

**OREGON BOARD OF DENTISTRY
MINUTES
JULY 25, 2003**

MEMBERS PRESENT: Ronald Short, DMD, President
 George McCully, DMD, Vice President
 Melissa Grant, DMD
 Kenneth Johnson, DMD
 Linda Lee, RDH, MBA
 Rodney Nichols, DMD
 Ellen Potts, BS, RDH

STAFF PRESENT: Paul Kleinstub, DDS, MS
 Dental Director/Chief Investigator/ Acting Executive Director
 Daryll Ross, Investigator
 Harvey Wayson, Investigator
 Jerry McNerney, DMD

ALSO PRESENT: Robyn McGinnity, 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 5TH 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.

OPEN SESSION: The Board returned to Open Session.

ENFORCEMENT

CONSENT AGENDA

2003-0228, 2003-0211, 2003-0246, 2003-0207, 2003-0238, 2003-0210, 2003-0235, 2003-0218, 2003-0222, 2003-0252, 2003-0230, and 2003-0225 Ms. Potts moved, and Dr. McCully 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. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

COMPLETED CASES

2003-0104, 2003-0121, 2003-0189, 2003-0033, 2003-0151, 2003-0161, 2003-0203, 2001-0141, 2001-0123, 2003-0168, 2003-0086, 2003-0195, 2003-0145, 2003-0164, 2002-0194, 2003-0194, 2003-0099, 2003-0133, 2003-0112, 2003-0163, and 2002-0129 Dr. McCully moved, and Ms. Potts seconded, that these cases be closed 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. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0201 Dr. Grant moved, and Dr. Johnson seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when nitrous oxide is administered, the time intervals and dosage as well as the patient's condition during administration and upon discharge are documented. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0186 Dr. Nichols moved, and Ms. Potts seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, a \$1,000 civil penalty to be paid within 30 days, a requirement that he complete the full complement of continuing education for the licensure periods 4/1/99 to 3/31/01 and 4/1/01 to 3/31/03, and 40 hours of community service within one year. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye. Dr. McCully voted no.

2002-0207 Dr. Johnson 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, and to accept Licensee's resignation. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye. Dr. McCully recused himself.

2003-0136 Ms. Potts moved, and Dr. Nichols seconded, that the Board close the matter with a Letter of Concern ensuring, when obtaining informed consent prior to providing treatment, PARQ or its equivalent is documented and that when pathology is apparent in radiographs that pathology and a diagnoses be documented. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Dr. Nichols, and Ms. Potts voting aye. Ms. Lee abstained.

2003-0181 Ms. Lee moved, and Ms. Potts seconded, that for Respondent #1, the Board close the matter with no further action, and for Respondent #2, close the matter with a finding of No Violation. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0176 Dr. Grant moved, and Dr. Johnson 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. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0087 Dr. Nichols moved, and Dr. Johnson seconded, that for Respondent #1, 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 attend a 3 hour Board-approved course in record keeping. For Respondents #2, close the matter with a Letter of Concern addressing the issue of assuring that complete and accurate documentation of all pertinent findings and treatment is entered into the patients' records. For Respondent #3, close the matter with a Letter of Concern addressing the issue of assuring that complete and accurate documentation of all pertinent findings and treatment is entered into the patients' records. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0120 Dr. Johnson moved, and Ms. Lee 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, take three hours of a Board-approved course in record keeping, and make a restitution payment of \$15,000. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye. Dr. McCully voted no.

2003-0092 Ms. Lee 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 be reprimanded and fully reimburse the patient \$17,605. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye. Dr. McCully voted no.

2002-0273 Ms. Potts moved, and Dr. Nichols 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 agrees to be placed on probation for an indefinite period of time under the following conditions:

- a) Licensee may not request relief from probation before five years and then must do so in a written petition. The five-year period begins only with Licensee's initiation of practicing dentistry in the State of Oregon.
- b) Licensee is prohibited from engaging in a solo dental practice. Licensee agrees to limit the practice of dentistry to a group practice under the supervision of an Oregon licensed dentist for a period no less than five years from the date that practice is initiated in the State of Oregon.
- c) Prior to engaging in the practice of dentistry in Oregon, Licensee shall submit a written proposal for practicing in a group setting for Board review and approval and may not initiate practicing dentistry in Oregon prior to receiving written approval from the Board.
- d) Licensee shall attend a Board-approved three-hour course in record keeping within six months of this Order.
- e) Licensee shall appear before the Board, or its designated representative(s), at a frequency to be determined by the Board, but initially at a frequency of three times per year, from the date that Licensee's practice is initiated in the State of Oregon.

