROVE MS. WHISENHUNT’S REQUEST TO DISCONTINUE PARTICIPATION IN THE PRN PROGRAM AND CONTINUE COMPLIANCE OF THE BOARD ORDER. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

5. COMMITTEE REPORTS.

- a. **Licensing Committee Report.**

Ms. Stine reported that the Licensing Committee met to discuss and consider approving The Compliance Division as an approved Continuing Education (CE) provider under SBDE Rule 104.2

A MOTION WAS MADE BY AND SECONDED BY TO APPROVE THE COMPLIANCE DIVISION AS A CE PROVIDER UNDER SBDE RULE 104.2. (FOR – 8 / OPPOSED – 0) MOTION CARRIES

- b. **Executive Committee Report.**

Dr. McDonald reported that the Executive Committee met on May 8, 2008 to discuss and consider the temporary suspension of Texas Dental Licenses #20929 and #10489.

6. OTHER REPORTS.

- a. **Professional Recovery Network Report.** Ms Jennifer Graydon with the Texas Pharmacy Association presented the PRN Report.

- b. **Dental Laboratory Certification Council (DLCC) Report.** Mr. Rick Barton, DLCC Member, reported that the Council met on May 13, 2008 to discuss standards for CDT credentials and the DLCC Application Review Process. The Council also discussed Texas Dental Laboratory owners and/or Managers taking the Jurisprudence Assessment once every three years for registration renewal. The Council considered the proposed amendments to Rules 116.3, 116.6 and 116.10 which are being recommended to the Board at this meeting.

- c. **Dental Hygiene Advisory Committee Report.** Ms. Meek presented the DHAC report for Ms. Palermo who was unable to attend. Ms. Meek reported that the DHAC met on May 23, 2008 to discuss recent rule adoptions by the Board as well as proposed new Rule 115.6 – Records.

The DHAC also discussed dental hygiene Standard of Care, the annual OSHA training article on the SBDE website and an update on the Texas Jurisprudence requirement.

The DHAC is referring the name of Shelli Hees Lankford, RDH, for further referral to the Western Regional Examining Board (WREB) to serve as a dental hygiene examiner. The committee is also referring the name of Dr. Jay Adkins, dentist-member of the DHAC to serve as a dental-dental hygiene WREB examiner. Dr. Adkins will notify the Board when he is ready to begin serving as an examiner.

DR. MCDONALD DIRECTED STAFF TO FORWARD THE NAME OF SHELLI LANKFORD, RDH, TO THE WREB FOR CONSIDERATION AS A DENTAL HYGIENE EXAMINER.

7. RULES.

- a. **Discuss and Consider the Proposal of the SBDE Agency Rule Review Plan.**

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY DR. PURIFOY TO APPROVE THE PROPOSAL OF THE SBDE AGENCY RULE REVIEW PLAN TO BE PUBLISHED IN THE TEXAS REGISTER. (FOR - 8 / OPPOSED – 0) MOTION CARRIES

- b. **Discuss and Consider proposed amendments to Rule 115.6 - Records.**

A MOTION WAS MADE BY DR. VILLARREAL AND SECONDED BY MR. WETHERBEE TO APPROVE THE PROPOSED AMENDMENTS TO RULE 115.6 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

- c. **Discuss and Consider proposed amendments to Rule 116.3 – Registration and Renewal.**

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY MR. WETHERBEE TO APPROVE THE PROPOSED AMENDMENTS TO RULE 116.3 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

- d. **Discuss and Consider proposed amendments to Rule 116.6 – Continuing Education.**

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. VILLARREAL TO APPROVE THE PROPOSED AMENDMENTS TO RULE 116.6 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

- e. **Discuss and Consider proposed amendments to Rule 116.10 – Prosthetic Identification.**

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. VILLARREAL TO APPROVE THE PROPOSED AMENDMENTS TO RULE 116.6 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

- f. **Discuss and Consider the final adoption of amendments to Rule 104.1 – Requirement.**

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. VILLARREAL TO APPROVE THE FINAL ADOPTION OF AMENDMENTS TO RULE 104.1 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 8 / 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. PURIFOY AND SECONDED BY MR. WETHERBEE TO APPROVE 28 PARENTERAL ANESTHESIA PERMIT APPLICATIONS. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

(2) Report of Nitrous Oxide and Enteral Conscious Sedation Permit Applications. Ms. Ferris reported on the Nitrous Oxide and Enteral Conscious Sedation Permit Applications.

(3) Licensing Division Report. Ms. Ferris reported on Licensing statistics through May 2008.

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

The Presiding Officer called for a recess at 9:50 a.m. The meeting reconvened at 10:05 a.m. It was noted for the record that a quorum was present.

c. Administration Division. Ms. Kilburn presented the Fiscal Year Budget and Legislative Budget Board Reports.

d. Legal Division Report.

(1) SOAH Settlement Orders.

SBDE Order #03-5324310

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY MR. GARCIA TO REJECT SBDE SETTLEMENT ORDER 03-5324310 AND RETURN THE CASE TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

SBDE No. 07-0083-1011; 07-0120-1013

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY MR. WETHERBEE TO APPROVE SETTLEMENT ORDERS 07-0083-1011 AND 07-1020-1013 AS PRESENTED. (FOR – 8 / OPPOSED – 0) MOTION CARRIES

(2) Proposals for Decision. Mr. Houston presented the following Proposals for Decision:

SBDE 06-0047-0920 (SOAH No. 504-07-1707) Connie Smith, D.D.S.

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. GOUGH TO APPROVE THE PROPOSAL FOR DECISION ON SBDE 06-0047-0920 (SOAH No. 504-07-1707) AS PRESENTED. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

(3) Proposed Board Orders. No orders were presented.

