

Newsletter

TEXAS STATE BOARD OF DENTAL EXAMINERS

August 2024



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A Message from the Presiding Officer, Dr. David H. Yu

License Health Check

As a board, we witness many licensees who allow their license or registration to lapse. It's not that they don't value their license or registration; it's usually an embarrassing oversight on their part. However, this is considered practicing with an expired license or registration and it is something the board takes very seriously. The longer the time has lapsed, the more aggravating the violation. Life is busy, but as each day passes, it is important to occasionally take a breath and confirm that we are not overlooking the fundamentals. Your license or registration is a privilege granted to you by the State of Texas through the dental board, but you would not have obtained it without your hard work and sacrifice.

Along with this privilege, there comes responsibility. First and foremost, you must understand and abide by the board rules. Additionally, you need to satisfy all of the requirements of licensure, including your CE hours, staying current on new rules, and updating your license or registration information with the dental board on our virtual system. This includes changes to your name, your practice location, and your mailing address. Please do not let something small and overlooked become a matter for the board.

At this time, please take a moment to look at your license or registration certificate. Pursuant to board rules, it should be displayed in the office where you practice and it will show the expiration date. If it has expired, cease practicing immediately. You are practicing without a license or registration.

Moving forward, give yourself plenty of notice to fulfill renewal requirements. Add multiple reminders to your calendar during every biennium to also give you enough time to take the jurisprudence exam (every other renewal), Human Trafficking Prevention Training, controlled substances CE requirement (if applicable), and sedation CE requirements (if applicable). Each of these requirements is part of the responsibility of maintaining your license or registration, but it is also your opportunity to take ownership of your practice and continue learning and engaging with the greater dental community.

In Service,

David H. Yu, DDS, MS
Presiding Officer, Texas State Board of Dental Examiners

¹A dentist, dental hygienist, and dental assistant shall display a current registration certificate in each office where they provide dental services. 22 Tex. Admin. Code §§108.11(a), 114.2(g).



NOTICE OF STAKEHOLDER MEETING

September 27, 2024
1601 Congress Avenue, Room 2.035
Austin, TX 78701
1:00pm

The Board requests stakeholder input on the following topic related to rulemaking proceedings:

Potential Amendments to Board Rules that Require Lead Apron Use for Dental X-Rays.

At the February 15, 2024, Dental Practice Committee meeting, the committee discussed recent guidelines that recommend against lead shielding for dental x-rays. A copy of the guidelines is available [here](#). The committee is seeking stakeholder input on whether board rules should be amended to reflect the guidelines by removing the requirement that dental patients must wear lead aprons while exposed to x-rays. Specifically, potential amendments to board rules 22 Tex. Admin. Code §§ 108.42 (Obtaining a Mobile Dental Facility Permit or a Portable Dental Unit Permit) and 113.2 (X-Ray Laboratories), and any other applicable rules.

Staff will convene a stakeholder meeting to seek stakeholder input regarding this topic on **September 27, 2024, at 1:00 p.m.** The physical location of the meeting is at the Barbara Jordan Building, 1601 Congress Avenue, Room 2.035, Austin, Texas 78701. Stakeholders are welcome to participate in-person or via Zoom.

Staff will post details on the Board's website closer to the meeting date on how to participate via Zoom and submit comments. The details and any meeting materials will be posted here: <https://tsbde.texas.gov/board-and-committees/>

Stakeholders may submit written comments by mail to the Board General Counsel at 1801 Congress Avenue, Suite 8-600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to stakeholders@tsbde.texas.gov. Information regarding Board proceedings and the laws and rules related to dentistry are available at www.tsbde.texas.gov.

Persons who have special communication or other accommodation needs who are planning to attend the stakeholder meeting should contact executive assistant Wendy Richardson, at wrichardson@tsbde.texas.gov or (512) 305-9332. Arrangements should be made as far in advance as possible.

AGENCY NEWS

TSBDE Recognized as 2024 Wellbeing First Champion

We are proud to share that the Texas State Board of Dental Examiners has been named a 2024 Wellbeing First Champion by ALL IN: Wellbeing First for Healthcare! This annual distinction means that our licensure applications are free from intrusive and stigmatizing language around mental health care and treatment. We have taken this step to ensure that our workforce can seek needed care without fear of losing their license or job. This accomplishment has been independently verified by ALL IN: Wellbeing First for Healthcare, a national coalition of leading health care organizations that works to eliminate barriers for health workers to obtain needed mental health care. TSBDE recognizes that supporting and protecting the mental health of our workers is paramount to their well-being and to the well-being of our entire community. We encourage you to share this information with your colleagues, so they know that it is safe to seek mental health care and that we support you.

