



**TEXAS STATE BOARD OF DENTAL EXAMINERS**

William P. Hobby, Jr. Building  
333 Guadalupe Street, Tower 2, Room 225  
Austin, Texas 78701

**BOARD MEETING MINUTES  
SEPTEMBER 11, 2020**

**1. CALL TO ORDER.**

Dr. Tillman called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:34 a.m.

Dr. Tillman read the mission statement of the Texas State Board of Dental Examiners.

**2. ROLL CALL.**

Dr. Quirch called the roll. It was noted, for the record, that a quorum was present.

**a. Members Present:**

Dr. David Tillman	Presiding Officer
Dr. Jorge Quirch	Secretary
Dr. Bryan N. Henderson	Member
Dr. David H. Yu	Member
Dr. Robert G. McNeill	Member
Ms. Lorie Jones, RDH	Member
Ms. Lois M. Palermo, RDH	Member
Dr. Linda T. Burke	Member
Dr. Margo Melchor	Member
Ms. Kathryn Sisk	Member

**b. Members Absent - Excused:**

Mr. Rodney Bustamante	Member
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**3. DISCUSSION AND APPROVAL OF MINUTES FROM PREVIOUS BOARD MEETINGS.**

a. Minutes for June 5, 2020, Board Meeting.

A motion was made by Dr. Yu and seconded by Dr. Quirch to approve the Minutes for the June 5, 2020 Board Meeting.

(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

**b. Minutes for August 24, 2020, Emergency Board Meeting.**

A motion was made by Dr. Quirch and seconded by Dr. Henderson to approve the minutes for the August 24, 2020 Emergency Board Meeting.

(FOR - 10/OPPOSED- 0/ABSTAIN-0) MOTION CARRIES

**4. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.**

**a. Agreed Settlement Orders.**

A motion was made by Dr. Henderson and seconded by Dr. Burke to approve the Agreed Settlement Orders for Alexander (2019-00009 & 2019-00593), Davis (2020-00106), Faraj (2019-00517), Goehring (2018-01261 & 2020-00166), Herrera (2017-01696), Johnson (2018-01126, 2018-01239, & 2020-00184), Khalid (2019-00929), Leedy (2017-01760, 2018-00712 & 2019-00033), Naftis (2019-00449 & 2019-01127), Ochoa (2019-00425), Pack (2017-01754 & 2018-01449), Parikh (2018-00725), Peng (2019-00777), Reid (2020-00036), Skormin (2019-00315), Vo (2019-0010, 2019-00154, & 2019-00656), Watkins (2017-01200).

(FOR - 10/OPPOSED - 0/ABSTAIN - 0) MOTION CARRIES

**b. Remedial Plans.**

A motion was made by Dr. Yu and seconded by Dr. McNeill to approve the Remedial Plans, except Case 2020-00233, for Ahmad (2018-01080), Aleemuddin (2019-00537), Bailey (2020-00401), Bauer (2019-00341), Blair (2019-00469), Boatner (2020-00405), Bonin (2019-00336), Cornman (2018-00342 & 2018-00576), Ehondor (2019-01206), Elizondo (2019-00116), Evans (2018-00707), Gonzales (2019-00313), Hopkins (2019-00370), Karimi (2019-00080), Kim (2019-00429), Lam (2018-01081), Li (2017-01157), Machart (2019-00439), Machart (2019-00439), Marlette (2018-00993), McPherson (2019-00356), Morales (2018-01447 & 2019-00515), Neilson (2018-01110), Nguyen (2019-00446), Price (2018-01322 & 2019-00629), Reddy (2019-00442), Sears (2018-00831 & 2019-00993), Sheth (2019-00074), Sinn (2019-00596 & 2019-00779), Thach (2020-00832), Ueckert (2018-01450), Walker (2018-01098), Yen (2019-00772), Zebrowski (2019-01112), Zebrowski (2019-01113), Zimmer (2018-01296)

(FOR - 10/OPPOSED - 0/ABSTAIN - 0) MOTION CARRIES

A motion was made by Dr. McNeill and seconded by Ms. Jones to go into Executive Session to discuss Case 2020-00233 for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act, Section 551.071, Government Code.

