

**OREGON BOARD OF DENTISTRY  
MINUTES  
January 18, 2002**

MEMBERS PRESENT: Linda Lee, RDH, BS, President  
Jean Martin, DDS, MPH, Vice President  
Melissa Grant, DMD  
Kris Hudson, Public Member  
Kenneth Johnson, DMD  
Eugene Kelley, DMD  
George McCully, DMD  
Ronald Short, DMD  
Ellen Young, RDH, BS

STAFF PRESENT: Jo Ann Bones, Executive Director  
Larry Burnett, DDS, Investigator/Consultant  
Paul Kleinstub, DDS, Dental Director/Chief Investigator  
Jerry McNerney, DMD, Investigator/Consultant  
Daryll Ross, Investigator  
Harvey Wayson, Investigator

ALSO PRESENT: Frank Mussell, Assistant Attorney General

**Call To Order:** The meeting was called to order by the President at 7:30 a.m. at the Board office; 1515 SW 5<sup>th</sup> Avenue, Suite 602, Portland, Oregon.

**Approval of Agenda:** The agenda was reviewed and approved with two additions.

Board members signed wall certificates.

**EXECUTIVE SESSION**

The Board entered into Executive Session pursuant to ORS 192.660(1)(f), (h) and (k); ORS 676.165, ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential materials and investigatory information, and to consult with counsel.

**REVIEW OF NEW COMPLAINTS, COMPLETED INVESTIGATIONS, PREVIOUS CASES REQUIRING BOARD ACTION, AND LICENSURE APPLICATION ISSUES**

The Board reviewed summaries of new complaints and reviewed completed investigation reports and related investigatory materials.

**PERSONAL APPEARANCES AND COMPLIANCE ISSUES**

Licenses appeared in Executive Session pursuant to their Consent Orders in case numbers 1993-0183, 1995-0034, 2001-0195, 2001-0111 and 1997-0106.

**CONTESTED CASE HEARING** - Consideration of Hearing Officer Findings of Fact, Conclusions of Law, Opinion and Proposed Order

**1994-0193** Respondent, with counsel, made an appearance before the Board in this matter.

**Deliberations** - The Board entered into deliberations in accordance with ORS 192.690(1) to deliberate the Findings of Fact, Conclusions of Law, Opinion and Recommendation of the Hearing Officer in case 1994-0193.

## **OPEN SESSION: The Board returned to Open Session.**

Ms. Lee acknowledged that several OHSU dental hygiene students were present in the audience and requested that they introduce themselves. The Board welcomed the students to the meeting.

## **UNFINISHED BUSINESS**

### **Dental Hygiene Continuing Education Rule**

Ms. Lee said that at the November 16, 2001 meeting, the Board considered proposed changes to several administrative rules. The proposed changes to 818-021-0070, Continuing Education for Dental Hygienists, was tabled until the January meeting in order to allow the Dental Hygiene Committee to reconsider its recommendations concerning C.E. in light of the Board's action on the Continuing Education rule for dentists. The Chair of the Dental Hygiene Committee, Darla Thompson, has requested that the Board put this matter on the agenda for its March 8, 2002 meeting.

## **NEW BUSINESS**

## **ASSOCIATION REPORTS**

### **Oregon Dental Association**

Dr. Mark Jensen, Vice President, said that the ODA has received information that the OHSU budget may be cut by another \$33 million which could jeopardize the funding for the School of Dentistry. He said that the ODA is actively trying to delay action on this decision as further cuts in dental education programs in Oregon will significantly affect the availability of dental care providers in Oregon over the long term. He also reported that the Ownership Workgroup will be chaired by Dr. Rick Asai and the first meeting will be held on January 24. He said Jane Myers will be providing testimony to the Joint Interim Committee on Health and Human Services, chaired by Senator Bill Fisher, at its hearing on January 29.

### **Oregon Dental Hygienists' Association**

Ms. Lynn Ironside, ODHA Government Relations Director, reported that the ODHA is also attending meetings in Salem and actively lobbying to forestall the proposed closure of the Dental Hygiene program at OHSU and also to oppose further reductions at OHSU based on the latest announcements about funding problems. She said that OHSU is actively working to find another entity to take over the Dental Hygiene program. Negotiations are confidential but a decision may be made by January 31, 2002.