Fraud Alert

Fraud complaints are on the rise again. Recently, TSBDE received calls from five different dentists who were the target of a scam. The fraudsters claim that the dentist is being investigated by the FBI because their prescription pads had been found at the border in stolen cars along with drugs. The fraudsters call from a (512) 305-XXXX number which appears as "Texas Capitol." If you or a colleague believe you have been targeted by a scam, please review the info on our website: <https://tsbde.texas.gov/fraud-alert-and-awareness-2/>

Dental Assistant Program Scams

The Texas State Board of Dental Examiners and the Texas Dental Assistant Association (TDAA) would like to remind dental assistants and employers to be on the lookout for dental assistant program scams. TDAA reports that an individual was recently scammed by a program they found on Facebook Marketplace. The person believed they were registered for a legitimate dental assisting program, paid the required fee, and took an exam. Unfortunately, the program and the exam were fraudulent and the person was unable to obtain a registration with the Board. Before you register and pay a fee for a program, please contact TSBDE to ensure that it is a legitimate program.

Dental Review Panel

Dr. David Yu, the Presiding Officer of the Board shares his experience as a previous DRP member.

"My involvement with the board began when I joined the Dental Review Panel (DRP). Reviewing standard of care cases allowed me to understand and apply the board's rules and regulations, which made me an even better practitioner. Additionally, being a DRP member provided me an opportunity to share my knowledge and expertise while contributing to our profession and protecting the public. If you practice at a high standard, I encourage you to apply to become a Dental Review Panel member. It's a deeply rewarding honor for any licensee." - David Yu, DDS, MS

The Dental Review Panel was created in 2013 during the 83rd legislative session to review standard of care complaints and to determine whether the subject license holder has violated the applicable standard of care. Panel members will typically review 1 – 4 cases per month and will be compensated approximately \$150 per case review. We are currently seeking orthodontists and general dentists with anesthesia permits. For more information please visit: <https://tsbde.texas.gov/licensing/join-the-dental-review-panel/>

TSBDE will be closed on Labor Day, September 2, 2024

DENTAL PRACTICE

Coronal Polishing Update

At the May 2024 Board meeting, the Board voted to adopt amendments to 22 TAC §114.5, concerning coronal polishing requirements for dental assistants. The intent of the adopted amendment is (1) to make it easier for dental assistants who have completed their training at a CODA-accredited program to begin coronal polishing without having to wait on gaining one year of work experience, and (2) to reduce the work experience requirement from two years to one year for dental assistants who did not graduate from a CODA accredited program.

Accordingly, the adopted amendment removes the work experience requirement for a dental assistant who graduated from a CODA-accredited program, and requires one-year work experience for a dental assistant who has not graduated from a CODA-accredited program before the dental assistant can apply to a CODA-accredited program to obtain coronal polishing education. The update rule is available for review here:

[TSBDE rule 114.5](#)

Foreign Trained Dentists Working as Hygienists

At the August 2024 Board meeting, the Dental Practice Committee discussed the current trend of foreign trained dentists working as hygienists, as a result of staffing shortages in dental offices. Only licensed hygienists may perform hygiene services in Texas. While graduates of a non-accredited dental school/program are allowed to perform hygiene services in certain states, this is not allowed in Texas. Please review TSBDE rule 103.1 for the general requirements of obtaining a hygiene license:

[TSBDE rule 103.1](#)

Patient Violence and Provider Safety

An important reminder to all practitioners is that patient and provider safety are equally important. If a provider does not feel safe caring for a patient, they have the option to dismiss that patient from the practice. It is important for the provider to document all patient encounters that led to dismissal of the patient from the practice. Please review TSBDE rule 108.5, which discusses patient abandonment:

[TSBDE rule 108.5](#)

Dr. Robert McNeill shares this recent ADA article which discusses practitioner safety and de-escalation advice: <https://adanews.ada.org>

LICENSING

Licensing Application Updates

Beginning September 1, 2024, TSBDE will no longer accept paper applications for registered dental assistants (RDA) initial registrations or renewals. All RDA applicants must create an account via the Online Licensing System. After September 1, 2024, the agency will return all paper RDA applications received.

