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TEXAS STATE BOARD OF DENTAL EXAMINERS

333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701-3942
Phone (512) 463-6400 Fax (512) 463-7452

BOARD MEETING MINUTES

August 5, 2011

1. **CALL TO ORDER:** Dr. Gough called the meeting of the Texas State Board of Dental Examiners (SBDE) to order at 8:36 a.m. Dr. Gough called upon Dr. Chancellor to read the Board's Mission Statement.

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

a. Members Present:

Dr. Tamela Gough	Presiding Officer
Dr. Steven Austin	Member
Dr. William Birdwell	Member
Dr. James W. Chancellor	Member
Ms. Renee Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Maxwell Finn	Member
Ms. Alicia Grant, RDH	Member
Ms. Whitney Hyde	Public Member
Dr. Christie Leedy	Member
Ms. Evangelia Mote	Public Member
Dr. Rodolfo Ramos	Member
Mr. John Steen	Public Member
Mr. Arthur Troilo	Public Member

b. Members Absent:

Ms. Ann Pauli	Public Member (Excused)
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c. SBDE Staff Present:

Ms. Sherri Meek	Executive Director
Ms. Joy Sparks	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Brenda Kilburn	Director of Administration
Ms. Vicki Shoosmith	Assistant to the Executive Director
Ms. Nycia Deal	Staff Attorney
Ms. Victoria Pearce	Staff Attorney

A MOTION WAS MADE BY DR. FINN AND SECONDED BY DR. CHANCELLOR TO EXCUSE MS. PAULI FROM THE MEETING. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

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3. REVIEW AND APPROVAL OF MINUTES FROM THE APRIL 15, 2011, BOARD MEETING.

Mr. Troilo asked that the time of day listed on Page 7 be changed to “a.m.”.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. DEAN TO APPROVE THE MINUTES AS AMENDED. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

4. CONSENT AGENDA.

Ms. Sparks stated that the following Settlement Order will be taken off the agenda:

Kodali, Harita DMD #23373

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

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

Donald W. Zajac, DDS, SBDE (Revoked) Lic. #14379, Applicant seeking approval for licensure.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. BIRDWELL TO PERMIT DONALD W. ZAJAC, D.D.S., TO TAKE A CLINICAL EXAMINATION AND IF PASSED BE AWARDED A PROBATIONARY LICENSE WITH THE CONDITION OF COMPLETING THREE (3) HOURS OF CONTINUING EDUCATION IN ETHICS AND COMPLETION OF HIS CONTRACT WITH THE PROFESSIONAL RECOVERY NETWORK THROUGH 2020. (FOR - 13 / OPPOSED – 0) MOTION CARRIES.

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

Advertising Ad-hoc Committee Report.

Dr. Ramos reported that the Committee met on August 4, 2011 discussed current SBDE advertising guidelines, the prosecution of advertising complaints, Texas Law and SBDE current Advertising Rules. Committee Members considered the Texas Medical Board’s advertising rules, an opinion issued by the Texas Attorney General regarding testimonials and a draft copy of proposed rules developed by SBDE Staff.

Dr. Ramos closed his report stating that Staff was tasked with researching how other states have addressed this issue and to report back to the Committee at the next scheduled meeting.

7. MISCELLANEOUS REPORTS.

7.1. Professional Recovery Network (PRN) Report. Ms. Courtney Bolin, LMSW, Program Director of PRN, submitted a report on completed and future projects.

7.2. Western Regional Examining Board (WREB) Report. Dr. Ramos reported on the WREB Board Meeting that was held in Park City, UT on July 19, 2011.

7.3. Western Regional Examining Board (WREB) Dental Hygiene Examining Board Report. Ms. Grant presented a report regarding the WREB Dental Hygiene Examining Board which met on July 19, 2011 in Park City, UT.

8. AGENCY DIVISION ACTIVITY REPORTS.

8.1. Administration. Ms. Kilburn presented the Fiscal Year Budget and Performance Measures Report.

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8.2. Licensing.

a. Parenteral Anesthesia Permit Applications.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MR. TROILO TO APPROVE 54 ANESTHESIA PERMITS AS PRESENTED. (FOR – 12 / OPPOSED – 0 / ABSTENTION - 1) MOTION CARRIES.

b. Licensing Division Report. Ms. Meek presented Licensing statistics through the Third Quarter of FY 2011.

Mr. Nigel Prentice, Health Professions Council (HPC) Project Manager, presented an update on the Versa Licensing System.

The Presiding Officer called for a break at 10:05 a.m. The meeting reconvened at 10:32 a.m.

