

**OREGON BOARD OF DENTISTRY
MINUTES
JULY 9, 2004**

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

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)
Lisa Warwick, Office Specialist (portion of meeting)

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

VISITORS PRESENT: Vickie Woodward, R.D.H., ODHA; Lynn Ironside, R.D.H., ODHA; Beryl Fletcher, ODA; Weston Heringer, Jr., D.M.D., Vice-President ODA; Dana Lillie, R.D.H.

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. Lee seconded, that the Minutes of the May 14, 2004 Board meeting be approved as published. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Oregon Dental Association had nothing new to report. Dr. McCully stated that he had received a letter from Dr. Mark Jensen in preparation for a Board of Trustees' meeting, asking if the Board had anything that they'd like taken to the Board of Trustees. The Board had nothing to go to the Board of Trustees.

Oregon Dental Hygienists' Association

Lynn Ironside, R.D.H., returned from the National convention stating that it was a successful meeting.

Oregon Dental Assistants Association

No one from ODAA was present.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Johnson stated that he will be attending a meeting next week in San Diego. Ms. Potts indicated that she will not be present for the September meeting but will submit her reports to Dr. McCully. The Board indicated that there was nothing to report to WREB.

Expanded Functions Workforce Advisory Group (EFWAG)

Dr. Short referred members to the EFWAG report under section 3 stating that everyone met at the ODA offices on June 19, 2004. It was a successful gathering of ideas and information from those who attended. Information gathered from the meeting is to be formatted and made available on the OBD's Web site. It was decided that the information gathered would be reviewed by the Board members via email then posted to the Web site within the next few weeks.

Enforcement and Discipline Committee (EDC)

Dr. Johnson had nothing to report. Dr. Nichols stated that the Enforcement and Discipline Committee met two weeks ago in Salem and discussed two important items.

The Study Club/ Retraining Proposal from the Academy of General Dentistry members:

- Mr. Braatz mentioned hopes of EDC having a completed document soon.
- Discussed details of proposal.
- Program seemed very feasible to the committee.

The Diversion Program:

- Outlined some of what we wanted.
- Counselors advised that it's within the jurisdiction of the OBD to have a diversion opportunity for first time offenders.
- Example set forth seemed acceptable.
- Mr. Braatz suggested looking at the current route used for discipline; decide if we want to change any parameters.
- Mr. Braatz hopes to have something in writing by September regarding parameters and requirements of the program, moving to get them approved.
- Suggested the Board pick a liaison to work specifically on issues.
- Working with the ODA to seek legislative authority.

EXECUTIVE DIRECTOR'S REPORT

New Public Board Member

Mr. Braatz introduced the new public member, Mr. David Smyth, appointed as of July 1, 2004.

Budget Status Report

A report showing expenditures and revenue was provided for Board review. Mr. Braatz said that everything appeared to be right on target.

Board and Staff Speaking Engagements

Mr. Braatz spoke to the dental assisting students at Portland Community College on June 4, 2004.

Dr. Kleinstub spoke at Mt. Hood Community College and also at Portland Community College.

New Office/Office Move

We will be moving to a new office located at 1600 SW 4th Ave, Suite 770, Portland, OR 97201. On July 30, 2004 we will tentatively be open a half day due to preparations to move the office that evening. The move will be completed over the weekend. The move will save approximately \$6,000.00 this biennium as well as allow the investigators to conduct interviews in their own offices. The new office space has roughly the same square footage but arranged in a much better configuration allowing for a more functional workspace. All phone and fax numbers will remain the same, although we will eventually be getting a new Web address.

Oral Health Advisory Board Update

The Oral Health Advisory Board is having listening sessions throughout the state. Mr. Braatz attended one and stated that there were a lot of good proposals and ideas presented. In September they will have a report together and Mr. Braatz will report back to Board when that happens.

Discussion and Adoption of New Information Technology Asset Inventory Management Policy

The state has a new policy regarding information technology and inventory asset management now requiring every state agency to develop a policy. Mr. Braatz asked that the Board adopt this new policy as "OBD Policy 13."

Dr. Johnson moved and Dr. Grant seconded that OBD Policy 13 be adopted by the Board. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

Legislative Testimony regarding Implementation of Senate Bill 390

Mr. Braatz provided the Board with a copy of his testimony for Senate Bill 390.

Report on Radiation Protection Service Rule Changes

There is a new draft of the latest changes made to the Radiation Protection rules. These are included in Mr. Braatz's report.

AADE - Request for Letter

The AADE special ITEM Committee is requesting that all testing agencies and state boards adopt a letter supporting the concept of the development of one national uniform dental and dental hygiene clinical examination administered by state and regional testing agencies. Ms. Potts moved and Dr. Grant seconded that the Board support the *concept* of having one national uniform dental/dental hygiene exam. The motion passed with Dr.

Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

Newsletter

Mr. Braatz said it was time again to propose ideas for the Board's next newsletter, and asked Board members to volunteer to write a few articles. The newsletter will be out sometime this fall.

UNFINISHED BUSINESS

No unfinished business.

COMMITTEE MEETING DATES

No meeting dates set.

CORRESPONDENCE

The Board received a letter from Kyung L. Boen, D.M.D. regarding the Board's formal position in the use of Botox injections by dentists. The Board decided to place the matter under further consideration and directed Mr. Braatz to indicate as much to Dr. Boen. The matter will be discussed further at the September meeting.

The Board received a letter from the American Association of Orthodontists informing them of a case against Yellow Book USA.

The Board received a letter from the American Association of Dental Examiners regarding their Database Project. The Board's response to this letter was that a response had previously been given indicating that we were not interested in the database as it does not address any of our concerns.

The Board received a letter from the American Association of Dental Examiners again regarding the Database Project, this time just explaining the program and its function.

The Board received a letter from the American Dental Association regarding a site review for Mount Hood Community College, asking if any Board members would like to volunteer. Ms. Potts volunteered to do the site review scheduled for June 2-3, 2005.

The Board received a letter from the American Dental Association regarding a site review for Blue Mountain Community College, asking if any Board members would like to volunteer. Mr. Smyth volunteered for the site review scheduled for March 16-17, 2005.

The Board received a letter from the American Dental Association with regards to Resolution 28H-2003 as a notification of change.

The Board received a letter from the American Dental Hygienists' Association providing us with their annual report for informational purposes.

OTHER BUSINESS

Articles and News of Interest (no action necessary)

- WREB, Spring 2004
- Ohio State Dental Board, Last Words from President Hills, Spring 2004
- The Dental Forum, NC State Board of Dental Examiners, First Quarter 2004
- Nebraska Board of Dentistry, March 2004
- ADA, State Legislative Report, May 2004
- ADA, State Legislative Report, June 2004
- Oregon State Board of Pharmacy, May 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 **2003-0023, 2000-0079, 2002-0203** and **1999-0064**.

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2004-0193, 2004-0199, 2004-0187, 2004-0184, 2004-0201, 2004-0220, 2004-0195, and 2004-0200 Dr. Grant moved, and Ms. Potts seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

COMPLETED CASES

2004-0146, 2002-0078, 2004-0076, 2004-0093, 2004-0171, 2004-0163, 2004-0107, 2003-0038, 2004-0179, 2004-0059, 2004-0150, 2001-0142, 2004-0134, 2004-0133, 2004-0172, 2004-0152, and 2004-0142 Dr. Grant moved, and Dr. Short seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action per the Board recommendations. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0167 Ms. Lee moved, and Dr. Short seconded, that the Board issue a Letter of Concern reminding Licensee that although she may charge certain fees per OAR 818-012-0030 (8)(a) and (8)(b), she has a responsibility to transfer records within 14 days of a patient's written request, regardless of any prior unpaid bill. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0045 Ms. Potts moved, and Dr. Short seconded that the Board, with regard to Respondent #1, move to send the Licensee a Letter of Concern reminding the Licensee that OAR 818-021-0060 (2) requires dentists to maintain records of successful completion of continuing education for at least four licensure years consistent with the Licensee's licensure cycle and the Licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses. With regard to Respondent #2: move the Board to close the matter with No Further Action. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0130 Dr. Nichols moved, and Dr. Short seconded that the Board, concerning Respondent #1, move to close the case with a Letter of Concern reminding respondent #1 that when he explains a treatment plan to a patient, he must be certain the patient be informed of all the ramifications of the plan, and it must be accurately and thoroughly documented in the patient record. With regard to Respondant #2, move to close the matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0221 Mr. Smyth moved, and Dr. Nichols seconded, the Board instructs the Board's Counsel to prepare a Cease and Desist Letter to Jessica Brown with a warning that future violations of the Oregon Dental Practice Act will result in an enjoinder action being taken pursuant to ORS 679.027. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0157 Dr. Short moved, and Ms. Potts seconded, that the Board close the matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0156 Dr. Johnson moved, and Dr. Short seconded, that the Board close the matter with a Letter of Concern reminding Licensee to ensure that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records, and that the use of local anesthetic is documented in the patient records. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0224 Ms. Lee moved, and Dr. Short seconded that the Board issue an Interim Consent Order in which the Licensee agrees to an immediate suspension of his license pending further investigation and pending further action by the Board. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2003-0198, 2003-0202, 2004-0108, 2004-0137 Dr. Nichols moved, and Ms. Lee seconded, that the Board issue a Notice of Proposed Disciplinary Action and to resolve cases 2002-0138, 2003-0167, 2003-0198, 2003-0227, 2004-0057, 2004-0071, 2004-0083, 2004-0106, 2004-0108, 2003-0202, and 2004-0137 offering the Licensee a Consent Order in which the Licensee would agree to be reprimanded, agree to have the Licensee's license to practice in the State of Oregon and agree to never reapply to

