

**OREGON BOARD OF DENTISTRY
MINUTES**

MAY 14, 2004

MEMBERS PRESENT: George A. McCully, D.M.D., President
Melissa G. Grant, D.M.D., Vice-President
Kenneth Johnson, D.M.D.
Linda Lee, R.D.H., M.B.A.
Jean A. Martin, D.D.S., M.P.H.
Rodney S. Nichols, D.M.D.
Ellen M. Potts, B.S., R.D.H.
Ronald C. Short, D.M.D.

STAFF PRESENT: Patrick D. Braatz, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Daryll Ross, Investigator
Harvey Wayson, Investigator
Jerry McNerney, D.M.D., Consultant (portion of meeting)
Thomas Waugh, D.M.D., Consultant (portion of meeting)
Sharon Ingram, Executive Assistant (portion of meeting)
Lisa Warwick, Office Specialist (portion of meeting)

ALSO PRESENT: Lori Lindley, Esq., Assistant Attorney General

VISITORS PRESENT: Vickie Woodward, R.D.H., ODHA; Beryl Fletcher, ODA; Weston Heringer, Jr., D.M.D., Vice-President ODA; Mary Harrison, ODAA; Teri Barichello, OAGD; Lynn Ironside, R.D.H., ODHA; Jan Coughlin, ODHA; Barry Taylor, D.M.D., OAGD; Gary Allen, D.M.D., Willamette Dental Group;

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.

NEW BUSINESS

MINUTES

Dr. Johnson moved, and Ms. Potts seconded, that the minutes of the March 12, 2004 Board meeting be approved as published. The motion passed with Dr. Grant, Dr. Johnson, Dr. Nichols, Dr. Martin, Ms. Lee, Ms. Potts and Dr. Short voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Beryl Fletcher of the ODA had nothing new to report.

Oregon Dental Hygienists' Association

Lynn Ironside, R.D.H., of the ODHA said that there was nothing to report.

Oregon Dental Assistants Association

No Report

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. McCully announced that Ellen Potts, B.S., R.D.H. would be assuming the role of the WREB Dental Hygiene Exam Review Committee Member.

2004-2005 Committee Appointments

Dr. Johnson moved, and Dr. Martin seconded, to approve President McCully's Committee Appointments on the sheet that has been distributed to the Board for 2004-2005. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

Committee Meeting Dates

No dates were established at this time for any of the Board Committees.

2005 Board Meeting Dates

Dr. Martin moved, and Ms. Lee seconded, to approve January 21; March 18; May 13; July 8; September 16; and November 4 as Board Meeting dates for 2005. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

EXECUTIVE DIRECTOR'S REPORT

Budget Report

A report showing expenditures and revenue through March 31, 2004 was provided for Board review. Mr. Braatz said it appeared that revenues and expenditures were on track.

Board and Staff Speaking Engagements

Mr. Braatz made a report to the Springbrook Dental Assistants Study Club on March 16 in Newberg, Oregon.

Mr. Braatz and Dr. Kleinstub made a presentation at the ODA Conference as a part of the DBIC Risk Management Seminar on April 1 in Portland, Oregon.

Mr. Braatz and Licensing Manager Teresa Haynes made a presentation and reviewed the application process on April 5 for the Senior Dental Students at OHSU.

Dr. Kleinstub made a presentation on March 28 to the Junior Dental Students at OHSU.

Ms. Lee, R.D.H., M.B.A., spoke to students at PCC on April 30.

New Staff Member

Mr. Braatz introduced Lisa Warwick as the new Office Specialist who began her employment with the OBD on May 4.

Oral Health Advisory Board Meeting

Mr. Braatz attended the monthly meeting of the DHS Oral Health Advisory Board Meeting on Friday, April 9, and reviewed the minutes and handouts with the Board.

ODA Annual Conference

Mr. Braatz reported that the ODA will hold their Annual Conference on April 1-3 in Portland.

The OBD will have an exhibit table and Mr. Braatz invited Board members to sign up for times that they would be available at the booth, along with OBD staff, to answer questions about the OBD.

AAADA, AADE, & ADA Examination Forum

Mr. Braatz reported on attending the Mid-year Meeting of the American Association of Dental Administrators held in Chicago. One of the major issues surrounded anesthesia and that some states that have not perfected their rules have experienced some problems

Mr. Braatz attended the American Association of Dental Examiners meeting in Chicago on behalf of the Board.