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

8.4. Legal Division.

8.4.1. Division Report. Ms. Sparks presented the Legal Division Activity Report.

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

8.4.2.a. Docket No. 504-11-2831, Dental Creations d/b/a Dental Esthetics, Texas Dental Laboratory Number 3290.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11-2831.
- Consideration of Staff’s Recommendations for Disposition of Docket No. 504-11-2831, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY MS. HYDE TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND REVOKE TEXAS DENTAL LABORATORY REGISTRATION NO. #3290 ISSUED BY DENTAL CREATIONS D/B/A DENTAL ESTHETICS. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

8.4.2.b. Docket No. 504-11-3181, Brooky D. Sanders, DDS, Texas Dental License Number 16389.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11-3181.
- Consideration of Staff’s Recommendations for Disposition of Docket No. 504-11-3181, 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 MR. TROILO TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND ISSUE A WARNING TO TEXAS DENTAL LICENSE NO. #16389 ISSUED BY BROOKY D. SANDERS. (FOR – 12 / OPPOSED – 0 /ABSTENSIONS – 1) MOTION CARRIES.

8.4.2.c. Docket No. 504-11-3180, Robert M. Tubb, DDS, Texas Dental License Number 16465.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11-3180.
- Consideration of Staff’s Recommendations for Disposition of Docket No. 504-11-3180, 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. GRANT TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND ISSUE A REPRIMAND TO TEXAS DENTAL LICENSE NO #16465 ISSUED TO ROBERT M. TUBB. (FOR – 12 / OPPOSED – 0 / ABSTENTIONS – 1) MOTION CARRIES.

8.4.2.d. Docket No. 504-11-3560, Stacy P. Williams, RDA, Texas Registered Dental Assistant Number 13010.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11-3560.
- Consideration of Staff’s Recommendations for Disposition of Docket No. 504-11-3560, 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. BIRDWELL TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND REVOKE TEXAS REGISTERED DENTAL ASSISTANT NO. #13010 ISSUED BY STACY P. WILLIAMS. (FOR – 13 / OPPOSED – 0 / ABSENTIONS – 0) MOTION CARRIES.

8.4.3. C- Settlement Orders.

Adams, James M. DDS#10561
 Allen, Robert B. DDS#26468
 Angwin, Jonathan R. DDS#22254
 Azad, Marjaneh, DDS#19925
 Batres, Santiago DDS#10495
 Bida, Dan F. DDS#10850
 Bonin, Troy C. DDS#17133
 Brady, Crystal A. DDS#15127
 Bui, Dinh X. DDS#18292
 Burke, Andrea M. DDS#14842
 Chadwick, Douglas A. DDS#22913
 Cornman, William C. DDS#18714
 Dosssett, Kenneth M. DDS#9584
 Exelbierd, Felix DDS#9857
 Ficken, Edward West, DDS#11894
 George, Varghese DDS#24190
 Glass, Anthony A. DDS#15038
 Green, John Eddie DDS#23507
 Hayes, Scott L. DDS#21507
 Kim, Bin S. DDS#21422
 Ladd, Gregory A. DDS#22477
 Luna, Bernie RDA#12636
 McCarty, Christopher L. DDS#11440
 McGregor, Harold C. DDS#18090

Menz, Richard DDS#22374
 Marshall, Ellis G. DDS#7294
 Nesting, Henry M. DDS#5951
 Nguyen, Tuyet-Van T. DDS#21585
 O’Hara, David S. DDS#15357
 Palmer, Harry G. DDS#13008
 Patel, Yogesh T. DDS#20123
 Roane, John T. DDS#8576
 Robinson, Allen J. DDS#13220
 Ryan, William A. DDS#14890
 Saavedra, Marina O. RDA#9340
 Sanders, James L. DDS#10994
 Schellhase, William DDS#7785
 Schiro, John DDS#15871
 Sena, Daniel G. DDS#14692
 Shah, Azam DDS#20232
 Sizemore, Charles W. DDS#8722
 Smith, Rob J. DDS#16996
 Troeger, Stephanie L. DDS#11704
 Updyke, John R. DDS#10843
 Wang, Sandy S. DDS#20513
 Yoon, Anthony DDS#20948

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9. EXECUTIVE DIRECTOR'S REPORT.

Ms. Meek reported that Board Member Training for Enforcement for Case Review was held September 22, 2011 and that new training for all new Board Members has been completed. She also stated that she will be attending the American Association of Dental Boards (AADB) Annual Meeting on October 9-10, 2011.

10. PRESIDING OFFICER'S REPORT.

Dr. Gough shared her vision for the Board and welcomed the new Board Members again.

11. PUBLIC COMMENTS.

Dr. Gough announced the format then invited participation from the audience. Speakers included: Lois Palermo, RDH; Larry Stringfield; Randy Mitchmore, DDS; Marc W. Jones; Douglas Terry, DDS.

12. MISCELLANEOUS.

Future Tentatively Scheduled Meetings:

- Committee Meetings: Thursday, November 10, 2011.
- Board Meeting: Friday, November 11, 2011.

13. ADJOURN.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. TROILO TO ADJOURN THE MEETING AT 11:25 A.M. (FOR – 13 / OPPOSED – 0) MOTION CARRIES.

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

November 10, 2011

STEVEN J. AUSTIN, D.D.S.
Board Secretary
Texas State Board of Dental Examiners

November 10, 2011

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