

**OREGON BOARD OF DENTISTRY  
MINUTES  
MAY 23, 2003**

MEMBERS PRESENT: Ronald Short, DMD, President  
George McCully, DMD, Vice President  
Melissa Grant, DMD  
Jean Martin, DDS, MPH  
Rodney Nichols, DMD  
Ellen (Young) Potts, RDH, BS  
Richard Swart

STAFF PRESENT: Jo Ann Bones, Executive Director  
Paul Kleinstub, DDS, MS, Dental Director/Chief Investigator  
Daryll Ross, Investigator  
Harvey Wayson, Investigator  
Tonaya Craft, Office Specialist

ALSO PRESENT: Lori Lindley, Esq., 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.

**EXECUTIVE SESSION:** The Board entered into Executive Session pursuant to ORS 192.606 (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 investigatory 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**

Licensees appeared in Executive Session pursuant to their Consent Orders in case numbers 1999-0197 and 1997-0091. A Licensee appeared to discuss compliance issues in case number 2002-0145.

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

## **ENFORCEMENT**

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

**2002-0145** Dr. Martin moved, and Dr. McCully seconded, that the Board grant the Licensee an extension, until 7/31/03, to complete the community service required by the Licensee's Consent Order. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

### **CONSENT AGENDA**

**2003-0188, 2003-0177, 2003-0175, 2003-0178, 2003-0179, 2003-0109, 2003-0180, 2003-0192, 2003-0187, and 2003-0185** Dr. Grant moved, and Dr. Martin seconded, that these cases be closed with a finding of No Further Action, per the staff recommendations. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

### **COMPLETED CASES**

**2003-0106, 2002-0013, 2003-0047, 2003-0076, 2003-0078, 2002-0277, 2003-0129, 2003-0119, 2003-0084, 2002-0138, 2003-0100, 2003-0070, 2003-0137, 2003-0103, 2002-0262, 2003-0060, 2002-0202, 2003-0128, 2003-0019, 2003-0141, 2002-0247, 2003-0152, 2003-0111, 2003-0097, 2003-0083, 2003-0113, 2003-0110, 2003-0125, 2003-0165, 2001-0147, 2002-0178, 2003-0140, 2003-0091, and 2003-0063** Dr. McCully moved, and Mr. Swart seconded, that the Board close these matters with a finding of No Violation of the Dental Practice Act or No Further Action, per the recommendations. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0105** Mr. Swart moved, and Dr. Grant seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented and that documentation of the continuing education requirements for re-licensure are maintained. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0040** Ms. Potts moved, and Dr. Martin seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand and a civil penalty of \$1,000. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0107** Dr. Martin moved, and Mr. Swart seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ is documented in the patient records and that the fit of crowns is assured on the date that crowns are seated. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0126** Dr. Nichols moved, and Dr. Martin 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 reimburse the patient \$1,050, and take a three hour Board-approved course in record keeping. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0108** Dr. Grant moved, and Ms. Potts seconded, that the Board close the matter with a finding of No Violation. The motion passed with Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye. Dr. McCully recused himself.

**2003-0117** Mr. Swart moved, and Dr. McCully seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0116** Ms. Potts moved, and Dr. Grant seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, a \$4,000 civil penalty, a requirement that he complete the balance of 33 hours of continuing education for the licensure period 4/1/00 to 3/31/02, and 40 hours of community service within a year of the effective date of the Order. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0085** Dr. Martin moved, and Dr. McCully seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when preparing teeth for fixed-prosthetics, PARQ or its equivalent is documented in the patient's record, and that when treatment plans are presented to patients, every effort is made to clearly explain, justify, and prioritize the treatment needs. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0101** Dr. Nichols moved, and Dr. Grant seconded, that the Board close the matter with a finding of No Violation. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0138** Dr. Grant moved, and Ms. Potts seconded, that the Board issue a Notice of Proposed Disciplinary Action on this matter requiring revocation and simultaneously request the Licensee sign an interim Stipulated Order voluntarily withdrawing from the practice of dentistry in the state of Oregon, pending the completion of the Board's additional investigations and Proposed Notice of Discipline. In the interim Stipulated Order, the Licensee would agree not to examine, treat, or provide dental services to any patients. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **ADMINISTRATIVE RULE HEARING**

Dr. Short said that an administrative rule hearing was conducted May 22, 2003, regarding proposed anesthesia rule changes. He suggested that, based on comments received at the hearing, the Board refer the proposed rule changes back to the Anesthesia Committee.

