



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

April 27, 2012

1. **CALL TO ORDER.** Dr. Gough called the meeting of the Texas State Board of Dental Examiners (SBDE) to order at 8:33 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. Tamela Gough	Presiding Officer
Dr. Steven Austin	Member
Dr. William Birdwell	Member
Dr. James Chancellor	Member
Ms. Renee Cornett, RDH	Member
Ms. Alicia Grant, RDH	Member
Ms. Whitney Hyde	Public Member
Dr. Christie Leedy	Member
Ms. Evangelia Mote	Public Member
Ms. Ann Pauli	Public Member
Dr. Rodolfo Ramos	Member
Mr. Arthur Troilo	Public Member

b. Members Absent:

Dr. D. Bradley Dean	Member (Excused)
Dr. Maxwell Finn	Member (Excused)

c. SBDE Staff Present:

Mr. Glenn Parker	Interim Executive Director
Ms. Joy Sparks	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Sarah Carnes-Lemp	Staff Attorney
Ms. Nycia Deal	Staff Attorney
Ms. Vicki Shoesmith	Assistant to the Executive Director

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. CHANCELLOR TO EXCUSE DR. FINN AND DR. DEAN FROM THE MEETING. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

3. **REVIEW AND APPROVAL OF PAST MINUTES FROM NOVEMBER 10, 2011 BOARD MEETING.**

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. PAULI TO APPROVE THE MINUTES AS WRITTEN. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

4. CONSENT AGENDA.

11.3.3. C – Agreed Settlement Orders.

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

Dr. David Wilbanks, License #5839

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. PAULI TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

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

5.1. Champa Rani Chatterjee, D.D.S., Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. CORNETT TO DENY THE REQUEST FOR LICENSURE BY CHAMPA RANI CHATTERJEE, D.D.S. (FOR – 11 / OPPOSED – 0 / ABSTENTIONS – 1) MOTION CARRIES.

5.2. Thanhha Phamn, D.D.S., Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MR. TROILO TO DENY THE REQUEST FOR LICENSURE BY THANHHA PHAM, D.D.S. (FOR – 10 / OPPOSED – 2) MOTION CARRIES.

5.3. Samuel Collins, D.D.S., Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BIRDWELL TO APPROVE THE REQUEST FOR LICENSURE WITH THE STIPULATION OF PARTICIPATION IN PRN FOR FIVE (5) YEARS, SUPERVISION IN A GROUP PRACTICE FOR FIVE (5) YEARS AND COMPLETION OF THREE (3) HOURS OF CONTINUATION EDUCATION IN ETHICS. (FOR – 7 / OPPOSED – 5) MOTION CARRIES.

Dr. Gough called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:32 a.m.

6. DISCUSSION AND POSSIBLE ACTION CONCERNING REPORTS OF BOARD COMMITTEES

6.1. Executive Committee Report.

Dr. Gough reported that the Executive Committee met on November 22, 2011, December 2, 2011, March 6, 2012 and April 17, 2012 to discuss and consider possible action on the temporary suspension of five (5) Texas dental licenses.

Texas Dental License Number 15249 on November 22, 2011.

Texas Dental License Numbers 25890 and 2978 on December 2, 2011.

Texas Dental License Number 15309 on March 6, 2012.

Texas Dental License Number 11518 on April 17, 2012.

At each meeting, based on the evidence and information collected pursuant to Board investigation, it was determined that the continuing practice of dentistry by the aforementioned licensees would constitute a clear, imminent, or continuing threat to a person's physical health or well-being.

6.2. Advertising Ad-hoc Committee Report.

Dr. Ramos reported that the Committee met on November 10, 2011, January 27, 2012 and on March 9, 2012 to discuss and consider new and existing rules 108.50 through 108.63.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY MS. GRANT TO PROPOSE THE REPEAL OF RULES 108-50 THROUGH 108.61 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 12 / OPPOSED - 0) MOTION CARRIES.

A MOTION WAS MADE BY MS. PAULI AND SECONDED BY DR. BIRDWELL TO PROPOSE NEW RULES 108.50 THROUGH 108.63 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

7. DISCUSSION AND POSSIBLE ACTION CONCERNING REPORTS OF ADVISORY COMMITTEES.**7.1. Dental Laboratory Certification Council (DLCC) Report.**

Mr. Gary Morgan, DLCC Member, reported that the DLCC met on April 13, 2012 in Irving, Texas, to discuss the role of the DLCC, dental lab complaint procedures, the certification of dental labs and prosthetic identification . The DLCC also voted to re-elect Mr. Brady Bradley as its Presiding Officer for another year.