Beginning September 1, 2024, all dental and hygiene renewal applications must be submitted online. The agency will no longer accept paper renewal applications.

Please contact the Licensing Division at licensinghelp@tsbde.texas.gov with any questions or concerns.

Update: Local Infiltration Anesthesia Permit

Exciting news! TSBDE will begin accepting local infiltration anesthesia applications beginning September 1st! Dental hygienists must obtain a Texas permit to administer local infiltration anesthesia in the state of Texas. Applicants must create or log-in to their online licensing portal to apply for a permit. Please visit the TSBDE website for additional information on the requirements and application process: <https://tsbde.texas.gov/administration-of-local-infiltration-anesthesia-for-dental-hygienists/>

CRDTS & SRTA: Regional Testing Agencies Merge

The Central Regional Dental Testing Services (CRDTS) and the State Resources for Testing and Assessments (SRTA) announced a merger in July 2024. These two trusted agencies have provided excellence in clinical licensure testing for more than 100 years combined. Together these organizations will use their experience and collective resources to enhance the experience of the candidate, partner schools, and dental boards. Both CRDTS and SRTA are approved regional examining boards accepted by TSBDE for licensure.

ANESTHESIA

Jurisprudence Assessment for Dentists with a Sedation Permit:

The Jurisprudence Assessment for Dentists with a Sedation Permit was in effect as of November 2020. At this point if you have an approved permit, you should have completed the Jurisprudence Assessment for Dentists with a Sedation Permit at your highest permitted level. This includes dentists with only the Nitrous Permit. This assessment must be retaken every 5 years as long as the dentist holds an approved permit. You may view the Jurisprudence Assessment for Dentists with a Sedation Permit at <https://tsbde.texas.gov/licensing/jurisprudence-assessment/>

Jurisprudence Assessment for Dentists without a Sedation Permit:

If you do not hold a level of sedation, you are required to take the Jurisprudence for Dentists without sedation every four (4) years. You may view the Jurisprudence Assessment for Dentists with a Sedation Permit at <https://tsbde.texas.gov/licensing/jurisprudence-assessment/>

Dentists Sedation Permit Applications:

Information regarding the permit applications can be found on the TSBDE website at <https://tsbde.texas.gov/licensing/dentists/anesthesia-privileges-and-applications/>

Applications and information regarding the Sedation of High Risk and Sedation of Pediatric Patients can be found on TSBDES website at <https://tsbde.texas.gov/licensing/dentists/sedation-of-high-risk-and-pediatric-patients/>

Permit drop request:

If you no longer use one or all of your permits and wish to have them removed from your record, please visit our website at <http://www.tsbde.texas.gov> under the Licensing Tab, Dentist, Anesthesia, select “[Drop Level of Sedation](#),” and click on “[Request to Drop a Level of Sedation](#).” You must complete and submit a separate drop request form for each level of sedation you wish to remove. This includes the Sedation of Pediatric Patients and Sedation of High-Risk Patients. You will receive a confirmation email once the permit is removed.

Dentists may view/confirm approved permits by conducting a Public License Search on themselves, <https://ls.tsbde.texas.gov/index.php> or by printing a new Dental License Certificate via your online portal account.

ANESTHESIA

Can dentists delegate the administration of any sedative drugs to the dental assistant?

Answer: Tex. Occ. Code § 258.001(4) prohibits a dentist from delegating the administration of any sedative drug to any person who is not a dentist, nurse anesthetist, or MD anesthesiologist. Tex. Occ. Code § 258.001(4) (<https://tsbde.texas.gov/laws-rules/dental-practice-act-tsbde-rules/>) the authority to an individual to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent, including as a teledentistry dental service as that term is defined by Section 111.001, if the individual is not licensed as:

(A) a dentist with a permit issued by the board for the procedure being performed, if a permit is required;

(B) a certified registered nurse anesthetist licensed by the Texas Board of Nursing, only if the delegating dentist holds a permit issued by the board for the procedure being performed, if a permit is required; or

(C) a physician anesthesiologist licensed by the Texas Medical Board;

If any questions regarding anesthesia permits, please contact the Anesthesia Specialist at either: (512) 305-6725 or anesthesiainfo@tsbde.texas.gov.

LICENSING VERIFICATIONS

[Click here](#) to verify a dental hygiene license.

