



## TEXAS STATE BOARD OF DENTAL EXAMINERS

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### BOARD MEETING MINUTES November 10, 2011

1. **CALL TO ORDER:** Dr. Gough called the meeting of the Texas State Board of Dental Examiners (SBDE) to order at 10:00 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
Ms. Renee Cornett	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. Arthur Troilo	Public Member

**b. Members Absent:**

Ms. Ann Pauli	Public Member (Excused)
Dr. James W. Chancellor	Member (Excused)

**c. SBDE Staff Present:**

Ms. Sherri Meek	Executive Director
Ms. Joy Sparks	General Counsel
Ms. Lisa Jones	Director of Enforcement
Mr. Glenn Parker	Director of Licensing and Administration
Ms. Vicki Shoosmith	Assistant to the Executive Director
Ms. Nycia Deal	Staff Attorney
Ms. Sarah Carnes-Lemp	Staff Attorney

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. FINN TO EXCUSE DR. CHANCELLOR AND MS. PAULI FROM THE MEETING. (FOR – 10 / OPPOSED – 0)  
MOTION CARRIES.

### 3. REVIEW AND APPROVAL OF MINUTES FROM THE AUGUST 5, 2011, BOARD MEETING.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. DEAN TO APPROVE THE MINUTES AS WRITTEN. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

### 4. CONSENT AGENDA.

Ms. Sparks presented the Agreed Settlement Orders for discussion and consideration.

#### 9.3.3. C- Settlement Orders.

Baker, David A., DDS#15594	Paddock, Arthur G., DDS#13931
Bauer, Terri, RDH#14655	Pennartz, Todd, DDS#18144
Chong, Julian M., DDS#15777	Price, Gilbert C., DDS#12380
Coats, Matthew J., DDS#15970	Reyes, Rebecca, DDS#23363
Cuevas, Simona, DDS#18102	Rivers, Kristina N., DDS#23933
Das, Piyuse R., DDS#18906	Roberts, Mark A., DDS#18703
Fleming, Benny F., DDS#8660	Smith, Andre X., DDS#17116
Fowler, Alfred, DDS#14501	Su, Long, DDS#20421
Freed, Natasha, RDA Applicant	Tindol, Jane E., DDS#14821
Gayken, Dawn P., DDS#16567	Tran, Anh-Tu Thi, DDS#16102
Goyne, William B., DDS#18852	Updyke, John R., DDS#10843
Introligator, Dale, DD#16577	Vasquez, Lori E., RDA Applicant
Kapadia, Suketu A., DDS#19942	Vrasic, James P., DDS#8630
Le, Truong Quan, DDS#21632	Vu, Christina Hai, DDS#19643
Leffal, Jr., Lindell, DDS#14654	Wang, Tien-Shih, DDS#14139
Lucero, Jr., Horacio, DDS#19040	Williams, Scott M., DDS#13825
Logue, Dean M., DDS#13991	Zacarias, Jr., Jose C., DDS#24008
Magee, Natalie J., RDA#19542	Zavala, Johnny, DDS#2018
Mitchell, C. Patrick, DDS#16444	
Murray, John R., DDS#10623	

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. BIRDWELL TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 10 / OPPOSED – 0) MOTION CARRIES.

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

#### 5.1. Russell Bass, D.D.S., SBDE Lic. #14604, Requesting Modification of SBDE Board Orders #08-0833-0801 and 06-0578-0321.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. RAMOS TO DENY THE REQUEST OF DR. RUSSELL BASS TO MODIFY SBDE BOARD ORDERS 08-0833-0801 AND 06-0578-0321. (FOR - 8 / OPPOSED – 0 / ABSTENTIONS - 2) MOTION CARRIES.

It was noted for the Record that Mr. Troilo joined the meeting at 10:27 a.m.

#### 5.2. Russell Boone, D.D.S., SBDE Lic. #14152, Requesting Modification of SBDE Board Order #08-0664-0605.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. AUSTIN TO APPROVE THE REQUEST OF DR. RUSSELL BOONE TO REAPPLY FOR HIS SCHEDULE 2 AND SCHEDULE 3 PRIVILEGES. (FOR - 8 / OPPOSED – 2 / ABSTENTION - 1) MOTION CARRIES.