## **COMMITTEE AND LIAISON REPORTS**

### **WREB Examiner and Committee Reports**

Dr. Johnson reported that he attended the WREB Board of Directors meeting on January 12, 2002. He said the Board of Directors voted to poll the member state Boards regarding a proposal to eliminate the Indirect (Gold) Restoration procedure from the WREB examination and replace it with a second Direct (Amalgam or Composite) Restoration procedure. He said that the Board will be receiving a letter about this and asked that Ms. Bones assure that the matter is on the Board's March agenda.

### **Dental Summit Meeting**

Dr. Martin said that the Oregon Dental Summit (OHSU, ODA and OBD) held its quarterly meeting on January 9, 2002 at the office of the ODA. Dr. Martin, Ms. Lee and Ms. Bones attended representing the Board.

She reported that there was a very educational presentation about dental amalgam by Jack Ferracane, PhD, Chair of the Biomaterials and Biomechanics Department at OHSU. Dr. Jack Clinton, Associate Dean for Clinical Affairs, reported that the school has now gathered sufficient donated funds to proceed with installing about 70 computer simulation workstations at the School of Dentistry. He said that the faculty and students are very excited about these ergonomic workstations where preclinical techniques will be practiced in a simulated clinical environment complete with a mannequin "patient."

Dr. Clinton also said that the School of Dentistry's seven-year accreditation site review by the Commission on Dental Accreditation has been scheduled for October 15-17, 2002. The ADA will invite the Board of Dentistry to have a representative on the seven to ten member team. The school feels that it is very important that the Board participate in this review.

### **Enforcement Committee**

Ms. Lee said that the Enforcement Committee met on the evening of January 17 to discuss and further refine the proposed protocols and forms for the Mentoring program. She said the committee will present its recommendations at the March Board meeting.

### **Ownership Workgroup**

Dr. Short reported that Dr. Rick Asai has agreed to head the workgroup and members of the workgroup have been identified. The first meeting will be held at the office of the ODA on January 24. Dr. Short also said that the Joint Interim Committee on Health and Human Services chaired by Senator Bill Fisher has asked for a report on the status of this project at a hearing that will be held on January 29. He said that he will attend with Jane Myers to report on formation of the workgroup and respond to questions of the committee.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Budget Status**

A budget status report for July 2001 – November 2001 was provided for Board review.

### **Speaking Engagements**

Ms. Bones and Dr. Kleinstub spoke to the senior dental class at OHSU on November 28, 2001. The presentation was well received.

### **Rule Amendments Filed**

Ms. Bones reported that the administrative rule changes adopted by the Board at the November meeting have been filed with the Secretary of State. A notice of the rule changes has also been posted on the Board's website.

### **2002 Meeting Schedule**

Ms. Bones suggested that the Board may want to change its December 2002 meeting date from the 13<sup>th</sup> to the 6<sup>th</sup> to avoid the Evaluators having to meet on the Friday after Thanksgiving. Ms. Young moved and Dr. Martin seconded that the December 2002 meeting be held on December 6. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **2003 Legislative Concepts**

The Administrative workgroup (Ms. Hudson, Dr. Grant, Dr. Kelley and Ms. Young) met with Ms. Bones on December 14, 2001 to discuss possible legislative concepts for the 2003 Legislative Session. The committee reviewed and discussed proposed concepts with Ms. Bones and Mr. Mussell and recommends the Board move forward with the following statutory changes:

<b>PROPOSED LEGISLATIVE CONCEPTS – 2003</b>		
<b>SUBJECT</b>	<b>ORS</b>	<b>Concept</b>
Licensure Without Further Examination	679.070 (4) and 680.060 (4)	Define “state” to include the usual 50 states of the U.S. and Washington, D.C.  Regarding required clinical experience: change “in other states” to “this or other states...”
“Specialty Licensing” (OHSU Professors)	679.105	Repeal 679.105 “Specialty Licensing” since 679.115 “Licensing of Dental Instructor” adequately replaces.
Re-Examination of applicants (remedial training)	679.080 and 680.080	Amend to provide flexibility.
Use of the designations “DDS” & “DMD”	679.040	Repeal 679.040. 679.025 (1) suffices for Board purposes.
Discipline of Licensees	679.140	Amend (1)(a) to remove “of imprisonment” and amend (2)(h) to change “suspension or revocation” to “discipline.”  Add language allowing Board to consider disciplinary actions taken against any other health care license the licensee may hold or have held.
Application for Examination; fees; grounds for disqualification.	679.060 and 680.050	Add language allowing the Board to consider disciplinary actions taken against any other health care license the licensee may hold or have held in the past.  Amend subsections (2)(a) and (5) in both statutes to remove “examination” so that the reference applies to all fees.
Remove reference to Health Division/DHS	679.230 and 679.260	Amend to remove reference to “Health Division.” This is consistent with intent of 409.310. Also provides Board flexibility in seeking accounting and payroll services outside of DHS.
Confidentiality of Complaints	New in 679 and 680	Add language to provide exception to 676.175 in cases involving well-being issues. This would allow Board flexibility in dealing with these cases and talking to the ODA Well-Being Committees, treatment providers, etc.
Jurisdiction over lapsed, expired, retired and resigned licenses	New in 679 and 680	Add language that provides the Board jurisdiction of licenses that are no longer on “active” status. Allows Board to continue disciplinary actions as necessary. This is consistent with statutory changes made by other health care regulatory Boards.