Ms. Young said that a lot of discussion arose with regard to raising the bar on terminology, over and above the American Dental Association guidelines . She said that the proposed rule changes would be returned to the committee in large part to clarify the language of the proposed rules.

Dr. McCully moved, and Ms. Potts seconded, that the Board refer the proposed rule changes back to the Anesthesia Committee. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **ASSOCIATION REPORTS**

### **Oregon Dental Association**

Janet Peterson, DMD, said that the ODA had requested clarification of the proposed anesthesia rule changes at the May 22 hearing.

Dr. Peterson announced two legislative issues. House Bill 3508 would move the authority to determine x-ray operator training requirements from the Department of Human Services to the Board. She said it was uncertain whether the bill, which has passed the House, would pass in the Senate, but that the Senate Human Resources Committee has been petitioned to discuss the matter again.

Senate Bill 390, the ODA's ownership bill, passed the Senate on April 18, 2003, and the House on May 19, 2003. Dr. Peterson said that it will be important to educate members, many of who are not aware that their non-dentist spouses are not allowed to own any portion of dental practices. She said the ODA is open to suggestions on how to get the word out. Dr. Martin said that the Board had discussed addressing the issue in its next newsletter.

### **Oregon Dental Hygienists Association**

Lynn Ironside, RDH, announced that House Bill 3157 passed the Senate unanimously, and dental hygienists will be able to do oral screenings and communicate findings.

## **COMMITTEE AND LIAISON REPORTS**

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

- Ms. Potts was an examiner for the WREB Dental Hygiene Exam at Salt Lake Community College in Salt Lake City, Utah, May 8-11, 2003. She will be an examiner for the WREB Dental Hygiene Exam at OHSU School of Dentistry in Portland, Oregon, June 18-22, 2003.
- Dr. McCully was an examiner for the WREB Dental Examination at Baylor College of Dentistry in Dallas, Texas, April 25-28, 2003, and at the University of Texas in Houston, May 15-18, 2003.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Budget Report**

A report showing expenditures and revenue through March 2003 was provided for Board review. Ms. Bones said that revenues and expenditures are on track.

### **Board and Staff Speaking Engagements**

Ms. Bones said that Dr. Kleinstub spoke to the senior dental hygiene students at Portland Community College on May 18, 2003. He is scheduled to speak to the senior dental hygiene students at Mt. Hood Community College on May 28, 2003.

### **Administrative Rules**

Ms. Bones said the permanent rule eliminating the requirement that dentists and dental hygienists who apply for licensure by credential have passed the National Board written examinations was filed and became effective on April 18, 2003.

Ms. Bones said the rule amendment regarding x-ray operator training has not yet been filed due to the progress of House Bill 3508 through the legislature. The bill includes an emergency clause that would make it effective upon passage. The bill passed the House on April 23, and if it successfully passes the Senate, the Board will find itself in the position of needing to revise its administrative rules on the issue. Ms. Bones said that if HB 3508 does not pass the Senate, the Board's rule amendments will be filed.

### **Expanded Function Dental Assistant Test Construction Committee**

Ms. Bones said she received a letter from Cynthia Durley, Executive Director of the Dental Assisting National Board in March, recommending that the current version of the Oregon General Dental Assisting Expanded Functions examination be reconstructed immediately due to an examination booklet that was not returned to DANB after the March 8, 2003 test. A Test Construction Committee met with a testing specialist from DANB at the Board office on May 2, 2003, and a revised test was developed. Ms. Bones said there was no gap between tests and no violation of the test's reliability.

