IN THE MATTER OF
THE LICENSE OF

MICHAEL S. DWYER, DDS
TEXAS DENTAL LICENSE
NUMBER 11072

BEFORE THE STATE
BOARD OF
DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 2nd day of May, 2014, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above-styled case was heard.

On September 27, 2013, SBDE staff proposed this agreed settlement order ("ASO") in the above-captioned case against Michael S. Dwyer, DDS, hereinafter "Respondent," holder of Texas Dental License No. 11072. At issue are allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following ASO. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following ASO is proposed, contingent on Board approval.

FINDINGS OF FACT

1. Respondent, Michael S. Dwyer, DDS, holds Dental License No. 11072. Respondent's license was initially issued on June 11, 1976 and was in full force and effect at all dates and times material and relevant to this Agreed Settlement Order.

2. Respondent's dental license has no prior disciplinary history.

3. During the time period from April 4, 2011 through April 7, 2011, Respondent failed to report to the Board the death of patient N.P. Specifically, patient N.P.'s death occurred on April 4, 2011 and Respondent failed to report the death within 72 hours.

4. During the time period from March 25, 2011 through April 4, 2011, Respondent fell below the minimum standard of care in the dental treatment of patient N.P., who had been referred to Respondent by N.P.'s otolaryngologist. Specifically, patient N.P. was an ASA III or IV patient who was under the care of a
cardiologist, gastroenterologist, pulmonary specialist and an internist at the time of Respondent's treatment. Respondent failed to consult with patient N.P.'s primary care physicians or medical specialists regarding medical clearance for the procedures, potential procedure risk or special monitoring requirements. In addition, Respondent advised patient N.P. to discontinue her use of Coumadin prior to Respondent's treatment without personally obtaining clearance from patient N.P.'s prescribing physician.

5. On or about April 4, 2011, Respondent fell below the minimum standard of care and failed to use proper diligence in the dental treatment of patient N.P. in an office emergency. Specifically, Respondent failed to provide appropriate emergency management of patient N.P. and institute emergency protocol, including access to equipment for establishing a patent airway and providing positive pressure ventilation with oxygen; advanced airway equipment; and defibrillation.

6. On or about April 4, 2011, Respondent fell below the minimum standard of care and failed to use proper diligence in the dental treatment of patient N.P. Specifically, Respondent failed to notify emergency personnel of patient N.P.'s condition in a timely manner.

7. On or about April 4, 2011, the Respondent fell below the minimum standard of care by failing to make, maintain, and keep adequate dental records on patient N.P. Specifically, the record fails to include the following:
   - a complete written informed consent for parenteral conscious sedation, signed by the patient, that includes disclosure of the risks related to the procedure including cardiac arrest, brain injury, and death;
   - a time-oriented anesthetic record documenting the time of dosages of local anesthetic agents utilized and physiologic vital sign monitoring during the entire course of the procedure;
   - written record of continuous EKG monitoring with electrocardiography;
   - documentation of positive pressure breathing, emergency equipment or adhering to generally accepted protocol or standard of care for management of complications and emergencies;
   - documentation of patient N.P.'s ASA physical status; and
   - documentation of consultation with patient N.P.'s primary care physicians and medical specialists.

8. Since this incident, Respondent states he regularly holds collaborative meetings with his staff regarding patient monitoring, patient safety, and emergency management.

9. During the course of his career, Respondent states that he has consistently completed continuing education courses in excess of the hours required by the Board. Respondent states he completed 80.5 continuing education hours in 2011; and 84.5 hours in 2012. Respondent states that his continuing education
courses have focused in the area of periodontal technique with an emphasis on patient safety.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.


2. The Respondent’s conduct constitutes a violation of Tex. Occ. Code § 263.002(a) (4) and (10); and 22 Tex. Admin. Code §§ 108.6(1); 108.7; 108.8; and 108.34.

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Texas Dental License No. 11072, issued to Michael S. Dwyer, DDS, is hereby SUSPENDED for a period of five (5) years to begin on the effective date of this Order. Such suspension is PROBATED except for six (6) months of enforced suspension. The enforced suspension shall begin no later than thirty (30) days after the effective date of this Order.

