



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES January 26, 2007

1. **CALL TO ORDER:** Dr. McDonald called the meeting of the Texas State Board of Dental Examiners to order on January 26, 2007. The time was 12:30 p.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
Ms. Tammy Allen, RDH	Member
Dr. Tamela Gough	Member
Ms. Georgiana Matz	Public Member
Ms. Helen McKibben, RDH	Member
Dr. Norman Mason	Member
Ms. Ann Pauli	Public Member
Dr. William Purifoy	Member
Dr. Russell Schlattman	Member
Dr. Paul E. Stubbs	Member
Mr. Charles Wetherbee	Public Member

b. Members Absent:

Mr. Oscar Garcia	Public Member	(Excused)
Ms. Phyllis Stine	Public Member	(Excused)
Dr. Juan D. Villarreal	Member	(Excused)

c. TSBDE Staff Present:

Dr. Jim Zukowski, Ed.D.	Executive Director
Mr. Fread Houston	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Sherri Sanders Meek	Director of Licensing and Examinations
Ms. Brenda Kilburn	Staff Services Officer
Ms. Peggy DeAnda	Attorney
Ms. Anne Dvorak	Attorney
Ms. Barbara Jordan	Attorney
Ms. Vicki Shoemith	Executive Assistant

A MOTION WAS MADE BY DR. MASON AND SECONDED BY MS. MCKIBBEN TO EXCUSE MR. GARCIA, MS. STINE AND DR. VILLARREAL FROM THE MEETING. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

3. REVIEW AND APPROVAL OF MINUTES FROM THE NOVEMBER 10, 2006 BOARD MEETING.

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. STUBBS TO APPROVE THE MINUTES OF THE NOVEMBER 10, 2006 BOARD MEETING AS WRITTEN. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

4. APPEARANCES.

Stephanie Bassin, D.D.S. – Request Approval to take the WREB under Rule 101.1(f)

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. MASON TO APPROVE TAKING THE WESTERN REGIONAL EXAMINING BOARD ALONG WITH A FIVE-YEAR PARTICIPATION IN THE PROFESSIONAL RECOVERY NETWORK ON A NON-VOLUNTARY BASIS. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

5. OTHER REPORTS.

a. Dental Hygiene Advisory Committee Report.

Ms. Palermo reported that the Dental Hygiene Advisory Committee met Friday, Dec. 15, 2006 at 1:03 pm. The committee discussed and unanimously supported the following proposed amendments from the SBDE:

Rule 104.1 – Requirement
(through Dec. 31, 2007 each licensee shall complete either the jurisprudence assessment OR three hours of approved course work in jurisprudence... and effective Jan. 1, 2008, the jurisprudence requirement may only be met by taking the jurisprudence assessment once every three years).

Rule 115.2 Permitted Duties
(the nitrous oxide certification may be obtained by the successful completion of a board-approved course, that includes examination, on the monitoring of the administration of nitrous oxide).

Dr. McDonald thanked Ms. Palermo and members of the DHAC for their support of amendments to Rules 104.1 and 115.2

The DHAC discussed and unanimously supported the following recommended rulemaking actions to the SBDE:

Amend Rule 115.1 – Definitions
(6) General Supervision -- ... where the dentist may or may not be present on the premises when the dental hygienist...

(7) Direct supervision -- In this section “direct supervision” means that the supervising dentist responsible for the procedure shall be present on the premises during patient care and shall be aware of the patient’s physical status and well being.

Amend Rule 115.2 Permitted Duties
(3) Records; dental hygienists shall adhere to the standards and protocols set out in rules 108.7 & 108.8 for all permitted services and tasks delegated by the supervising dentist.

Amend Rule 108.60 – False, Misleading or Deceptive Referral Schemes
(a) A dental or dental hygiene licensee shall not offer give, dispense...

DR. MCDONALD REFERRED RECOMMENDATIONS FROM DHAC ON AMENDMENTS TO RULES 115.1, 115.2 AND 108.60 TO THE RULES AND POLICY COMMITTEE.

b. Dental Laboratory Certification Council.