The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0174 Dr. Grant moved, and Ms. Potts seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that when pathology is evident on radiographs, the pathology is documented in the patient records, that when informed consent is obtained, PARQ or its equivalent is documented in the patient records, and that the appropriate level of CPR/BLS is obtained in order to maintain the Licensee's nitrous oxide permit. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0143 Dr. Nichols moved, and Dr. Johnson 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 record. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0166 Dr. Johnson moved, and Ms. Lee seconded, that the Board close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0171 Ms. Lee moved, and Dr. Johnson seconded, that the Board close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0172 Ms. Potts moved, and Dr. Grant seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that informed consent is obtained prior to providing treatment, and 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. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2001-0148 Dr. Grant moved, and Ms. Potts seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring that when treatment is provided, the treatment is accurately documented in the patient's records, that a diagnosis is documented to justify the extraction of teeth, and that when medications are prescribed, that the amount and dosages of the medication are documented. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

1994-0021 Dr. Nichols moved, and Dr. Johnson seconded, that the Board grant the Licensee's request and allow Licensee to apply for a DEA registration certificate on the condition that Licensee agree to a Consent Order maintaining existing controls, adding provisions prohibiting the ordering, storing, and dispensing of scheduled drugs, and requiring the use of triplicate prescription pads. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

1985-0023 Dr. Johnson moved, and Ms. Potts seconded, that the Board accept Licensee's resignation and close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2001-0120 Ms. Lee moved, and Dr. Nichols seconded, that the Board grant the Licensee's request and allow the Licensee to complete the full 360 hours of community service within three years. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2000-0227 Ms. Potts moved, and Dr. Grant seconded, that the Board close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

1997-0054 Dr. Grant moved, and Ms. Potts seconded, that the Board rescind its vote of June 21, 2001 to issue a Notice of Proposed Disciplinary Action, and instead close the matter with a Letter of Concern addressing the issue of ensuring that once pathology is diagnosed, every effort is made to treat the pathology before it worsens to the point of becoming an emergent treatment issue. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

1997-0055 Dr. Nichols moved, and Dr. Johnson seconded, that the Board rescind its vote of June 21, 2001 to issue a Notice of Proposed Disciplinary Action, and instead close the matter with a Letter of Concern addressing the issue of ensuring that if pathology is diagnosed, the pathology is documented, and every effort is made to treat the pathology before it worsens to the point of becoming an emergent treatment issue. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0071 Dr. Johnson 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 be reprimanded, to reimburse the patient \$3209, and to attend the remaining nine hours of continuing education, in addition to three hours of a Board-approved course in record keeping. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye. Dr. McCully voted no.

2000-0270 and 2001-0108 Ms. Lee moved, and Dr. Nichols seconded, that the Board rescind the Notice issued July 27, 2001 and close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2003-0052 Dr. Grant moved, and Dr. Nichols seconded, that the Board grant the Licensee's request for an extension until 9/15/03 to complete the community service. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

2000-0189 Ms. Potts moved, and Ms. Lee seconded, that the Board close the matter with no further action. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

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PERSONAL APPEARANCES AND COMPLIANCE ISSUES

Licensees appeared in Executive Session pursuant to their Consent Orders in case numbers 2001-0120, 1993-0183, 2003-0023, 1995-0034, 2003-0149, 1999-0001, 1999-0058, and 2003-0064. An applicant appeared to discuss licensing issues in case number 2004-0002.

Open Session: The Board returned to Open Session.