The highlights of this meeting were the report from NERB regarding their Public Advocacy Education Program and some of the positive responses that they have received. An update was given by all of the Regional Examination Boards on the status and any proposed changes to the regional examinations. It was noted that as some people have advocated doing away with practical examinations, that the National Medical examination will soon offer a hands-on practical examination dealing with patient history, etc. The major focus on the meeting was Evidence Based Dentistry and the results of some recent studies.

Mr. Braatz informed the Board that he has been asked to be a presenter at the AADE Meeting that will be held this fall in Orlando.

Mr. Braatz also reported on attending the American Dental Association National Dental Examiners' Advisory Forum where an update was given on the National Board Examination. It appears that the examination has been performing very well and that the number of candidates that are taking the examinations is on the rise once again after a decline for a few years.

A presentation regarding the elimination of the paper and pencil form of the examination was given along with new issues and problems that face the security of the examinations.

ODA Conference

Mr. Braatz reported that the Board had an exhibit table at the ODA Annual Conference that was held on April 1-3, at the Oregon Convention Center. Board Members Johnson, Martin, McCully, Potts and Short were in attendance as well as staff members Braatz, Haynes, Ingram, Kleinstub, Ross, and Board Consultant McNerney.

Lease Negotiations

Mr. Braatz updated the Board on the lease negotiations as well as other potential sites that are currently under review.

Update on Re-Filed Rules

Mr. Braatz informed the Board that amendments to OAR 818-021-0070, back in 2002, were apparently not filed in a timely fashion with the Legislative Counsel's Office and that in order to prevent any future challenge to those amendments that the Board has had to re-file them. The process that will be used is that no hearing will be held on the amendments unless someone objects and if there are no objections, the Board will be able to vote on the amendments at their July meeting.

AADA & AADE Annual Meetings

Mr. Braatz informed the Board of the upcoming American Association of Dental Administrators' Meeting on September 26-28 in Orlando as well as the American Association of Dental Examiners Meeting that will be held on September 29-30 in Orlando. The Board has traditionally sent one Dentist member, one Dental Hygienist member, the Executive Director, and the Assistant Attorney General to these meetings.

Dr. Short moved, and Dr. Nichols seconded, that Kenneth Johnson, D.M.D., Ellen Potts, R.D.H., B.S.; Executive Director Braatz; and Assistant Attorney General Lindley are authorized to attend the appropriate meetings as representatives of the OBD. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

Report on Radiation Protection Services Meeting

Mr. Braatz reported that he, Dr. McCully, and Licensing Manager Teresa Haynes attended a meeting of the Radiation Protection Services Division of the Department of Human Services to review and suggest changes to the current Dental X-ray operators' rules. As a result of the meeting a draft has been developed and some additional changes have been suggested to the second draft of the rule. We have not received any final drafts that could be presented to the Board.

New Public Board Member

Mr. Braatz reported that we are awaiting the Governor to officially appoint the new public Board member to the OBD. A person has been selected but the official announcement has not been made.

It is hoped that this person will be able to attend the July 9 Board Meeting.

Oregon Board of Pharmacy Prescription Monitoring Program

Mr. Braatz introduced Gary A. Schnabel, R.Ph., R.N., Executive Director of the Oregon Board of Pharmacy to review and answer questions regarding the proposed legislation to be introduced in the next session of the Legislature by the Oregon Board of Pharmacy about a Pharmacy Prescription Monitoring Program. The Board asked various questions regarding how the program will work, how will it be paid for, and when would it be implemented.

The Board thanked Mr. Schnabel for taking the time to explain the program in more detail and to answer the Board's questions.

The Board expressed some concerns regarding the office dispensing issues as well as continued funding issues for the program.

Dr. Johnson moved, and Dr. Nichols seconded, that OBD go on record supporting the concept of the Oregon Board of Pharmacy with the removal of the office dispensing section.

Dr. Martin moved to amend the motion, seconded by Dr. Johnson to include that the funding future and continuing funding issues be presented to the OBD, before any full support from the OBD be given. The amendment passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

The motion as amended passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

UNFINISHED BUSINESS

Discussion of Rules Hearing and Adoption of Rules

President McCully turned the meeting over to Rules Committee Chair Ellen Potts to conduct the meeting at this point.

