



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES January 25, 2008

1. **CALL TO ORDER:** Dr. McDonald called the meeting of the Texas State Board of Dental Examiners to order. The time was 8:01 a.m.

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

a. Members Present:

Dr. Gary W. McDonald	Presiding Officer
Dr. George Strunk	Secretary
Mr. Oscar Garcia	Public Member
Dr. Tamela Gough	Member
Dr. Norman Mason	Member
Ms. Helen McKibben, RDH	Member
Ms. Ann Pauli	Public Member
Dr. Russell Schlattman	Member
Ms. Phyllis Stine	Public Member
Dr. Paul E. Stubbs	Member
Dr. Juan D. Villarreal	Member
Mr. Charles Wetherbee	Public Member

b. Members Absent:

Ms. Tammy Allen, RDH	Member	(Excused)
Ms. Georgiana Matz	Public Member	(Excused)
Dr. William Purifoy	Member	(Excused)

c. TSBDE Staff Present:

Ms. Sherri Sanders Meek	Executive Director
Mr. Fread Houston	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Brenda Kilburn	Director of Administration
Ms. Sandy Ferris	Director of Licensing
Ms. Peggy DeAnda	Attorney
Ms. Barbara Jordan	Attorney
Mr. Rodney Montes	Attorney
Ms. Vicki Shoesmith	Executive Assistant

A MOTION WAS MADE BY MS. MCKIBBEN AND SECONDED BY DR. STUBBS TO EXCUSE DR. PURIFOY, MS. ALLEN AND MS. MATZ FROM THE MEETING. (FOR – 10/ OPPOSED – 0) MOTION CARRIES.

3. REVIEW AND APPROVAL OF MINUTES FROM THE NOVEMBER 16, 2007 BOARD MEETING.

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY DR. MASON TO APPROVE THE MINUTES AS WRITTEN. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

4. APPEARANCES.

a. Dr. Jo Bren Piranio – Application for Licensure.

A MOTION WAS MADE BY DR. MASON AND SECONDED BY DR. STUBBS TO APPROVE APPLICATION FOR LICENSURE OF DR. JO BREN PIRANIO. FOR – 10 / OPPOSED 0) MOTION CARRIES.

5. COMMITTEE REPORTS.

Enforcement Committee Report. Dr. Strunk reported that the committee discussed and approved the recommendation to the Board of rulemaking actions to Rule 107.63 and 107.103. The Committee also received reports from the Director of Enforcement and General Counsel.

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. Gary Box, Chair of the DLCC, reported that the Council met on January 11, 2008 and hereby recommends to the Board the 2008 Registered Texas Dental Laboratory Directory.

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MR. WEATHERBEE TO APPROVE THE 2008 REGISTERED DENTAL LABORATORY DIRECTORY. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

The Council also elected among its membership, Mr. Gary Morgan, C.D.T., to serve as its Presiding Officer effective January 1, 2008.

Mr. Box reported that his tenure on the DLCC has ended and the DLCC respectfully submits the name of Mr. Rick Barton, C.D.T., to replace him on the Council for a period of two years.

A MOTION WAS MADE BY MS. MCKIBBEN AND SECONDED BY DR. MASON TO APPROVE THE APPOINTMENT OF MR. RICK BARTON, C.D.T., AS A MEMBER OF THE DENTAL LABORATORY CERTIFICATION COUNCIL FOR A PERIOD OF TWO YEARS. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

c. WREB Report. Dr. Stubbs submitted a report on the WREB Board of Directors Meeting held on January 5, 2008 in Tempe, AZ. Items of interest from this meeting included the awarding of the Davis D. Low Service Award, a Financial Report, Examiner Recognition, Continued Competency, Crown Preparation for the 2009 Exam Year, Strategic Planning, WREB Examiner Criteria, Election of Officers and announcements regarding the next WREB and AADE Meetings.

The Presiding Officer called for a recess at 9:08 a.m. The meeting reconvened at 9:30 a.m. It was noted for the record that a quorum was present.

7. RULES.

- a. **Discuss and Consider final adoption of amendments to Rule 103.7 – Retired License Status.**

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MS. MCKIBBEN TO APPROVE THE FINAL ADOPTION OF AMENDMENTS TO RULE 103.7 AND PUBLISH IN THE TEXAS REGISTER. (FOR - 10 / OPPOSED – 0) MOTION CARRIES

- c. **Discuss and Consider final adoption of amendments to Rule 107.63 – Informal Disposition and Alternative Dispute Resolution.**

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY DR. MASON TO APPROVE ADOPTION OF AMENDMENTS TO RULE 107.63 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

- d. **Discuss and Consider final adoption of amendments to Rule 107.103 – Dismissal of Complaints**

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. STUBBS TO APPROVE THE ADOPTION OF AMENDMENTS TO RULE 107.103 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 10 / 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. STRUNK AND SECONDED BY DR. STUBBS TO APPROVE 12 PARENTERAL ANESTHESIA PERMIT APPLICATIONS. (FOR – 10 / 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 January 2008.

- 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 Legislative Budget Board Reports.

- d. **Legal Division Report.**

- (1) **SOAH Settlement Orders.** Mr. Houston reported there were no SOAH Settlement Orders to present.

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

SBDE 0393-0404 and 06-0554-0417 (Joseph A. Nassef, D.D.S.)

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY MR. WETHERBEE TO APPROVE THE PROPOSAL FOR DECISION ON SBDE 0393-0404 AND 06-0554-0417 AS PRESENTED. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

(2) *Proposals for Decision (Continued)*

SBDE 05-0791-0303 and 07-0627-0416 (Robert L. Hawkins, D.D.S.)