7.2. Dental Hygiene Advisory Committee (DHAC) Report.

The Board reviewed the written report from Ms. Palermo, DHAC Presiding Officer. The DHAC last met on March 2, 2012. The committee voted to support new rule 103.6 – Licensing for Military Spouses and is recommending to the SBDE two Texas dental hygienists and one dentist to serve as examiners for the Western Regional Examining Board (WREB).

A MOTION WAS MADE BY MS. GRANT AND SECONDED BY MS. PAULI TO RECOMMEND JENNIFER SWETMON, R.D.H. AND RITA HERNANDEZ, R.D.H. TO THE WREB FOR SERVICES AS TEXAS DENTAL HYGIENE EXAMINERS. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. AUSTIN TO RECOMMEND JAY ADKINS, D.D.S., MEMBER OF THE DENTAL HYGIENE ADVISORY COMMITTEE, TO SERVE AS A TEXAS WREB EXAMINER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

8. MISCELLANEOUS REPORTS.

8.1. Professional Recovery Network (PRN) Report. The Board reviewed the report submitted by Ms. Courtney Bolin, LMSW, Program Director of PRN.

8.2. Western Regional Examining Board (WREB) Report. Dr. Ramos stated that the WREB Board of Directors will next meet in July 2012 and a report will be given to the SBDE at the August meeting.

8.3. Western Regional Examining Board (WREB) Dental Hygiene Examining Review Board (HERB) Report. Ms. Grant stated that the Dental Hygiene Review Board will meet in July 2012 and a report will be provided to the SBDE at the August meeting.

9. DISCUSSION AND POSSIBLE ACTION REGARDING SBDE PROCEDURES FOR REQUESTING MODIFICATION OF BOARD ORDERS.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. CORNETT TO DENY MODIFICATION OF BOARD ORDERS. (FOR – 1 / OPPOSED – 11) MOTION FAILS.

No further action was taken.

10. DISCUSSION AND POSSIBLE ACTION REGARDING RULES.

- 10.1. Consideration of adoption of amendments to 22 Tex. Admin. Code §108.8, Records of the Dentist, and response to any comments received to proposed amendment.**

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. AUSTIN TO ADOPT AMENDMENTS TO RULE 108.8 WITH CHANGES AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 10.2. Consideration of adoption of new rule to 22 Tex. Admin. Code §101.6, Licensing for Military Spouses and response to any comments received to proposed amendment.**

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. HYDE TO ADOPT PROPOSED NEW RULE 101.6 WITHOUT CHANGES AND PUBLISH THE RULE IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 10.3. Consideration of adoption of new rule 22 Tex. Admin. Code §103.6, Licensing for Military Spouses and response to any comments received to proposed amendment.**

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. BIRDWELL TO ADOPT PROPOSED NEW RULE 103.6 WITH CHANGES AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 10.4. Consideration of Rule Review Schedule pursuant to Texas Government Code §2001.039.**

- 10.4.1. Consideration of Proposed SBDE Rule Review Schedule.**

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. CHANCELLOR TO PROPOSE THE RULE REVIEW SCHEDULE FOR PUBLICATION IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 10.4.2. Consideration of Proposed Rule Review, 22 Tex. Admin. Code Chapter 101, Dental Licensure.**

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. CHANCELLOR TO PROPOSE A RULE REVIEW OF CHAPTER 101 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 10.4.3. Consideration of Proposed Rule Review, 22 Tex. Admin. Code Chapter 107, Dental Board Procedures.**