(FOR - 10/OPPOSED - 0/ABSTAIN - 0) MOTION CARRIES

Executive Session began at 8:49 a.m. and open session resumed at 9:10 a.m. No action was taken during Executive Session.

A motion was made to dismiss Case 2020-00233 by Dr. Quirch and seconded by Dr. McNeill.

(FOR – 7/OPPOSED – 2/ABSTAIN – 1) MOTION CARRIES

**c. Agreed Administrative Penalties.**

A motion was made by Dr. McNeill and seconded by Dr. Burke to approve the Agreed Administrative Penalties for Gaw (2018-00832), Glaros (2018-01415), Goodman (2019-00451), Grimes (2020-00443), Johnson (2019-01048), Kern (2019-00036), Kim (2019-00431), Simek (2020-00865), Stimpson (2017-00074), Vo (2020-00530), and Whitfield (2018-01440 & 2019-0113).

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

**d. Consent Orders.**

A motion was made by Ms. Jones and seconded by Dr. Quirch to approve the Consent Orders for Adame (2020-01086), Castillo (2020-00987), Corcran (2020-01038), Gibson (2020-00977), Hennington (2020-01004), Lara (2020-00819), Moreno (2020-00820), Saucedo (2020-00816), and Whisenhunt (2020-01085).

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

**e. Pre-ISC Recommendations of Dismissal.**

A motion was made by Dr. Henderson and seconded by Dr. Burke to approve the Pre-ISC Recommendations of Dismissal for 2017-01407, 2020-00057, 2020-00029, 2019-01005, 2019-00532, 2019-00922, 2019-01016, 2019-00618, 2019-01169, 2020-00270, 2018-00899, 2019-00962, 2020-00007, 2019-00644, 2019-00288.

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

**f. Post-ISC Recommendations of Dismissal.**

A motion was made by Dr. Quirch and seconded by Dr. Yu to approve the Post-ISC Recommendations of Dismissal for 2017-01076; 2020-00826; 2019-00214; 2017-01731; 2020-00878; 2019-00179; 2019-00178; 2019-00635; 2019-00392; 2019-00556; 2019-00230; 2018-00113; 2018-01441; 2016-01991; 2016-01823; 2020-00874; 2020-00454; 2020-00553; 2019-00928; 2019-00564; 2019-00535; 2019-00400; 2019-00357; 2017-01559; 2019-00775; 2019-00870; 2019-00361; 2019-00038; 2018-01442; 2018-00655; 2020-00262; 2019-00731; 2019-00333; 2018-01445; 2020-00873; 2018-01306; 2019-00441; 2018-01189; 2020-00071; 2018-01077; 2020-00122; 2020-00155; 2019-00627; 2019-00949; 2019-00123; 2019-01024; 2019-00367; 2019-00655; 2020-00094; 2019-00017; 2018-01091; 2020-00067; 2019-00426; 2019-00683; 2019-00216; 2019-00748; 2019-00169; 2019-00310; 2019-00317; 2019-00323; 2019-00663; 2019-00289; 2019-00289; 2019-00975; 2019-00997; 2019-01118; 2020-00355; 2019-00545; 2020-00877; 2019-00432; 2017-01900; 2019-00746; 2019-00899; 2019-00390; 2019-00417; 2019-

01036; 2018-00628; 2019-00311; 2019-00843; 2020-00880; 2018-00392; 2018-00430; 2019-00875 and 2020-01003.

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

**g. Modification Orders.**

None presented.

**h. Discussion of Specific Orders.**

None presented.

**5. DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS .**

**a. Docket No. 504-20-2385, Marcos Castro, RDA, Dental Assistant Registration No. 96828.**

Consideration of the Administrative Law Judge's Order No. 3 Conditional Order of Default Dismissal and Remand, Recommendations and Board Action.

