



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

August 20, 2010

1. **CALL TO ORDER:** Dr. Purifoy called the meeting of the Texas State Board of Dental Examiners (SBDE) to order. The time was 8:00 a.m. Ms. Hyde read the Board's Mission Statement.

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

a. Members Present:

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

b. Members Absent:

Mr. Jerry Romero	Public Member	(Excused)
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c. SBDE Staff Present:

Ms. Sherri Sanders Meek	Executive Director
Ms. Joy Sparks	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 Shoesmith	Assistant to the Executive Director
Ms. Carey Olney	Staff Attorney
Ms. Victoria Pearce	Staff Attorney
Mr. Patrick Summers	Staff Attorney

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. RAMOS TO EXCUSE MR. ROMERO FROM THE MEETING. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

4. REVIEW AND APPROVAL OF MINUTES FROM THE AUGUST 20, 2009 BOARD MEETING.

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

5. CONSENT AGENDA. The Consent Agenda was approved with the following changes to Agenda Items 9.4.2 and 9.4.3:

9.4.2. Agreed Settlement Orders.

Ms. Sparks stated that the following Settlement Orders will be taken off the agenda: Dr. Grover Gunn and Dr. Clifford Carol MacKenzie.

Staff withdrew the following Settlement Orders from the Agenda: Dr. Thomas Newton and Dr. Bahman Saffari, Dr. Elbert Harvey Stokes, and Dr. Li Luo Skelton.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. PAULI TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.3. Ms. Sparks read the recusal list for Informal Settlement Conference Orders as follows:

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. AUSTIN TO APPROVE THE INFORMAL SETTLEMENT CONFERENCE SETTLEMENT ORDERS AS PRESENTED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES

5. DISCUSSION AND POSSIBLE ACTION CONCERNING APPEARANCES BEFORE THE BOARD.

5.1. James R. Mitchell, D.D.S., Lic #10617, Requesting Modification of SBDE Board Order #03-313-1231.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MR TROILO TO MODIFY THE BOARD ORDER OF DR. JAMES R. MITCHELL RELEASING DR. MITCHELL FROM PRN WITH THE UNDERSTANDING THAT THE REMAINDER OF THE BOARD ORDER REMAIN IN EFFECT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES

5.2. Darrell J. Evans, Former TSBDE Lic #17277, Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. RAMOS TO DENY THE REQUEST OF DARRELL J. EVANS. (FOR – 13 / OPPOSED – 0) MOTION CARRIES

6. DISCUSSION AND POSSIBLE ACTION CONCERNING REPORTS OF BOARD COMMITTEES.

6.1. Executive Committee Report. Dr. Purifoy reported that the Executive Committee met on May 25, June 4, and June 17, 2010 to consider a request to temporarily suspend Texas Dental License Numbers 18729 (Dr. Elbert Harvey Stokes), License No. 17283 (Dr. Jayson Boyd Huneycutt), and License No. 11518 (Dr. Thomas Elliott Newton).

Dr. Purifoy stated that the Committee voted unanimously to approve the emergency suspension of Texas Dental License Numbers 18729 (Dr. Elbert Harvey Stokes), License No. 17283 (Dr. Jayson Boyd Huneycutt), and License No. 11518 (Dr. Thomas Elliott Newton) and that each of these Board Orders are being presented to the Board at today's meeting.

6.2. Enforcement Committee Report. Dr. Gough reported that the Committee met on August 19, 2010 and received a presentation on the process of consideration of proposals for decision and the Board's decision-making process and to discuss the process for referring licensees to the Professional Recovery Network.

6.2.1. Discussion and consideration of Alternative Resolution to Denial of Registration of Dental Assistants with Criminal History and Proposed Rule Outlining Process. Mr. Summers, Staff Attorney, presented an overview of this new process.

6.2.2. Discussion and consideration of Disciplinary Matrix as presented as November 20, 2009 Board Meeting. Ms. Pearce, Staff Attorney, presented an updated version of the Disciplinary Matrix to the Board.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. CHANCELLOR TO ADOPT THE DISCIPLINARY MATRIX AND PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

6.3. Anesthesia Rules Ad-hoc Committee Report. Dr. Gough reported that the Committee met on August 19, 2010 to discuss, review and consider proposed revisions to sedation and anesthesia rules in new Chapter 110. Dr. Gough stated that these rules are currently scheduled to be presented to the Board at the November meeting.