Dr. Zukowski presented the report on behalf of the Council. The DLCC met on January 12, 2007 and submits to the Board the 2007 Registered Texas Dental Laboratory Directory for approval.

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. PURIFOY TO APPROVE THE 2007 REGISTERED TEXAS DENTAL LABORATORY DIRECTORY. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

Dr. Zukowski reported that the terms of Mr. Gary Box and Mr. Roosevelt Davis expire on February 1, 2007. Currently Mr. Box serves as the Chair of the DLCC. Both Mr. Box and Mr. Davis have agreed to serve another term subject to reappointment by the Board.

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MS. PAULI TO REAPPOINT MR. GARY V. BOX, CDT AND MR. ROOSEVELT DAVIS, MS, CDT, TO THE DLCC FOR ANOTHER TERM. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

6. RULES.

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

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. MASON TO APPROVE THE FINAL ADOPTION OF AMENDMENTS TO RULE 104.1 AND DIRECT STAFF TO PUBLISH IN THE TEXAS REGISTER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

- b. Discuss and Consider the final adoption of amendments to Rule 115.2 – Permitted Duties.

A MOTION WAS MADE BY DR. MASON AND SECONDED BY DR. GOUGH TO APPROVE THE FINAL ADOPTION OF AMENDMENTS TO RULE 115.2 AND DIRECT STAFF TO PUBLISH IN THE TEXAS REGISTER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

- c. Discuss and Consider the final adoption of amendments to Rule 114.4 – Monitoring the Administration of Nitrous Oxide.

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY DR. PURIFOY TO APPROVE THE FINAL ADOPTION OF AMENDMENTS TO RULE 114.4 AND DIRECT STAFF TO PUBLISH IN THE TEXAS REGISTER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

7. AGENCY DIVISION REPORTS₂

- Legal Division Report.

a. SOAH Settlement Orders.

SBDE 04-661-0419, 04-1023-0802, 05-0092-0928, 05-0967-0425, 05-1138-0620
SBDE 06-0119-1012

A MOTION WAS MADE BY DR. STRUNK AND SECONDED BY MR. WETHERBEE TO APPROVE THE SOAH SETTLEMENT ORDERS AS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

b. Proposals for Decision:

SBDE 054-0711-0215

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. STUBBS TO APPROVE PROPOSALS FOR DECISION (SBDE 05-0711-0215) AS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

c. Proposed Board Orders:

SBDE 06-0511-0224	SBDE 05-0827-0311	SBDE 05-0920-0408
SBDE 05-0965-0422	SBDE 06-0270-1202	SBDE 06-0792-0526
SBDE 05-0491-0113	SBDE 05-1214-0720	SBDE 06-0795-0530
SBDE 05-0922-0411		

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. STUBBS TO APPROVE THE PROPOSED BOARD ORDERS AS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

d. Modifications to Board Orders. No modifications were presented.

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

Mr. Houston read the Settlement Orders from the July 6-7, 2006 Board ISC. Panelists: Dr. Strunk, Dr. Villarreal and Ms. Stine.

SBDE 03-581-0331 SBDE 05-1293-0818

A MOTION WAS MADE BY MR. WETHERBEE AND SECONDED BY MS. MCKIBBEN TO APPROVE THE SETTLEMENT ORDERS FROM THE JULY 6-7, 2006 BOARD ISC. (FOR – 8 / OPPOSED – 0) MOTION CARRIES

Mr. Houston read the Settlement Orders from the October 5-6, 2006 Board ISC. Panelists: Dr. Strunk, Dr. Purifoy and Mr. Wetherbee.

SBDE 04-970-0715 SBDE 05-0217-1115; 05-0714-0215

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MS. MATZ TO APPROVE THE SETTLEMENT ORDERS FROM THE OCTOBER 5-6, 2006 BOARD ISC. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

Mr. Houston read the Settlement Orders from the **December 7-8, 2006** Board ISC. Panelists: Dr. Mason, Dr. Schlattman and Mr. Wetherbee.