(4) Modifications to Board Orders. No orders were presented.

(5) Board Informal Settlement Conference (ISC) Settlement Orders.

- (a) **March 23, 2007 Board ISC.** (Panelists: Dr. Villarreal, Dr. Gough and Ms. Pauli)

SBDE 05-0848-0317

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. PURIFOY TO APPROVE SETTLEMENT ORDER SBDE 05-0848-0317 AS PRESENTED. (FOR – 5 / OPPOSED – 0 / ABSTENSIONS - 3) MOTION CARRIES.

- (b) **December 7, 2007 Board ISC.** (Panelists: Dr. Purifoy, Dr. Schlattman, Mr. Wetherbee)

SBDE 05-0480-0113; 05-1200-0714 SBDE 06-0679-0420; 06-0692-0424

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY MS. PAULI TO APPROVE SETTLEMENT ORDERS AS PRESENTED. (FOR – 6 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES.

- (c) **January 28, 2008 Board ISC.** (Panelists: Dr. McDonald and Ms. Stine)

SBDE 05-0150-1020; 05-0867-0323

A MOTION WAS MADE BY DR. GOUGH AND SECONDED BY MS. PAULI TO APPROVE THE SETTLEMENT ORDERS AS PRESENTED. (FOR – 7 / OPPOSED – 0 / ABSTENSIONS – 1) MOTION CARRIES.

- (d) **February 21, 2008 Board ISC.** (Panelists: Dr. Strunk and Ms. Stine)

SBDE 07-0470-0216 SBDE 06-0945-0717

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. PURIFOY TO APPROVE SETTLEMENT ORDERS AS PRESENTED. (FOR – 6 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES.

- (e) **April 4, 2008 Board ISC.** (Panelists: Dr. Schlattman and Ms. Pauli)

SBDE 07-0384-0125 SBDE 07-0598-0330 SBDE 07-0961-0815

A MOTION WAS MADE BY MS. STINE AND SECONDED BY DR. PURIFOY TO APPROVE SETTLEMENT ORDERS AS PRESENTED. (FOR – 7 / OPPOSED – 0 / ABSTENSIONS – 1) MOTION CARRIES.

- (e) **April 25, 2008 Board ISC.** (Panelists: Dr. Villarreal and Mr. Wetherbee)

SBDE 07-0957-0821 06-0494-0217; 06-1005-0807; 07-0370-0118

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. PURIFOY TO APPROVE SETTLEMENT ORDERS AS PRESENTED. (FOR – 6 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES.

(6) Staff Informal Settlement Conference (ISC) Settlement Orders.

- (a) **March 28, 2008 Staff ISC.** (Panelist: Dr. Gough)

SBDE 06-0430-0126; 07-0251-1128; 07-0523-0301; 07-0910-0731

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. PURIFOY TO APPROVE THE SETTLEMENT ORDER AS PRESENTED. (FOR – 7 / OPPOSED – 0 / ABSTENSIONS - 1) MOTION CARRIES.

(7) **Legal Division Report.** Mr. Houston presented the Legal Division Report, Legal Case Report, case statistics through May 2008 and the Post ISC Case Statistics Report.

(8) **Report of Liaison to the Legal Division.** Mr. Wetherbee reported on the increased movement of cases through the Enforcement and Legal Divisions.

Ms. Meek briefed the Board on comments received from the Texas Dental Hygienists Association regarding Proposed Amendments to Rule 104.1.

9. EXECUTIVE DIRECTOR'S REPORT.

Ms. Meek provided a brief report on the status of hiring for the agency and stated that Ms. Jennifer Carriker has been hired to serve as the agency's receptionist, Ms. Debbie Powell has been hired to serve as a Legal Assistant in the Legal Division and Ms. Victoria Pearce has been hired as a Staff Attorney.

Ms. Meek provided a synopsis of the Business Process Review for administrative functions throughout the Health Professions Council.

The Strategic Plan is being finalized and will be distributed to the members in the near future.

Ms. Meek provided a database update, stating the Licensing database, custom designed to meet our specific needs in the 1970's will need to be replaced by 2010 as the maintenance contract with the Department of Information Resources will expire in 2010. She reported that the DIR has opted to discontinue its software management services to focus primarily on hardware management.

Ms. Meek stated that the Health Professions Council (HPC) will be taking charge of looking for alternatives on behalf of those State agencies affected by the expiration of the maintenance contract and the HPC will carry the request for funding of a new database and maintenance provider to the Legislature at the next session. Board Members will be kept up-to-date as new developments occur.

Ms. Meek briefed the Board on the status of security wall construction in the SBDE offices. She stated that quotes submitted by prospective contractors came in higher than anticipated so building plans have been canceled.

10. PRESIDING OFFICER'S REPORT.

Dr. McDonald reported on a meeting he and Ms. Meek attended with the Texas Academy of General Dentistry recently.

Dr. McDonald stated that the SBDE was represented at the recent installation of the new Texas Dental Association President, Dr. Hilton Israelson.

11. EXECUTIVE SESSION.

The Presiding Officer called the meeting into Executive Session at 11:00 a.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 11:41 a.m.

It was noted for the record that Dr. Villarreal departed the meeting at 11:33 a.m. and that a quorum was present.

13. PUBLIC COMMENTS. No comments were provided.

14. ANNOUNCEMENTS.

- The next meeting of SBDE Committees are tentatively scheduled for Thursday, August 21, 2008.
- The next Board Meeting is tentatively scheduled for Friday, August 22, 2008.

15. ADJOURN. Dr. McDonald adjourned the meeting at 11:51 a.m.

- SIGNED -

- SIGNED -

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

CHARLES F. WETHERBEE
Secretary
Texas State Board of Dental Examiners

Date: August 22, 2008

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