A MOTION WAS MADE BY MR. GARCIA AND SECONDED BY DR. STUBBS TO APPROVE SBDE 05-0791-0303 AND 07-0627-0416 AS PRESENTED. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

(3) *Proposed Board Orders.*

SBDE 03-547-0318; 04-1016-0727

SBDE 07-0782-0606

SBDE 07-0852-0709

A MOTION WAS MADE BY DR. GOUGH AND SECONDED BY MS. MCKIBBEN TO APPROVE THE PROPOSE BOARD ORDERS AS PRESENTED. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

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

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

(a) **December 2, 2004 Board ISC.** (Panelists: Dr. Villarreal, Dr. Strunk and Ms. Stine)

SBDE 03-183-1106, 03-485-0225, 04-092-1006

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY MS. PAULI TO APPROVE THE SETTLEMENT ORDER AS PRESENTED. (FOR – 8 / OPPOSED – 0 / ABSTENSIONS - 2) MOTION CARRIES

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

SBDE 05-1127-0615

A MOTION WAS MADE BY DR. MASON AND SECONDED BY MS. STINE TO APPROVE THE SETTLEMENT ORDER AS PRESENTED. (FOR – 8 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES

(c) **October 4, 2007 Board ISC.** (Panelists: Dr. Purifoy, Dr. Gough and Ms. Pauli)

SBDE 05-1173-0630

SBDE 07-0253-1129

SBDE 07-0252-1129

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. MASON TO APPROVE THE SETTLEMENT ORDERS AS PRESENTED. (FOR – 8 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES

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

SBDE 05-1173-0630

SBDE 07-0226-1117

SBDE 07-0227-1117

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. MASON TO APPROVE THE SETTLEMENT ORDERS AS PRESENTED. (FOR – 8 / OPPOSED – 0 / ABSTENSIONS – 2) MOTION CARRIES

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

(a) November 1, 2007 Staff ISC. (Panelist: Dr. Villarreal)

SBDE 06-0738-0504

A MOTION WAS MADE BY DR. MASON AND SECONDED BY MR. DR. STRUNK TO APPROVE THE SETTLEMENT ORDER AS PRESENTED. (FOR – 10 / OPPOSED – 0 / ABSTENSIONS - 0) MOTION CARRIES

(b) November 2, 2007 Staff ISC. (Panelist: Dr. Mason)

SBDE 07-0737-0521 SBDE 07-0620-0412; 07-0246-1128

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MR. WETHERBEE TO APPROVE SETTLEMENT ORDERS AS PRESENTED. (FOR – 9 / OPPOSED – 0 / ABSTENSIONS - 1) MOTION CARRIES

(7) Legal Division Report. Mr. Houston presented the Legal Division Report, Legal Case Report, case statistics through January 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.

9. NOMINATIONS FROM BOARD MEMBERS FOR THE POSITION OF BOARD SECRETARY AND ELECTION OF BOARD SECRETARY.

Dr. McDonald opened the floor for declarations from Board Members interested in serving as Secretary.

WITHOUT OBJECTION, MR. CHARLES F. WETHERBEE IS ELECTED TO THE POSITION OF BOARD SECRETARY BY ALLICMATION. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

Dr. Mason stated For the Record that Dr. Strunk be commended for his service as Secretary of the State Board of Dental Examiners.

10. EXECUTIVE DIRECTOR’S REPORT.

Ms. Meek reported on Staff efforts to fill open positions within the agency. She stated that the Receptionist position has been filled and that applications for the remaining positions in the agency are currently being reviewed. She also reported that agency continues to wait for news on appointments from the Governor’s Office.

The Department of Information Resources (DIR) has begun contract negotiations to replace outdated databases for several State agencies, to include the Dental Board. Board Members will be notified when a DIR has completed this process and selected a vendor.

Discussions have been initiated with the Radisson Hotel for accommodations for meeting in 2009. Board Members are asked to cancel their hotel reservations directly with the Embassy Suites Hotel to avoid being billed.

Ms. Meek reported that Agency Directors has begun discussion on the Strategic Plan for Fiscal Year 2009-2013.

The Legislative Appropriations Request (LAR) process will begin very soon. The SBDE will be modifying its processes to provide success for the agency.

11. PRESIDING OFFICER’S REPORT.

Dr. McDonald praised Ms. Meek for her efforts to communicate information to the Board and for her efforts to increase morale and communication within the agency as well. He encouraged Board Members to contact Ms. Meek if they have questions or need assistance.

Dr. McDonald asked the Members to return cases for review to Agency Staff for processing as quickly as possible.

Dr. McDonald encouraged the Members to begin making contact with Legislators as the session approaches and report their contact information to Ms. Meek. This will assist both the Board and Staff in communicating its appropriated requests.

12. EXECUTIVE SESSION. No Executive Session was held.

13. PUBLIC COMMENTS.

14. ANNOUNCEMENTS. Dr. McDonald announced the following tentatively scheduled meetings:

- The Dental Hygiene Advisory Committee is tentatively scheduled for Friday, February 29, 2008.
- The next meeting of SBDE Committees are tentatively scheduled for Thursday, April 3, 2008.
- The next Board Meeting is tentatively scheduled for Friday, April 4, 2008.

15. ADJOURN. Dr. McDonald called for a motion to adjourn the meeting.

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MR. WETHERBEE TO ADJOURN THE MEETING AT 10:50 A.M. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

- 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: June 13, 2008

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