7. MISCELLANEOUS REPORTS.

7.1. Professional Recovery Network (PRN) Report. A written report was submitted by Ms. Chamberlain.

7.2. WREB and Western Conference of Dental Deans and Educators Report. A written report was submitted by Dr. Austin.

7.3. WREB Dental Hygiene Exam Review Committee (ERC) Report. A written report was submitted by Ms. Grant.

8. DISCUSSION AND POSSIBLE ACTION REGARDING RULES.

8.1. For Consideration of Adoption in 22 Tex. Admin. Code:

8.1.1. Amendments to §100.10 – Executive Director.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MR. TROILO TO ADOPT WITH NO CHANGES, THE AMENDMENT TO RULE 100.10, RELATING TO THE EXECUTIVE DIRECTOR, AND TO PUBLISH THE RULE IN THE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.2. Amendments to §103.5 – Staggered Dental Hygiene Registrations.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY MS. GRANT TO ADOPT, WITHOUT CHANGES, THE AMENDMENT TO RULE 103.5, RELATING TO STAGGERED DENTAL HYGIENE REGISTRATION, AND TO PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.3. Chapter 107 – Dental Board Procedures:

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. BATY TO ADOPT, WITHOUT CHANGES, AND PUBLISH THESE SECTIONS IN THE TEXAS REGISTER:

- Proposed Amendments to Rule 107.11, Definitions;
- Proposed Amendments to Rule 107.15, Computation of Time;
- Proposed Amendments to Rule 107.17, Service in Non-Rulemaking Proceedings;
- Proposed Amendments to Rule 107.21, Appearances Personally or by Representative;
- Proposed New Rule 107.22, Pleading;
- Proposed New Rule 107.23, Commencement of Formal Disciplinary Proceedings;
- Proposed New Rule 107.24, Respondent's Answer in a Disciplinary Matter;
- Proposed New Rule 107.25, Formal Proceedings;
- Proposed New Rule 107.47, Depositions;
- Proposed Amendments to Rule 107.48, Subpoenas;
- Proposed Amendments to Rule 107.50, Filing of Exceptions, Briefs and Replies;
- Proposed Amendments to Rule 107.54, Administrative Finality;
- Proposed Amendments to Rule 107.55, Motions for Rehearing;
- Proposed Amendments to Rule 107.63, Informal Disposition.

(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.4. New §107.40 – Reimbursement.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. TROILO TO ADOPT, WITHOUT CHANGES, NEW RULE 107.40 RELATING TO REIMBURSEMENT, AND TO PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.5. Amendments to §107.59 – Ex Parte Consultations.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. AUSTIN TO ADOPT, WITHOUT CHANGES, THE AMENDMENTS TO RULE 107.59 RELATING TO EX PARTE CONSULTATIONS, AND TO PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.6. Amendments to §107.102 – Procedures for Investigating Complaints.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. BATY TO ADOPT, WITHOUT CHANGES, THE AMENDMENT TO RULE 107.102, RELATING TO PROCEDURES FOR INVESTIGATING COMPLAINTS, AND TO PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.7. New §107.203 – Aggravating and Mitigating Factors.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. GRANT TO ADOPT, WITHOUT CHANGES, NEW RULE 107.203, RELATING TO AGGRAVATING AND MITIGATING FACTORS, AND PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.8. Amendments to §108.7 – Minimum Standard of Care.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. PAULI TO ADOPT, WITHOUT CHANGES, AMENDMENTS TO RULE 108.7, RELATING TO MINIMUM STANDARD OF CARE, AND TO PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.9. Amendments to §108.8 – Records of the Dentist.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. HYDE TO ADOPT, WITHOUT CHANGES, AMENDMENTS TO RULE 108.8, RELATING TO RECORDS TO THE DENTIST AND PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.10. New §108.9 – Dishonorable Conduct.

Staff noted that Rule 108.9(11) was published in the *Texas Register* with a minor typographical error. The section published reads “Unprofessional conduct engages--in conduct...” but should read “Unprofessional conduct--engages in conduct ...”.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. CHANCELLOR TO ADOPT, WITH CHANGES, AMENDMENTS TO RULE 108.9, RELATING TO DISHONORABLE CONDUCT, AND PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.11. New §114.10 – Dishonorable Conduct.