ENFORCEMENT

LICENSING ISSUES

2004-0002 Dr. Nichols moved, and Dr. Grant seconded, that the Board grant the applicant a dental hygiene license on the condition that applicant agrees to the terms of a Consent Order incorporating a five-year probation period and Board appearances once per year. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4597	Leslie J. Block, R.D.H.	May 23, 2003
H4598	Gretchen M. Ewing, R.D.H.	May 28, 2003
H4599	Deann M. Dyer, R.D.H.	May 29, 2003
H4600	Shannon R. Fuller, R.D.H.	June 2, 2003
H4601	Elizabeth O. Grodin, R.D.H.	June 4, 2003
H4602	Traci D. Chambers, R.D.H.	June 18, 2003
H4603	Joanne M. Scangarella, R.D.H.	June 5, 2003
H4604	Sarah E. Ridgley, R.D.H.	June 24, 2003
H4605	Kerry M. Anderson, R.D.H.	June 25, 2003
H4606	Amy R. Henegan, R.D.H.	July 7, 2003
H4607	Susan E. Thoms, R.D.H.	July 7, 2003
H4608	Tommy-Jo Hull, R.D.H.	July 7, 2003
H4609	Jennifer A. Aubry, R.D.H.	July 7, 2003
H4610	Erin M. Prusse, R.D.H.	July 7, 2003
H4611	Jessica A. Kelly, R.D.H.	July 7, 2003
H4612	Elizabeth J. Martin, R.D.H.	July 9, 2003
H4613	Sarah M. Wheeler, R.D.H.	July 9, 2003
H4614	Joleen D. Pruett-Mitchell, R.D.H.	July 9, 2003
H4615	Marisa D. Hunt, R.D.H.	July 9, 2003
H4616	Katherine C. Cushman, R.D.H.	July 9, 2003
H4617	Kenneth L. Yeoman, R.D.H.	July 9, 2003
H4618	Katie Wong, R.D.H.	July 9, 2003
H4619	Alissa A. Keske, R.D.H.	July 9, 2003
H4620	Jennifer M. Eastburn, R.D.H.	July 9, 2003

H4621	Camie J. Johnston, R.D.H.	July 10, 2003
H4622	Hillary A. Klampe, R.D.H.	July 10, 2003
H4623	Lana S. Wittmer, R.D.H.	July 10, 2003
H4624	Karri D. Vaale, R.D.H.	July 14, 2003
H4625	Susan E. Hall, R.D.H.	July 14, 2003
H4626	Heather R. Lindley, R.D.H.	July 14, 2003
H4627	Cindy A. Nguyen, R.D.H.	July 14, 2003
H4628	Ann J. Wu, R.D.H.	July 15, 2003
H4629	Stacie L. Rask, R.D.H.	July 15, 2003
H4630	Mindi R. Thomas, R.D.H.	July 15, 2003

Dentists

D8248	Gregory S. Peacock, D.D.S.	May 19, 2003
D8249	Richard C. Dowling, D.M.D.	May 21, 2003
D8250	Janean A. Lewis, D.D.S.	May 27, 2003
D8251	Sandra P. Carmeci, D.D.S.	May 27, 2003
D8252	Blong R. Ly, D.D.S.	May 28, 2003
D8253	Michael S. Grishman, D.D.S.	May 28, 2003
D8254	Jonathan D. Morgan, D.D.S.	May 30, 2003
D8255	Cynthia L. Dugger, D.D.S.	June 2, 2003
D8256	Jonathan D. Smart, D.M.D.	June 2, 2003
D8257	Danielle L. Renslow, D.M.D.	June 3, 2003
D8258	John L. McLaughlin, D.D.S.	June 3, 2003
D8259	David R. Daynes, D.D.S.	June 3, 2003
D8260	Rhodora Juson, D.D.S.	June 4, 2003
D8261	Ben G. White, D.D.S.	June 4, 2003
D8262	Hilehito G. Lin, D.D.S.	June 13, 2003
D8263	Jeremy A. Chatfield, D.D.S.	June 17, 2003
D8264	Nathan J. Wonder, D.D.S.	June 17, 2003
D8265	Timothy J. Huff, D.D.S.	June 17, 2003
D8266	Jeremy E. Archibald, D.D.S.	June 18, 2003
D8267	Theodore C. Weesner, D.D.S.	June 18, 2003
D8268	Bill Alti, D.M.D.	June 18, 2003
D8269	Robert A. Abraham, D.D.S.	June 18, 2003
D8270	J. Clayton Hansen, D.D.S.	June 24, 2003
D8271	Benzi B. Kang, D.M.D.	June 25, 2003
D8272	Steven P. Owen, D.D.S.	June 25, 2003
D8273	Paige P. White, D.D.S.	June 26, 2003
D8275	Reid J. Ketcher, D.M.D.	July 2, 2003
D8276	Thomas J. Flath, D.M.D.	July 2, 2003
D8277	Francisco E. Juson, D.M.D.	July 2, 2003
D8278	O'Neill S. Solanky, D.D.S.	July 7, 2003
D8279	Christopher M. Scheuerman, DMD	July 7, 2003
D8281	Nathan A. Tolman, D.M.D.	July 10, 2003
D8282	Matthew D. Bauer, D.D.S.	July 11, 2003