   During the six (6) months of enforced suspension referred to above, Respondent SHALL NOT practice dentistry as defined under Section 251.003, Texas Occupations Code, and is prohibited from performing those acts, procedures, and treatments specified under Section 251.003(a)(1)-(10), Texas Occupations Code, in effect at the time of ratification of this Order and any amendments thereafter. Section 251.003(a)(1) and (4) are excepted from this requirement. Respondent, during the enforced suspension period, may perform only administrative tasks limited exclusively to: making future appointments when the enforced suspension is over, opening mail, referring patients, and accepting payments on accounts. During the period of enforced suspension, Respondent SHALL NOT delegate any clinical tasks to any employee or auxiliary and SHALL NOT allow any employee or auxiliary, if any, to practice outside the scope of their permitted duties as defined by the Dental Practice Act and rules and regulations of the Board.

2. Within one (1) year of the effective date of this Order, Respondent must complete the American Association of Dental Boards’ (“AADB”) Dentist Professional Review and Evaluation Program (“D-Prep”). Within one (1) year of the effective date of this Order, Respondent must complete all remediation curriculum recommended by the AADB as a result of Respondent’s participation in D-Prep. The fees for D-Prep and any remediation curriculum SHALL be borne by Respondent. Continuing education completed by

Agreed Settlement Order
Michael S. Dwyer, DDS
SBDE NO. 2011-00944
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Respondent prior to the effective date of this Order SHALL NOT count towards completing the remediation curriculum recommended by the AADB. Respondent SHALL provide proof to the Board that Respondent has completed all remediation curriculum recommended by the AADB within one (1) year of the effective date of this Order.

3. For the six (6) months following the six (6) months of enforced suspension referred to above, Respondent shall practice dentistry only in a group practice setting. Within the group practice setting, Respondent shall practice dentistry only under the direct supervision of a licensed Texas dentist, who is board certified in Periodontics or a similar specialty, approved in advance by the Board Staff. If a proposed supervising dentist is not approved, Respondent shall not practice until a supervising dentist is approved by the Board Staff. For purposes of this section “direct supervision” shall mean that the supervising dentist shall be on the premises of the dental office and shall be continuously aware of the patient’s physical status and well being while Respondent is engaging in the practice of dentistry.

Respondent must provide, within ten (10) business days after the six (6) month enforced suspension, a letter signed by the dentist or dentists in the group practice who will be supervising Respondent. In the letter, each supervising dentist must acknowledge that he or she has been provided a copy of and has read the signed Board Order.

If Respondent changes group practice settings or is not practicing in a group practice setting on or before ten (10) business days after the six (6) month enforced suspension, Respondent shall provide Board Staff with a letter signed by the dentist or dentists in a proposed new group practice who will be supervising Respondent at least twenty (20) business days before the change in group practice setting occurs. In the letter, each supervising dentist must acknowledge that he or she has been provided a copy of and has read the signed Board Order. The proposed supervising dentist shall be approved by Board Staff. Respondent shall not practice until a supervising dentist is approved by Board Staff.

4. For the duration of this order, representatives from the State Board of Dental Examiners may make unannounced office inspections to inspect any facility where Respondent practices or to inspect any records made by Respondent.

5. Respondent’s Level 3 – Moderate Parenteral permit will be suspended on the effective date of this Order until completion of stipulation number two (2). Respondent may maintain his Nitrous Oxide permit, Level 1 – Minimal Sedation permit and Level 2 – Moderate Enteral permit.

6. Respondent SHALL pay an administrative monetary fine in the amount of six thousand dollars ($6,000.00) payable to the “Texas State Board of Dental Examiners” located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in one (1) lump sum or in equal
installment payments, the total amount due no later than five (5) years from the
effective date of this Order.

7. Respondent SHALL take and pass the jurisprudence assessment within thirty
(30) days of the effective date of this Order. The fees for the assessment
SHALL be borne by Respondent. A jurisprudence assessment taken prior to
the effective date of this Order SHALL NOT count towards satisfying this
requirement.

8. Respondent SHALL abide by the Laws of the State of Texas, the Dental
Practice Act, the rules and regulations of the Board, and any reporting
requirements imposed to ensure compliance with this Order.

9. This Agreed Settlement Order is a settlement agreement pursuant to Rule 408
of the Texas Rules of Evidence for purposes of litigation.

10. This Order resolves all complaints about which the Board is aware of, or with
the exercise of reasonable diligence, should be aware.