The rule as proposed and published in the *Texas Register* was potentially unclear in a few sub-sections regarding licenses vs. registration. The language has been corrected to clearly reflect that the language refers to licenses and registrations. These changes are non-substantive.

A MOTION WAS MADE BY MS. BATY AND SECONDED BY DR. CHANCELLOR TO ADOPT, WITH CHANGES, NEW RULE 114.10, RELATING TO DISHONORABLE CONDUCT, AND PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.1.12. New §115.9 – Dishonorable Conduct.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. CHANCELLOR TO ADOPT, WITHOUT CHANGES, NEW RULE 115.9, RELATING TO DISHONORABLE CONDUCT, AND PUBLISH IN THE TEXAS REGISTER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2. For Consideration of Proposal in 22 Tex. Admin Code:**8.2.1. Amendments to §101.1 – General Qualifications for Licensure. (Dentists)
Amendments to §103.1 – General Qualifications for Licensure. (Dental Hygienists)**

A MOTION WAS MADE BY DR. SCHLATTMAN AND SECONDED BY MS. GRANT TO PROPOSE AMENDMENTS TO RULES 101.1 AND 103.1 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

**8.2.2. Amendments to §101.2 – Licensure by Examination. (Dentists)
Amendments to §103.2 – Licensure by Examination. (Dental Hygienists)**

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. CHANCELLOR TO PROPOSE AMENDMENTS TO RULES 101.2 AND 103.2 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

**8.2.3. Amendments to §101.3 – Licensure by Credentials. (Dentists)
Amendments to §103.3 – Licensure by Credentials. (Dental Hygienists)**

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. HYDE TO PROPOSE AMENDMENTS TO RULES 101.3 AND 103.3 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.4. Amendments to §101.8 – Persons with Criminal Backgrounds.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. SCHLATTMAN TO PROPOSE AMENDMENTS TO RULE 101.8 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.5. Amendments to §108.52 – False or Misleading Communications.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. GRANT TO PROPOSE AMENDMENTS TO RULE 108.52 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.6. New §114.6 – General Qualifications for Registration or Certification.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. AUSTIN TO ADOPT RULE 114.6 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT AND IF NO COMMENTS RECEIVED THE RULE WILL BE ADOPTED, WITHOUT CHANGES, IN THE TEXAS REGISTER TO COME INTO EFFECT AT THE NOVEMBER BOARD MEETING. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.7. New §114.21 – Requirements for Dental Assistant Registration Courses and Examinations.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. GRANT TO PROPOSE AMENDMENTS TO RULE 114.21 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.8. Amendments to Rule 116.10 – Relating to Prosthetic Identification.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. CHANCELLOR TO PROPOSE AMENDMENTS TO RULE 116.10 AND PUBLISH IN THE TEXAS REGISTER FOR 30-DAY PUBLIC COMMENT. (FOR – 13 / OPPOSED – 0)

The Presiding Officer called for a break at 9:50 a.m. The meeting reconvened at 10:00 a.m.

9. AGENCY DIVISION ACTIVITY REPORTS.

9.1. Administration Division Report. Ms. Kilburn presented the Fiscal Year Budget Report.

9.2. Licensing Division Report.

a. Parenteral Anesthesia Permit Application.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY DR. GOUGH TO APPROVE 58 PARENTERAL ANESTHESIA PERMITS. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- b. Report of Nitrous Oxide and Enteral Conscious Sedation Permit Applications. Ms. Ferris reported that 75 Nitrous Oxide Inhalation Conscious Sedation Permits were issued and 109 Enteral Conscious Sedation Permits were issued during the Third Quarter.
- c. Licensing Division Report. Ms. Ferris presented Licensing statistics through the Third Quarter of FY 2010.