### **2003 Legislative Session**

Ms. Bones said the Ways and Means sub-committee on Education conducted a worksession on House Bill 5026, the Board's budget, on May 13, 2003. The sub-committee passed the bill and it will be voted on by the full Ways and Means Committee on May 30, 2003. She said the recommended level of the budget is \$1.7 million. It is lower than the agency request by about \$70,000, which can be attributed to savings the State is making across the board including salary freezes and reductions in inflation factors.

Ms. Bones said that House Bill 2240 passed both the House and the Senate. She said that at the last Board meeting Dr. Peterson of the ODA had requested that the Board change its position on the definition of dental assistants and on the role of dental hygienists. The Board reconfirmed its position and said it wanted to maintain the language the way it was originally submitted. She said that subsequently, she met with Jane Myers of the ODA and Paul Cosgrove of the ODHA and the three agreed on language that was mutually satisfactory and a good solution for all. An explanation of the minor changes was provided for Board review. Ms. Bones explained that dental assistants will be able to work under the supervision of a dental hygienist who is performing hygiene functions. This both clarifies the rule for the ODA and satisfies the Board's wish to allow LAP hygienists to hire dental assistants. The changes also clarified that LAP dental hygienists only can work without the supervision of a dentist. Ms. Bones said that Senator Fisher added an emergency clause making the bill effective upon passage.

Ms. Bones said that House Bill 2964, which included a provision for up to 25% ownership of dental practices by non-dentists, died in the House on May 5, 2003. Senate Bill 390

passed in the Senate on April 18, 2003, and the House Committee on Health and Human Services recommended "Do Pass" on May 7, 2003. The bill includes a requirement that multi-practitioner practices have dental directors.

Dr. Short called for some discussion with regard to Senate Bill 390 and what steps will be needed to help licensees comply with the Dental Practice Act. Ms. Bones noted Dr. Peterson's earlier comment that many licensees will need to be educated in regard to who may own dental practices. She said that the Board received a strong message from the legislative vote that the legislature does not support any level of minority ownership of dental practices. She said there were some indications that the Board could be sued and forced to enforce the Dental Practice Act with regard to ownership issues. She said the Board needs to convey the message that it will be enforcing the statute, and that an education effort such as a newsletter article would be a good start. Dr. Grant moved, and Dr. McCully seconded, that the Board ask the President to write a newsletter article reminding licensees of the statute prohibiting minority ownership of dental practices. Dr. McCully moved, and Ms. Potts seconded, that the Board amend the motion to include sending the article to other relevant organizations including the State Bar and the Board of Accountancy. The amended motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

Dr. Short asked that the Enforcement Committee meet and discuss the matter further and recommend enforcement guidelines for the Board's consideration.

House Bill 3508, addressing the training of X-Ray operators in dental offices, passed the House on April 30, 2003. A Senate Human Resources Committee hearing and possible worksession is scheduled for May 14, 2003. House Bill 3157 passed the House on April 30, 2003. The bill allows dental hygienists and dental assistants, under written training protocols adopted by the Board, to perform oral health screenings and report results. The statute clarifies that reporting results is not a diagnosis. A Senate Human Resources Committee hearing is scheduled for May 14, 2003. A letter from the Governor regarding Hearings Officer Panel legislation was provided for Board review.

Ms. Bones said there are two other bills that affect the Board. Senate Bill 434 requires several of the Health Licensing Boards to encourage multi-disciplinary pain management. She said the Board might want to activate its Pain Management Committee. Senate Bill 606 expands ORS 679.400, which allows dentists to administer local anesthesia to patients who are having their lips tattooed by a tattoo artists. Passage of SB 606 amends the statute to include patients who are having lip area hair removed by an electrologist.

#### **Board Meeting Schedule for 2004**

A proposed schedule of Board meeting dates for 2004 was provided for Board review. It substantially maintains the current eight-week schedule. Dr. McCully moved, and Dr. Martin seconded, that the Board accept the proposed schedule. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## CORRESPONDENCE

**The Board received a letter from John Barch, Executive Director, Western Conference of Dental Examiners and Dental School Deans,** announcing its meeting in Albuquerque, New Mexico, July 11-13, 2003. Ms. Bones said the Board's representative to the WREB Board of Directors, currently Dr. Johnson, typically attends this conference if the agenda warrants the expense.