Dental Specialists

Oral Surgery

D8283 Bryan Harvey, D.D.S. July 14, 2003

Periodontics

D8280 Seth Weintraub, D.M.D. July 9, 2003

Prosthodontics

D8274 Alberto Ambard June 20, 2003

Soft Reline Course

The Board received a request from Lane Community College for approval of a Soft Reline Course. The course is intended to qualify Expanded Function Dental Assistants to apply temporary soft relines to full dentures, in accordance with OAR 818-042-0090. A detailed course description was provided for Board review. Dr. McCully moved, and Dr. Johnson seconded, that the Board approve the course. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

MINUTES

- May 23, 2003 Board Meeting

Dr. McCully moved, and Ms. Potts seconded, that the minutes of the May 23, 2003 meeting be approved as published. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

- July 11, 2003 Special Meeting of the Board to interview candidates for the position of Executive Director

Dr. McCully moved, and Dr. Grant seconded, that the minutes of the July 23, 2003 Special Meeting of the Board be approved as published. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

UNFINISHED BUSINESS

Proposed Anesthesia Rule Changes

A copy of the Minutes of the June 25, 2003 Anesthesia Committee meeting was provided for Board review. Dr. Nichols said the committee had met again after the May 22, 2003 administrative rule hearing regarding proposed anesthesia rule changes. The committee addressed changes that had been suggested at the hearing. Dr. Nichols recommended that the Board adopt the rules as presented by the committee.

Dr. McCully moved, and Dr. Grant seconded, that the Board adopt the rules as presented, with the exception of OAR 818-026-0100, which should read as follows (*italics Dr. McCully's changes*):

Effective Date

Every licensee holding an anesthesia permit issued by the Board prior to *October 1, 2003* will have one year from that date to be in compliance with the requirements for the permit level held.

The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Janet Peterson, DMD, said the ODA had received and discussed the Minutes of the July 16, 2003 meeting of the Enforcement and Discipline Committee. She said the ODA does not support or oppose the suggestion that, to assist in enforcing the newly enacted SB 390, which prohibits any portion of non-dentist ownership of dental practices, the Board include a certification statement on renewal forms where the dentist would assert that his or her business status is either in compliance or that steps are being taken to correct the situation. Dr. Peterson said the ODA supports the concept of reviving the Mentoring Project, which collapsed when the State's insurance program said that it would not cover volunteer mentors. She said that Barry Taylor, DMD, has expressed interest in working with the Academy of General Dentistry to re-establish the program.

COMMITTEE AND LIAISON REPORTS

WREB Examiner and Committee Reports

- Ms. Potts was an examiner for the WREB Dental Hygiene Exam at OHSU School of Dentistry in Portland, Oregon, June 18-22, 2003. She will be an examiner for the WREB Anesthesia Exam at OHSU School of Dentistry September 3-7, 2003. Ms. Potts said that she is a member of the WREB Dental Hygiene Anesthesia Subcommittee, which met June 13-14, 2003, at the WREB office in Phoenix, Arizona. The subcommittee evaluated the written exam and made some changes to submit for field-testing, and gave a presentation before the Exam Review Committee for the Dental Hygiene Exam. The Executive Committee made a recommendation to the WREB Board of directors to raise the cost for the Dental Hygiene Exam by \$10.00.
- Dr. Johnson was an examiner for the WREB Dental Exam at University of the Pacific in San Francisco, California, May 30-June 2, 2003, and at OHSU School of Dentistry in Portland, Oregon, June 12-15, 2003.

Dr. Johnson said the Exam Review Committee met July 9, 2003, in Albuquerque, New Mexico. Discussion topics included the use of gold restorations during exams. He noted that there were more than double the numbers of gold restorations prepared and seated during Oregon exams than in any other exam in the country. He said that, although there was extensive discussion, there would be no changes in the exam for 2004. He said the committee is also working toward creating an online exam for prosthetics, with the goal of cutting

exam time. The committee also discussed the eventual merging of regional clinical exams into one national exam, and possible changes to the endodontic examination for WREB.

- Dr. Johnson attended the Western Conference of Dental Examiners and Dental School Deans in Park Cities, Utah, July 19-20.