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

9.4. Legal Division Report.

9.4.1. Administrative Law Judge (ALJ) Proposals for Decision – State Office of Administrative Hearings (SOAH).

9.4.1.a. Docket No. 504-10-3126, Leanna Vickery, RDA, Texas Dental Assistant Registration Number 8206.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-3126.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-3126, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MR. TROILO TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE DENTAL REGISTRATION NUMBER 8206 ISSUED TO LEANNA VICKERY. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.b. Docket No. 504-10-1332, DLK Dental Restorations, Inc., Texas Dental Laboratory Registration Number 891.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-1332.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-1332, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. CHANCELLOR TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND DISMISS, WITHOUT PREJUDICE, SBDE COMPLAINT NO. 09-0879-0603 REGARDING DLK DENTAL RESTORATIONS, INC. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.c. Docket No. 504-10-3277, John E. Parker, Jr., DDS, Texas Dental License Number 8073.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-3277.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-3277, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. BATY TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE TEXAS DENTAL LICENSE NO. 8073, ISSUED TO JOHN E. PARKER, JR. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.d. Docket No. 504-10-3329, Juan C. Quintana, RDA, Texas Dental Assistant Registration Number 27353.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-3329.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-3329, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. AUSTIN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE DENTAL ASSISTANT REGISTRATION NO. 27353 ISSUED TO JUAN C. QUINTANA. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.e. Docket No. 504-10-2336, Stacey L. Ringler, RDA, Texas Dental Assistant Registration Number 8320.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-2336.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-2336, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. GOUGH TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE DENTAL ASSISTANT REGISTRATION NO. 8320 ISSUED TO STACEY L. RINGLER. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.f. Docket No. 504-10-1433, Carlos Morales-Ryan, DDS, Texas Dental License Number 20492.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-1433.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-1433, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY MS. HYDE AND SECONDED BY TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE TEXAS DENTAL LICENSE NUMBER 20492 ISSUED TO CARLOS MORALES-RYAN. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. MATZ TO DENY THE REQUEST FOR REINSTATEMENT OF DENTAL LICENSE 20492, ISSUED TO CARLOS MORALES-RYAN, UNTIL ALL ADDITIONAL INDICTMENTS ARE SETTLED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

The Presiding Officer called for a break at 11:38 a.m. The meeting reconvened at 11:47 a.m.

9.4.1.g. Docket No. 504-10-1581, Gerald L. Froemming, D.D.S., Texas Dental License Number 12286.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-1581.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-1581, Including Adoption of the Proposal for Decision’s

Findings of Fact and Conclusions of Law with Modifications. Consideration of Recommendation by Gerald L. Froemming, D.D.S., Docket No. 504-10-1581.

Consider recommendations and take action: Gerald L. Froemming, D.D.S., Texas Dental License Number 12286.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. CHANCELLOR TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD AS ATTACHED, AND REVOKE THE TEXAS DENTAL LICENSE NO. 12886 ISSUED TO GERALD L. FROEMMING. (FOR – 11 / OPPOSED – 1 / ABSTENTIONS – 1) MOTION CARRIES.

9.4.1.h. Docket No. 504-10-1619, Samuel Roy McCuskey, D.D.S., Texas Dental License Number 15065.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-1619.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-1619, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications.

Consideration of Recommendation by Samuel Roy McCuskey, D.D.S., Docket No. 504-10-1619.

Consider recommendations and take action: Samuel Roy McCuskey, D.D.S., Texas Dental License Number 15065.

A MOTION WAS MADE BY DR. GOUGH TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND DISMISS, WITHOUT PREJUDICE, SBDE COMPLAINT NO. 07-0912-0731 REGARDING SAMUEL R. MCCUSKEY, D.D.S. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.i. Docket No. 504-10-2090, Byron F. Weinle, DDS, Texas Dental License Number 13962.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-2090.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-2090, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications.

Consideration of Recommendation by Byron F. Weinle, DDS, Docket No. 504-10-2090.

Consider recommendations and take action: Byron F. Weinle, DDS, Texas Dental License Number 13962.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. FINN TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD, AND REVOKE THE TEXAS DENTAL LICENSE NO. 13962 ISSUED TO BYRON F. WEINLE. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.1.j. Docket No. 504-10-1777, Donald Zajac, DDS, Texas Dental License Number 14379.

Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-10-1777.

Consideration of Staff’s Recommendations for Disposition of Docket No. 504-10-1777, Including Adoption of the Proposal for Decision’s.

Findings of Fact and Conclusions of Law with Modifications Consideration of Recommendation by Donald Zajac, DDS, Docket No. 504-10-1777.

Consider recommendations and take action: Donald Zajac, DDS, Texas Dental License Number 14379.