**6. DISCUSSION AND POSSIBLE ACTION CONCERNING REPORTS OF BOARD COMMITTEES.****6.1. Executive Committee Report.**

Dr. Gough reported that the Executive Committee met on September 22, 2011 pursuant to Section 263.004 of the Texas Occupations Code to consider a temporary suspension of Texas Dental License Number 9017 issued to Joe G. Worsham.

Based upon evidence and information collected pursuant to a Board investigation, the continuing practice of dentistry by this Texas licensee would constitute a clear, imminent, or continuing threat to a person's physical health or well-being. Therefore the Committee unanimously voted to temporarily suspend Texas Dental License Number 9017 issued to Joe G. Worsham.

**6.2. Advertising Ad-hoc Committee Report.**

Dr. Ramos reported that the Committee met on March 9, 2012 to discuss new and current SBDE advertising regulations. Dr. Ramos tasked Staff with updating the proposed rules and forwarding a copy to committee members for further review.

**7. MISCELLANEOUS REPORTS.****7.1. Professional Recovery Network (PRN) Report.**

Ms. Hannah Del Toro presented the PRN Report for the First Quarter of FY 2012.

**7.2. Dental Laboratory Certification Council (DLCC) Report.**

Ms. Meek reported that the DLCC met on April 8, 2011 to discuss the matter of outsourcing and marking services and registration requirements with the Department of State Health Services and House Bill 3371 relating to the registration of dental labs from certain distributing and manufacturing licensing requirement.

Ms. Meek further stated that Mr. Brady Bradley was elected as Presiding Officer for a one year term and will be recommending Gary Morgan for reappointment to the DLCC for another two-year term.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. FINN TO APPROVE THE REAPPOINTMENT OF GARY MORGAN, C.D.T., TO THE DENTAL LABORATORY CERTIFICATION COUNCIL FOR A TWO-YEAR TERM. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

**8. DISCUSSION AND POSSIBLE ACTION REGARDING RULES.****8.1. For discussion and consideration of proposed rule amendments in 22 Texas Administrative Code §108.8 (Records of the Dentist).**

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. MOTE TO MODIFY THE PROPOSED LANGUAGE AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

**8.2. For discussion and consideration of proposed new rules in 22 Texas Administrative Code §101.6, Licensing for Military Spouses.**

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MR. TROILO TO APPROVE PROPOSED NEW RULE 101.6 AS WRITTEN AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 11 / OPPOSED – 0) MOTION CARRIES

**8.3. For discussion and consideration of proposed new rules in 22 Texas Administrative Code §103.6, Licensing for Military Spouses.**

A MOTION WAS MADE BY DR. LEEDY AND SECONDED BY MS. HYDE TO APPROVE PROPOSED NEW RULE 103.6 AS WRITTEN AND PUBLISH IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD. (FOR – 11 / OPPOSED – 0) MOTION CARRIES

**9. AGENCY DIVISION ACTIVITY REPORTS.**

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

**9.2. Licensing and Administration Division Report.**

• **Discussion and consideration of Parenteral Anesthesia Permit Applications.**

Dr. Finn presented 60 Parenteral Anesthesia Permit Applications for review and consideration.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. AUSTIN TO APPROVE 60 ANESTHESIA PERMITS AS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

• **Division Reports.**

Mr. Parker presented a report on the budget and performance measures as well as the Licensing Division Report for FY 2012.

**The Presiding Officer called for a break at 11:30 a.m. The meeting reconvened at 12:12 a.m.**

**9.3. Legal Division Report.**

Ms. Sparks presented the Legal Division Activity Report for the Fourth Quarter of FY 2012.

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

**9.3.2.a. Docket No. 504-11-2126, Michael A. Charles, DDS, Texas Dental License Number 15393.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-2126.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-2126, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.
- Consideration of recommendation by Michael A. Charles, DDS, Docket No. 504-11-2126.
- Consider recommendations and take action: Michael A. Charles, DDS, Texas Dental License 15393.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. RAMOS TO MODIFY THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND REVOKE TEXAS DENTAL LICENSE NO. 15393 ISSUED TO MICHAEL A. CHARLES. (FOR – 11 / OPPOSED – 0 / ABSTENTIONS – 0) MOTION CARRIES.

