

SBDE NO. 2017-01369

IN THE MATTER OF
THE LICENSE OF

THOMAS SCHILLER, DDS
TEXAS DENTAL LICENSE
NUMBER 18566

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 22nd day of September, 2017, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard.

Thomas Schiller, DDS, holder of Texas Dental License No. 18566 (Respondent), appeared at an informal settlement conference on July 25, 2017, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by Ed Quillin. 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 (ASO). 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 members D. Bradley Dean, DDS, Jason Zimmerman, DDS, and Kirby Bunel, DDS, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.0075, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board's disciplinary guidelines, recommends the following ASO contingent on the full Board's approval.

FINDINGS OF FACT

1. Respondent, Thomas Schiller, DDS, holds Texas Dental License No. 18566. Respondent's license was initially issued on March 15, 1996, and was in full force and effect at all dates and times material and relevant to this ASO.
2. Respondent holds the following sedation/anesthesia permits issued by the Board:

- a. Nitrous Certification issued on August 28, 2012.
3. During the time period from February 2, 2017, through the present, Respondent has improperly obtained possessed, and/or used habit-forming drugs or narcotics. Specifically, Respondent obtained, possessed and/or used Diazepam (C.S. Schedule IV), Tramadol (C.S. Schedule IV), and Meprobamate (C.S. Schedule IV).
4. During the time period from February 2, 2017, through the present, Respondent has been physically or mentally incapable of practicing in a manner that is safe for the person's dental patients. Specifically, Respondent has been evaluated by Professional Recovery Network (PRN) evaluators and found unsafe to practice dentistry without monitoring and support through a PRN monitoring agreement.

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 Board has authority and jurisdiction over this case pursuant to Texas Occupations Code, Title 3, Subtitle D, and Texas Administrative Code, Title 22, Part 5.
2. Respondent's conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(3), (7), (11); and 22 Tex. Admin. Code § 108.9(4)(C), (E)-(F).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 18566, issued to Thomas Schiller, DDS, is hereby placed under PROBATED SUSPENSION for a period of three (3) years.
2. Respondent SHALL make and maintain membership in PRN. Respondent SHALL abide by and participate with all terms and conditions of PRN, which SHALL, at the discretion of PRN, include but are not limited to: monitoring, participation in an inpatient or outpatient treatment program; monitoring of therapeutic levels of drugs, submission of a narrative as requested; submission of blood, urine, hair, and nail specimens for random drug or alcohol testing; and such other conditions deemed appropriate by PRN. PRN SHALL furnish to the Board, upon request, documentation evidencing Respondent's compliance or non-compliance with the terms of PRN's program. Failure to comply with all provisions and recommendations of PRN during the entire probationary period SHALL

constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board.

3. 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.
4. 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.

Signatures on following page.

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.

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.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY.

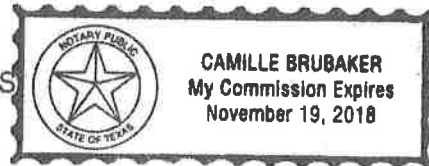
Thomas Schiller DDS

Thomas Schiller, DDS, Respondent

Camille Brubaker notarized the signature of Thomas Schiller, DDS, this 15th day of September 2017.

Camille Brubaker

NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 22nd day of September 2017.

Steven J. Austin
Steven J. Austin, DDS, Presiding Officer

David Tillman
David Tillman, DDS, Secretary