[Click here](#) to verify a registered dental assistant.

[Click here](#) to verify a dental license.

REMINDERS

Anesthesia Advisory Committee Report

The TSBDE Advisory Committee on Dental Anesthesia (ACDA) met on March 1, 2024, to discuss resolved complaints involving anesthesia related issues from FY 2023. The ACDA reviews de-identified data that remains confidential throughout the review process. The ACDA's function is to spot trends and provide recommendation and guidance to the TSBDE on anesthesia related issues.

The full report may be found here: <https://tsbde.texas.gov/resources/public-reports/>

Rule 108.11: Display of Registration

As a reminder, dentists and hygienists are required to display a current registration certificate in each office where they provide dental services. If you provide services at more than one location, duplicate registrations may be displayed. [Rule 108.11](#)



The Texas State Board of Dental Examiners (TSBDE) would like to connect with Texas educators and hear updates from dental, hygiene and dental assisting programs. The Board invites a representative from your university, school or program to provide a brief ten (10) minute presentation at an upcoming meeting. Board members are interested in learning about class sizes, curriculum, graduation statistics, educational concerns, and how the Board can better assist educators. The Board will schedule two representatives to speak per meeting on a first come, first served basis. Speakers have the option to attend in person or virtually. The TSBDE Board meets on a quarterly basis.

November 8, 2024 (one opening)

Feb 21, 2025

May 2, 2025

August 8, 2025

Nov 7, 2025

If you are interested in addressing the Board or if you have additional questions, please contact Wendy Richardson at wrichardson@tsbde.texas.gov. Please provide your name, title, school/program affiliation and your preferred Board meeting date.

REMINDERS

Electronic Prescribing Waivers: Frequently Asked Questions

Please note the Electronic Prescribing Waiver Form was updated in February 2024. The updated form removes the requirement that a dentist submit supporting documentation describing the circumstances necessitating a waiver, and instead requires a dentist to attest to the circumstances necessitating a waiver. Please ensure you are submitting the updated form, which can be found on the website here: <https://tsbde.texas.gov/e-prescribing-waiver/>

1. How can I check the status of my waiver?

You can always check your profile and see the updated expiration date. <https://tsbde.texas.gov/e-prescribing-waiver/>.

License Number	
License Rank	Licensed Dentist
License Status	Active
License Issue Date	05/15/2013
License Expiration Date	08/31/2024
Electronic Rx Waiver Expiration Date	11/19/2024

2. Do I need to select the initial waiver request box if my waiver has expired?

If you've previously had a waiver, you will need to select the renewed waiver box.

3. When can I reapply for a waiver?

You can submit a waiver form within 30 days of your current waiver's expiration.

For additional information please visit: <https://tsbde.texas.gov/e-prescribing-waiver/>

Board Meeting August 9, 2024

Adopted Rules

[Rule 104.1 Continuing Education Requirements:](#)

[Repeal of Rule 107.3 Effects of Student Loan Payment Default on Licensure:](#)

[Rule 107.17 Service in Non-rulemaking Proceedings:](#)

[Rule 107.105 Collection of Information and Records:](#)

[Rule 107.106 Confidentiality of Investigations:](#)

[Rule 107.300 Responsibilities of Compliance Division:](#)

The Texas State Board of Dental Examiners (TSBDE) is always striving to improve our operations and we could use your help! Let us know how we are doing and how we can get better in the future.

Please visit our customer satisfaction survey in the link below to provide your input to TSBDE leadership. Please note, your response will be completely anonymous. We would love to hear your opinion and ideas!:

[TSBDE Customer Satisfaction Survey](#)

Thank you for your time and consideration.

MentalHealthTx.org

If you or someone you know is struggling with a mental health condition, please visit MentalHealthTx.org for education and treatment opportunities for those coping with mental health conditions and those who support them. This resource is sponsored by the Texas Statewide Behavioral Health Coordinating Council and is designed to equip you with knowledge, resources, and a sense of hope for the future – for yourself or someone else you care about. To learn more, please visit mentalhealth.org.



The Professional Recovery Network (PRN) is the peer assistance program for the Texas State Board of Dental Examiners (TSBDE). PRN helps to identify, assist, support, monitor and advocate for Texas-licensed dental professionals who may be struggling with substance abuse and/or mental health issues. PRN adheres to a dual philosophy that provides an opportunity for confidential recovery while protecting the public from unsafe professional practice.