Board staff recommendation presented by Cassie Kamp, Staff Attorney.

A motion was made by Dr. Henderson and seconded by Dr. Melchor to adopt the Order of the Board to revoke the registration as recommended by Staff.

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

**b. Docket No. 504-20-3271, Morna Christian-Staffel, DDS, Dental License No. 18277.**

Consideration of the Administrative Law Judge's Order No. 3 Conditional Order of Default Dismissal and Remand, Recommendations and Board Action.

Board staff recommendation presented by Cassie Kamp, Staff Attorney.

A motion was made by Dr. Henderson and seconded by Dr. Quirch to adopt the Order of the Board of enforced suspension of dental license as recommended by Staff.

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

**c. Docket No. 504-20-3605, Kerry Shakespear, DDS, Dental License No. 24389.**

Consideration of the Administrative Law Judge's Order No. 4 Conditional Order of Default Dismissal and Remand, Recommendations and Board Action.

Board staff recommendation presented by Anitra Abdullah-Levy, Staff Attorney.

A motion was made by Dr. Henderson and seconded by Ms. Jones to adopt the Order of the Board of enforced suspension and probated suspension of dental license as recommended by Staff.

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

**6. PRESIDING OFFICER REPORT.**

Dr. Tillman delivered the Presiding Officer's report. Dr. Henderson delivered the WREB report. Ms. Jones gave the HERB report. Dr. Henderson reported on his in-classroom Texas A&M course. Dr. Melchor advised that UT Houston has re-opened in phases and plexi glass barriers are in place.

**7. PROFESSIONAL RECOVERY NETWORK REPORT (PRN).**

Eden Males, Director was present and gave her report.

**8. DISCIPLINARY COMMITTEE REPORT AND RECOMMENDATIONS.**

Dr. McNeill discussed the dentist owner's responsibility for the actions of associates in a corporate practice setting. The legal division will review dentist owner issues on a case by case basis.

**9. LICENSING COMMITTEE REPORT AND RECOMMENDATIONS.**

Dr. Quirch gave a review of the committee meeting.

**a. Committee recommendation and possible action on request for exception to Board rule:**

**i. 2021-Q1-DDS1.**

Committee recommended denial of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to deny the exception of 2021-Q1-DDS1. Dr. Barboza spoke about her faculty license.

(FOR – 7/ OPPOSED – 3/ABSTAIN – 0) MOTION CARRIES

**ii. 2021-Q1-DDS2.**

Committee recommended denial of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to deny the exception of 2021-Q1-DDS2. Dr. Perez and Dr. Casmedes spoke.

(FOR – 7/ OPPOSED – 3/ABSTAIN – 0) MOTION CARRIES

**iii. 2021-Q1-DDS3.**

Committee recommended denial of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to deny the exception of 2021-Q1-DDS3.

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

**iv. 2021-Q1-DDS4.**

Committee recommended denial of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to deny the exception of 2021-Q1-DDS4. Dr. Mundluru spoke.

(FOR – 0/ OPPOSED – 10/ABSTAIN – 0) MOTION DENIED

A motion was made by Dr. Quirch and seconded by Dr. McNeill to grant a license to Dr. Mundluru. Dr. Henderson withdrew his amendment.

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

**v. 2021-Q1-DDS5.**

Committee recommended granting a six-month extension for the exception. A motion was made and did not require a second because the recommendation was made from the committee to grant a six-month extension for the exception of 2021-Q1-DDS5.

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

**vi. 2021-Q1-DDS6.**

Committee recommended approval of exception to the rule. A motion was made and did not require a second because the recommendation was made from the committee to approve the exception of 2021-Q1-DDS6.

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

- b.** Committee recommendation and possible action on request for reinstatement of voluntarily surrendered license.

Committee recommended denial of reinstatement. A motion was made and did not require a second because the recommendation was made from the committee to deny the reinstatement.