Ms. Potts moved, seconded by Dr. Martin, that having completed a Public Hearing that the following new and amended rules, as presented at the Public Hearing be adopted by the Board, to be effective June 1, 2004: OAR 818-012-0040, 818-012-0075, 818-012-0110, 818-021-0010, 818-021-0011, 818-021-0020, 818-021-0025, 818-035-0030, 818-035-0080, 818-042-0010, 818-042-0020, and 818-042-0080. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

Ms. Potts moved, seconded by Dr. Johnson, that having completed a Public Hearing on amendments to rule 818-042-0070, as presented at the Public Hearing, be adopted by the Board to be effective June 1, 2004.

The Board reviewed the written comments that had been presented at the Public Hearing. The Board members discussed their concerns with the proposed rule and if some clarifications would be needed regarding the interpretation of what activities could be delegated to Dental Assistants.

Dr. Johnson moved, seconded by Dr. Short, to amend rule 818-042-0070 with the following language: Provide any such care that is reversible and does not involve the cutting or removal of human tissue as may be directed by the supervising dentist and in compliance with written training and treatment protocols adopted by the Board, provided that such care is examined and approved by the licensed dentist after the care had been rendered. The amendment failed with Dr. Johnson, Dr. Short and Dr. McCully voting aye. Dr. Martin, Dr. Grant, Dr. Nichols, Ms. Lee and Ms. Potts voting no.

Dr. McCully moved, seconded Dr. Short, to refer the amendments to Rule 818-042-0070 back to the Rules Committee for further review and discussion. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

Dr. Martin moved, seconded by Ms. Potts, that having completed a Public Hearing on amendments to rule 818-042-0070 (8), as presented at the Public Hearing, be adopted by the Board to be effective June 1, 2004. The motion passed with Dr. McCully, Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

President McCully resumed presiding over the meeting.

A discussion was held regarding when the Rules Committee would meet to look at this rule.

It was decided that a workgroup/committee be developed to look into this issue regarding expanded functions. The workgroup/committee would include all members of the Board who wish to be a part of that workgroup/committee and that a notice would be mailed to the Board's agenda meeting notice list, so that all interested persons could attend and provide feedback to this workgroup/committee.

It was decided that the workgroup/committee will meet on Saturday, June 19, 2004 at the ODA offices at 10:00 a.m.

Dr. Martin volunteered to chair this group.

CORRESPONDENCE

The Board received a letter from the American College of Prosthodontics regarding the new definition for the Specialty of Prosthodontics. No action necessary.

The Board received a letter from the Dental Organization for Conscious Sedation regarding upcoming seminars and inviting a member of the Board to attend one of the seminars free of charge. Dr. Nichols said, with the Board's authorization to attend, that he would be willing to attend one of the seminars to pick up information for the Board.

Dr. Johnson moved, seconded by Dr. Short, to send Dr. Nichols to the upcoming DOCS seminar in San Francisco. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

The Board received a letter from the American Dental Association regarding the July administration of the National Boards Examination to be held at OHSU in July, and asking if any Board Members would attend as a Representative of the Board. No member volunteered.

Other Issues

None

Articles and News of Interest (no action necessary)

- Kentucky Board of Dentistry Fall 2003 Newsletter
- Kentucky Board of Dentistry Spring 2004 Newsletter
- ADA, State Legislative Report, March 2004
- ADA, State Legislative Report, April 2004
- DANB Report on major actions 2004

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.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES

Licenses appeared pursuant to their Consent Orders in case numbers **1993-0183; 2003-0209; 2003-0208; 2003-0179; 1999-0174; 2004-0002 and 1997-0091.**

OPEN SESSION: The Board returned to Open Session at 3:15 p.m.

