

**From:** [Sunset Advisory Commission](#)  
**To:** [Dawn Roberson](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Thursday, June 16, 2016 2:21:59 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Thursday, June 16, 2016 1:49 PM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BOARD DENTAL EXAMINERS SBDE

First Name: Bill

Last Name: Hammond

Title: CEO

Organization you are affiliated with: Texas Association of Business

Email: amartin@txbiz.org

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The Texas Association of Business (TAB) appreciates the opportunity to comment on the Texas Sunset Commission Staff Report relating to the Texas State Board of Dental Examiners (TSBDE). TAB greatly appreciates the work of the Sunset Commission Staff as well as the Commission Members in evaluating the role and responsibilities of the TSBDE.

On behalf of our more than 4,000 members, TAB agrees with the Staff Report's findings and conclusions, particularly with respect to Issue 1:

The Unusually Large Dental Board Inappropriately Focuses on Issues Unrelated to Its Public Safety Mission. As noted in the report, "The board, at the behest of dentist members, pursued significant rule changes more related to business practices than demonstrated public safety problems." Similarly, in our comment letter to the TSBDE in October 2014 (attached), TAB expressed concern that the proposed rules appeared exclusively focused on limiting legitimate competition.

TAB especially appreciates the Staff Report's reference to the U.S. Supreme Court ruling in the NC Teeth Whitening case, noting that, "The impact of the ruling has been to focus attention on board actions that do not have clear public safety implications, especially actions by active market participants who may be motivated to act in their self-interest. Board members must clearly show their decisions focus on the agency's mission to protect the public." That is exactly the kind of behavior we have seen from the TSBDE over the last few years, and it is cause for great concern. When active market participants are allowed to limit or restrict competition, it only serves to reduce choice and access for consumers while increasing costs.

Some members of the TSBDE seem willing to let the citizens of Texas bear that burden to protect their own self-interest. Surely, that is not what the Texas legislature intended.

TAB looks forward to hearing from the Commission Members on June 23 and working with the legislature to help

implement the staff's recommendations.

If you have any questions, please do not hesitate to contact me at 512.463.7701 or at bhammond@txbiz.org.

Any Alternative or New Recommendations on This Agency: No.

My Comment Will Be Made Public: I agree