

**OREGON BOARD OF DENTISTRY
MINUTES
September 17, 2004**

MEMBERS PRESENT: George A. McCully, D.M.D., President
Kenneth R. Johnson, D.M.D. (portion of meeting)
Linda Lee, R.D.H., M.B.A.
Rodney S. Nichols, D.M.D.
Ronald C. Short, D.M.D.
Jean A. Martin, D.D.S., M.P.H.
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: Beryl Fletcher, ODA; Linda Kihs, Linn Benton Community College; Mary Harrison, ODAA; Shari Belletter, Linn-Benton Community College; Gary Allen, D.M.D., Willamette Dental; Weston Heringer, DMD, ODA; Paul Cosgrove, ODHA; Steve Duffin, D.D.S., Capitol Dental Care; John Summer, D.D.S.; Lynn Ironside, R.D.H., ODHA; Vickie Woodward, R.D.H., ODHA; Jan Coughlin, R.D.H, ODHA; Sean Benson, D.D.S., ODA.

Call to Order: The meeting was called to order by the President at 7:32 a.m. at the Board office; 1600 SW 4th Ave, Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Dr. Nichols moved and Dr. Johnson seconded that the minutes of the July 9, 2004 Board meeting be approved as published. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

The Oregon Dental Association announced a new vice president, Dr. Sean Benson.

Concern was expressed over the clarity of the Expanded Function Dental Assistant Survey. Beryl Fletcher announced that a meeting had taken place between the members of the Dental Hygienist Workforce Initiative and the Governor's staff regarding expanding functions of dental hygienists. The outcome of the meeting was the recommendation by the Governor's staff that the concerned parties should have a meeting with the OBD. It was also stated that the Governor's staff would be sending a letter to the OBD asking that it host a meeting regarding the expanded functions of hygienists as well as concerns regarding LAPs within the next few weeks.

Oregon Dental Hygienists' Association

Lynn Ironside, R.D.H., announced that the Expanded Function Survey had been linked to a national site so anyone would have access to it. The Board expressed no concern over this as the survey is open to the public.

Oregon Dental Assistants Association

There are several speaking engagements coming up for anyone who is interested. Beth Simpson, a public health officer, will be speaking as well as April Love who will be speaking regarding sanitation. Contact the ODAA for more information.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Johnson reported that WREB is concerned over the proposed national dental exam. They have called an emergency meeting for September 18, 2004 and this situation will be discussed in further detail. More information will follow.

AADE Report

Mr. Braatz stated that there was quite a bit of information included in the packets that he thought the Board would be interested in. He also reminded the Board that he, Dr. Johnson, Ms. Potts and Assistant Attorney General Lori Lindley would be attending the AADE conference beginning September 28 through October 1, 2004.

DOCS (Dental Organization of Conscious Sedation)

Dr. Nichols attended the DOCS course in San Francisco and came to the determination that the course offered would be acceptable for Class 2 (oral conscious sedation) anesthesia training under ORS 818-026-0050(1)(c). Attending both courses would provide appropriate background and CE hours.

ODA/OBD Meeting

Dr. McCully announced that he, along with Ms. Potts, Dr. Grant, and Mr. Braatz attended a meeting hosted by the ODA. The meeting was a positive discussion of the following items:

Expanded functions, armed forces, use of auxiliary, advertising and ethics, insurance consultants and the practice of dentistry, hygiene scope of practice, registration for assistants, Alaska's therapists from New Zealand, New York license requests, possible Dental Practice Act modifications, and legislation.

Also addressed was the ODA request for clarification on the Board's position for fluoride in Oregon's water supply, as well as possible ODC advertising courses.

Pending Committees Work

Dr. McCully stated that the Administrative Workgroup met to review the Executive Director. The process was very positive. Dr. McCully mentioned that the Executive Director suggested that more work be done in the individual committees.

Committee Meeting Dates

No meeting dates were set.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz reported that the current Budget Status Report was not available but did report that the budget was performing well. The 2005-2007 budget was submitted to DAS with a 5.3 % increase.

Summary of Agency Head Financial Transactions

Mr. Braatz presented a summary of the agency head financial transactions for Board approval and adoption. Dr. Martin moved and Dr. Short seconded that the Board adopt the financial transactions. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

Board and Staff Speaking Engagements

There were no Board or staff speaking engagements.