practice dentistry in the state of Oregon. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0132 Mr. Smyth moved, and Dr. Short 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. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0136 Dr. Nichols moved, and Ms. Potts seconded that the Board close the matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0160 Dr. Grant moved, and Dr. Short seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that PARQ or its equivalent is documented when informed consent is obtained prior to providing treatment, that diagnostic testing is documented when done, that diagnoses are documented, that all treatment and treatment complications are accurately documented, and that when radiographs are taken they are documented in the patient record. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0111 Ms. Lee moved, and Ms. Potts seconded that the Board move to close the case with a Letter of Concern reminding the Licensee that when informed consent is obtained prior to treatment, PARQ or its equivalent, should be documented in the patient record. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2004-0203 Ms. Potts moved, and Dr. Johnson seconded, that the Board close the case with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2003-0077 Dr. Nichols moved, and Dr. Johnson seconded the Board move to grant Licensee a three month extension to complete the community service, providing she agree to the terms of an Amended Consent Order incorporating a reprimand and a \$1,000 civil penalty to be paid within 30 days. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2003-0023 Dr. Johnson moved, and Dr. Short seconded, that the Board grant Licensee's request, minimizing the number of appearances from three times per year down to two. The Board also granted the dismissal of all further U.A.s. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2001-0204 Mr. Smyth moved, and Dr. Short seconded, with a determination of No Further Action. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

1999-0205 Dr. Short moved, and Ms. Potts seconded, that the Board close the matter with No Further Action. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

1999-0064 Dr. Johnson moved, and Dr. Nichols seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Second Amended Consent Order incorporating a reprimand; a suspension of Licensee's dental license for the duration of this Order, but stayed as long as Licensee adheres to the provisions of the Order; a polygraph provision; and the standard protocols of the Board. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

2003-0035, 2003-0036 Ms. Lee moved and Dr. Grant seconded that the Board accept the Consent Order proposed by the Licensee and close both matters. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye. Ms. Potts recused.

2003-0193 Ms. Potts moved and Dr. Short seconded that the Board reject the terms and wording proposed by Licensee. The motion passed with Dr. Grant, Ms. Lee, Dr. Nichols, Ms. Potts, Mr. Smyth, Dr. Short and Dr. Johnson, voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4761	Christina R. Scheel, R.D.H.	May 4, 2004
H4762	Harriet M Ludjin, R.D.H	May 4, 2004
H4763	Jo E. Shea, R.D.H.	May 11, 2004
H4764	Peggy L. Jolly, R.D.H.	May 13, 2004
H4765	Marie E. Jaco, R.D.H.	May 18, 2004
H4766	Hua J. Mohondro, R.D.H.	May 24, 2004
H4767	Sandy G. Macholl, R.D.H.	May 24, 2004
H4768	Haklin M. Mish, R.D.H.	May 24, 2004
H4769	Patricia A Egge, R.D.H.	June 2, 2004
H4770	Erin K. Burgess, R.D.H.	June 8, 2004
H4771	Marsha J. Maxson, R.D.H.	June 24, 2004
H4772	Sandra J. Goetzke, R.D.H.	June 24, 2004
H4773	Trisha A. Frey, R.D.H.	June 24, 2004

Dentists

D8408	Michael M. Bruinooge, D.D.S	May 4, 2004
D8409	Claire L. Gill D.D.S	May 11, 2004

D8410	Bradford L. Frank D.D.S.	May 13, 2004
D8411	Randall D. Jenkins, D.M.D	May 24, 2004
D8412	Mo Biria, D.M.D	May 24, 2004
D8413	Benjamin T. Peterson, D.D.S	May 27, 2004
D8414	Vernon L. Blaney, D.D.S	June 2, 2004
D8415	Neal A Anderen, D.D.S.	June 2, 2004
D8416	David M. Okuji, D.D.S	June 2, 2004
D8417	Mark A. Haskell, D.D.S.	June 8, 2004
D8418	Trevor D. Miller, D.M.D.	June 24, 2004
D8419	Lloyd S. Chang, D.D.S	June 24, 2004
D8420	Jeremy M. Keener, D.D.S.	June 24, 2004
D8421	Kelly R. Clarke, D.D.S.	June 24, 2004
D8422	Gerald R. Egge, D.D.S.	June 24, 2004
D8423	Carlo M. Arredondo, D.D.S.	June 28, 2004

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 2:45 p.m. Dr. McCully noted that the next Board meeting would take place September 19, 2004.

Approved by the Board September 19, 2004.

George McCully, D.M.D.
President