A MOTION WAS MADE BY DR. GOUGH AND SECONDED BY MS. PAULI TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD, AND REVOKE THE TEXAS DENTAL LICENSE NO. 14379 ISSUED TO DONALD ZAJAC. (FOR – 7 / OPPOSED 6) MOTION CARRIES.

9.4.1.k. Docket No. 504-10-3826, In the Matter of the Application of Demi Allen.

Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-3826.

Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-3826, Including Adoption of the Proposal for Decision's.

Findings of Fact and Conclusions of Law with Modifications Consideration of Recommendation by Demi Allen, Applicant, Docket No. 504-10-3826.

Consider recommendations and take action: In the Matter of the Application of Demi Allen.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. AUSTIN TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD, AND DENY THE APPLICATION OF DEMI ALLEN. (FOR 13 / OPPOSED – 0) MOTION CARRIES.

9.4.2. C-Agreed Settlement Orders.

The following Agreed Settlement Orders were pulled from the Consent Agenda for further review and consideration:

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. CHANCELLOR TO APPROVE AGREED SETTLEMENT ORDERS ISSUED TO:

DR. BAHMAN SAFFARI: SBDE NOS. 07-0265-1201; 07-0573-0321; 07-0588-0327; 07-0603-0402; 07-0776-0604; 08-0092-1001; 08-0426-0303; 08-0910-0825.

DR. LI LUO SKELTON: SBDE NOS. 08-0337-0118; 08-0732-0630; 09-0631-0323; 09-0915-0615; 10-0144-1021.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. PAULI TO APPROVE AGREED SETTLEMENT ORDER 10-0314-1221, AS PRESENTED, ISSUED TO DR. THOMAS E. NEWTON. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY DR. SCHLATTMAN AND SECONDED BY DR. AUSTIN TO MODIFY AGREED SETTLEMENT ORDER 10-0639-0413, AND SUSPEND TEXAS DENTAL LICENSE 18729, ISSUED TO ELBERT H. STOKES III.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

9.4.4. Update on Civil Litigation. Ms. Sparks reported that the following Civil Litigation has been closed:

- Timothy J. Brune, D.D.S., v. Texas State Board of Dental Examiners.
- Misty J. Brown, D.D.S., v. Texas State Board of Dental Examiners.

9.4.5. Legal Division Activity Report. Ms. Sparks presented the Legal Division Report through the Third Quarter of 2010.

10. EXECUTIVE DIRECTOR’S REPORT.

Ms. Meek provided a status report on the project making Board Orders available online for the public using Neubus.

Ms. Meek reported that the Versa project is on budget and tentatively scheduled for implementation in October with user testing scheduled for September.

The Legislative Appropriations Request has been finalized and distributed to the Board. Ms. Meek briefed that she and Ms. Kilburn attended a Hearing with the LBB Staff on August 18, 2010 to answer any questions regarding the agency’s budget requests.

Ms. Meek concluded her report by sharing a copy of the Strategic Plan for 2011-2015 with each member of the Board.

11. PRESIDING OFFICER’S REPORT.

Dr. Purifoy recognized the Board and Staff as well as key visitors attending the meeting.

12. PUBLIC COMMENTS.

The following individuals gave public testimony: Mr. Larry Stringfield, Ms. Ester Ball, Mr. Mark Stankewitz, Mr. Leonard Brook, Ms. Lyric Smith, Ms. Gwen Mitchell, and Dr. David Burden.

13. MISCELLANEOUS.

- Board Items of Interest.
 - Informal Settlement Conference - Austin, TX, September 10, 2010 (Dr. Chancellor and Mr. Troilo)
 - Informal Settlement Conference - Austin, TX, October 22, 2010 (Dr. Ramos, Dr. Gough and Ms. Hyde)
 - Board Committee Meetings - Austin, TX, November 18, 2010 (Tentatively Scheduled)
 - Board Meeting - Austin, TX, November 19, 2010 (Tentatively Scheduled)
 - Informal Settlement Conference - Austin, TX, December 3, 2010 (Dr. Schlattman and Ms. Grant)

14. ADJOURN.

A MOTION WAS MADE BY THE MEETING WAS ADJORNED BY ACCLAMATION AT 12:30 P.M. MOTION CARRIES.

- SIGNED -

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

Date: November 19, 2010

- SIGNED -

TAMELA L. GOUGH, D.D.S., M.S.
Board Secretary
Texas State Board of Dental Examiners

Date: November 19, 2010