

Testimony of Dr Matthew B. Roberts
Texas Sunset Advisory Commission
June 23, 2016

Good afternoon Chairman Gonzales and members of the Sunset Commission. I am Dr Matt Roberts, a dentist from Crockett. I am here today on behalf of the more than 9,100 members of the Texas Dental Association (TDA).

My testimony today is a brief summary of the full comments TDA provided in response to the Sunset staff report. A copy of my testimony and the TDA's full comments were provided to you today for your reference.

The TDA appreciates the Commission's careful review of the Texas State Board of Dental Examiners (TSBDE). The TDA's positions and efforts during the review process align with recent comments made by legislative leadership – that Sunset bills stay focused on improving agencies under review.

The TDA remains focused on improving patient safety and protection in all Texas dental practices. Patient protection and safety guide the decisions made by the TDA and serve as the foundation for our comments to the Sunset staff report.

The following principles, which are codified in statute – coupled with strong, effective laws and regulations of dentists and dentistry – protect Texas dental patients:

- Dentists must own dental practices in Texas.
- Dentists are the head of the dental team.
- Dentists must make all decisions regarding clinical care without any influence from non-dentists as dentists are ultimately and appropriately held accountable for care rendered.
 - Non-dentists who influence clinical care should also be held accountable for their illegal actions as they sacrifice the sanctity – and the safety – of the doctor-patient relationship.

Specific to the issues raised in the Sunset staff report, the TDA offers the following brief comments:

Recommendation 1.1

The TDA is concerned about reducing the size of the dental board.

The TDA believes the board's size should remain the same. This allows for adequate, diversified representation of the dentists the board regulates. However, regardless of the board's size, a dentist majority must be preserved.

Recommendation 1.2

The TDA supports allowing the board's statutory advisory groups to expire.

The board has the ability to convene advisory groups as needed. Mandating them is not necessary.

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Recommendation 1.3

The TDA is concerned about removing dentist board members from informal settlement conferences.
Dentist board members have knowledge and expertise. Due to the complexities of complaints, it is necessary for dentist members of the board to participate at informal settlement conferences.

Recommendation 2.1

The TDA supports removing certification of dental assistants but recommends that the education requirements – including continuing education – remain in place.
Texas regulations require dentists and dental hygienists to complete formal education programs to perform duties similar to those dental assistants perform. Education and continuing education are necessary in order to protect patients.

Recommendation 3.1 and 3.2

The TDA supports authorizing the dental board to inspect dentist anesthesia permit holders and require them to maintain written emergency management plans.
The inspection authority should be comprehensive including pre-permit, random, routine, and compliance inspections of permit holders.

The TDA supports the remaining eight recommendations which are summarized in my written testimony provided to you.

Recommendation 4.1

The TDA supports this recommendation which ensures only qualified and competent individuals provide dental services in Texas.

Recommendation 4.2

The TDA supports this recommendation which requires more stringent compliance monitoring and gives the Dental Board the authority to deny renewal applications for failure to comply with board orders.

Recommendation 4.3

The TDA supports this recommendation which gives the Board authority to require confidential peer assistance evaluation.

Recommendation 4.4

The TDA supports this recommendation which ensures the Board focuses on issues that could affect an individual's ability to deliver safe dental care to the public.

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Recommendation 4.5

The TDA supports this recommendation that requires the Board to make public on its website the board's enforcement activity.

Recommendation 4.6

The TDA supports this recommendation which requires the Board to stagger registration and certificate renewals (if certificates are continued).

Recommendation 5.1

The TDA supports continuing the Texas State Board of Dental Examiners for 12 years.

Recommendation 5.2

The TDA supports this recommendation which updates the standard Sunset provision regarding conflicts of interest.

Conclusion

Thank you for the opportunity to speak with you today. I will gladly attempt to answer any questions you may have.