



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES

June 3, 2016

1. CALL TO ORDER – BOARD MEETING.

Dr. Austin called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:36 a.m.

2. ROLL CALL.

Ms. Kelly Parker called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. Steven J. Austin	Presiding Officer
Dr. Kirby Bunel Jr.	Member
Ms. Emily W. Christy	Member
Ms. Renée S. Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Diane Garza	Member
Dr. Bryan N. Henderson	Member
Dr. Christie M. Leedy	Member
Mr. Timothy J. O'Hare	Member
Ms. Lois M. Palermo, RDH	Member
Dr. Jorge E. Quirch	Member
Dr. M. David Tillman	Member
Mr. Richard D. Villa	Member
Mr. Lewis M. White	Member
Dr. Jason A. Zimmerman	Member

b. Members Absent:

All Members were present.

c. Staff Present:

Ms. Kelly Parker	Executive Director
Ms. Nycia Deal	General Counsel
Dr. Brooke Bell	Director of Dental Division
Ms. Leticia Kappel	Director of Finance and Administration Division
Ms. Christine Mendez	Director of Licensing Division

- 3. REVIEW AND APPROVAL OF PAST MINUTES FROM THE FEBRUARY 26, 2016, BOARD MEETING.**
A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. PALERMO TO APPROVE THE MINUTES AS WRITTEN.
(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

4. ELECTION OF BOARD SECRETARY.

Dr. Austin briefed the Board on the history of the election and selection process (Occupations Code Chapter 252, Section 252.006) and named the duties of the Board Secretary.

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

Dr. Austin asked for nominations and declarations of interest in serving as the Board Secretary. Dr. Dean nominated Dr. Kirby Bunel Jr. Dr. Bunel declared his availability and interest in serving as Board Secretary. No other nominations were made.

Dr. Austin advised the Board Members to cast their vote via secret ballot.

Ms. Parker collected the ballots and counted the votes.

Dr. Austin announced that Dr. Tillman received the most votes.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. LEEDY TO ACCEPT DR. DAVID TILLMAN AS BOARD SECRETARY.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

Dr. Austin stated Dr. Tillman will be serving as Board Secretary beginning June 3, 2016, with the term ending on February 28, 2017.

5. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.

5.1. Agreed Settlement Orders.

A MOTION WAS MADE BY DR. ZIMMERMAN AND SECONDED BY DR. QUIRCH TO APPROVE THE REMAINING ELEVEN AGREED SETTLEMENT ORDERS AS PRESENTED.

(FOR – 14 / OPPOSED – 1 / ABSTAIN – 0) MOTION CARRIES

AGREED ORDER PULLED FOR RECONSIDERATION.

A MOTION WAS MADE BY UNKNOWN BOARD MEMBER AND SECONDED BY DR. DEAN TO APPROVE THE REMAINING TEN AGREED SETTLEMENT ORDERS AS PRESENTED.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

5.2. Remedial Plans.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. CORNETT TO APPROVE THE REMEDIAL PLANS AS PRESENTED.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

5.3. Consent Orders.

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

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

5.4. Modification Orders.

A MOTION WAS MADE BY DR. BURNEL AND SECONDED BY DR. QUIRCH TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

5.5. Dismissals.

A MOTION WAS MADE BY MR. ZIMMERMAN AND SECONDED BY MR. O'HARE TO APPROVE THE DISMISSALS AS PRESENTED.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

6. PRESIDING OFFICER'S REPORT.

Dr. Austin presented the Presiding Officer's Report. Dr. Austin briefly discussed the Sunset Review Process in his report.

7. MISCELLANEOUS REPORTS.

7.1. Professional Recovery Network (PRN) Report.

Ms. Hulbert presented the PRN report along with the new budget.

7.2. Western Regional Examining Board Dental Hygiene Report.

Ms. Palermo stated that the report is available on the Agenda.

Dr. Austin stated that the next Dental Hygiene exam board meeting will be on June 22, 2016.

7.3. Western Regional Examining Board Report.

Dr. Austin continued encouraged Board Members to participate in Regional Exams to understand the process of how the exam is presented.