Enforcement and Discipline Committee

The Minutes of the July 16, 2003 meeting of the Enforcement and Discipline Committee were provided for Board review. Ms. Lee said the main purpose of the meeting was to discuss the Board's options for enforcement of the newly enacted SB 390. She said there was a general consensus that some level of grace period is appropriate and that violations should be considered on a case-by-case basis. Ms. Lee said that Dr. Martin is reviewing Mentoring Project information, and will bring recommendations to the September 19, 2003 Board meeting. There was some discussion of what might be necessary to re-establish the project. Beryl Fletcher, ODA Director of Professional Affairs, said the ODA will continue its discussions with the Academy of General Dentistry and bring recommendations to the Board.

EXECUTIVE DIRECTOR'S REPORT

Budget Report

A report showing expenditures and revenue through May 2003 was provided for Board review. Dr. Kleinstub said that revenues and expenditures are on track. The Board's budget for 2003-2005 was approved by the Legislature and signed by the Governor June 30, 2003, with a 5.3% increase over the 2001-2003 budget.

Board and Staff Speaking Engagements

Dr. Kleinstub said that he was a guest speaker at the Oregon State Bar, Health Law Section, Continuing Legal Education session, held on July 24, 2003.

2003 Legislative Session

Dr. Kleinstub said the 2003 legislative session is nearing its end. A summary of changes to the Dental Practice Act along with a summary of necessary Board action to implement the 2003 changes were provided for Board review.

- HB 5026, the agency budget, was signed by the Governor and was effective July 1, 2003.
- HB 2240, the Board's housekeeping and minor program changes, was signed by the Governor and was effective upon passage May 24, 2003.
- SB 390, regarding ownership of dental practices, was signed by the Governor and will be effective January 1, 2004.
- HB 3508, regarding the training of dental office x-ray operators, passed by both the House and Senate, but was vetoed by the Governor. A letter from the Governor was provided for Board review.
- HB 3157 modifies ORS 680.500(1)(d) to allow education hours to be obtained from programs accredited for other health professional programs in addition to CODA, modifies the list of required courses to allow flexibility in coursework to reflect expanded sites at which LAPs may work, and adds a new section that provides that dental hygienists and dental assistants may perform oral health screenings and report the results to the parents or guardians of minors needing

dental referral for diagnosis, specifying that these findings are not diagnoses. The bill was signed by the Governor and was effective upon passage June 11, 2003, however, further Board action, including developing training and screening protocols, will be necessary before the change can be implemented. The Dental Hygiene Committee will discuss the matter further.

- SB 434 regarding multidisciplinary pain management services requires certain health professional regulatory boards (including the OBD) to encourage multidisciplinary pain management services. The bill was signed by the Governor and will be effective January 1, 2004.
- SB 606 expands ORS 679.500 to authorize a dentist to administer local anesthesia for purposes of hair removal in the lip area from a licensed Electrologist. The bill was signed by the Governor and will be effective January 1, 2004.

Administrative Rules – Division 42

At the January 21, 2003 Board meeting the Board voted to adopt amended rules regarding x-ray operator training. Filing of these rule amendments was put on hold, however, pending the outcome of HB 3508. After the Governor vetoed HB 3508, the rule amendments were filed and became effective on July 18, 2003. The amendments eliminate the prohibition against non-certified persons “pushing the button” and specify that applicants for x-ray certification must meet the training requirements adopted by the Department of Human Services.

Workload Report for 2001-003

Information regarding workload for licensing and enforcement for the 2001-2003 biennium was provided for Board review. Dr. Kleinstub said the Board closed 569 cases, and that most were unacceptable patient care issues.

Minor Office Remodeling

Dr. Kleinstub said some minor remodeling would occur as part of the Board's lease agreement for its office space. Changes include new caps for the half-walls in the front office, repairs to the front office half-walls, additional cabinets in the work room, and additional shelving for the closet in the back office.

Holidays

The newly negotiated union contract for represented Board employees exchanges the day after Thanksgiving for Veterans' Day as an observed holiday.

Personnel

Dr. Kleinstub announced that the Board's new Executive Director, Patrick Braatz, will begin August 4, 2003.

Dr. Kleinstub said contracts for the Board's two consultants were due to expire July 31, 2003. He and Ms. Bones received and reviewed three proposals. The contract for Larry Burnett, DDS, was not renewed; the contract for Jerry McNerney, DMD, was renewed; a new contract was issued for Thomas Waugh, DMD.