By signing this Agreed Settlement Order, Respondent agrees to its terms,
acknowledges understanding it, and agrees that Respondent will satisfactorily
comply with the mandates of this Order in a timely manner or be subject to
appropriate disciplinary action by the State Board of Dental Examiners.

Respondent's signature hereon does not constitute either admission or
denial of the allegations set forth in this Order or the underlying complaint, and it
does not constitute admission or denial of the findings of fact and the conclusions
of law set forth.

Respondent, by signing this Agreed Settlement Order, waives any right to
a formal hearing and any right to judicial review of this Order. Failure to comply
with the terms and conditions of this Order SHALL constitute a violation of this
Order and may subject Respondent to further disciplinary action by the Board.
All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

MICHAEL S. DWYER, DDS
Respondent

SWORN TO AND SUBSCRIBED before me on the 6th day of May 2014.

MICHELLE A. GRISSOM
MAY COMMISSION EXPIRES
May 10, 2016
NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS

STATE BOARD OF DENTAL EXAMINERS
SIGNED this 9th day of May 2014.

Rudy G. Ramos, Jr., DDS, Presiding Officer

D. Bradley Dean, DDS, Secretary
SBDE NO. 2014-00455
SOAH 504-14-2999

IN THE MATTER OF THE LICENSE OF JOHN JACOB RIEHS, DDS TEXAS DENTAL LICENSE NUMBER 20806

BEFORE THE STATE BOARD OF DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 8th day of August, 2014, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above-styled case was heard.

On June 9, 2014, SBDE staff proposed this Agreed Settlement Order ("ASO") in the above captioned case against John Jacob Riehs, DDS, hereinafter "Respondent," holder of Texas Dental License No. 20806. At issue are allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following ASO. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following ASO is proposed, contingent on Board approval.

**FINDINGS OF FACT**

1. Respondent, John Jacob Riehs, DDS, holds Dental License No. 20806. Respondent's license was initially issued on February 6, 2002 and was in full force and effect at all dates and times material and relevant to this Agreed Settlement Order.

2. Respondent's dental license has no prior disciplinary history.

3. On or about December 30, 2013, Respondent failed to meet the minimum standard of care in the treatment of minor patient S.B. Specifically, Respondent administered a combination of sedation drugs to a minor patient. The combination of the drugs may have resulted in over sedation of the minor patient. While under sedation, the patient experienced an acute respiratory complication, hypoxic brain injury, and subsequent death.
4. On March 28, 2014, the Board suspended Respondent’s level 1, 2 and 3 sedation permits.

5. In or about February 2014, Respondent changed his polypharmacy protocol to the recommended dosages of University of Texas Health Science Center–San Antonio.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.


2. The Respondent’s conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(4) and (10); and 22 Tex. Admin. Code §§ 108.7, 108.7(9), 110.5(b).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Texas Dental License No. 20806, issued to John Jacob Riehs, DDS, is hereby SUSPENDED for a period of five (5) years to begin on the effective date of this Order; such suspension is fully PROBATED.

2. Within six (6) months of the effective date of this Order, Respondent must successfully complete a competency program through Oral Health Enrichment (OHE) in Cleveland, Ohio. Respondent must complete fifty-five (55) hours of education in part, or in full, remotely or through some on-line service in conjunction with OHE. Following the completion of the fifty-five (55) hours of education at OHE, the Respondent shall take and pass an outcome assessment through OHE on the education with a score of at least 80%. The fees for OHE and any remediation curriculum SHALL be borne by Respondent. Continuing education completed by Respondent prior to the effective date of this Order SHALL NOT count towards completing the remediation curriculum recommended by the OHE. Respondent SHALL provide proof to the Board that Respondent has completed all remediation curriculum within six (6) months of the effective date of this Order.

Respondent shall complete remediation curriculum consisting of hours in the following areas:

- Pediatric Moderate Sedation: 25 hours
- Pediatric Behavior Management: 10 hours
- Emergency Management Protocols: 15 hours
3. For the duration of this order, representatives from the State Board of Dental Examiners may make unannounced office inspections to inspect any facility where Respondent practices or to inspect any records made by Respondent.

4. Respondent's Level 1, 2 and 3 permits will be suspended on the effective date of this Order until completion of stipulation number two (2). Respondent may maintain his Nitrous Oxide permit.