Dr. Kelley moved and Ms. Hudson seconded the Board present these issues to the Governor as Legislative Concepts for the 2003 Legislative Session. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

The Board requested that exact language for the proposed statutory changes be presented to the Board at its March meeting.

Dr. McCully moved and Dr. Kelley seconded that the Board also propose a Legislative Concept to give the Board of Dentistry the authority to regulate the training and certification of x-ray machine operators in dental offices. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **American Association of Dental Administrators**

Ms. Bones reported that the Executive Council of the AADA received word that the recently elected President of the organization retired from his position with the Maryland Board of Dental Examiners in late November. The Executive Council subsequently asked Ms. Bones to move from her President-Elect position and serve as President for the remainder of the current term, which expires at the end of the annual conference in October 2002. The Board congratulated Ms. Bones on this accomplishment.

### **Annual Workload Report**

A workload report for 2001 was presented for Board review. Ms. Bones said that licensing was up almost 11% over the year 2000 (8.8% for dentists and 13% for dental hygiene). The Board continues to close out about 38 cases per Board meeting. Approximately 19% of the cases result in disciplinary action.

## **CORRESPONDENCE**

**Glenn Oliver, Department of Testing Services, ADA** requesting proctors for National Board Examinations in March. No Board members will be available.

**Representative Demar Bowman (Utah)** requesting information about Board's ability to correct a disciplinary record and the Executive Director's response.

**Cynthia Durley, MEd, MBA, Executive Director, DANB** regarding 2002 Candidate Guide.

**Donalda Dodson, RN, MPH, Office of Family Health, Department of Human Services, Health Services** regarding screening examinations performed by licensed dental hygienists and the Executive Director's response.

**Dr. Deron Ohtani, Chairman, Council on Dental Education and Licensure, ADA** regarding actions of the 2001 ADA House of Delegates, including copy of "Comprehensive Policy Statement on Dental Auxiliaries," and "Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialties."

## **LICENSURE AND EXAMINATION**

### **Ratification of Licenses Issued**

Dr. Kelley moved and Dr. Martin seconded that the licenses issued be ratified as published. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **Dental Hygienists**

H4411	Mahathi Reddy, R.D.H.	11/07/2001
H4412	Melissa A. Szendre, R.D.H.	11/07/2001
H4413	Maureen Krull, R.D.H.	11/08/2001

H4414	Sandra L. J. Doss, R.D.H.	11/08/2001
H4415	Ky A. Wiswall, R.D.H.	11/13/2001
H4416	Orratai E. Amnuayphol, R.D.H.	11/16/2001
H4417	Karla J. Pool, R.D.H.	11/20/2001
H4418	Larissa Levitsky, R.D.H.	11/21/2001
H4419	Marie Hatton, R.D.H.	11/21/2001
H4420	Kristina Cornwell, R.D.H.	11/21/2001
H4421	Trelany L. Wilson, R.D.H.	11/21/2001
H4422	Lynn A. Sowers, R.D.H.	11/21/2001
H4423	Lindsey Pulsipher, R.D.H.	12/04/2001
H4424	Sandra K. Wilson, R.D.H.	12/04/2001