**9.3.2.b. Docket No. 504-11-6260, Arthur W. Coleman, DDS, Texas Dental License Number 15557.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-6260.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-6260, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MR. TROILO TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND ISSUE A PROBATED SUSPENSION ON TEXAS DENTAL LICENSE NO. 14379 ISSUED TO ARTHUR W. COLEMAN. (FOR – 11 / OPPOSED – 0 / ABSENTIONS – 0) MOTION CARRIES.

**9.3.2.c. Docket No. 504-11-6257, Philip Hicks, DDS, Texas Dental License Number 14765.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-6257.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-6257, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. BIRDWELL 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 LICENSE NO. 14765 ISSUED TO PHILIP HICKS. (FOR – 11 / OPPOSED – 0 / ABSTENTIONS – 0) MOTION CARRIES.

**9.3.2.d. Docket No. 504-11-6259, Edward R. Jordan, DDS, Texas Dental License Number 11038.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-6259.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-6259, 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. RAMOS TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND REVOKE TEXAS DENTAL LICENSE NO. 11038 ISSUED BY EDWARD R. JORDAN. (FOR – 11 / OPPOSED – 0 / ABSENTIONS – 0) MOTION CARRIES.

**9.3.2.e. Docket No. 504-11-1777, Rick L. Kline, DDS, Texas Dental License Number 18294.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-1777.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-1777, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications or Dismissal of the Action.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY MS. CORNETT TO DISMISS THE ACTION AGAINST TEXAS DENTAL LICENSE NO. 18294 ISSUED BY RICK L. KLINE, WITH PREJUDICE, AS SET OUT IN THE PRESENTED ORDER NUMBER 2. (FOR – 10 / OPPOSED – 1 / ABSTENTIONS – 0) MOTION CARRIES.

**9.3.2.f. Docket No. 504-11-3398, Antonio R. Rivera, DDS, Texas Dental License Number 23308.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-3398.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-3398, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. AUSTIN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND DISMISS, WITHOUT PREJUDICE, SBDE COMPLAINT NO. 10-0176-1030 REGARDING ANTONIO R. RIVERA, D.D.S. (FOR – 11 / OPPOSED – 0 / ABSTENTIONS – 0) MOTION CARRIES.

**9.3.2.g. Docket No. 504-11-2331, Sejoon Kim, DDS, Texas Dental License Number 23210.**

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-2331.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-2331, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.
- Consideration of recommendation by Sejoon Kim, DDS, Docket No. 504-11-2331.
- Consider recommendations and take action: Sejoon Kim, DDS, Texas Dental License Number 23210.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. GRANT TO MODIFY THE PROPOSAL FOR DECISION, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND ISSUE A WARNING TO TEXAS DENTAL LICENSE NO. 23210 ISSUED TO SEJOON KIM. (FOR – 5 / OPPOSED – 4 / ABSTENTIONS – 2) MOTION CARRIES

**9.3.3. Consent Agenda.** (As noted on Page 2)

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

Dr. Austin declared his availability and interest in serving as Board Secretary.

**11. EXECUTIVE DIRECTOR'S REPORT.**

Ms. Meek provided a report on her attendance at a meeting of the American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB). She also provided an update on Versa.

**12. PRESIDING OFFICER'S REPORT.**

Dr. Gough reported on the American Dental Association Meeting and the AADB meeting.

**The meeting was called into Executive Session at 2:23 p.m. The meeting reconvened in Open Session at 3:00 p.m.**

**13. EXECUTIVE SESSION PURSUANT TO TEX. GOV'T CODE ANN. §551.074 (TEXAS OPEN MEETINGS ACT) REGARDING PERSONNEL MATTERS: ANNUAL PERFORMANCE EVALUATION OF SHERRI MEEK, EXECUTIVE DIRECTOR.**

**14. PUBLIC COMMENTS.**

Dr. Gough announced the format then invited participation from the audience. Speakers included: Dr. Mark Stakewitz, Dr. Douglas Terry, Mr. Kevin Tran, and Ms. Becky Murphy.

**12. MISCELLANEOUS.**

Future Tentatively Scheduled Meetings:

- Committee Meetings: Thursday, January 26, 2012.
- Board Meeting: Friday, January 27, 2012.

**13. ADJOURN.**

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. FINN TO ADJOURN THE MEETING AT 3:22 P.M. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

**- SIGNED -**

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

**April 27, 2012**

**- SIGNED -**

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

**April 27, 2012**