8. DISCUSSION AND ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS.

8.1. Anesthesia Workgroup.

Dr. Austin called on Dr. Zimmerman to lead the discussion on the Anesthesia Workgroup. Dr. Zimmerman spoke about the first meeting, which was held on April 15, 2016. Dr. Zimmerman explained that it was an information gathering session, which the Board is still reviewing. Dr. Dean mentioned his concern about patient safety and emergency preparedness. Ms. Parker reminded the board members that there was legislative interest in the issue.

8.2. Dental Hygiene Advisory Committee.

Dr. Austin called on Ms. Palermo to lead the discussion for the Dental Hygiene Advisory Committee.

Ms. Palermo advised that the Committee is made up of three Dental Hygienists, one Dentist and two public members. These members bring up issues regarding Dental Hygiene and are allowed to propose rules to the Board. The Dental Hygiene Advisory Committee meets once or twice a year.

Ms. Palermo stated that the report is included in the agenda.

8.3. Licensing Committee.

Dr. Austin called on Dr. Zimmerman to address the Board and discuss the Licensing Committee recommendations.

Dr. Zimmerman called on Ms. Deal to lead the conversation. Ms. Deal stated the Licensing Committee considered seven applications, five of the applicants appeared to present themselves before the committee. Ms. Deal advised the Board regarding the applicable laws and rules related to the requests.

8.3.1. Discussion and Action on Application for Special Consideration or Exception to Board Rules.

8.3.1.1. Victor Firmani, DDS.

A MOTION WAS MADE BY MS. CHRISTIE AND SECONDED BY DR. LEEDY TO ACCEPT DR. FIRMANI'S APPLICATION FOR EXCEPTION TO BOARD RULES.
(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2. Discussion and Action on Applications for Licensure/Registration.

8.3.2.1. Application2016Q3RDA1.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. DEAN TO ACCEPT THE LICENSING COMMITTEE'S RECOMMENDATION TO PROPOSE A CONSENT ORDER TO RESOLVE APPLICATION2016Q3RDA1.
(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.2. Application2016Q3RDA2.

A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. CORNETT TO ACCEPT THE LICENSING COMMITTEE'S RECOMMENDATION TO PROPOSE A CONSENT ORDER TO RESOLVE APPLICATION2016Q3RDA2.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.3. Application2016Q3DEN1.

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. DEAN TO ACCEPT THE LICENSING COMMITTEE'S RECOMMENDATION TO PROPOSE A CONSENT ORDER TO RESOLVE APPLICATION2016Q3DEN1.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.4. Application2016Q3RDA3.

A MOTION WAS MADE BY DR. ZIMMERMAN AND SECONDED BY DR. TILLMAN TO APPROVE APPLICATION2016Q3RDA3 WITHOUT CONDITIONS.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.5. Application2016Q3RDA4.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. ZIMMERMAN TO ACCEPT THE LICENSING COMMITTEE'S RECOMMENDATION TO PROPOSE A CONSENT ORDER TO RESOLVE APPLICATION2016Q3RDA4.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.6. Application2016Q3DEN2.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. LEEDY TO APPROVE APPLICATION2016Q3DEN2 WITHOUT CONDITIONS.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.2.7. Application2016Q3DEN3.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. TILLMAN TO APPROVE APPLICATION2016Q3DEN3 WITHOUT CONDITIONS.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

8.3.3. Discussion and Action on CE Audit Vendors.

Dr. Zimmerman called on Ms. Mendez, Director of Licensing, to discuss CE Audit Vendors. Ms. Mendez brought forward a request from the Licensing Committee and Staff to move forward with a paperless auditing system, which would require a vendor. Ms. Mendez relayed to the Board that there is a current CE Audit rule, but moving forward, the licensing committee will be revisiting the rule to make it more specific. Ms. Parker noted that the Licensing Committee recommended that 5% of the dentist population would be audited, 5% of the dental hygiene population would be audited and that 5% of the dental assistants would be audited. Ms. Deal articulated the exact CE Rules, which is Rules No.: 10.1; 10.1.3.6

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. HENDERSON TO DIRECT STAFF TO TAKE ACTION ON CE AUDIT VENDORS.

(FOR – 15 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

9. APPEARANCES BEFORE THE BOARD.

9.1 Carlos Morales-Ryan.

9.2 Patricia Garcia-Morales.

Dr. Austin called on Dr. Anderton, counsel for both, Drs. Carlos Morales-Ryan and Patricia Garcia-Morales to appear before the Board..