- ▶ PRN accepts self-referrals, third-party referrals, and referrals from TSBDE. All concerned third-party sources are kept confidential.
- ▶ Information about a participant's enrollment in the PRN program is kept strictly confidential.
- ▶ If you or a dental colleague are experiencing impairment due to substance use or mental illness, the Professional Recovery Network is here to provide **support** and an opportunity for **confidential recovery**.

PRN Helpline: 800-727-5152

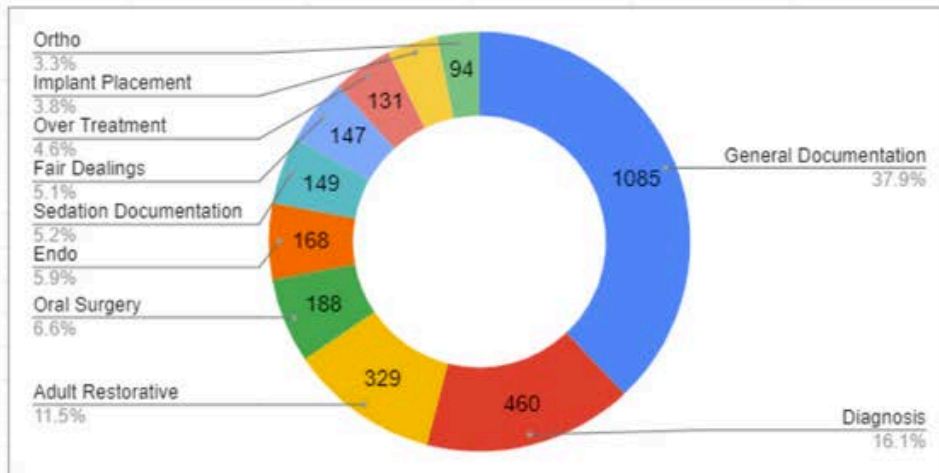
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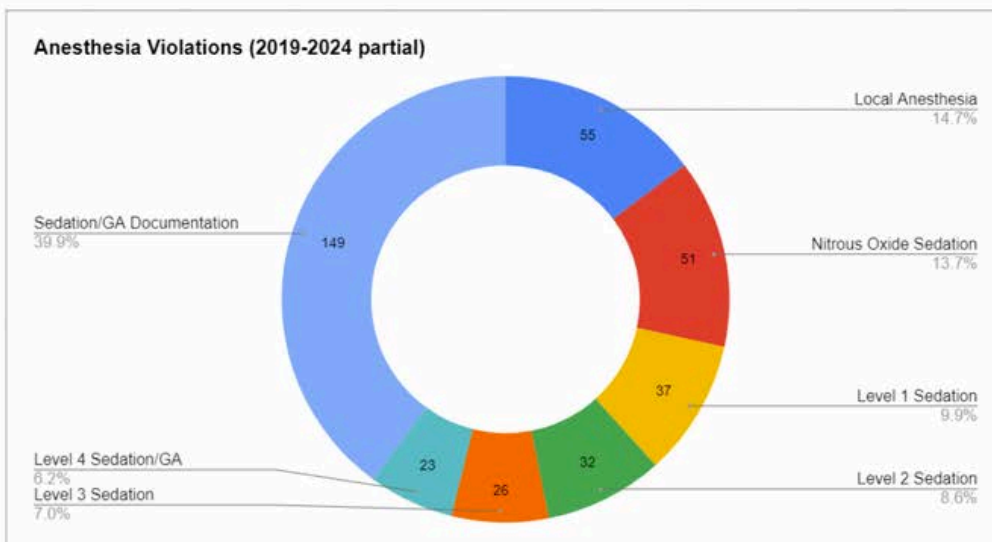
Violation Data for Fiscal Years 2020 - 2024

At the August 2024 meeting, TSBDE staff presented a report on enforcement data to the Board.

The agency manually queried violation data for the last five years in order to identify any meaningful trends. The top 10 most common categories for violations can be found in the chart below.



In addition, the agency looked at the same data set with a focus on local anesthetic, nitrous oxide, levels 1-4 sedation and sedation documentation. Please see the chart below for the total number of violations in those categories as well as the percentages of the total number of violations in this grouping.



The agency also examined the total number of jurisdictional complaints received per year during the same time period. Since 2020, we have seen a 69% increase in the total number of jurisdictional complaints received.