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO PROPOSE A RULE REVIEW FOR CHAPTER 107 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.4.4. Consideration of Proposed Rule Review, 22 Tex. Admin. Code Chapter 108, Professional Conduct.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. LEEDY TO PROPOSE A RULE REVIEW FOR CHAPTER 108 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.4.5. Consideration of Proposed Rule Review, 22 Tex. Admin. Code Chapter 114, Extension of Duties of Auxiliary Personnel – Dental Assistants.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. GRANT TO PROPOSE A RULE REVIEW FOR CHAPTER 114 AND PUBLISH IN THE TEXAS REGISTER. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.5. Consideration of the proposed amendments to 22 Tex. Admin. Code §101.8, Persons with Criminal Backgrounds.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. TROILO TO PROPOSE AMENDMENTS TO RULE 101.8 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.6. Consideration of the proposed amendments to 22 Tex. Admin. Code §107.19, Denial of a License and 22 Tex. Admin. Code §107.26, Failure to Attend Hearing and Default.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. GRANT TO PROPOSE AMENDMENTS TO RULES 107.19 AND 107.26 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.7. Consideration of the proposed amendments to 22 Tex. Admin. Code §107.24, Respondent's Answer in a Disciplinary Matter; 22 Tex. Admin. Code §107.25, Formal Proceedings and 22 Tex. Admin. Code §107.69, Alternative Informal Assessment of Administrative Penalty.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. HYDE TO PROPOSE AMENDMENTS TO RULES 107.28, 107.25, AND 107.69 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.8. Consideration of proposed amendments to 22. Tex. Admin. Code §110.9, Anesthesia Permit Renewal.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. CHANCELLOR TO PROPOSE AN AMENDMENT TO RULE 110.9 AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

10.9. Consideration of the proposed amendments to 22 Tex. Admin. Code §112.2, Visual Dental Health Inspections.

The Board directed Legal Staff to conduct a further review on this rule.

Dr. Gough called for a break in the meeting at 12:20 p.m. The meeting reconvened at 12:37 a.m.

11. AGENCY DIVISION ACTIVITY REPORTS.

- 11.1. Administration and Licensing Division Reports.** Mr. Parker discussed the Fiscal Year Budget, performance measures and the Licensing Division Report. Dr. Finn presented Anesthesia Permits for consideration.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. BIRDWELL TO APPROVE 189 ANESTHESIA PERMITS PRESENT. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- 11.2. Enforcement Division Report.** Ms. Jones presented the Case Aging and Monthly Activity Reports.

11.3. Legal Division Report.

- 11.3.1. Division Report.** Ms. Sparks provided an update on pending litigation and appeals.

- 11.3.2. Administrative Law Judge (ALJ) Proposals for Decision (PFD) – State Office of Administrative Hearings (SOAH).**

11.3.2.a. Docket No. 504-11-6263, Charles P. Akin, Petition/Applicant for Dental Licensure.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-62-63.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-6263, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Charles P. Akin, Petitioner/ Applicant for Dental Licensure.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. MOTE TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD AND DENY ISSUANCE OF DENTAL LICENSURE. (FOR – 11 / OPPOSED – 0 / ABSENTIONS – 1) MOTION CARRIES.

11.3.2.b. Docket No. 504-12-1193, Roderick Barnes, Petition/Applicant for Dental Licensure.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-12-1193.
- Consideration Staff's Recommendation for Disposition of Docket No. 504-12-1193, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Roderick Barnes, Petitioner/ Applicant for Registered Dental Assistant

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. CORNETT TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD AS WRITTEN AND DENY ISSUANCE OF DENTAL REGISTRATION. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.c. Docket No. 504-11-7089, Lydia Cantu, RDH, Texas Dental Hygiene License Number 7329.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11.7089.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-11-7089, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Lydia Cantu, RDH, Texas Dental Hygiene Number 7329.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MR. TROILO TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.d. Docket No. 504-12-1196, Stephanie Crawford, Petitioner/Applicant for Registered Dental Assistant.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-1196.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-1196, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Stephanie Crawford, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY MS. MOTE AND SECONDED BY MS. PAULI TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD AS WRITTEN AND DENY ISSUANCE OF DENTAL REGISTRATION. (FOR - 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.e. Docket No. 504-12-3271, Larry Freeman, Texas Dental License Number 11395.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-3271.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-3271, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Larry Freeman, DDS, Texas Dental License Number 11395.