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

- c.** Committee recommendation and possible action on request for approval of registered dental assistant (RDA) CE course provider application.

Ms. Garza from the Houston Community College spoke on behalf of her organization. Ms. Jones clarified that this was an 8 hour review course and an exam, no live patients are involved and it is not a CE course. A registered dental assistant and program director will deliver the course. Ms. Garza and Mr. Harjai clarified: there is no live patient component in this program. Ms. Mendez comments that future applications could define that a dental professional must deliver the course. Dr. Melchor requests removal of live patient verbiage.

Committee recommended to approve the application. A motion was made by Dr. Melchor to amend the committee's recommendation to remove section 5c of the application's live patient verbiage and seconded by Dr. McNeill.

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

The amended committee motion to approve does not require a second.

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

- d. Committee recommendation and possible action on potential amendment to 22 Tex. Admin. Code § 101.2 – Licensure by Examination.

Dr. Quirch reads the rule and discusses concerns. Rule amendment proposal is to use live patients in clinical examinations, except in unforeseeable circumstances. Ms. Joy Nisnisan, UT Houston, ASDA, district trustee and chapter president spoke for her organization. Sydney Shapiro from ASDA spoke. Dean John A. Valenza spoke. A discussion of live patient versus mannequin use was conducted. The rule will go to the Governor's office and if approved, to the Register for public comment and then a potential stakeholder meeting.

Motion to call the question by Dr. Quirch and seconded by Dr. Henderson.

(FOR – /7 OPPOSED – 2/ABSTAIN – 1 ) MOTION CARRIES

Committee recommended to propose the rule as presented. A motion was made and did not require a second because the recommendation was made from the committee to propose the rule as presented.

(FOR – /6 OPPOSED – 2/ABSTAIN – 2 ) MOTION CARRIES

- e. Committee recommendation and possible action on potential amendment to 22 Tex. Admin. Code § 103.2 – Licensure by Examination.

Ms. Marion Tajchman from the Texas Hygiene Association spoke.

Committee recommended to propose the rule as presented. A motion was made and did not require a second because the recommendation was made from the committee to propose the rule as presented.

(FOR – /6 OPPOSED – 2/ABSTAIN – 2) MOTION CARRIES

**Break at 12:17pm and resumed at 12:38pm.**

**10. DENTAL PRACTICE COMMITTEE REPORT AND RECOMMENDATIONS.**

- a. Committee recommendation and possible action on proposed rule from June 5, 2020 Board Meeting: 22 Tex. Admin. Code § 102.1 – Fees, published in the July 24, 2020, issue of the Texas Register.

There were no public comments. A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

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

- b.** Committee recommendation and possible action on 22 Tex. Admin. Code § 111.5 – Electronic Prescribing Waivers.

Dr. Yu spoke to the specifics of the economic hardship issue per the Governor.

Ms. Nichols spoke to the House Bill controlled substances issue. Agency was asked to expound on the economic hardship and agency mimicked the language from the Pharmacy Board. Possible question of charging a fee for the waiver. An online application will be provided. The rule goes back to the Governor's office and a potential stakeholder meeting will be held.

Committee recommended to propose the rule as presented. A motion was made and did not require a second because the recommendation was made from the committee to propose the rule as presented.

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

- c.** Committee recommendation and possible action on dental professionals performing COVID-19 testing.

Dr. Yu spoke about needing further direction on testing as the environment is ever changing. Ms. Nichols spoke about the current issues with COVID testing.

Committee made no recommendation and no action was taken.

## **11. ANESTHESIA COMMITTEE REPORT AND RECOMMENDATIONS.**

- a.** Dr. Henderson led the discussion on the Committee recommendation and possible action on request for exception to Board rules: 2020-01074.

Committee recommended denial of the exception. A motion was made and did not require a second because the recommendation was made from the committee.

