

From: [Sunset Advisory Commission](#)
To: [Dawn Roberson](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, June 28, 2016 5:00:29 PM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, June 28, 2016 4:49 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BOARD DENTAL EXAMINERS SBDE

First Name: E. Todd

Last Name: Scheyer

Title: Doctor

Organization you are affiliated with: The Texas Society of Periodontists

Email: etsperio@periohealth.com

City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed: See previous report from The Texas Society of Periodontists.

Any Alternative or New Recommendations on This Agency:

June 28, 2016

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

Re: Sunset Advisory Committee

Dear Sunset Commission:

The Texas Society of Periodontists wants to thank the Sunset Commission for hearing our testimony related to the

Texas State Board of Dental Examiners

(TSBDE) on June 23, 2016. We wanted to pass on a brief summary of our testimony as well as some additional solutions that we feel is logical after hearing the entire testimony. Although this is a very complex issue, we feel like with the Sunset Commission's support, the best solution involves allowing the Texas State Board of Dental Examiners to finalize the Anesthesia Work Group as a panel of experts and dental anesthesia so that they may do the following.

- # 1 – using an evidence based approach to review the last 100 complaints regarding anesthesia complications. We are sure that there is a legal process that can allow a confidential review of these records to truly understand the underlying cause of the complication and the demographics of the anesthesia and patient profile.
- # 2 – evaluate of the current requirements for permit approval and potential alterations in the requirements to achieve anesthesia permits 1 – 4.
- # 3 – with all of the proper data in place, begin the process of formulating alternative qualifications for permit holders in which level 2 and above anesthesia training must be obtained in a ADA approved post doctoral residency program.
- # 4 – support the Texas State Board of Dental Examiners approval of a program for continuing education in the State of Texas for Texas anesthesia providers in Dentistry and begin to determine if provider inspections, or some other oversight action, are the optimal method or methods for oversight for new and existing permit holders.

We feel that the above recommendations are very realistic and with the Sunset Commission's report, legislative action will lead to more efficient and focused Texas State Board of Dental Examiners. The Texas Society of Periodontists represents a unique organization that is founded on continuing education and most periodontists provide anesthesia services after a post doctoral residency program of at least 2 – 3 years. We feel that the periodontists and most other dental organizations are unified to improve the oversight and practice of dental anesthesia in the State of Texas.

If we can provide any further input, please do not hesitate to contact me.

Sincerely,

E. Todd Scheyer, D.D.S., M.S.
President, Texas Society of Periodontists

My Comment Will Be Made Public: I agree



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May 25, 2016

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

Re: Sunset Advisory Committee

Dear Mr. Levine:

The Texas Society of Periodontists (TSP) is sending this letter in review of the Sunset staff report for the Texas State Board of Dental Examiners (TSBDE). While the TSP supports the majority of the Committee's work, we are appreciative of this opportunity to provide feedback on certain recommendations within the Sunset Commission report. Given that the mission of the Sunset Commission is to improve governmental agencies and public safety, our commentary seeks not to promote an individual agenda, but to mirror the Commission's stated goals.

- *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.*

The TSP opposes this recommendation and feels that the representation of dentists on the board is critical and as a majority is most appropriate. Reducing the number of dentists on the board in half will significantly reduce representation for dentists in the State of Texas regarding dental issues. Furthermore, we feel strongly that the composition of the dental board members include at least two different ADA recognized specialties to provide expertise on issues beyond the scope of general dentistry. The TSP would offer as an option a smaller reduction in the board composition, yet one that maintains that the majority of voting members continue to be licensed Texas dentists and specialists.

- *Recommendation 2.1 Discontinue the board's dental assistant certificate program.*

The TSP feels the dental assistant certificate program provides oversight on a critical part of dentistry currently being conducted safely and effectively in the State of Texas because of such oversight. The TSP recommends that the TSBDE continue to maintain some form of oversight by the continued monitoring certification of dental assistants.



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- *Recommendation 2.2 Regarding the State Board's regulation of dental specialty claims.*

The TSP feels that in order to protect the public from fraudulent claims of specialization, the State Board should have clearly established rules for specialty advertising. The TSP suggests the Texas Medical Practice Act or the more recent Florida Dental Practice Act as possible frameworks the TSBDE could follow. This would require the dentists claiming specialization to provide the TSBDE appropriate verification of agreed-upon minimal requirements of post-graduate training to allow declaration of specialization.

- *Recommendation 3.1 Authorize the board to conduct inspections of dentists administering parenteral anesthesia in office settings.*

The TSP has representation on the TSBDE Anesthesia Work Group (AWG) to further voice our recommendations on the status of dental anesthesia oversight in the State of Texas. Although the TSP is not opposed to office inspections for those dentists that practice enteral and parenteral anesthesia, we feel that an in depth review of past complications with appropriate study and research needs to be done to further assess the cause of complications during anesthesia in the dental office and how we as a profession can provide the best oversight and training to insure beginning and continued competency for all providers offering dental anesthesia. We feel that the AWG will offer appropriate recommendations to the TSBDE and Sunset commission.

The TSBDE AWG should be given the opportunity to:

- 1) Study the details of past case complications (which has not taken place yet), identify how these complications form possible patterns and trends, and
- 2) most importantly, evaluate how these patterns and trends relate to changes in anesthesia rules the Board has relatively recently implemented.

Recommending inspections as the answer to our concerns and questions, is premature and a potential waste of valuable time and potentially millions of dollars, at best.

We need to evaluate whether inspections have been studied and found to improve anesthesia complication rates, not just do something because it looks good to the public and media.

At worst, it leaves the citizens of Texas, for years to come, in a situation of possible increased risk of unfavorable anesthesia outcomes with unfounded remedies that may not improve the safety of their dental appointments. That safety is, for all of us, our prime and utmost concern. The Work Group, which is made up of top of the class anesthesia provider dentists from a cross section of dental specialties across the state of Texas, needs to be afforded the time and



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access to records to make informed, grounded and intelligent recommendations for the most positive outcomes for this extremely important area of dental care.

- *Recommendation 3.2 Direct the board to revise rules to ensure dentists with one or more anesthesia permits maintain related written emergency management plans.*
The TSP supports this recommendation and has also provided to the AWG an emergency management plan formulated and endorsed by the American Academy of Periodontology.
- *Recommendation 4.1 Require the board to monitor licensees for adverse licensure actions.*
The TSP 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.*
The TSP supports this recommendation.
- *Recommendation 4.5 Direct the board to make data on the board's enforcement activity information publicly available on its website.*
The TSP supports this recommendation.
- *Recommendation 5.1 Continue the State Board of Dental Examiners for 12 years.*
The TSP supports this recommendation.

The TSP appreciates the opportunity to review this report and provide input. We recognize and support the TSBDE's effort to improve the efficiency of oversight in the State of Texas, protecting dentists and the public in the delivery of safe, competent dental care. We look forward to maintaining a productive dialogue on the many issues facing our dental profession.

If you have any questions or concerns regarding any of our recommendations, please do not hesitate to contact me. It is our pleasure to have the opportunity to provide this input.

Sincerely,

E. Todd Scheyer, D.D.S., M.S.
President, Texas Society of Periodontists