CONSENT AGENDA

2004-0149, 2004-0180, 2004-0154, 2004-0183, 2004-0145, 2004-0174, 2004-0131, 2004-0124, 2004-0148 and 2004-0181 Dr. Grant moved, and Ms. Potts seconded, that these cases be closed with No Further Action, per the staff recommendations. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

COMPLETED CASES

2003-0039, 2000-0067, 2004-0140, 2004-0110, 2004-0061, 2004-0091, 2004-0151, 2001-0140, 2004-0138, 2000-0235, 2004-0098, 2004-0116, 2005-0090, 2004-0056, 2004-0037, 2004-0144, 2004-0092, 2004-0114, 2004-0072 and 2004-0125 Dr. Grant moved, and Dr. Martin seconded, that these cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action, per the staff recommendations. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Dr. Nichols, Ms. Lee, Ms. Potts and Dr. Short voting aye.

2004-0143 Ms. Potts moved, and Dr. Martin seconded, close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained, PARQ or its equivalent is documented in the patient records and that when treatment complications occur, the complication is documented in the patient record as well as the patient being informed. The motion passed with Dr. Grant, Dr. Johnson, Dr. Martin, Ms. Potts, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0052 Ms. Lee moved, and Dr. Martin seconded that the Board close this matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Dr. Martin, Dr. Johnson, Ms. Potts, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0044 Dr. Martin moved, and Dr. Nichols seconded, to Issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand; a civil penalty in the amount of \$5,000.00; Licensee shall immediately begin using pre-numbered triplicate prescription pads for prescribing controlled substances. Said prescription pads will be provided to the Licensee, at his/her expense, by the Board. Said prescriptions shall be used in their numeric order. Prior to the 15th day of each month, Licensee shall submit to the Board office, one copy of each triplicate prescription used during the previous month. The second copy to the triplicate set shall be maintained in the file of the patient for whom the prescription was written. If any individual prescription is not used, all three copies shall be marked void and shall be forwarded to the Board office monthly; Licensee will not order or dispense any controlled substance, nor shall Licensee store any controlled substance in his office; and that the Licensee will complete 3 hours of continuing education in the area of record keeping and 4 hours of continuing education in the area of pharmacology within 6 months of the effective date of the Order, per the Board's standard protocols. The motion passed with Dr. Grant, Dr. Johnson, Ms. Potts, Ms. Lee, Dr. Nichols, Dr. Martin and Dr. Short voting aye.

2004-0053 Dr. Short moved, and Dr. Johnson seconded, that the Board issue a Letter of Concern reminding the Licensee that when a treatment plan includes re-defining a patient's occlusion that care be taken to establish a realistic envelope of motion. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Nichols, Dr. Martin and Dr. Short voting aye.

2004-0047 Dr. Johnson moved, and Ms. Potts seconded, that the Board issue 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 and that DEA

registration numbers are not pre-printed on prescription blanks. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0038 Ms. Potts moved, and Ms. Lee seconded, In reference to Respondent #1, close the matter with No Further Action, for Respondent #2, close the matter with a letter of Concern addressing the issue of ensuring that when informed consent is obtained, PARQ or its equivalent is documented in the patient records and that all treatment provided to a patient is documented in the patient records. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0095 Ms. Lee moved, and Dr. Nichols seconded, In reference to Respondent #1, 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, and that when treating medically compromised patients, every effort is made to document changes in health histories, consultations with medical specialists, changes in medications, and the need for pre-medication. For Respondent #2, close the matter with No Further Action. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0117 Dr. Nichols moved, and Dr. Martin seconded, that the Board issue 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, that pathology evident on radiographs is documented in the patient records, that all treatment provided to a patient is documented in the patient records, and that appropriate consultations are done when dealing with medically compromised patients. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0057, 2004-0071, 2004-0083, 2004-0106 Dr. Martin moved, and Ms. Lee seconded, that the Board issue a Notice of Proposed Disciplinary Action. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0097 Dr. Short moved, and Dr. Martin seconded, that the Board close the matter with a Letter of Concern addressing the issue of assuring that, when making an examination and diagnosis, when obtaining informed consent, and when administering local anesthetic or prescribing medications, complete and accurate documentation is made in the patient's record; and send the Complainant a letter explaining that, although she had an unfortunate, unforeseen outcome following the Respondent's treatment, there was no evidence that the treatment itself was unacceptable. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0051 Dr. Johnson moved, and Dr. Martin 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, and that when a valid request is made for patient record copies, the request is fulfilled. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0118 Ms. Potts moved, and Dr. Martin seconded, that the Board issue a Notice of Proposed Disciplinary Action. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0127 Ms. Lee moved, and Dr. Nichols 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, that a diagnosis is documented prior to providing treatment, and that every effort is made to locate and obturate all canals when providing endodontic therapy. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0147 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 pathology is evident on radiographs, the pathology is documented in the patient records and recommend that the licensee refund the \$50.00 that the patient paid for the services provided on August 29, 2003. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0100 Dr. Martin, and Dr. Nichols seconded, that the Board close the matter with a no further action. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0075 Dr. Short moved, and Ms. Lee seconded, that the Board close the matter with a with a Letter of Concern addressing the issues that, when a patient complains of problems with treatment rendered, it is best to resolve those problems completely, prior to undertaking any further elective treatment; and recognizing that patients sometimes have a hard time describing what they are experiencing, it is good practice to do extensive history, physical examination, and diagnostic testing and/or refer the patient to a specialist in order to make a definitive diagnosis, when problems with treatment are encountered; and when undertaking to change the occlusal scheme of a patient's dentition, it is good practice to explain in detail, prior to treatment, what changes are anticipated, how they may affect the patient's perception of her bite relationships, and any anticipated cosmetic changes that may result from the treatment. Send the Complainant a letter stating that, whereas her treatment had an unfortunate and unforeseen outcome, there is not enough evidence to conclude that the treatment rendered was in violation of the Dental Practice Act. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2003-0215 Dr. Johnson moved, and Dr. Martin seconded, that the Board issue a Notice of Proposed Disciplinary Action and consolidate that Notice with case number 2002-0173. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