SBDE 05-1122-0610
SBDE 06-0056-0922

SBDE 05-1226-0725
SBDE 06-0860-0613

SBDE 06-0519-0228
SBDE 06-0327-1221

A MOTION WAS MADE BY DR. STUBBS AND SECONDED BY MS. PAULI TO APPROVE THE SETTLEMENT ORDERS FROM THE DECEMBER 7-8, 2006 BOARD ISC. (FOR – 8 / OPPOSED – 0) MOTION CARRIES.

- f. Staff Informal Settlement Conference (ISC) Settlement Orders.

Mr. Houston read Settlement Order 04-042-0923 from the **March 24, 2005** Staff ISC. Panelist: Dr. Stubbs.

A MOTION WAS MADE BY DR. PURIFOY AND SECONDED BY DR. STRUNK TO APPROVE SETTLEMENT ORDER 06-0519-0228 FROM THE MARCH 24, 2005 STAFF ISC. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

Mr. Houston read Settlement Order 05-0764-0224 from the **May 12, 2006** Staff ISC. Panelist: Dr. Mason

A MOTION WAS MADE BY DR. STRUNK AND SECONDED BY DR. PURIFOY TO APPROVE SETTLEMENT ORDER 05-0764-0224 FROM THE M AY 12, 2006 STAFF ISC. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

8. ELECTION OF BOARD SECRETARY.

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

Dr. Strunk declared his availability and interest in serving as the SBDE Secretary.

A MOTION WAS MADE BY DR. MASON AND SECONDED BY MR. WETHERBEE TO CEASE THE NOMINATIONS AND ELECT DR. GEORGE STRUNK AS SECRETARY OF THE SBDE BY ACCLIMATION. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

9. EXECUTIVE DIRECTOR’S REPORT.

Dr. Zukowski reported that that the Jurisprudence Assessment is continuing to receive high marks and that users are finding it easy, uncomplicated and convenient to use.

SBDE appropriated receipts have decreased as expected. Without the rebate from eStrategy Solutions on our jurisprudence assessment, our appropriated receipts would be less than projected.

The 80th Legislature convened on January 9, 2007. Committee assignments have been made in the Senate; the House will release assignments at the end of the week. Over 900 bills have been filed at the Capitol.

The Dental Assistant Registration Courses are continuing throughout the state. Over 2,200 dental assistants have been trained and tested. The state-wide passing rate is at 89%.

The SBDE will host a booth at the Texas Dental Association’s annual meeting this May in San Antonio. The reception received from our participation at last year’s meeting was very encouraging. Two dental assistant registration courses will be offered in conjunction with the annual meeting.

The SBDE budget is continuing to stay on track. For reporting purposes, we have spent approximately 22% of our budget for the first four months of this fiscal year.

10. PRESIDING OFFICER’S REPORT.

Dr. McDonald reported on the legislative session and the agency’s appropriations request. He further stated that the SBDE has received letters of support on our appropriations request from the Texas Dental Association, Texas Dental Hygienists Association, Texas Dental Assistants Association and the Dental Laboratory Association of Texas.

Dr. McDonald stated that he and Dr. Zukowski will be meeting with Governor’s staff and attending the Senate Finance Committee meeting in the near future.

11. EXECUTIVE SESSION.

The Presiding Officer called the meeting into Executive Session at 2:10 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 2:43 p.m.

Noted for the Record was the departure of Ms. Matz at 2:45 p.m.

12. PUBLIC COMMENTS. No public comments were made.

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

- SBDE Committee Meetings – June 21, 2007
- SBDE Board Meeting – June 22, 2007

14. ADJOURN. Dr. McDonald entertained a motion to adjourn the meeting.

**THE MEETING WAS ADJORNED BY CONSENSUS AT 2:46 P.M. (FOR – 10 / OPPOSED – 0)
MOTION CARRIES.**

- SIGNED -

- SIGNED -

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

GEORGE STRUNK, D.D.S.
Secretary
Texas State Board of Dental Examiners

Date: June 22, 2007

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