



TEXAS STATE BOARD OF DENTAL EXAMINERS

333 Guadalupe St, Tower 3, Suite 800, Austin, Texas 78701-3942

Phone: (512) 463-6400 | Fax: (512) 463-7452

BOARD MEETING MINUTES

May 29, 2015

1. CALL TO ORDER – BOARD MEETING.

Dr. Ramos called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:45 a.m.

2. ROLL CALL.

Dr. Austin 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. Steven J. Austin	Secretary
Dr. Kirby Bunel Jr.	Member
Dr. James W. Chancellor	Member
Ms. Emily W. Christy	Member
Ms. Renée S. Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Christie M. Leedy	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. Whitney Hyde	Member
Ms. Evangelia V. Mote	Member

c. Staff Present:

Ms. Nycia Deal	Interim Executive Director and General Counsel
Ms. Simone Salloum	Assistant General Counsel
Ms. Maggie Griffith	Attorney
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 Shoosmith	Director of Licensing Division

- 3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE FEBRUARY 27, 2015 BOARD MEETING.**
A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO APPROVE THE MINUTES AS WRITTEN.

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

- 4. DISCUSSION OF AND POSSIBLE ACTION ON PROPOSED AGREED SETTLEMENT ORDERS, MODIFICATION ORDERS, CONSENT ORDERS, AND REMEDIAL PLANS.**

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. TILLMAN TO APPROVE THE AGREED SETTLEMENT ORDERS AND REMEDIAL PLANS AS PRESENTED.

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

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MR. O'HARE TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.

(FOR – 11 / OPPOSED – 0 / ABSTAIN - 1) MOTION CARRIES.

A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. CHANCELLOR TO APPROVE THE CONSENT ORDERS AS PRESENTED.

(FOR – 11 / OPPOSED – 0 / ABSTAIN - 1) MOTION CARRIES.

- 5. PUBLIC COMMENTS.**

Dr. Kevin M. Gureckis and Dr. Mark Stankewitz presented public comments.

- 6. MISCELLANEOUS REPORTS.**

- 6.1. Professional Recovery Network (PRN) Report.**

The PRN report was available on-line for board members to review.

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

Ms. Palermo presented the WREB Dental Hygiene report.

- 6.3. American Association of Dental Boards (AADB) Report.**

The AADB report was available on-line for board members to review.

- 7. DISCUSSION OF AND POSSIBLE ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS.**

- 7.1. Dental Review Panel Committee (DRP).**

Dr. Austin presented the DRP report.

- 7.2. Dental Hygiene Advisory Committee (DHAC).**

The DHAC report was available on-line for board members to review.

- 7.3. Appointment of Committees.**

The Presiding Officer appointed board members to serve on the following committees:

- Executive Director Selection Committee;
- Dental Review Panel Committee;
- Internal Audit Selection Committee.

8. DISCUSSION OF AND POSSIBLE ACTION ON PENDING ITEMS.

8.1. Discussion, recommendation, and possible action concerning requests for approval of continuing education provider.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. PALERMO TO APPROVE DENTAL QUALITY ASSURANCE (DQA) AS AN APPROVED CE PROVIDER.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.2. Discussion, recommendation, and possible action concerning requests for approval of supervising dentist.

A MOTION WAS MADE BY DR. LEEDY AND SECONDED BY DR. CHANCELLOR TO APPROVE A BACK-UP SUPERVISING DENTIST.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

9. DISCUSSION OF AND POSSIBLE ACTION ON RULES.

9.1. Discussion and possible action regarding adoption of proposed rules and rule amendments.

9.1.1. 22 Tex. Admin. Code 108.74, Ownership, Maintenance, and Operation of a Dental Practice.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MR. WHITE TO TABLE PROPOSED RULE 108.74.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

9.1.2. 22 Tex. Admin. Code 115.2, Permitted Duties.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO ADOPT AMENDED RULE 115.2 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 10 / OPPOSED – 1 / ABSTAIN - 1) MOTION CARRIES.

9.2. Discussion and possible action regarding proposal of new rules and rule amendments.

9.2.1. 22 Tex. Admin. Code 102.1, Fee Schedule.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. AUSTIN TO ADOPT AMENDED RULE 102.1 WITHOUT CHANGES TO THE PROPOSED TEXT.
(FOR – 12 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

10. DISCUSSION OF AND POSSIBLE ACTION ON AMENDMENTS TO DISCIPLINARY MATRIX.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. LEEDY TO INCLUDE COMMUNITY SERVICE AS A POSSIBLE STIPULATION IN THE DISCIPLINARY ACTION.
(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

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

11.1. 22 Tex. Admin. Code 107.63, Informal Disposition and Alternative Dispute Resolution.

Ms. Deal led the discussion on Informal Disposition and Alternative Dispute Resolution.

11.2. 22 Tex. Admin. Code 108.54, Advertising of Specialties.

Ms. Deal led the discussion on Advertising of Specialties.

Ms. Griffith led the discussion on the Stakeholder meeting on 108.54.

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

13.1. Administrative Law Judge Proposals for Decision.

Docket No. 504-14-4974; Texas State Board of Dental Examiners v. Michael A. McCann, DDS.

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 WARNING ON DENTAL LICENSE 10723.

(FOR – 11 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

13.2. Administrative Law Judge Proposals for Decision.

Docket No. 504-14-4701; Alan Bryant v. Texas State Board of Dental Examiners.

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 DENY A DENTAL LICENSE TO ALAN BRYANT.

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

13.3. Administrative Law Judge Proposals for Decision.

Docket No. 504-15-0919; Texas State Board of Dental Examiners v. Joanna Faz, RDA.

STAFF RECOMMENDS NO ACTION AT THIS TIME.

The Presiding Officer called for a break at 10:16 a.m. The meeting reconvened at 10:35 a.m.

12. AGENCY DIVISION ACTIVITY REPORTS.

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

Ms. Christy stepped out at 10:36 a.m. and returned at 10:39 a.m.

7. DISCUSSION OF AND POSSIBLE ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS.

7.1. Dental Review Panel Committee (DRP).

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. PALERMO TO APPROVE THE DENTAL REVIEW CANDIDATES.

(FOR – 10 / OPPOSED – 0 / ABSTAIN – 2) MOTION CARRIES.

Dr. Zimmerman stepped out at 11:06 a.m. and returned at 11:11 a.m.

4. DISCUSSION OF AND POSSIBLE ACTION ON PROPOSED AGREED SETTLEMENT ORDER 2014-01158.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. ZIMMERMAN TO APPROVE AGREED SETTLEMENT ORDER 2014-01158 AS PRESENTED.

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

14. EXECUTIVE DIRECTOR'S REPORT.

Ms. Deal relayed that agency divisions continue to move forward as planned and are fully immersed as the Legislative session comes to an end.

Ms. Griffith provided Legislative updates concerning the Dental Board.

A preview of the new TSBDE website was presented.

Dr. Tillman stepped out at 11:27 a.m. and returned at 11:37 a.m.

15. PRESIDING OFFICER'S REPORT.

Dr. Ramos relayed that it was an honor to serve on this board and expressed his appreciation for the Board.

16. ANNOUNCEMENTS.

Next Board Meeting: Friday, August 14, 2015.

17. ADJOURN.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BUNEL TO ADJOURN THE MEETING AT 11:42 A.M.

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

- SIGNED -

- SIGNED -

Rodolfo G. Ramos Jr., DDS, PC
Presiding Officer
August 14, 2015

Steven J. Austin, DDS
Board Secretary
August 14, 2015