**The Board received a letter from Lili Reitz, Esq., President, American Association of Dental Administrators,** announcing membership renewals and the ADAA annual meeting in San Francisco, California, October 19-21, 2003. Ms. Bones said that if the Board continues to support attendance by its Executive Director, travel to this meeting will need to be approved before the new Executive Director is selected.

**American Association of Dental Examiners,** agenda for annual meeting, San Francisco, California, October 22-23, 2003. The Board has previously approved one dentist member and one dental hygienist member to attend the meeting. Ms. Bones noted that the Board Attorney's Roundtable is conducted concurrently with the AADE and the Board, in the past, has supported the attendance of its attorney at this meeting.

Dr. Nichols moved, and Ms. Potts seconded, that the Board approve in concept the attendance of the appropriate individuals to these meetings subject to any budget and travel guidelines of the State. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**The Board received a letter from Linda Campbell, Oklahoma Dental Board Administrator,** requesting that the Board complete a survey concerning the development of a Skills Assessment Examination. After some discussion, Dr. McCully moved, and Dr. Nichols seconded, that the Board decline the request to complete the survey. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## LICENSURE AND EXAMINATION

### Ratification of Licenses Issued

Dr. McCully moved, and Ms. Potts seconded, that licenses issued be ratified as published. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

#### **Dental Hygienists**

H4588	Angelica C. Garcia, R.D.H.	March 13, 2003
H4589	Laura D. Evanisko, R.D.H.	April 2, 2003
H4590	Karen B. Richards, R.D.H.	April 2, 2003
H4591	Deborah R. Levy, R.D.H.	April 2, 2003
H4592	Heidi Fisch, R.D.H.	April 23, 2003
H4593	Micha A. Mitchell, R.D.H.	April 29, 2003
H4594	Hiroimi N. Adachi, R.D.H.	May 5, 2003
H4595	Diane Bernel, R.D.H.	May 5, 2003
H4596	Patricia A. Pomeroy, R.D.H.	May 9, 2003

#### **Dentists**

D8227	John J. Armoskus, D.D.S.	March 13, 2003
D8228	Scott R. McAdoo, D.D.S.	March 13, 2003
D8229	Nathanael G. Halstead, D.D.S.	March 14, 2003
D8230	Kris M. Blodgett, D.M.D.	March 21, 2003
D8231	Oshmi Dutta, D.D.S.	April 2, 2003
D8232	Lester C. Laraway, D.D.S.	April 2, 2003
D8233	Mahadeep Virk, D.M.D.	April 8, 2003
D8234	Lisa M. Anderson, D.D.S.	April 14, 2003
D8235	John A. Hill, D.D.S.	April 14, 2003
D8236	Scott N. Santos, D.D.S.	April 15, 2003
D8237	Reza M. Saffari, D.M.D.	April 15, 2003
D8238	Mark C. Davis, D.D.S.	April 23, 2003
D8239	Thalia Y. O'Hara, D.D.S.	April 24, 2003
D8240	Robert B. Sears, D.D.S.	April 29, 2003
D8241	Tae Een Park, D.D.S.	April 29, 2003
D8242	Alireza Saber, D.D.S.	April 29, 2003
D8243	Elizabeth A. Aughney, D.D.S.	April 29, 2003
D8244	Michael L. Umberger, D.D.S.	April 29, 2003
D8245	Kirk J. Robertson, D.M.D.	May 1, 2003
D8246	Leon A. Assael, D.M.D.	May 5, 2003
D8247	Kesamet T. Gebrekidan, D.D.S.	May 12, 2003

## **License and Examination Issues**

- Request to Reinstate Expired License

OAR 818-021-0085(4) requires that before a license that has expired for more than one year is reinstated, the applicant must complete a number of steps. One of the requirements for reinstatement is that the applicant shall “pass any other qualifying examination as may be determined by the Board after assessing the applicant’s professional background and credentials.”