10. DISCUSSION AND ACTION ON RULES.

Ms. Deal took the floor to discuss the following action on Rules and future Rulemaking:

10.1. Discussion regarding future rulemaking.

- 10.1.1. Past stakeholder meetings.
- 10.1.2. Future stakeholder meetings.
- 10.1.3. Future rulemaking topics.
- 10.1.3.1. Procedures Governing Grievances, Hearings, and Appeals.
- 10.1.3.2. Prescribing to Friends and Family Members.
- 10.1.3.3. Delegable Duties to Dental Assistants.
- 10.1.3.4. Modification of Orders
- 10.1.3.5. Disciplinary Matrix.
- 10.1.3.6. Continuing Education Audits.
- 10.1.3.7. Withdrawal of Application for Licensure or Registration

10.2. Discussion and action regarding proposals of new rules.

The following Rules were proposed:

- 10.2.1. 22 Tex. Admin. Code, 100.6, Executive Committee of the Board.
- 10.2.2. 22 Tex. Admin. Code, 100.7, Standing Committees of the Board.
- 10.2.3. 22 Tex. Admin. Code, 100.8, Ad Hoc Committees of the Board.
- 10.2.4. 22 Tex. Admin. Code, 100.9, Advisory Committees and Workgroups Established by the Board.
- 10.2.5. 22 Tex. Admin. Code, 100.10, Stakeholder Meetings Convened by Staff.

The following Rules were not proposed:

- 10.2.6. 22 Tex. Admin. Code, 107.220, Initiation of Complaint Based on NPDB Report.
- 10.2.7. 22 Tex. Admin. Code, 107.221, Confidential Referral to Peer Assistance Program

The Presiding Officer called for a lunch break at 12:50 p.m.

The meeting reconvened at 1:20 p.m.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. TILLMAN TO EXCUSE DR. VILLA FOR THE REMAINDER OF THE MEETING.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

10.3. Discussion and action regarding rule review proposed at February 26, 2016, meeting.

- 10.3.1. 22 Tex.Admin. Code, 110.1 through 110.10, Sedation and Anesthesia.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. HENDERSON TO RE-ADOPT RULE 110.1 THROUGH 110.10.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

10.4. Discussion and action regarding adoption of proposed rule amendments.

- 10.4.1. 22 Tex.Admin. Code, 102.1, Fee Schedule.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY MS. CORNETT TO ADOPT RULE 102.1.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

PUBLIC COMMENT

Dr. Austin called on Dr. Keith Thorton to take the floor.

Dr. Austin excused everyone from the room to take part in the Executive Session to speak with a representative from the Attorney General’s Office.

- 10.4.2. 22 Tex. Admin. Code, 108.12, Dental Treatment of Obstructive Sleep Apnea.

A MOTION WAS MADE BY AN UNKNOWN BOARD MEMBER ON THE AUDIO AND SECONDED BY DR. QUIRCH TO ADOPT RULE 108.12.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

10.5. Discussion and action regarding adoption of proposed repeal of rules

- 10.5.1. 22 Tex. Admin. Code, 107.69, Alternative Informal Assessment of Administrative Penalty.
- 10.5.2. 22 Tex. Admin. Code, 107.202, Disciplinary Guidelines and Administrative Penalty Schedule.
- 10.5.3. 22 Tex. Admin. Code, 107.300, Registration of Non-Profit Corporations Authorized to Hire Dentists.

A UNANIMOUS MOTION WAS MADE BY THE BOARD TO ADOPT THE REPEAL OF RULES, 107.69; 107.202 AND 107.300.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

- 10.5.4. 22 Tex. Admin. Code, 107.100, Receipt, Processing, and Coordination of Complaints.
- 10.5.5. 22 Tex. Admin. Code, 107.101, Preliminary Inquiry of a Complaint.
- 10.5.6. 22 Tex. Admin. Code, 107.102, Commencement of an Official Complaint.
- 10.5.7. 22 Tex. Admin. Code, 107.103, Disposition of an Official Complaint.
- 10.5.8. 22 Tex. Admin. Code, 107.104, Confidentiality of Investigations.
- 10.5.9. 22 Tex. Admin. Code, 107.105, Request for Information and Records from Licensees.
- 10.5.10. 22 Tex. Admin. Code, 107.106, Use of Expert Panel.
- 10.5.11. 22 Tex. Admin. Code, 107.107, Selection of Expert Reviewers.
- 10.5.12. 22 Tex. Admin. Code, 107.108, Determination of Competency by the Expert Panel.
- 10.5.13. 22 Tex. Admin. Code, 107.110, Compliance.

