

SBDE NOS. 03-094-0930; 04-307-1222 & 05-0536-0114

**IN THE MATTER OF
THE LICENSE OF**

DEBORAH IRENE ERICSON, DDS

**TEXAS DENTAL LICENSE
NUMBER 15301**

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 27 day of January, 2006 the State Board of Dental Examiners (hereinafter the "Board" or "SBDE") met in a regularly scheduled meeting and the above-referenced case was considered.

DEBORAH IRENE ERICSON, DDS, hereinafter "Respondent," holder of Texas Dental License No. 15301, appeared at an informal settlement conference on Thursday, March 31, 2005, at 333 Guadalupe, Austin, Texas. In response to a notice letter sent on March 01, 2005. Respondent was advised of the right to legal representation in the notice letter and was represented at the conference by attorney, Boyd W. Shepherd, Esq. Board members Helen McKibben, RDH, Charles Wetherbee, Esq., and Gary McDonald, D.D.S., represented the full Board at the settlement conference pursuant to Section 263.007, Texas Occupations Code and Board Rule 107.63, 22 Tex. Admin. Code. Board staff present and participating were Lorenzo Nato, Staff Attorney; Armand Ramirez, Legal Administrator; and Bill Williamson, representing the Enforcement Division. The Board members named above considered information presented by staff, the Respondent and the Complainant. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry. Upon review of evidence and testimony, the panel found that the respondent had violated the laws and rules regulating the practice of dentistry. Further, the panel issued an Agreed Settlement Order in the matter. However, Respondent declined to agree to the terms imposed by the proposed Agreed Settlement Order. Accordingly, the matter was designated for formal resolution process before an administrative law judge at the State Office of Administrative Hearings in Austin, Texas (hereafter "SOAH").

On May 16, 2005, the respondent instituted negotiations with the SBDE in a final attempt at disposition without the need for formal disciplinary action through SOAH. On November 7, 2005, an agreement was reached relating to the matters at issue, and pursuant to that agreement Respondent wishes to waive further formal adjudicatory proceedings. Respondent voluntarily enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that the Respondent fully understands the nature of the findings

of fact and conclusions of law set out herein, that the Respondent has been advised of the right to legal representation, and that the Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The Board's Secretary, having carefully considered the Board's disciplinary guidelines, recommends the following Agreed Settlement Order contingent on the full Board's approval:

FINDINGS OF FACT

SBDE Case No. 03-094-0930:

1. During the time period from July 2, 2002, and August 13, 2002, the respondent failed to make, maintain, and keep adequate dental records for all treatment performed on patient F.G. Specifically, the patient's dental record does not include a notation of initial blood pressure and pulse, or a statement explaining why those vital signs were not obtained, notations concerning appointments made for adjustments and/or try-ins, notations concerning materials used for dentures, tooth shade, form/type used. Further, the record does not contain prescriptions to dental labs for upper and/or lower dentures.
2. During the time period from July 2, 2002, and August 13, 2002, the respondent failed to make, maintain, and keep adequate dental records for all treatment performed on patient B.G. Specifically, the patient's dental record does not include a notation of initial blood pressure and pulse, or a statement explaining why those vital signs were not obtained, notations concerning appointments made for adjustments and/or try-ins, notations concerning materials used for dentures, tooth shade, form/type used. Further, the record does not contain prescriptions to dental labs for upper and/or lower dentures.

SBDE Case No. 04-307-1222 & 05-0535-0114:

3. During the time period from February 2, 2004 through March 10, 2004, the respondent practiced dentistry while Texas Dental License No. 15301 was expired.

SBDE Case No. 04-307-1222

4. On/about December 22, 2003, the Respondent failed to make, maintain, and keep adequate dental records of all treatment performed on patient L.D. Specifically, the patient's dental record does not include a notation of initial blood pressure and pulse, or a statement explaining why those vital signs were not obtained, a written review of the patient's medical history,

periodontal charting or diagnosis for the patient, treatment plan, recommendation and options, and/or notations concerning medications and dosages given to the patient prior to and/during endodontic treatment on patient L.D.'s tooth # 3.

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. 1 is a violation of TEX. OCC. CODE §263.002(a)(4) and (10) (Vernon's Supp. 2001), as well as 22 Tex. Admin. Code §§108.7 and 108.8 (West 2002).
3. The conduct described in Finding of Fact No. 2 is a violation of TEX. OCC. CODE §263.002(a)(4) and (10) (Vernon's Supp. 2001), as well as 22 Tex. Admin. Code §§108.7 and 108.8 (West 2002).
4. The conduct described in Finding of Fact No. 3 is a violation of TEX. OCC. CODE §256.001(Vernon Supp. 2003).
5. The conduct described in Finding of Fact No. 4 is a violation of TEX. OCC. CODE §263.002(a)(4) and (10) (Vernon Supp. 2003), as well as 22 Tex. Admin. Code §108.7 and §108.8 (West 2003).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 16301, issued to DEBORAH IRENE ERICSON, DDS, is hereby issued the sanction of REPRIMAND.
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. The administrative monetary fine SHALL be paid in one (1) lump sum, the total amount due no later than six (6) months from the effective date of this Order.
3. Respondent SHALL complete a total of nine (9) 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):

- | | | |
|----|----------------------------------|---------|
| a. | Risk management/Record Keeping - | 6 hours |
| b. | Jurisprudence - | 3 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 examination within six (6) months of the effective date of this Order. The fees for the examination SHALL be borne by Respondent. A jurisprudence examination 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.

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.

Deborah Irene Ericson TDS
 DEBORAH IRENE ERICSON, DDS
 Respondent

Deborah Irene Ericson notarized the signature of
 DEBORAH IRENE ERICSON, DDS, this 14 day of
November 2005.

Charmaine Franks
 NOTARY PUBLIC
 IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS

SIGNED this 27 day of January 2006



**Gary W. McDonald, D.D.S., Presiding Officer
State Board of Dental Examiners**



**Juan D. Villarreal, D.D.S., Secretary
State Board of Dental Examiners**