Dr. Jon N. Robinson’s license expired on March 21, 2001. Dr. Robinson has been completing an orthodontic residency program at Loma Linda University and has applied to reinstate his Oregon license. All appropriate fees and paperwork have been received, and there are no negative reports in the NPDB or HIPDB databases. Dr. Nichols moved, and Dr. McCully seconded, that Dr. Robinson’s license be reinstated with no requirement for further examination. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

- Request to Reinstate Retired License

OAR 818-021-0090 requires that before a license that has been retired is 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 by the Board after assessing the applicant’s professional background and credentials.”

Dr. Harry B. Cure, Jr., retired his license on March 1, 2002. Dr. Cure has not practiced dentistry in any other jurisdiction, and requests reinstatement of his dental license. All appropriate fees and paperwork have been received, and there are no negative reports in the NPDB or HIPDB databases. Dr. Nichols moved, and Dr. McCully seconded, that Dr. Cure’s license be reinstated with no requirement for further examination. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **Specialty Examinations**

- A Periodontic Specialty Examination was conducted on March 22, 2003 at OHSU School of Dentistry.

**CANDIDATE PE 201** Seth Weintraub Ms. Potts moved, and Dr. Martin seconded, that the Board accept the recommendation to fail based on the results of the examination and not issue a license to the examinee. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

- Specialty Examiners and Exam Protocols

Proposed specialty examiners and exam protocols for the specialties of Endodontics, Oral and Maxillofacial Surgery, Orthodontics, Pediatric Dentistry, Periodontics, and Prosthodontics were provided for Board review. Dr. Martin moved, and Dr. McCully seconded, that the Board ratify the specialty examiners and exam protocols as presented. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **OTHER BUSINESS**

### **Articles and News of Interest**

- AADE, "The Bulletin," Summer 2003
- Minnesota Board of Dentistry, "Updates," Winter/Spring 2003
- NC State Board of Dental Examiners, "The Dental Forum," First Quarter, 2003
- ADA, "State Legislative Report," April 2003
- ADA, "State Legislative Report," March 2003
- Missouri Dental Board, "Newsletter," February 2003
- Western Regional Examining Board, Spring 2003

### **Adoption of Criteria for Selection of Chief Executive Officer**

Ms. Bones said that no public comment had yet been received with regard to adopting standards and criteria to be used in hiring a chief executive officer. Dr. Short asked if any audience members wished to comment. No comment was received.

Dr. Short said that 27 applications were received for the Board's Executive Director position, and that the review committee had selected 9 candidates for initial interviews.

Dr. Grant moved, and Dr. McCully seconded, that the Board adopt the Criteria for Selection of Chief Executive Officer as presented. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

Dr. Short said that initial interviews are scheduled for June 26 and 27, 2003. After some discussion, it was determined that interviews of the finalists will be conducted by the full Board on Friday, July 11, 2003.

## **ENFORCEMENT (continued)**

**2000-0179** Mr. Swart moved, and Ms. Potts seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating standard protocol provisions that address recovery and protection of the public, modified to fit the Licensee's circumstances. The motion passed with Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye. Dr. McCully voted no.

**2003-0079** Ms. Potts moved, and Dr. McCully seconded, that the Board offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, meet with the Board or its delegate twice a year for at least two years, pay a \$2,000 civil penalty, agree to four office visits per year by designated Board staff for at least two years, and reimburse the Board \$100 per hour for time Board staff spends at each office visit. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0096** Dr. Martin moved, and Mr. Swart seconded, that the Board issue a Notice of Proposed Disciplinary Action to Respondent #1 and offer the Licensee a Consent Order incorporating a reprimand, a \$250 civil penalty and 20 hours of community service within six months of the Order. With respect to Respondent #2, issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand and 20 hours of community service within six months of the Order. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0095** Dr. Nichols moved, and Ms. Potts seconded, that the Board issue a Letter of Concern to Respondent #1 reminding the Licensee to assure that all licenses and certifications are current before permitting a person to perform duties requiring a license or certification; issue a Notice of Proposed Disciplinary Action to Respondent #2 and offer the Licensee a Consent Order in which the Licensee agrees to a reprimand, a \$250 civil penalty, provide 20 hours of Board-approved community service, and require submission of documentation verifying continuing education for the next two licensure periods, 10/01/04 to 9/30/06 and 10/01/06 to 9/30/08; issue a Letter of Concern to Respondent #3 reminding the Licensee to assure that all licenses and certifications are current before permitting a person to perform duties requiring a license or certification. The motion passed with Dr. McCully, Dr. Grant, Dr. Nichols, Ms. Potts, and Mr. Swart Voting aye. Dr. Martin voted no.

