



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

February 27, 2015

1. CALL TO ORDER – BOARD MEETING.

Dr. Ramos called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 9:46 a.m.

2. ROLL CALL.

Dr. Dean called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. Rodolfo G. Ramos Jr.	Presiding Officer
Dr. D. Bradley Dean	Secretary
Dr. Steven J. Austin	Member
Dr. Kirby Bunel Jr.	Member
Dr. James W. Chancellor	Member
Ms. Renée S. Cornett, RDH	Member
Ms. Whitney Hyde	Member
Dr. Christie M. Leedy	Member
Ms. Evangelia V. Mote	Member
Mr. Timothy J. O'Hare	Member
Ms. Lois M. Palermo, RDH	Member
Dr. M. David Tillman	Member
Mr. Lewis M. White	Member
Dr. Jason A. Zimmerman	Member

b. Members Absent:

Ms. Emily W. Christy	Member
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c. Staff Present:

Ms. Julie Hildebrand	Executive Director
Ms. Nycia Deal	General Counsel
Ms. Simone Salloum	Assistant General Counsel
Dr. Brooke Bell	Director of Dental Division
Ms. Irma Rodriguez	Director of Finance and Administration Division
Ms. Lisa Jones	Director of Investigations Division
Ms. Vicki Shoemith	Director of Licensing Division

3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE NOVEMBER 21, 2014 BOARD MEETING.
A MOTION WAS MADE BY MS. PALERMO AND SECONDED BY DR. LEEDY TO APPROVE THE MINUTES AS AMENDED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

5. PUBLIC COMMENTS.

No public comments were presented at this time.

6. MISCELLANEOUS REPORTS.

6.1. Professional Recovery Network (PRN) Report.

Ms. Hulbert presented the PRN report.

6.2. Western Regional Examining Board (WREB) Dental Hygiene Report.

Ms. Palermo relayed that there is no current WREB Dental Hygiene report.

6.3. Western Regional Examining Board (WREB) Report.

Dr. Ramos presented the WREB report.

Dr. Zimmerman stepped out at 9:51 a.m. and returned at 9:56 a.m.

7. DISCUSSION OF AND POSSIBLE ACTION CONCERNING COMMITTEE REPORTS.

7.1. Dental Hygiene Advisory Committee (DHAC).

Dr. Ramos relayed that Ms. McCready was not in attendance.

Ms. Deal relayed that the board had received recommendations from Ms. McCready on behalf of DHAC and were heard by the board at the last meeting.

7.2. Dental Laboratory Certification Council (DLCC).

Ms. Triplett presented a detailed report to the board from the January 10, 2015 DLCC meeting.

Ms. Triplett was elected as the Presiding Officer of the Dental Laboratory Certification Council.

4. DISCUSSION OF AND ACTION ON PROPOSED AGREED SETTLEMENT ORDERS AND CONSENT ORDERS.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO APPROVE THE CONSENT ORDERS AS PRESENTED. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

8. DISCUSSION OF AND POSSIBLE ACTION ON RULES.

8.1. Rule reviews in accordance with Texas Government Code, Section 2001.039.

8.1.1. 22 Tex. Admin. Code 119, Special Areas of Dental Practice.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. AUSTIN TO PROPOSE A RULE REVIEW OF CHAPTER 119 AS REQUIRED BY TEXAS GOVERNMENT CODE 2001.039. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2. Action on Proposed Rules.

8.2.1. 22 Tex. Admin. Code 102.1, Fee Schedule.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. HYDE TO ADOPT AMENDED RULE 102.1 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.2. 22 Tex. Admin. Code 107.63, Informal Disposition and Alternative Dispute Resolution.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MR. O'HARE TO ADOPT AMENDED RULE 107.63 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.3. 22 Tex. Admin. Code 107.103, Disposition of an Official Complaint.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO ADOPT AMENDED RULE 107.103 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 11 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

8.2.4. 22 Tex. Admin. Code 107.110, Compliance.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. CORNETT TO ADOPT AMENDED RULE 107.110 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.5. 22 Tex. Admin. Code 108.9, Dishonorable Conduct.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO ADOPT AMENDED RULE 108.9 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.6. 22 Tex. Admin. Code 108.54, Advertising of Specialties.

TSBDE staff recommended to the Board that this proposal be withdrawn and staff conduct additional research, collect additional stakeholder input, and come back to the board with a report and a recommendation that is well-researched and thought-out.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. TILLMAN TO TABLE THE PROPOSAL OF AMENDMENTS TO 108.54. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.7. 22 Tex. Admin. Code 108.74, Ownership, Maintenance, and Operation of a Dental Practice.