Dr. Johnson moved, and Ms. Lee seconded, that Board issue an Order for Licensee to undergo a Board approved psychosexual evaluation pursuant to ORS 679.250 (11) because the Board has reason to believe that the allegations of sexual harassment and/or sexual assault against employees and/or patients have basis of fact which if true pose a threat to the safety of employees and patients. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0128 Ms. Potts moved, and Dr. Martin 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 thoroughly explained to the patient. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0063 Ms. Lee moved, and Dr. Martin seconded, that the Board close this matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0121 Dr. Nichols moved, and Dr. Martin seconded, that the Board close this 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 and that every effort is made to submit license renewal applications in a timely manner. The motion passed with Dr. Grant, Dr. Johnson, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye. Ms. Lee recused herself.

2004-0060 Dr. Martin moved, and Ms. Potts seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order that incorporates a reprimand and a civil penalty in the amount of \$2,000.00, complete ten hours of community service within 60 days of the Order and complete the balance of the 41½ hours of continuing education for the two licensure periods, April 1, 2000 through March 31, 2004, within 6 months of the effective date of this Order. As soon as possible following completion of the continuing education, the Licensee shall provide the Board with documentation certifying the completion. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2003-0197 Dr. Short 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, a license restriction prohibiting him from performing any orthodontic services, and a requirement that he provide referrals to competent orthodontists for all current orthodontic patients. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0112 Dr. Johnson moved, and Ms. Potts 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. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0078 Ms. Potts moved, and Ms. Lee seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that prior to providing treatment, the patient has a clear understanding of the treatment that is being provided, and that when informed consent is obtained, PARQ or its equivalent is documented in the patient record. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0103 Ms. Lee moved, and Dr. Nichols 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, that when local anesthetic is utilized, it is documented in the patient record, and that every effort is made to take appropriate radiographs. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2003-0193 Dr. Nichols moved, and Dr. Martin seconded, that the Board prepare a Notice of Proposed Disciplinary Action and instruct the staff not to issue such Notice as long as Licensee is in compliance with the agreement entered into between the Board and the Licensee. Failure to comply with the agreements will result in the Notice being issued. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2003-0122 Dr. Martin moved, and Dr. Johnson seconded, that the Board reject the Licensee's proposed Order and offer the Licensee a Consent Order incorporating a reprimand and a \$5,000 civil penalty. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2000-0241 Dr. Short moved, and Ms. Potts seconded, that the Board grant the Licensee' request to reduce the frequency of the urinalysis testing from 24 to 12 random tests per year and offer the Licensee an Amended Consent Order reflecting this change and updating the language in other provisions of the Consent Order as follows: 1) Change the time after which the Licensee may apply for probation relief from 7 years to 5 years from the effective date of the Consent Order. 2) Change the frequency of Board appearances from 4 to 2 times per year and update the language of the urinalysis testing provision to conform to current Board protocols. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2003-0087 Dr. Johnson moved, and Dr. Martin seconded, that the Board reaffirm the Board's July 25, 2003 vote in this matter and take no further action. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