**2003-0002** Dr. Grant moved, and Mr. Swart seconded, that with regard to Respondent #1, the Board close the matter with a finding of No Violation. With regard to Respondent #2, issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and reimburse the patient \$8,500. In addition, in reference to Respondent #2, the Licensee will agree to sign an interim Stipulated Order voluntarily withdrawing from the practice of dentistry in orthodontia, during which the Licensee agrees not to examine, treat, or otherwise provide dental treatment to any patient. In addition, the Licensee will further agree not to apply for license renewal when it becomes due in March 2004. Thereafter, the Licensee agrees never to apply for licensure in Oregon. The motion passed with Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye. Dr. McCully recused himself.

**2002-0267** Mr. Swart moved, and Dr. Martin 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 pay restitution to the parents as follows: \$4,500 for the first patient's treatment, \$4,929.50 for the second patient's treatment, and \$2,516 in mileage reimbursement for a total of \$11,945.50. The motion passed with Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye. Dr. McCully recused himself.

**2003-0018** Ms. Potts moved, and Dr. Martin seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that when obtaining informed

consent prior to providing treatment, PARQ or its equivalent is documented in the patient record, and that all treatment and treatment refusals are accurately documented in the patient record. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2002-0242** Dr. Martin 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 be reprimanded and to attend three hours of a Board-approved course in record keeping, per the standard protocols. The Licensee will also pay a \$5,000 civil penalty, pay \$2,000 restitution to the patient, and take seven hours of continuing education in periodontics in addition to the continuing education requirement for the current licensure period. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0028** Dr. Nichols moved, and Ms. Potts 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 \$1,800 to the patient and to take a three hour Board-approved course in record keeping. In addition, open an investigation on the dentist who performed treatment on tooth #19 to evaluate the appropriateness of care. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0130** Dr. Grant moved, and Mr. Swart seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that prescription forms are not preprinted with the Licensee's DEA registration number and that all treatment that is provided to patients is documented in the patient records. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0066** Mr. Swart moved, and Dr. Martin seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that thorough exploration around a crown margin be done when trying to confirm a suspicious radiographic finding and that PARQ is always documented when discussing choices with patients. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0160** Ms. Potts moved, and Dr. McCully seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that PARQ or its equivalent is documented when informed consent is obtained and that all temporary crowns seated by EFDA assistants in non-emergent situations are checked by the supervising dentist prior to dismissing the patient. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

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

**1985-0023** Dr. Nichols moved, and Dr. McCully seconded, that the Board grant the Licensee's request to reduce attendance at SAA meetings from two times per week to once per week, per request. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, and Ms. Potts voting aye. Mr. Swart voted no.

## **LICENSING ISSUES**

**2003-0209** Dr. Grant moved, and Dr. Martin seconded, that the Board grant the Applicant a license to practice dental hygiene on the condition the Applicant agrees to a Consent Order incorporating probation of not less than five years, AA meetings, and personal appearances. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

**2003-0208** Mr. Swart moved, and Dr. Martin seconded, that the Board grant the Applicant a license to practice dentistry after the Applicant passes the Board's Oral and Maxillofacial Surgery Specialty Exam and providing the Applicant first agrees to a Consent Order incorporating appropriate drug abuse protocols for recovery and protection of the public, including the establishment of a counseling relationship with a Board-approved addictionologist. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **MINUTES**

Dr. McCully moved, and Dr. Martin seconded, that the Minutes of the March 21, 2003 meeting be approved as published. The motion passed with Dr. McCully, Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Potts, and Mr. Swart voting aye.

## **ADJOURNMENT**

The meeting was adjourned at 4:35 p.m.

Approved by the Board July 25, 2003.

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Ronald Short, DMD  
President

tmc