### **Dentists**

D8022	Charles W. Phillips, D.D.S.	11/06/2001
D8023	Bill E. Osmunson, D.D.S.	11/08/2001
D8024	Thanhha T. Pham, D.D.S.	11/08/2001
D8025	Ronald F. Nielsen, D.M.D.	11/08/2001
D8026	Arezou Hassanloo, D.D.S.	11/16/2001
D8027	Paul R. Grady, D.D.S.	11/20/2001
D8028	David V. Salar, D.M.D.	11/21/2001
D8029	William C. Horton, D.D.S.	11/21/2001
D8030	Gerald W. Dortch, D.M.D.	11/21/2001
D8031	Ronald L. Schoepflin, D.D.S.	11/26/2001
D8032	George W. Sanders, D.D.S.	12/04/2001
D8033	William C. Dahling, D.D.S.	12/04/2001
D8034	Angelo D. Radatti, D.D.S.	12/04/2001
D8035	Bongmin An, D.D.S.	12/12/2001
D8036	Benjamin J. Armstrong, D.D.S.	12/17/2001
D8037	Michael Kelley, D.D.S.	12/18/2001
D8038	Craig S. Kindsfater, D.D.S.	12/24/2001
D8039	James W. Ridley, D.D.S.	12/28/2001

### **Specialty Examinations**

Dr. Martin said that the Board had previously agreed to review its process for offering and conducting specialty examinations. She said that Dr. Clayton Stearns has agreed to chair an Ad Hoc committee to study this issue and report back to the Board. The goals of the committee will be to (1) study the current specialty examination process; (2) develop a list of necessary changes to the process that will assure valid, reliable and anonymous exams; (3) gather input from the specialty organizations in Oregon regarding their perceived need for specialty examinations; (4) educate the specialty organizations about the Board's need for assuring valid, reliable and anonymous examinations; and (5) make a report and recommendations to the Board at its December 2002 meeting.

### **Other Licensing, Permit and Certification Issues**

- Request for Board approval to two courses: Soft Denture Relines and High-Speed Handpiece Amalgam Polishing

Dr. Bonnie Lederman submitted a request to the Board for approval of two courses, one course in soft denture relines and one in high-speed handpiece amalgam polishing so that she can offer these courses outside the OIT dental hygiene program. Dr.

Lederman's request to the Board is in accordance with 818-035-0040 and 818-042-0090. Dr. Lederman's letter and proposed course outlines were provided for Board review. Dr. Martin moved and Dr. McCully seconded that the Board approve the two courses as proposed. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

- Request for reinstatement of retired license

OAR 818-021-0090 requires that before a license that has been retired may be reinstated, the applicant must complete a number of steps. One of the requirements for reinstatement is that the applicant "passes any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials."

Dr. M. Keith Hansen retired his license on March 19, 1998. Dr. Hansen has not practiced dentistry in any other jurisdiction, and he now requests reinstatement of his license. Pursuant to OAR 818-021-0090 the Board is asked to determine if it is necessary for Dr. Hansen to take any further examinations. Ms. Hudson moved and Dr. Johnson seconded that the Doctor's license be reinstated with no requirement for further examination. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

- Qualifying "clinical practice" for Licensure Without Further Exam (LWOFE)

The Board received a letter from Dr. Klaus Wolfram requesting clarification on the Board's definition of "clinical practice" for the purpose of qualifying for LWOFE. Dr. Wolfram is a clinical associate professor at Loma Linda University. He states that 40% of his time consists of didactic and administrative assignments, with the remainder of his time dedicated to clinical tasks. Dr. Wolfram asks if his approximate 24 hours of patient contact per week would meet the Board's requirement for "licensed clinical practice."

Dr. McCully moved and Dr. Kelley seconded that the Board's definition of "clinical practice" for purposes of qualifying under LWOFE requirements means direct patient care that the dentist or dental hygienist has personally provided. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **OTHER BUSINESS**

### **Articles and News of Interest (No Action Necessary)**

- Kansas Dental Board "Newsletter," July 2001
- Mississippi State Board of Dental Examiners "Dental Digest," September 2001
- Oregon Board of Medical Examiners "BME Report," Fall/Winter 2001
- North Carolina Board of Dental Examiners "Dental Forum," Fourth Quarter 2001
- ADA "State Legislative Report," November 2001
- AADE "The Bulletin," Late Fall 2001
- AADE "The Bulletin," Winter 2001
- North Dakota Board of Dental Examiners "Newsletter," Fall 2001

### **Issues and Concerns**

Ms. Lee said that the Board has several organizational and planning issues that should be discussed at a retreat and we need to think about scheduling a retreat soon.