5. Respondent SHALL pay an administrative monetary fine in the amount of three thousand dollars ($3,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in one (1) lump sum or in equal installment payments, the total amount due no later than five (5) years from the effective date of this Order.

6. Respondent SHALL take and pass the Jurisprudence Assessment – Board Order within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A Jurisprudence Assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement. Proof of taking and passing the Jurisprudence Assessment must be provided to the Board no later than thirty (30) days from the effective date of this Order.

7. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

8. This Agreed Settlement Order is a settlement agreement pursuant to Rule 408 of the Texas Rules of Evidence for purposes of litigation.

   By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges understanding it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

   Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

   Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.
All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

JOHN JACOB RIHS, DDS
Respondent

APPROVED AS TO FORM:

Bruce Campbell
Attorney for Respondent

STATE BOARD OF DENTAL EXAMINERS
SIGNED this 8th day of August, 2014.

Rudy G. Ramos, Jr., DDS, Presiding Officer

D. Bradley Dean, DDS, Secretary
IN THE MATTER OF 
THE LICENSE OF
JOHN JACOB RIEHS, D.D.S. 
TEXAS DENTAL LICENSE NUMBER 20806

BEFORE THE STATE BOARD OF
DENTAL EXAMINERS

ORDER OF TEMPORARY SUSPENSION OF PERMITS

On the 28th day of March, 2014, the Executive Committee of the State Board of Dental Examiners ("the Board" or "SBDE") met in an emergency meeting to hear evidence and information in the above-styled case pursuant to Section 263.004 of the Texas Occupations Code.

The Executive Committee heard evidence and information that the continued practice of administering sedation, using nitrous oxide, Level 1, 2, and 3 sedation permits by John Jacob Riehs, D.D.S., License No. 20806, would constitute a clear, imminent or continuing threat to a person's physical health or well-being.

The Executive Committee finds, based on the evidence and information presented, that the continued practice of administering sedation, using nitrous oxide, Level 1, 2, and 3 sedation permits by John Jacob Riehs, D.D.S., would constitute a clear, imminent or continuing threat to a person's physical health and well-being.

IT IS, THEREFORE, ORDERED that nitrous oxide, Level 1, 2, and 3 sedation permits issued to John Jacob Riehs, D.D.S., Texas Dental License No. 20806, are hereby temporarily suspended until Respondent is determined to be able to administer sedation a manner that is safe for his dental patients or until suspending disciplinary action is finalized, pursuant to Section 263.004 of the Texas Occupations Code.

This matter shall be set for a hearing before the State Office of Administrative Hearings not later than the 30th day after the date the nitrous oxide, Level 1, 2, and 3 sedation permits are suspended by this Order. At that time the State Board of Dental Examiners will present evidence to show that the nitrous oxide, Level 1, 2, and 3 sedation permits of John Jacob Riehs, D.D.S., should remain suspended.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 28th day of March, 2014.

Rudy Ramos, Jr., D.D.S.
Presiding Officer and Chair, Executive Committee
In the matter of

THE LICENSE OF

JOHN JACOB RIEHS, D.D.S.

TEXAS DENTAL LICENSE

NUMBER 20806

BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AMENDED ORDER OF TEMPORARY

SUSPENSION OF PERMIT

On the 17th day of April, 2014, the Executive Committee of the State Board of Dental Examiners voted to amend the Order of Temporary Suspension dated March 28, 2014 in the above-styled case pursuant to Section 263.004 of the Texas Occupations Code.

The Executive Committee, based on evidence, finds that the continued practice of administering sedation, using Level 1, 2 and 3 sedation permits by John Jacob Riehs, D.D.S., License No. 20806, would constitute a clear, imminent or continuing threat to a person's physical health or well-being.

The Executive Committee finds that in the interest of Dr. Riehs's patients' health and comfort, Dr. Riehs's nitrous oxide permit shall be reinstated, effective the date of this order.

IT IS, THEREFORE ORDERED that Level 1, 2 and 3 sedation permits issued to John Jacob Riehs, D.D.S., Texas Dental License No. 20806, are hereby temporarily suspended until Respondent is determined to be able to administer sedation a manner that is safe for his dental patients or until superseding disciplinary action is finalized, pursuant to Section 263.004 of the Texas Occupations Code.

STATE BOARD OF DENTAL EXAMINERS

SIGNED this 17th day of April, 2014.