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 TEXAS DENTAL LICENSE NO 11395 ISSUED TO LARRY FREEMAN. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.f. Docket No. 504-12-3269, Alicia S. Hesson, RDA, Texas Dental Assistant Registration Number 15481.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-3269.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-3269, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Alicia S. Hesson, RDA, Texas Dental Assistant Registration Number 15481.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. AUSTIN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND REVOKE TEXAS DENTAL ASSISTANT REGISTRATION NUMBER 15481 ISSUED TO ALICIA S. HESSON. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.g. Docket No. 504-12-0246, Yatasha Lacy, Petitioner/Applicant Texas Dental Assistant Registration.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-0246.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-0246, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Yatasha Lacy, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY MR. TROILO TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND DENY APPLICATION FOR DENTAL ASSISTANT REGISTRATION FOR YATASHA LACY. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.h. Docket No. 504-12-1195, Brandi McCommas, Petitioner/Applicant Texas Dental Assistant Registration.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-1195.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-1195, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Brandi McCommas, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. WILLEFORD TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN AND RECOMMEND A CONIDITIONAL REGISTRATION FOR FOUR (4) YEARS WITH THE STIPULATIONS PROVIDED A CONSENT ORDER. THESE RECOMMENDATIONS INCLUDE:

(Continued on the next page)

11.3.2.h. Docket No. 504-12-1195, Brandi McCommas, Petitioner/Applicant Texas Dental Assistant Registration.
(Continued)

- **COMPLY WITH COURT-ORDERED CONDITIONS;**
 - **MUST NOTIFY BOARD OF ANY NON-COMPLIANCE WITH COURT-ORDERED CONDITIONS, ANY MODIFICATIONS OF THE COURT-ORDERED CONDITIONS, AND/OR THE COM-PLETION OF THE PROBATION, WHICHEVER IS APPLICABLE.**
 - **NOTIFICATION TO EMPLOYER BY PROVIDING EMPLOYER WITH A COPY OF THE CONSENT ORDER.**
 - **TAKEAND PASS THE JURISPRUDENCE ASSESSMENT AND THREE (3) HOURS OF CE IN THE AREA OF ETHICS WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF THE CONSENT ORDER.**
 - **ABIDE BY THE LAWS OF THE STATE OF TEXAS, THE DENTAL PRACTICE ACT, THE RULES AND REGULATIONS OF THE BOARD, AND ANY REPORTING REQUIEMENTS IMPOSED TO ENSURE COMPLIANCE WITH THE CONSENT ORDER AND**
 - **SHOULD MS MCCOMMAS VIOLATE THE TERMS OF HER CONSENT ORDER THE BOARD MAY REVOKE THE REGISTRATION.**
 - **ASSESSMENT BY THE PROFESSIONAL RECOVERY NETWORK AT THE END OF FOUR (4) YEARS.**
- (FOR – 12 / OPPOSED – 0) MOTION CARRIES.**

11.3.2.i. **Docket No. 504-12-0245, Sabrina Michel, Petitioner/Applicant Texas Dental Assistant Registration.**

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-0245.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-0245, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Sabrina Michel, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY MS. CORNETT TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD, AND DENY APPLICATION FOR DENTAL ASSISTANT REGISTRATION FOR SABRINA MICHEL. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.j. **Docket No. 504-12-0244, Jessica Ortiz, Petitioner/Applicant Texas Dental Assistant Registration.**

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-0244.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-0244, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.

- Consider recommendations and take action: Jessica Ortiz, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MR. TROILO TO MODIFY THE PROPOSAL FOR DECISIO, ADOPT THE ORDER OF THE BOARD AS WRITTEN AND DENY ISSUANCE OF A DENTAL ASSISTANT REGISTRATION. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.k. Docket No. 504-11-9448, Brenda L. Smith, RDH, Texas Dental Hygiene License Number 10844.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-11-9448.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-11-9448, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Brenda L. Smith, RDH, Texas Dental Hygiene License Number 10844.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS CORNETT TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

11.3.2.l. Docket No. 504-12-1194, Meghen Sullivan, Petitioner/Applicant Texas Dental Assistant Registration.

- Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 504-12-1194.
- Consideration Staff’s Recommendation for Disposition of Docket No. 504-12-1194, Including Adoption of the Proposal for Decision Findings of Fact and Conclusions of Law with/without Modifications.
- Consider recommendations and take action: Meghen Sullivan, Petitioner/Applicant for Registered Dental Assistant.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. CHANCELLOR TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN AND RECOMMEND A CONIDITIONAL REGISTRATION FOR FIVE (5) YEARS WITH THE STIPULATIONS PROVIDED A CONSENT ORDER. THESE RECOMMENDATIONS INCLUDE:

- **COMPLY WITH COURT-ORDERED CONDITIONS;**
 - **MUST NOTIFY BOARD OF ANY NON-COMPLIANCE WITH COURT-ORDERED CONDITIONS, ANY MODIFICATIONS OF THE COURT-ORDERED CONDITIONS, AND/OR THE COMPLETION OF THE PROBATION, WHICHEVER IS APPLICABLE.**
- **NOTIFICATION TO EMPLOYER BY PROVIDING EMPLOYER WITH A COPY OF THE CONSENT ORDER.**
- **TAKEAND PASS THE JURISPRUDENCE ASSESSMENT AND THREE (3) HOURS OF CE IN THE AREA OF ETHICS WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF THE CONSENT ORDER.**

11.3.2.1. Docket No. 504-12-1194, Meghen Sullivan, Petitioner/Applicant Texas Dental Assistant Registration. *(Cont'd)*

- **ABIDE BY THE LAWS OF THE STATE OF TEXAS, THE DENTAL PRACTICE ACT, THE RULES AND REGULATIONS OF THE BOARD, AND ANY REPORTING REQUIREMENTS IMPOSED TO ENSURE COMPLIANCE WITH THE CONSENT ORDER AND**
- **SHOULD MS MCCOMMAS VIOLATE THE TERMS OF HER CONSENT ORDER THE BOARD MAY REVOKE THE REGISTRATION.**

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

13. EXECUTIVE DIRECTOR'S REPORT.

Mr. Parker reported that he attended the meeting of the Senate Health and Human Services Committee who received testimony on allegations of Medicaid Fraud tied to the corporate practice of dentistry and Dental Management Organizations. He reported that a follow-up meeting was held with the Texas Dental Association who gave their overview on the corporate practice of dentistry.

On April 11, 2012, he will attend a hearing of the House Public Health Committee. This Committee has the legislative oversight of the SBDE. The Committee reviewed SBDE operations, funding and staffing.

Mr. Parker also reported that Staff met with the Office of Inspector General who are looking into what the SBDE can contribute to the process of Medicaid Fraud. A meeting was also held with the staff in Senator West's office to discuss Medicaid Fraud, licensing and funding issues.

Mr. Parker stated that he, Ms. Sparks and Ms. Shoesmith attended the Dental Laboratory Association of Texas Meeting on April 13, 2012. He will also be giving opening remarks at the Texas Dental Assistants Association meeting in early May.

14. PRESIDING OFFICER'S REPORT.

Dr. Gough reported that Mr. Parker's transition to the position of Interim Executive Director has been smooth and thanked him for his guidance and assistance.

15. ELECTION OF BOARD SECRETARY.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. BIRDWELL TO REELECT DR. AUSTIN TO THE POSITION OF BOARD SECRETARY FOR A ONE YEAR TERM. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

The meeting was called into Executive Session at 2:45 p.m. The meeting was reconvened into Open Session at 3:22 p.m.

16. EXECUTIVE SESSION.

A MOTION WAS MADE TO APPOINT MR. GLENN PARKER AS INTERIM EXECUTIVE DIRECTOR UNTIL FURTHER ACTION IS TAKEN. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. AUSTIN TO APPROVE A SALARY ADJUSTMENT OF \$82,500 FOR THE INTERIM EXECUTIVE DIRECTOR. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

Dr. Gough announced that an Executive Director Search Committee will be formed and consist of the following Board Members: Mr. Arthur Troilo, Ms. Renee Cornett, Dr. William Birdwell, Ms. Lia Mote, Ms. Renee Cornett, RDH and Dr. Tamela Gough.

17. PUBLIC COMMENTS. Public comments were given by Dr. Douglas Terry and written testimony was provided by Dr. Paul Dunn.

18. ANNOUNCEMENTS. No announcements were made.

19. ADJOURN.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. GRANT TO ADJOURN THE MEETING AT 3:38 P.M. (FOR – 12 / OPPOSED – 0) MOTION CARRIES.

- SIGNED -

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

August 10, 2012

- SIGNED -

STEVEN J. AUSTIN
Board Secretary
Texas State Board of Dental Examiners

August 10, 2012