Ms. Lee asked that all committee chairs submit reports for the next Board meeting, as it will be the last meeting of the Board's "organizational" year. (*Note: statute requires that the Board elect officers and "organize" in April of each year.*)

Ms. Lee said that one pending issue is that of including licensee information on the website. However there is a question among the Communications Committee members of whether or not notation of final disciplinary actions taken should be included. Ms. Lee ask that Ms. Hudson have one more meeting of the Communications Committee to assess the pros and cons of this issue.

Dr. McCully moved that staff immediately post licensee information on the website with no notation of disciplinary actions but including license status; i.e., suspension, probation, etc. Dr. McCully explained that this would make it easier for employing dentists to check to make sure that applicants for positions hold a current license. He said, further, that he would also want all certified dental assistants to be listed but understands that this is a more difficult task since the Board does not have that information on its database. Ms. Hudson said that she would prefer to wait until a decision has been made about what is going to be included and to do it all at one time. Ms. Hudson moved, and Ms. Young seconded, that this issue be tabled definitely to the March meeting. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **EXECUTIVE SESSION**

The Board entered into Executive Session pursuant to ORS 192.660(1)(f), (h) and (k); ORS 676.165, ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential materials and investigatory information.

**OPEN SESSION: The Board returned to Open Session.**

## **LICENSING AND ENFORCEMENT**

### **CONSENT AGENDA-NEW CASES**

**2002-0100, 2002-0087, 2002-0086, 2002-0083, 2002-0101, 2002-0080, 2002-0085, and 2002-0094** Dr. McCully moved and Ms. Hudson seconded that the Board close these matters as recommended and send appropriate letters to the Respondents and Complainants. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **COMPLETED CASES**

**2002-0008, 2001-0257, 2002-0032, 2002-0045, 2002-0015, 2002-0003, 2001-0191, 2001-0247, 2001-0256, 2001-0238, 2002-0027, 2002-0033, 2001-0248, 2002-0057, 2002-0004, 2001-0245, 2002-0044, 2002-0005, 2002-0011, 2001-0216, 2002-0052, 2002-0041**

Dr. Martin moved and Ms. Young seconded that these cases be closed with findings of no violation of the Dental Practice Act or no further action, per the case recommendations. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0014** Ms. Hudson moved and Dr. McCully seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is ultimately the Doctor's responsibility to ensure that marginal ridge discrepancies do not occur when seating crowns, that diagnoses are documented in patient records, and that the Board's continuing education requirements for

licensure are met as well as maintaining the documentation of the completion of those requirements. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2000-0263** Dr. Grant moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issue of documentation and reminding the Doctor that each Licensee is expected to prepare and maintain an accurate record for each person receiving dental services including the date, description of examination and diagnosis. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0029** Dr. Kelley moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to complete 30 hours of community service, to pay a civil penalty in the amount of \$1,000 and to complete the 40 hours of Board approved continuing education required for the licensure period that ended March 31, 2000 within three months from the effective date of the Order. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0162** Ms. Young moved and Ms. Hudson seconded that the Board close the matter with a Letter of Concern recommending that following patient examinations, the Doctor assure that a complete description and diagnosis is included in the patient record. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0017** Dr. Johnson moved and Dr. Martin seconded that the Board close the matter with no further action. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2000-0177** Dr. McCully moved and Ms. Hudson seconded that the Board close the matter with a strong Letter of Concern advising the Doctor of the need for improvement in diagnosis and radiographic technique and include a strong suggestion that the Doctor update their radiographic skills and knowledge by taking a continuing education course in dental radiography. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0207** Ms. Hudson moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern advising the Doctor to ensure that the use of local anesthetic is documented, that the amount of medications used is documented, that diagnoses are documented to justify the placement of crowns, the placement of splints, and the initiation of endodontic therapy and, that when crowns are seated, the fit of the margins of the crowns are verified before and after cementation. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0039** Dr. Short moved and Dr. McCully seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to make a restitution payment of \$1,547 to the insurance company within 90 days of the effective date of the Order, reimburse the patient \$2,400 within 90 days of the effective date of the Order, and within one year of the effective date of the Order submit proof of having completed at least eight (8) hours of continuing education in diagnosis and treatment planning and sixteen (16) hours of continuing education in crown and bridge. The continuing education courses shall be approved in advance by the Board and shall be in addition to the Board's

continuing education requirement for license renewal. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0055** Dr. Grant moved and Ms. Hudson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$5,000. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0002** Dr. Kelley moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$1,500. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0092** Ms. Young moved and Dr. Kelley seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to complete 40 hours of community service per the standard protocols within 6 months of the effective date of the order and to pay a civil penalty in the amount of \$500. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short and Ms. Young voting aye. Dr. Martin voted no.