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

- b.** Committee recommendation and possible action on currently proposed rule from June 5, 2020 Board Meeting: 22 Tex. Admin. Code § 110.2 – Sedation Anesthesia Permit, published in the July 24, 2020 edition of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

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



- c. Committee recommendation and possible action on currently proposed rule from June 5, 2020 Board Meeting: 22 Tex. Admin. Code § 110.9 – Anesthesia Permit Renewal, published in the July 24, 2020 edition of the Texas Register.

A motion was made and did not require a second because the recommendation was made from the committee to adopt the rule as proposed.

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

- d. Committee recommendation and possible action on pre-medicating patients with anxiolytic or sedative drugs prior to treatment. See vote below.
- e. Committee recommendation and possible action on prescribing Halcion- should prescribers have a Level 1 permit.

Agenda items 11d. and 11e. voted on together.

A motion was made and did not require a second because the recommendation from committee was to take to a stakeholder meeting the issue of benzodiazepine doses, specifically what is acceptable for in office and out of office administration.

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

## **12. CONTINUING EDUCATION REVIEW COMMITTEE REPORT AND RECOMMENDATIONS.**

- a. Committee recommendation and possible action on additional opioid and controlled substance continuing education required pursuant to 22 Tex. Admin. Code § 104.1 and § 111.1.

Committee made no recommendation and no action was taken.

- b. Committee recommendation and possible action on 22 Tex. Admin. Code § 104.1 – Requirement.

The human trafficking course is on our website. Ms. Studdard reviewed the proposed rule. Committee recommended to propose the rule as presented. A motion was made and did not require a second because the recommendation was made from the committee to propose the rule as presented.

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

- c. Committee recommendation and possible action on 22 Tex. Admin. Code § 114.12 – Continuing Education for Certificate Holders.

Ms. Nichols advised the rule requires dental assistants to take the human trafficking course.

Committee recommended to propose the rule as presented. A motion was made and did not require a second because the recommendation was made from the committee to propose the rule as presented.

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

**13. PUBLIC COMMENTS.**

None.

**14. DISCUSSION AND APPROVAL of 2021 BOARD MEETING CALENDER.**

A motion to approve the 2021 calendar was made by Dr. McNeill and seconded by Ms. Palermo.

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

**15. 2022-2023 BIENNIUM LEGISLATIVE APPROPRIATIONS REQUESTS.**

Ms. Nichols gave an overview of the LAR. LAR has been uploaded to board materials.

**16. AGENCY ACTIVITY REPORTS.**

**a. Executive Division Report.**

Ms. Nichols gave the Executive Division Report. Most staff is working from home due to COVID procedures that are in place.

**b. Finance and Administration Division Report.**

Ms. Kappel gave her finance and administrative report. All reports were uploaded to the board site.

**c. Licensing Division Report.**

Ms. Mendez gave her licensing report and the reports were uploaded to the board site.

**d. Dental Division/Investigations Report.**

Dr. Bell gave her Dental Division report. She delivered a live webinar for DRP members. There were 865 complaints made this year opposed to 915 complaints from last year.

**i. Discussion and Possible Action on Dental Review Panel Applications.**

A motion was made by Dr. Henderson and seconded by Dr. Quirch to approve the Dental Review Panel applicant.

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

**e. Legal Division Report.**

Ms. Studdard gave her report. She reminded Board members to sign up for ISC dates. Cassie Kamp is now Assistant General Counsel. There are 2 vacant staff attorney positions and interviews will be held next week.

**17. ANNOUNCEMENTS.**

Dr. Melchor asked about hydrogen peroxide rinse and the matter was discussed.

**18. ADJOURN.**

A motion was made by Dr. Quirch and seconded by Dr. Melchor to adjourn the meeting at 1:59pm.

(FOR - /10 OPPOSED - 0/ABSTAIN - 0) MOTION CARRIES



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David Tillman, DDS  
Presiding Officer  
December 11, 2020



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Jorge Quirch, DDS  
Board Secretary  
December 11, 2020