Rudy Ramos, Jr., D.D.S.
Presiding Officer and Chair, Executive Committee
SBDE NO. 09-0001-0908

IN THE MATTER OF
THE LICENSE OF

JESS M. HAMILTON, JR., DDS
TEXAS DENTAL LICENSE
NUMBER 10255

BEFORE THE STATE
BOARD OF
DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 11st day of November, 2010, the State Board of Dental Examiners (hereinafter the Board or SBDE) met in a regularly scheduled meeting and the above-referenced case was considered.

JESS M. HAMILTON, JR., DDS, hereinafter called Respondent, holder of Texas Dental License No. 10255, appeared at a Board Informal Settlement Conference on Monday, November 9, 2009, at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas, in response to a notice letter sent on October 13, 2009. Respondent was advised of the right to legal representation in the notice letter and was represented at the conference by his attorney, Joel Sprott. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, that Respondent understands the nature of the alleged violations as stated in the Board Informal Settlement Conference notice letter dated October 13, 2009, and as discussed during the Board Informal Settlement Conference. Respondent’s signature hereon also acknowledges that an adequate opportunity was provided to enable Respondent to respond to the alleged violations.

Board members Maxwell Finn, DDS, MD, Arthur Troilo III and Jerry Romero represented the full Board at the Board Informal Settlement Conference pursuant to Section 263.007, Texas Occupations Code and rule 107.63, 22 Texas Administrative Code. Board staff present and participating were Joy Sparks, General Counsel; Charles Wetherbee, Staff Attorney; Deborah Powell, Legal Assistant; and Lisa Jones, Director of Enforcement. The Board members named above considered information presented by staff and the Respondent. The panel members, having carefully considered the Board’s disciplinary guidelines, recommend the following Agreed Settlement Order contingent on the full Board’s approval.
FINDINGS OF FACT

1. Respondent, JESS M. HAMILTON, JR., DDS, is a dentist holding license number 10255. Respondent was granted this license on September 26, 1973.

2. Respondent has no prior disciplinary history with the Texas State Board of Dental Examiners.

3. On or about September 4, 2008, Respondent failed to meet the minimum standard of care in the treatment of patient R.P. Specifically, Respondent failed to meet the minimum standard of care in the supervision of the administration of anesthesia to patient R.P., when the Certified Registered Nurse Anesthetist administered an excessive dose of medication, resulting in an overdose contributing to the death of patient R.P.

4. On or about September 4, 2008, Respondent failed to make, maintain and keep adequate dental records within the minimum standard of care for patient R.P. by failing to adequately supervise the documentation of the anesthesia record of the patient.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Texas State Board of Dental Examiners has authority and jurisdiction over this case pursuant to Tex. Occ. Code § 251.001 et seq. and 22 Tex. Admin. Code § 101 et seq.

2. The conduct described in Finding of Fact No. 3 constitutes a violation of Tex. Occ. Code § 253.002(a)(4), (9), (10) and (12) and 22 Tex. Admin. Code § 108.32.

3. The conduct described in Finding of Fact No. 4 constitutes a violation of Tex. Occ. Code § 253.002(a)(4), (9), (10) and (12) and 22 Tex. Admin. Code §108.7.

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent’s Texas Dental License No. 10255, issued to JESS M. HAMILTON, JR., DDS, is hereby SUSPENDED for a period of five (5) years to begin on the effective date of this Order; however, such suspension is FULLY PROBATED.
2. Respondent SHALL pay an administrative monetary fine in the amount of Four Thousand Dollars ($4,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in full no later than twelve (12) months from the date of ratification of this Order by the Board.

3. Respondent SHALL complete a total of twelve (12) hours of Continuing Education courses, which SHALL be completed within twelve (12) months of the effective date of this Order. The twelve (12) hours of Continuing Education courses completed SHALL be in the following areas:

   a. Six (6) hours of anesthesiology; and
   b. Six (6) hours of risk management and record keeping.

   This continuing education SHALL be in addition to Respondent's annual Continuing Education hours required for licensure by the Board.

   All continuing education courses SHALL be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this Order SHALL NOT satisfy the requirements of this Order. The Board Secretary SHALL have the authority to reduce the number of continuing education days or hours based on course availability. Upon the successful completion of each course, the Respondent SHALL provide complete documentation of the course completion to the Board.

4. Respondent SHALL take and pass the jurisprudence assessment within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A jurisprudence assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.