**2002-0026** Dr. Johnson moved and Ms. Hudson seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issues of ensuring that when treatment is provided, the treatment is accurately documented in the patient records, and that when the need for treatment is diagnosed, the diagnosis is done by persons licensed to diagnose. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0213** Dr. Short moved and Ms. Hudson seconded that close the matter with a Letter of Concern to the Doctor addressing the issue of ensuring that when informed consent is obtained, "PARQ" or its equivalent is documented and send the Complainant a letter explaining that although there were unfortunate unexpected treatment complications that resulted in the need for two teeth needing endodontic therapy, there was no evidence that the care provided by the Respondent was unacceptable. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0047** Dr. McCully moved and Ms. Young seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issues of ensuring that diagnoses are documented prior to initiating treatment and, that when treatment plans are presented to patients for approval, the plans accurately document the treatment being planned. Also remind the Doctor that when treating teeth with formocresol, a rubber dam should be used to prevent possible collateral tissue irritation. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0135** Ms. Hudson moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee in Consent Order in which the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$500 within 30 days of the effective date of the Order. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short and Ms. Young voting aye. Dr. Martin and Dr. McCully voted no.

**2001-0150, 2001-0175, 2001-0178, 2001-0199, 2002-0028, 2002-0035,** Dr. Grant moved and Dr. Martin seconded that the Board close these matters with no further action. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0220** Dr. Kelley moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to pay a civil penalty in the amount of \$1,500 and, within one year of the effective date of the order to complete three (3) hours of Board-approved continuing education in record keeping and 40 hours of Board-approved continuing education in crown and bridge preparation, per the standard protocols. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2000-0205** Ms. Young moved and Dr. Kelley seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to make a restitution payment to the patient in the amount of \$15,000, to pay a civil penalty in the amount of \$4,000, and to complete the C.E. requirements for the April 1999 through March 2001 licensure period, per the standard protocols. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2000-0211** Dr. Johnson moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to complete three (3) hours of continuing education in the area of record keeping within one year of the effective date of the Order. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0252** Dr. Short moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issue of ensuring that when preparing teeth for crowns, adjacent teeth are evaluated and treated for iatrogenically induced trauma incurred during the tooth preparation process. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0221** Dr. McCully moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to attend at least six (6) hours of continuing education in pain management and pharmacology, and to pay a civil penalty in the amount of \$2,000. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0253** Ms. Hudson moved and Ms. Young seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issue of ensuring that when assistants are allowed to cement temporary crowns, that the crowns are examined and approved by the dentist before the patient is dismissed. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0020 and 2002-0046** Dr. Grant moved and Ms. Hudson seconded that the Board issue a Notice of Proposed License Revocation. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0254** Dr. Kelley moved and Ms. Young seconded that the Board close the matter with a Letter of Concern to the Doctor addressing the issues of ensuring that when treatment complications occur, the complications are documented in the patient record and that when pathology is evident on the radiographs, the pathology is documented in the patient records. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0134** Ms. Young moved and Ms. Hudson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$1,500. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **PREVIOUS CASES REQUIRING BOARD ACTION**

**2000-0182** Dr. Johnson moved and Ms. Hudson seconded that the Board deny the Doctor's Petition for Reconsideration. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**1999-0197** Dr. Short moved and Ms. Young seconded that the Board grant the Licensee's request and lift the license suspension providing that the Licensee agrees to a Consent Order incorporating a treatment regimen with controls to protect the public, per the standard protocols. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0075** Dr. McCully moved and Dr. Kelley seconded that the Board reject the Licensee's proposed Consent Order and again offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to attend 18 hours of Board-approved continuing education in diagnosis and treatment planning within one year of the effective date of the Order. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **LICENSING ISSUES**