A UNANIMOUS MOTION WAS MADE BY THE BOARD TO WITHDRAW AND RE-PROPOSE THE REPEAL OF RULES, 107.100; 107.101; 107.103; 107.104; 107.105; 107.106; 107.107; 107.108 AND 107.110.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

10.6. Discussion and action regarding adoption of proposed rules.

- 10.6.1. 22 Tex. Admin. Code, 107.69, Temporary Suspension in Emergency

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY AN UNKNOWN BOARD MEMBER ON AUDIO TO ADOPT NEW RULE 107.69.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

- 10.6.2. 22 Tex. Admin. Code, 107.100, Definitions.
- 10.6.3. 22 Tex. Admin. Code, 107.101, Responsibilities of Investigations Division and Dental Practice Division.
- 10.6.4. 22 Tex. Admin. Code, 107.102, Complaints.
- 10.6.5. 22 Tex. Admin. Code, 107.103, Preliminary Investigation of a Complaint.
- 10.6.6. 22 Tex. Admin. Code, 107.104, Official Investigation of a Complaint.
- 10.6.7. 22 Tex. Admin. Code, 107.105, Collection of Information and Records.
- 10.6.8. 22 Tex. Admin. Code, 107.106, Confidentiality of Investigations.
- 10.6.9. 22 Tex. Admin. Code, 107.107, Use of Dental Review Panel.
- 10.6.10. 22 Tex. Admin. Code, 107.108, Assignment of Dental Review Panel Members.
- 10.6.11. 22 Tex. Admin. Code, 107.109, Review by Dental Review Panel Members.

A UNANIMOUS MOTION WAS MADE BY THE BOARD TO WITHDRAW THE PROPOSAL AND REPROPOSE RULES 107.100; 107.101; 107.102; 107.103; 107.104; 107.105; 107.106; 107.107; 107.108 AND 107.109.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

- 10.6.12. 22 Tex. Admin. Code, 107.200, Disposition of a Filed Complaint.
A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY AN UNKNOWN BOARD MEMBER TO ADOPT RULE 107.200.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES
- 10.6.13. 22 Tex. Admin. Code, 107.201, Procedures for Alternative Informal Assessment of Administrative Penalty Schedule.
A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. LEEDY TO ADOPT REPEAL OF 107.201.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES
- 10.6.14. 22 Tex. Admin. Code, 107.202, Alternative Informal Assessment of Administrative Penalty Schedule.
A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. LEEDY TO ADOPT RULE 107.202.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES
- 10.6.15. 22 Tex. Admin. Code, 107.205, Registration of Non-Profit Corporations Authorized to Hire Dentists.
A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. QUIRCH TO ADOPT RULE 107.205.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES
- 10.6.16. 22 Tex. Admin. Code, 107.300, Responsibilities of Compliance Division.
A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. QUIRCH TO ADOPT RULE 107.300.
(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

11. AGENCY ACTIVITY REPORTS.

- 11.1. Executive Director's Report.
Ms. Parker presented the Executive Director's Report which covered details about the Sunset Review Process, meetings with key officials, including members of the legislature, the Governor's Office and Inspector General Bowen.

- 11.2. Finance and Administration Division Report.
Ms. Parker introduced the new Chief Accountant, Ms. Leticia Kappel. Ms. Parker stated the report is available for the Board Members review.

A MOTION WAS MADE BY DR. QUIRCH TO EXCUSE DR. DEAN, DR. ZIMMERMAN AND MR. O'HARE FROM THE BOARD MEETING.

(FOR – 14 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

- 11.3. Licensing Division Report.
Dr. Austin called on Ms. Mendez to present her Licensing Report.
Ms. Mendez addressed the current volume of applications due to graduation season. She noted the processing time is approximately four to six weeks. Ms. Parker briefly spoke about about anesthesia applications and permits. Dr. Bunel asked Ms. Mendez to speak on the process for a Foreign Trained Graduate.