5. Respondent shall, at his own cost and expense, have an AAOMS office anesthesia evaluation of his practice conducted, and the report of the evaluation provided to the Board within ninety (90) days of the effective date of this Order. Respondent shall obtain the prior approval of the AAOMS consultant by the Board Secretary before the evaluation by the AAOMS office anesthesia evaluation is conducted.

6. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent's understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.
Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

JESS M. HAMILTON, JR., DDS
Respondent

THE STATE OF TEXAS
COUNTY OF Harris

SUBSCRIBED and SWORN TO before me, the undersigned authority, by JESS M. HAMILTON, JR., DDS, on Feb 25, 2023.

JESUS LARA JR
Notary Public
STATE OF TEXAS
My Commission Exp. 10-23-11

Notary Public for the State of Texas
STATE BOARD OF DENTAL EXAMINERS

SIGNED this ___ day of April, 20__

[Signature]
William L. Purfoy, DDS, Presiding Officer
State Board of Dental Examiners

[Signature]
Tamela L. Gough, DDS, Secretary
State Board of Dental Examiners
SBDE NO. 10-0999-0816

IN THE MATTER OF THE LICENSE OF WILLIAM CHRISTOPHER CORNMAN, D.D.S.

TEXAS DENTAL LICENSE NUMBER 18714

BEFORE THE STATE BOARD OF DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 5th day of August, 2011, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above styled case was heard.

On July 15, 2011, SBDE staff proposed this agreed settlement order in the above captioned case against William Christopher Cornman, D.D.S., hereinafter "Respondent," holder of Texas Dental License No. 18714. At issue are allegations that the Respondent violated the laws and rules regulating the practice of dentistry.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following Agreed Settlement Order is proposed, contingent on Board approval.

FINDINGS OF FACT

1. Respondent, William Christopher Cornman, D.D.S., holds Texas Dental License No. 18714. Respondent’s license was initially issued on July 12, 1996, and was in full force and effect at all dates and times material and relevant to this Agreed Settlement Order.

2. Respondent’s license has no prior disciplinary action.

3. On or about August 10, 2010, Respondent fell below the minimum standard of care and failed to use proper diligence in the treatment of patient O.B. Specifically, Respondent performed non-emergent treatment
on an immunocompromised patient instead of referring the patient for medical evaluation. Patient O.B. was admitted to a hospital with diagnoses of septic shock and untreated diabetes and subsequently passed away on August 13, 2010.

4. On or about August 10, 2010, Respondent fell below the minimum standard of care by failing to make, maintain, and keep adequate dental records on patient O.B. Specifically, the record does not include an initial medical history; vital signs; or a written informed consent specific to tooth extraction.


CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Texas State Board of Dental Examiners has authority and jurisdiction over this case pursuant to Tex. Occ. Code § 251.001 et seq. and 22 Tex. Admin. Code § 101 et seq.


ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent’s Texas Dental License No. 18714, issued to William Christopher Cornman, is hereby issued the sanction of REPRIMAND.

2. Respondent SHALL pay an administrative monetary fine in the amount of six thousand dollars ($6,000.00) payable to the “Texas State Board of Dental Examiners” located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in one (1) lump sum or in installment payments, the total amount due no later than six (6) months from the effective date of this Order.

3. Respondent SHALL complete a total of twenty-four (24) hours of Continuing Education courses. Under this stipulation, the continuing education courses SHALL be completed within one (1) year of the effective date of this Order. Continuing Education courses completed SHALL be in the following area(s):

Agreed Settlement Order
William Christopher Cornman, DDS
SBDE No. 10-0999-0816 – page 2 of 4
a. Recordkeeping 6 hours
b. Medically Compromised Patients 18 hours

This continuing education SHALL be in addition to Respondent's annual continuing education hours required for licensure by the Board.

All continuing education courses SHALL be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval and prior to the effective date of this Order SHALL NOT satisfy the requirements of this Order. The Board Secretary SHALL have the authority to reduce the number of continuing education days or hours based on course availability. Upon the successful completion of each course, the Respondent SHALL provide completion documentation to the Board.

4. Respondent SHALL take and pass the jurisprudence assessment within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A jurisprudence assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.

5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent's understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth. This Agreed Settlement Order is a settlement agreement pursuant to Rule 408 of the Texas Rules of Evidence for purposes of civil litigation.

Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

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All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

[Signature]
William Christopher Cornman, DDS
Respondent

[Signature]
Devin Blake Kitchens
notarized the signature of William
Christopher Cornman, DDS, this 26th day of July
2011.

[Signature]
NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS

[Stamp]
Devin Blake Kitchens
Notary Public
STATE OF TEXAS
My Commission Expires 04-04-2015

STATE BOARD OF DENTAL EXAMINERS
SIGNED this 5th day of August 2011.

[Signature]
Tamela Gough, D.D.S., Presiding Officer
State Board of Dental Examiners

[Signature]
Steven J. Austin, D.D.S., Secretary
State Board of Dental Examiners
SBDE NO. 2013-00908

IN THE MATTER OF §
THE LICENSE OF §
ROBERT BRADLEY SEARS, DDS §
TEXAS DENTAL LICENSE §
NUMBER 22782 §

BEFORE THE STATE BOARDOF
DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 21st day of November, 2014, the State Board of Dental Examiners ("Board") met in a regularly scheduled meeting and the above-styled case was heard.

Robert Bradley Sears, DDS, hereinafter "Respondent," holder of Texas Dental License No. 22782, appeared at an informal settlement conference on October 13, 2014, at 333 Guadalupe, Austin, Texas. Respondent was represented by Joe Waller. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board member Dr. Steven Austin attended the settlement conference pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. Board staff present and participating were Nylia Deal, General Counsel; Simone Salloum, Assistant General Counsel; Carol Pepper, Legal Assistant; and Michelle Blackwell, Compliance Officer. Dr. Austin considered information presented by Staff and the Respondent and, having carefully considered the board's disciplinary guidelines, recommends the following Agreed Settlement Order contingent on the full board's approval.

FINDINGS OF FACT

1. Respondent, Robert Bradley Sears, DDS, holds Texas Dental License No. 22782. Respondent's license was initially issued on June 8, 2006, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent's license has no prior disciplinary history.
3. On or about May 2, 2013, Respondent fell below the minimum standard of care during the dental treatment of patient N.G. Specifically, Respondent failed to properly evaluate patient N.G.'s medical condition and failed to document vital signs after patient N.G. disclosed a history of diabetes and high blood pressure. Respondent also failed to consult with and obtain clearance from patient N.G.'s physician before extracting teeth numbers #18 and #19. Patient N.G. was admitted to the emergency room shortly after the procedure, and died on May 3, 2013.

4. On or about May 2, 2013, Respondent fell below the minimum standard of care by failing to make, maintain, and keep adequate records for patient N.G. Specifically, the records did not include:
   a. vital signs;
   b. a limited physical examination; or
   c. an explanation why items (a-b) were not recorded.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.


2. Respondent's conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(4), (9) & (10); and 22 Tex. Admin. Code §§ 108.7, (1), (3) & (9); and 108.8(b)(4)-(5); (c)(1) & (12).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 22782, issued to Robert Bradley Sears, DDS, is hereby issued the sanction of WARNING.

2. Respondent SHALL pay an administrative monetary fine in the amount of three thousand dollars ($3,000.00) payable to the “Texas State Board of Dental Examiners” located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the date of ratification of this ASO by the Board.

3. Respondent SHALL complete a total of nine (9) hours of continuing education (“CE”) courses, which SHALL be completed within six (6)
months of the effective date of this ASO. The nine (9) hours of CE courses completed SHALL be in the following areas:

<table>
<thead>
<tr>
<th>Comprehensive Medical Evaluation</th>
<th>Six (6) hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Management and Record-Keeping</td>
<td>Three (3) hours</td>
</tr>
</tbody>
</table>

This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

4. Respondent SHALL successfully complete the Jurisprudence Assessment-Board Order and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Board Order prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.

5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent’s signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board.

This Agreed Settlement Order is a settlement agreement pursuant to Rule 408 of the Texas Rules of Evidence for purposes of civil litigation.
All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is executed by the Board.

Robert Bradley Sears, DDS, Respondent

Nancy Dildine notarized the signature of Robert Bradley Sears, DDS, this 21st day of October 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE BOARD OF DENTAL EXAMINERS SIGNED this 21st day of November 2014.

Rudy G. Ramos, Jr., DDS, Presiding Officer

D. Bradley Dean, DDS, Secretary