**2002-0001** Ms. Hudson moved and Ms. Young seconded that the Board reject the application for a dental hygiene license and issue a Notice of Proposed Denial of Application for License. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0250** Dr. Grant moved and Ms. Young seconded that the Board reject the application for a dental hygiene license and issue a Notice of Proposed Denial of Application for License. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0091** Dr. Kelley moved and Ms. Young seconded that the Board issue a Notice of Proposed Denial of Application for License and offer the applicant a license to practice dental hygiene providing that the applicant sign a Consent Order in which she agrees to a reprimand, to be placed on five-years probation, pay a civil penalty of \$4,800 within 10 months of the date of the order, and to perform 40 hours of community service within 6 months of the effective date of the Order, per the standard protocols. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0093** Ms. Young moved and Ms. Hudson seconded that the Board issue a Notice of Proposed Denial of Application for License and offer the applicant a license to practice dental hygiene providing that the applicant sign a Consent Order in which she agrees to a reprimand, to be placed on five-years probation, pay a civil penalty of \$2,500 within 5 months of the effective date of the Order, and to perform 40 hours of community service within 6 months of the effective date of the Order, per the standard protocols. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0117** Dr. Johnson moved and Dr. Kelley seconded that the Board issue a Notice of Proposed Denial of Application for License and not allow the Doctor to reapply until after 24 continuous months of sobriety. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **CONTESTED CASE HEARINGS REQUIRING FINAL BOARD ACTION**

**1994-0193** Dr. McCully moved and Ms. Young seconded that the Board adopt the Findings of Fact and Conclusions of Law of the Amended Proposed Consent Order accept, reject the Hearing Officer's recommended sanction of license revocation, and issue a Final Order in which the Licensee's license is revoked, the revocation is stayed, and the Licensee is placed on indefinite probation under the following conditions: (1) Licensee shall complete 40 hours of continuing education for the licensure period 04/01/98 to 03/31/00 and submit documentation of completion of the C.E. by 02/01/03. (This is as a result of the Board rejecting the C.E. submitted by Licensee for this licensure period.) (2) Licensee shall complete 40 hours of continuing education for the licensure period 04/01/00 to 03/31/02 and submit documentation of completion of the C.E. by 02/01/04. (This is as a result of the Board rejecting the C.E. submitted by Licensee for this licensure period.) (3) Licensee shall submit for Board review and approval, documentation of all C.E. for the licensure periods 04/01/02 to 03/31/04, 04/01/04 to 03/31/06 and 04/01/06 to 03/31/08. (4) Licensee shall submit to a comprehensive, multi-day, multi-faceted, residential alcohol and drug evaluation at a Board-approved facility, at Licensee's expense. The evaluation must be completed by April 1, 2002. (5) Licensee shall adhere to, participate in and complete all phases of all residential care programs, continuing care programs, and recovery treatment programs recommended by Board approved health care providers. (6) Licensee shall adhere to all Board-ordered provisions for monitoring alcohol and substance abuse, per the Board's standard protocols. (7) Licensee shall submit to a comprehensive psychiatric evaluation by a Board-approved professional at Licensee's expense. This evaluation must be completed by April 1, 2002. (8) Licensee shall adhere to all recommended psychiatric and or psychological treatment recommended by Board-approved health care providers. (9) Licensee shall only practice dentistry in a Board pre-approved clinical setting. (10) Licensee shall provide a copy of this Final Order to his employer, the clinic director or dental director in the case of any volunteer dental program. (11) Licensee shall not apply for a Drug Enforcement Administration registration. (12) Licensee shall surrender his Class 1 Anesthesia (nitrous oxide) permit within seven (7) days of the effective date of this Final Order and not apply for any other anesthesia permit. (13) Licensee shall appear before the Board or its designee three times per year. (14) Licensee shall comply with all laws and rules regarding the practice of dentistry in the State of Oregon. (15) Any violation of any provision of the Final Order will result in license revocation after notice and hearing. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye. Dr. Kelley voted no.

**OTHER BUSINESS (continued)**

Dr. Martin moved and Ms. Hudson seconded that the Executive Director be instructed to contact the Health Division and enter into negotiations to amend the current Memo of Understanding and approved curriculum regarding dental assistant's training for radiology to require that approved instructors be Licensees in good standing.

**MINUTES**

Dr. Kelley moved and Ms. Young seconded that the minutes of the November 16, 2001 meeting be approved as corrected. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**ADJOURNMENT**

The meeting was adjourned at 4:20 p.m.

Approved by the Board March 8, 2002

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Linda Lee, RDH, BS  
President