Board Action

Dr. Short assigned the issue of multidisciplinary pain management to the Anesthesia Committee for review. The Dental Hygiene Committee will review current rules and adopt necessary changes that will be required by the passage of HB 3157. Dr. Kleinstub

suggested the Board also consider the current policies of CRDTS and WREB with respect to the passage of HB 2240, which allows the Board to adopt rules requiring remediation for applicants who fail the clinical exam three times. He also suggested the Dental Hygiene Committee review the Board's current LAP rules in light of the amended education requirements. The Rules Oversight Committee will need to review and update the current rule that allows a dentist to administer local anesthesia to a person receiving permanent lip color from a licensed Permanent Color Technician/Tattoo Artist to include hair removal in the lip area from a licensed Electrologist.

CORRESPONDENCE

The Board received a letter from Cynthia Durley, MEd, MBA, Executive Director, Dental Assisting National Board, regarding computerized testing for Oregon-specific exams. Ms. Durley presented two options toward the concept of converting Oregon-specific dental assisting examinations from a written to a computerized format. She explained that, although the cost of administering written and computerized exams is the same, the cost for computer time would add significant expense to the computerized exam, *if it is administered for the same length of time as the written exam*. No study has been conducted to determine the length of time needed for candidates to complete a computerized exam.

The first option presented would allow two and one-half hours for the written and computerized exams. The fee for the computerized exam would be \$165. During the next year, DANB would conduct a time study to determine whether the time allotment for the computerized test could be reduced, thereby reducing the cost. The second option presented was to continue to offer only the written exam for the next year, while DANB conducts a time study to determine the time allotment needed for the computerized exam, assessing both the time allotment and fees at the conclusion of the study. Dr. McCully moved, and Dr. Grant seconded, that the Board accept option two, and that the Board let DANB know it is interested in learning the actual cost of the computerized exam. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Nichols, and Ms. Potts voting aye.

The Board received a letter from Susan Wilson, Director, Oregon Health Licensing Office, regarding the Board of Denture Technology Ad Hoc Committee on Rules. Dr. Short noted that a letter from Steven Smith, DMD, and Janet Peterson, DMD, of the ODA, was also included for Board review, and opened the matter for discussion.

Dr. Peterson said the ODA feels Board representation in the form of a Board or staff member would be appropriate at Health Licensing Office Rule-Making Committee hearings. Discussion ensued as to the jurisdiction of the Oregon Board of Dentistry in this matter. Ms. McGinnity explained that the Board does not have jurisdiction in this matter. Dr. Kleinstub said that he and Ms. Bones met with representatives of the Health Licensing Office January 15, 2003 and discussed the need for researching appropriate training and standards of care in the implementation of Ballot Measure 24, which allows licensed Denturists to fit removable partial dentures. Dr. Kleinstub said he had also suggested that the Health Licensing Office meet with the School of Dentistry to research standards for partial dentures. Gary Allen, DMD, pointed out that Denturists in Washington State are also permitted to fit partial dentures. Dr. Kleinstub suggested that the Health Licensing Office contact Washington State for help in developing rules and practice standards for Denturists providing partial dentures. After further discussion, the

Board determined it would not send a representative to the Board of Denture Technology Ad Hoc Committee on Rules.

The Board received a letter from Stacey Marshall, EFDA, Apollo College, regarding clinical requirements for EFDA certification. After some discussion, the Board agreed to refer the matter to the Rules Oversight Committee for further action.

The Board received a letter from Molly Nadler, Executive Director, AADE, requesting comments regarding the National Practitioner Data Bank Executive Committee draft paper "Medical and Dental Postgraduate Trainees and the National Practitioner Data Bank." The Board determined that it did not have any comments regarding the paper.

The Board received a letter from James Marshall, ADA, Director, Council on Dental Benefit Programs, regarding policy on tooth whitening procedures. No action was necessary.

The Board received a copy of a letter and journal article from Steven Duffin, DDS, to Jane Myers, Government Relations, ODA, regarding protection of doctor-patient privilege for Oregon dentists. After some discussion, the Board determined that no action was necessary at this time.

OTHER BUSINESS

Articles and News of Interest

- ADA, "State Legislative Report," May 2003
- ADA, "State Legislative Report," June 2003
- ADA, "State Legislative Report," July 2003
- Idaho State Board of Dentistry, "News," Spring 2003
- Arizona State Board of Dental Examiners, "Newsletter," June 2003
- Pennsylvania State Board of Dentistry, "Newsletter," Summer 2003

ADJOURNMENT

The meeting was adjourned at 4:30 p.m.

Approved by the Board September 19, 2003.

Ronald Short, DMD
President