A MOTION WAS MADE BY MS. PALERMO AND SECONDED BY DR. CHANCELLOR TO WITHDRAW PROPOSED RULE 108.74.
(FOR – 11 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

A MOTION WAS MADE BY MS. MOTE AND SECONDED BY DR. BUNEL TO RE-PROPOSE RULE 108.74 AS REFLECTED IN 08.2.07c OF THE BOARD MEETING MATERIALS.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

8.2.8. 22 Tex. Admin. Code 115.2, Permitted Duties.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. CORNETT TO RE-PROPOSE RULE 115.2 WITH CHANGES DISCUSSED.
(FOR – 10 / OPPOSED – 1 / ABSTAIN – 2) MOTION CARRIES.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. CHANCELLOR TO WITHDRAW PROPOSED RULE 115.2 AS PRESENTED IN THE TEXAS REGISTER IN DECEMBER 2014. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

8.2.9. 22 Tex. Admin. Code 116.3, Registration and Renewal.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. TILLMAN TO ADOPT AMENDED RULE 116.3 WITHOUT CHANGES TO THE PROPOSED TEXT. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.2.10. 22 Tex. Admin. Code 116.5, Certified Dental Technical Required.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. AUSTIN TO ADOPT AMENDED RULE 116.5 WITHOUT CHANGES TO THE PROPOSED TEXT. (FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

8.2.11. 22 Tex. Admin. Code 117.1, Exemptions.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO ADOPT AMENDED RULE 117.1 WITHOUT CHANGES TO THE PROPOSED TEXT. (FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

9. DISCUSSION REGARDING RULE-MAKING PROCESS AND FUTURE RULE-MAKING.

9.1. Discussion regarding rule-making process.

Ms. Deal led the discussion regarding the rule-making process.

9.2. 22 Tex. Admin. Code 107.63, Informal Disposition and Alternative Dispute Resolution.

Ms. Deal led the discussion on Informal Disposition and Alternative Dispute Resolution. Staff presentation of Rule topic.

Dr. Bunel stepped out at 10:40 a.m. and returned at 10:44 a.m.

Mr. White stepped out at 10:49 a.m. and returned at 10:52 a.m.

9.3. 22 Tex. Admin. Code 108.5, Patient Abandonment.

Dr. Ramos deferred Patient Abandonment to a future Board meeting. Staff presentation of Rule topic.

The Presiding Officer called for a break at 10:52 a.m. The meeting reconvened at 11:15 a.m.

10. AGENCY DIVISION ACTIVITY REPORTS.

Division directors presented progress reports and statistics, business processes, made recommendations to the board, and personnel updates from the previous board meeting.

5. PUBLIC COMMENTS.

Dr. Jerry L. Teague presented public comments.

11. CONSIDERATION AND POSSIBLE ACTION ON HEARINGS AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).

11.1. Administrative Law Judge Proposals for Decision.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AND IMPOSE A TWO-YEAR ENFORCED SUSPENSION, FOLLOWED BY A FIVE-YEAR PROBATED SUSPENSION ON DENTAL LICENSE NUMBER 15813.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

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

Dr. Austin and Dr. Dean expressed interest in serving as Secretary of the Board.

Dr. Dean withdrew his name as a candidate for Board Secretary and provided his full support to Dr. Austin.

13. ELECTION OF BOARD SECRETARY.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MR. WHITE TO ELECT DR. AUSTIN AS BOARD SECRETARY.

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

14. EXECUTIVE SESSION PURSUANT TO TEX. GOVT CODE § 551.071 (TEXAS OPEN MEETINGS ACT) TO RECEIVE LEGAL ADVICE ABOUT PENDING LITIGATION AND PERSONNEL MATTERS.

Dr. Ramos and Ms. Deal announced that the Board would go into Executive Session.

Non-critical agency staff and public members were asked to step out of the room for the discussion on this agenda item and would be allowed to return once the session concluded.

15. EXECUTIVE DIRECTOR'S REPORT.

Ms. Hildebrand relayed that agency divisions continue to move forward as planned and are fully immersed and engaged in the Legislative session.

16. PRESIDING OFFICER'S REPORT.

Dr. Ramos thanked the Board and the Executive Director for their hard work and dedication.

Dr. Ramos also recognized board members whose term is expiring this year.

Ms. Hildebrand thanked Dr. Ramos for his hard work and dedication to the agency and board.

17. ANNOUNCEMENTS.

Next Board Meeting: Friday, May 29, 2015.

18. ADJOURN.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO ADJOURN THE MEETING AT 1:46 P.M. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

- Signed -

- Signed -

RODOLFO G. RAMOS JR., DDS, PC
Presiding Officer
May 29, 2015

D. BRADLEY DEAN, DDS
Board Secretary
May 29, 2015