2004-0005 Ms. Potts moved, and Dr. Nichols seconded, that the Board accept Licensee's counter offer of a Consent Order to resolve the issues. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

LICENSURE AND EXAMINATION

Ms. Lee moved, and Dr. Martin seconded that the Board issue a one day non-resident dental permit to Russell A. Clark, D.D.S., of Washington state, for the one-day hands on CE course held at OHSU, provided that Dr. Clark informs the Director of the OHSU Continuing Education Department of his current licensure status in the State of Washington and provide a copy of his current malpractice insurance coverage to the Board. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Ms. Potts, Dr. Martin, Dr. Nichols, and Dr. Short voting aye.

Ratification of Licenses Issued

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

Dental Hygienists

H4747	Julie M. Hews, R.D.H.	March 4, 2004
H4748	Annalea Elliott, R.D.H.	March 5, 2004
H4749	Melissa L. Scott, R.D.H.	March 16, 2004
H4750	Christine L. Lamia, R.D.H.	March 23, 2004
H4751	Gabriele Roehn, R.D.H.	March 23, 2004
H4752	Rhonda C. Reiger, R.D.H.	March 23, 2004
H4753	Mary R. Geibe, R.D.H.	April 1, 2004
H4754	Beth A Brown, R.D.H.	April 1, 2004
H4755	Jennifer L. Streeter, R.D.H.	April 8, 2004
H4756	Tammie J. Briner, R.D.H.	April 21, 2004
H4757	Christine L. Boody, R.D.H.	April 21, 2004
H4758	Jenelle L. Hickman, R.D.H.	April 27, 2004
H4759	Diana M. Thompson, R.D.H.	April 27, 2004
H4760	Kimberly J. Schuler, R.D.H.	May 3, 2004

Dentists

D8391	David G. Molen, D.D.S.	March 16, 2004
D8392	Jeffrey R. Cho, D.D.S.	March 16, 2004
D8393	Charles E. Stirewalt, D.D.S.	March 23, 2004
D8394	Steven R. Christensen, D.M.D.	March 25, 2004
D8395	Stephanie E Wold Christensen, DMD	March 25, 2004
D8396	Ryan W Judd, D.M.D.	March 25, 2004
D8398	Yong Jin Song, D.M.D.	April 6, 2004
D8400	Kevin D. Fedak, D.D.S.	April 16, 2004
D8401	Carl S. Christiansen, D.D.S.	April 16, 2004
D8402	Jennifer A. Gilbert, D.M.D.	April 16, 2004
D8403	Peter M.Gronet, D.D.S.	April 21, 2004
D8404	Stephen A. Koza, D.M.D.	April 29, 2004
D8405	Micheal Chang, D.D.S.	April 29, 2004
D8406	Jonathan S. Wong, D.D.S.	April 29, 2004
D8407	Richard P. Bowman, D.M.D.	April 29, 2004

Specialist

Periodontics

D8397	Kamran Haghighat	April 1, 2004
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Specialty Examinations

- None

OTHER ISSUES, CONTINUED

Evaluators

Dr. Grant will be the Chief Evaluator and Dr. Nichols will be the second Evaluator. The next Evaluators' meeting will be June 22, 2004 at 2:30 p.m.

Announcements

A meeting of the Expanded Functions Workforce Advisory Group will meet on Saturday, June 19, at the Oregon Dental Association in Portland in the CE Room.

A meeting of the Enforcement and Discipline Committee will be held on Tuesday, June 30, at the Oregon State Library in Salem, Room 102, at 6:30 p.m.

PRESENTATION

President McCully presented Dr. Short with a Framed Certificate on behalf of the Board thanking him for his service as President of the Oregon Board of Dentistry.

ADJOURNMENT

The meeting was adjourned at 3:40 p.m. Dr. McCully noted that the next Board meeting would take place July 9, 2004.

Approved by the Board July 9, 2004.

George McCully, D.M.D.
President