- 11.4. Joint Report of the Investigations and Dental Practice Divisions.
Dr. Austin stated that Ms. Jones is out of the office and Dr. Bell will present the joint report.
Dr. Bell relayed there are currently two openings for field investigators and one opening for an Administrative Supervisor. Compared to last year, complaints have decreased from roughly 350 to 400. There are currently 402 cases. As of now, there are 150 DRP Members. Of those, 131 are actively reviewing cases. There are 6 open cases with self-reports and complaints. The remainder of the cases are "on hold" for personal reasons. Since the last Board Meetings, we have processed 146 cases, which resulted in 309 individual reports generated. Following QCC approval, we also processed 45 dismissals.

- 11.5. Legal Division Report.
Dr. Austin called upon the Legal Division for their report. Ms. Deal presented the Legal Division report and introduced Mr. Tyler Vance, the new Assistant General Counsel.

12. DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).

12.1. Docket No. 504-16-1013, Michael A. McCann, DDS, Texas Dental License No. 10723.

Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action. A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. LEEDY TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND TO REPRIMAND MR. MCCANN'S DENTAL LICENSE NO. 10723 (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

12.2. Docket No. 504-15-0919, Joanna Faz, RDA, Registered Dental Assistant No. 45571.

Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action. A MOTION WAS MADE AND SECONDED BY UNKNOWN BOARD MEMBERS IN AUDIO TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND SUSPEND MS. FAZ'S DENTAL ASSISTANT REGISTRATION NO. 45571. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

12.3. Docket No. 504-16-1557, D. William Gary, DDS, Texas Dental License No. 25687.

Consideration of the Administrative Law Judge's Order No. 4 Dismissing Case, Recommendations, and Board Action. A MOTION WAS MADE BY MR. WHITE AND SECONDED BY DR. BUNEL TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND TO SUSPEND MR. GARY'S DENTAL LICENSE NO. 25687 (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

12.4. Docket No. 504-16-3119, Miner Jerome Holmes, DDS, Texas Dental License No. 10514.

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations, and Board Action. A MOTION WAS MADE BY DR. LEEDY AND SECONDED BY DR. BUNEL TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND TO SUSPEND MR. HOLMES' DENTAL LICENSE NO. 10514. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

12.5. Docket No. 504-16-1210, Joann N. Kramer, RDA, Registered Dental Assistant No. 2780 and Nitrous Oxide Certificate No. 52007.

Consideration of the Administrative Law Judge's Order No. 4 Granting Motion to Dismiss and Remand, Recommendations, and Board Action. A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. LEEDY TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND TO REVOKE MS. KRAMER'S DENTAL ASSISTANT REGISTRATION LICENSE NO. 2780 AND NITROUS OXIDE CERTIFICATE NO. 52007. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

12.6. Docket No. 504-16-2366, Amanda M. Malesich, RDA, Registered Dental Assistant No. 77204.

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations, and Board Action. A MOTION WAS MADE BY MR. AND SECONDED BY DR. TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND TO REVOKE MS. MALESICH'S DENTAL ASSISTANT REGISTRATION LICENSE NO. 77204. (FOR – 11 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

DR. HENDERSON MADE A MOTION AND DR. QUIRCH SECONDED THE MOTION TO EXCUSE MR.

WHITE FROM THE BOARD MEETING.
(FOR – 10 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES

13. PUBLIC COMMENTS.

Public comments were made per Board Member’s request after Section 10.4 by Dr. Thorton.

14. ANNOUNCEMENTS.

Dr. Austin announced the next Board meeting is set for Friday, August 12, 2016.

15. ADJOURN.

A MOTION WAS MADE BY DR.BUNEL AND SECONDED BY DR. QUIRCH TO ADJOURN THE MEETING. TIME WAS NOT GIVEN DURING THIS AUDIO.

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

EXECUTIVE SESSION: The board reserves the right to conduct a closed meeting to discuss any posted agenda items as authorized by law. Specifically, the board may enter executive session to conduct a private consultation with its attorney to seek advice about pending or contemplated litigation or a settlement offer, pursuant to Section 551.071 of the Texas Government Code.

- * Discussion of future rulemaking topics is not limited to the posted discussion items.
- ** Considerations named under agenda items 10.5 and 10.6 may be taken out of order as needed.

Steven J. Austin, DDS
Presiding Officer
June 3, 2016

David Tillman, DDS
Board Secretary
June 3, 2016