

SOAH DOCKET NO. 504-16-3918

SBDE NOS. 2015-00720; 2016-00400; 2016-01357; 2016-01440; 2016-01463

**IN THE MATTER OF
THE LICENSE OF**

CLINTON F. HERZOG, DDS

**TEXAS DENTAL LICENSE
NUMBER 20239**

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

VOLUNTARY SURRENDER ORDER

Clinton F. Herzog, DDS (Respondent), holder of Texas Dental License No. 20239, hereby voluntarily surrenders Texas Dental License No. 20239. Respondent acknowledges that the Texas State Board of Dental Examiners (Board) advised Respondent of the right to legal representation, and that Respondent understands the nature of the alleged violations contained in this Voluntary Surrender Order (VSO). Respondent also acknowledges that the Board afforded Respondent adequate opportunity to respond to the alleged violations. Respondent's voluntary surrender of his dental license will be effective **immediately**.

FINDINGS OF FACT

1. Respondent holds Texas Dental License No. 20239. Respondent's license is currently in SUSPENDED status, pursuant to an Order of Temporary Suspension entered by an Executive Committee of the Board on April 28, 2016, and was in full force and effect at all dates and times material and relevant to this VSO.
2. Respondent holds the following sedation/anesthesia permits issued by the Board:
 - a. Nitrous Certification issued on November 10, 2000.
3. Respondent's disciplinary history, as shown in the orders dated April 15, 2011, and August 14, 2015, is incorporated by reference into this VSO.
4. Respondent has elected to surrender his license in lieu of further disciplinary proceedings related to the following alleged violations in the matters identified above: Specifically, the Board alleged Respondent failed to comply with a prior Order of the Board, failed to meet the standard of care during the dental care of two patients, and failed to comply with a Professional Recovery Network 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 Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.
2. Respondent's conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(3), (4), (7), (10); and 22 Tex. Admin. Code §§ 108.1(1), 108.7(1), 108.9(4), (6), (7).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. The voluntary SURRENDER of Texas Dental License No. 20239, issued to Clinton F. Herzog, DDS, is hereby ACCEPTED. Respondent's Affidavit of Voluntary Surrender of Dental License is attached hereto as "Exhibit A."
2. Respondent's voluntary license surrender shall resolve SBDE Case Nos. 2015-00720; 2016-00400; 2016-01357; 2016-01440; 2016-01463, and SOAH Docket No. 504-16-3918. The surrender of Texas Dental License No. 20239 shall be effective immediately.
3. Respondent shall cease practicing as a licensed dentist in all respects in the State of Texas immediately.
4. Respondent shall surrender any and all permits, schedules, rights and privileges held by virtue of Texas Dental License No. 20239 no later than the effective date of license surrender.

By signing this Voluntary Surrender Order, Respondent acknowledges understanding and agreeing to this Order's terms and agrees to satisfactorily comply with the mandates of this Order in a timely manner. Respondent also acknowledges that failure to comply with this Order may result in civil or criminal prosecution of Respondent for practicing dentistry without a license in Texas.

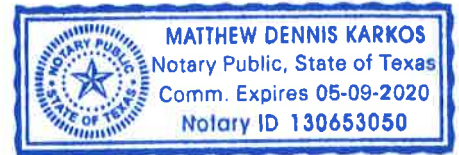
Respondent's signature does not constitute either an admission or denial of the allegations set forth in this Voluntary Surrender Order or the underlying complaints, and by signing this document, Respondent does not admit or deny the findings of fact and the conclusions of law set forth herein.

By signing this Voluntary Surrender Order, Respondent waives any right to a formal hearing and any right to judicial review of this Voluntary Surrender Order.

All of the above terms, conditions, and penalties become effective on the effective date of this Voluntary Surrender Order or as otherwise set out herein. The Voluntary Surrender Order shall be effective **immediately**.



Clinton F. Herzog, DDS, Respondent



SWORN TO AND SUBSCRIBED before me on the 8th day of July, 2016.



NOTARY PUBLIC IN and FOR THE STATE OF Texas

WHEREFORE, PREMISES CONSIDERED, the Texas State Board of Dental Examiners does hereby accept the voluntary surrender of Texas Dental License No. 20239 previously issued to Clinton F. Herzog, DDS.

Accepted this 24th day of August, 2016, to be effective **immediately**.



Kelly Parker
Executive Director
Texas State Board of Dental Examiners

STATE OF Texas
COUNTY OF Travis

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EXHIBIT A

AFFIDAVIT OF VOLUNTARY SURRENDER OF DENTAL LICENSE

Before me, the undersigned authority, personally appeared Clinton F. Herzog, DDS, who, being by me duly sworn, deposed as follows:

My name is Clinton F. Herzog, DDS. I am the holder of Texas Dental License No. 20239. I am over 18 years of age, of sound mind, and I am capable of making this affidavit. I am not under the influence of alcohol or any drugs, have not been coerced, am acting on my own free will, understand that I have the right to discuss this decision with an attorney, and voluntarily agree to sign this Affidavit. Without any threats or promises having been made to me by any agent or employee of the Texas State Board of Dental Examiners, I am signing this document and do voluntarily surrender my Texas Dental License No. 20239. The effective date of the surrender will be **immediately**. This surrender is offered in order to resolve SBDE Case Nos. 2015-00720; 2016-00400; 2016-01357; 2016-01440; 2016-01463, and SOAH Docket No. 504-16-3918, and all other SBDE cases against my license that may be under investigation.

I hereby waive my right to complain or have judicial review of any final order entered by the Texas State Board of Dental Examiners accepting the voluntary surrender of my license. This affidavit of surrender shall become irrevocable upon delivery to the offices of the Texas State Board of Dental Examiners.

My future eligibility for a Dental License will be determined solely at the discretion of the Texas State Board of Dental Examiners. I fully understand that by this surrender, I can no longer legally practice as a licensed dentist in the State of Texas.


Clinton F. Herzog, DDS
Texas Dental License No. 20239

SWORN TO AND SUBSCRIBED before me on the 8th day of July, 2016.


Notary Public in and for
The State of Texas

