



April 22, 2016

Mr. Ken Levine
Director
Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78711

Sent via email sunset@sunset.texas.gov

Dear Mr. Levine:

I am writing on behalf of the Texas Academy of General Dentistry (TAGD) Sunset Review Task Force in response to the Sunset Staff Report for the Texas State Board of Dental Examiners. While TAGD will provide more in-depth comments throughout the sunset process, we wanted to take this opportunity to provide some initial feedback on major recommendations in the report.

- *Recommendation 1.1 Reduce the size of the board from 15 to nine members and adjust its composition to consist of four dentists, two dental hygienists, and three public members – **Oppose***
The TAGD Sunset Task Force opposes the recommendation in its current form since, if adopted, the majority of board members voting on rules affecting regulation of dentists would be non-dentists. We also believe that the Board benefits from having voting members who are both general dentists (which represent the overwhelming majority of licensees) and specialists. Reducing the number of dentists on the Board in half could significantly hinder debate on proposed rules since there would be a greater likelihood that various perspectives would not be represented on the Board. The TAGD Sunset Task Force could support reducing the size of the Board to 13 members provided a majority of the voting members are dentists.
- *Recommendation 2.1 Discontinue the board's dental assistant certificate programs – **Oppose***
The TAGD Sunset Task Force opposes eliminating dental assistant certificate programs. We appreciate the sunset staff's goal of lessening bureaucracy and unneeded regulation, but are concerned that adopting this recommendation could have the unintended consequence of compromising patient safety. While there have been few enforcement actions involving dental assistants, the state certification process helps provide some measure of quality assurance for dentists employing dental assistants and, by extension, protection for the public. At the same time, the TAGD task force agrees with staff and the TSBDE Self-Evaluation Report that the current multi-layered certification system is not efficient and that it should be streamlined and simplified.
- *Recommendation 3.1 Authorize the board to conduct inspections of dentists administering parenteral anesthesia in office settings – **Modify***
TAGD's Sunset Task Force fully supports giving the Board sufficient authority to ensure that dentists administering parenteral anesthesia are qualified to do so. However, it is the task force's position that the focus of any such efforts should be on ensuring the proficiency and competency of providers of all levels of anesthesia and sedation. The details of how to implement an effective and efficient inspection program that demonstrably contributes to patient safety raises many issues that need further study – as is currently being done by the new TSBDE Anesthesia Work Group. TAGD looks forward to working with the TSBDE Anesthesia Work Group and the Sunset Commission on this issue and will be providing additional recommendations on how to improve patient safety.
- *Recommendation 3.2 Direct the board to revise rules to ensure dentists with one or more anesthesia permits maintain related written emergency management plans – **Support***
The TAGD Sunset Review Task Force fully supports this recommendation.

- *Recommendation 4.1 Require the board to monitor licensees for adverse licensure actions* – **Support**
The TAGD Sunset Review Task Force fully supports this recommendation.
- *Recommendation 4.2 Authorize the board to deny applications to renew a license if an applicant is noncompliant with a board order* – **Support**
The TAGD Sunset Review Task Force fully supports this recommendation.
- *Recommendation 4.5 Direct the board to make data on the board's enforcement activity information publicly available on its website* – **Support**
The TAGD Sunset Review Task Force fully supports this recommendation.
- *Recommendation 5.1 Continue the State Board of Dental Examiners for 12 years* – **Support**
The TAGD Sunset Review Task Force fully supports this recommendation.

While TSBDE faces many challenges, there have also been a number of improvements in recent years, particularly in terms of creating a more efficient enforcement process, engaging stakeholders in the rulemaking process and providing the agency with needed resources. We believe TSBDE serves a vital function and should continue its efforts.

Thank you for your consideration.

Sincerely,

Dr. Fred Philips

Dr. Fred Philips
Chairperson – Sunset Review Task Force