Office Move

The Board of Dentistry's office move went well. The movers, as well as the staff, did an outstanding job. The office is back to business as usual.

Oral Health Advisory Board Update

Mr. Braatz reported that the Oral Health Advisory Board has had roughly 26 meetings over the summer, gathering information about an oral health plan for the state. They will be spending the next few weeks compiling the information into a draft report to develop a state plan.

DANB Computer Based Testing Study

Per a request from previous Executive Director Jo Ann Bones, DANB's Cindy Durley completed a study with regard to computer-based testing. The results of the study indicated that it would increase the costs of testing dramatically and Mr. Braatz stated that he would not recommend computer-based testing at least at this time.

Report on Radiation Protection Services Rule Changes

Mr. Braatz informed the Board that there will be a hearing for the Radiation Protection Services rule change in early November. Dr. McCully asked if the Board wanted to indicate support for this proposed rule change.

Dr. Short moved that the staff draft a letter of support for the rule change if the verbage were to eliminate the direct tie to DANB and instead be replaced by the verbage "approved by the Board of Dentistry." Dr. Martin made a friendly amendment that DANB remain but in addition to the existing verbage the phrase "or any clinical exam approved by the Board of Dentistry" be added. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

Oregon State Bar Administrative Law Committee Legislative Concerns

Mr. Braatz reported that there are serious concerns with potential changes that may come forward with the Oregon State Bar Administrative Law Committee regarding how Boards handle cases. These changes could pose a significant cost to the Board if some of these changes that are being discussed would pass.

Suggested Rule Changes

Dr. Martin moved and Dr. Nichols seconded that the following suggested rule changes be sent to the Rules Committee for review and recommendation.

1. Volunteer Dentist/Dental Hygienist Rules
2. Model Rules Procedure
3. Anesthesia Rules Revision
4. Certification (Oral Surgery Assistant Examination Revision)

Re-filed Administrative Rules

Mr. Braatz reported that some rule changes prior to his joining the Oregon Board of Dentistry were not filed within the 10 day timeframe that is required by the state. Due to this delay, the rules need to be re-filed. Mr. Braatz stated that he and Assistant Attorney General Lindley reviewed all rule changes for the last two years and found two more rules that needed to be re-filed for the same reason. This was a voluntary action to protect the Board in case of any future review or discrepancy. Rules over two years old are no longer within court jurisdiction and do not need to be reviewed.

Essentially the rules have already been implemented that are being re-filed. If there are objections raised, we will follow normal procedure and hold a hearing regarding the matters in question.

Review and Discussion of Pilot Diversion Program

Mr. Braatz stated that the Evaluators and staff had reviewed, and urged the Board to approve, the suggested pilot diversion program. The current goal is to get a pilot diversion program in place without having to go through legislation. The diversion program would be available to any dental professional who needed help for possible alcohol or drug problems.

ODA questioned if a specialized medical person would be involved in the diversion program and if it would be a self reporting program only. Mr. Braatz stated that it would be no different than the current disciplinary program that the OBD has in place, which includes treatment plans and therapists. A case would be opened and closed with No Further Action, the licensee would remain a confidential matter and would sign an agreement for a specific duration of time and treatment. The licensee at any time can admit to a problem and ask for admittance to the diversion program. Keeping in mind that this is just a pilot, Mr. Braatz asked the Board to adopt the concept after which time standards would be set and agreed upon.

Dr. Johnson moved and Dr. Nichols seconded that the Board adopt the concept of the proposed pilot diversion program. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

Newsletter

Mr. Braatz stated that the fall newsletter is in the process of being put together. We are

still looking for more articles or suggestions for articles and any input would be appreciated.

UNFINISHED BUSINESS

Expanded Function Workforce Advisory Group Survey Results

Dr. McCully stated that several comments were made regarding the clarity of the survey and turned the discussion over to Mr. Braatz, who has been handling the tabulation of the surveys. Mr. Braatz reported that 97 surveys were in by the deadline and that part of those surveys received had been tabulated. Several surveys have come in since then and more are still arriving. There does seem to be a trend in the responses that have been tabulated but it is still too soon to be sure. Dr. Martin did point out that people need to bear in mind that this is just a survey, not a vote. Ms. Lee voiced her concern over the fact that no one was really notified of the availability of the survey online. ODA noted that their members had been made aware of the survey and Mr. Braatz stated that several other associations had been notified of it as well.

Dr. Short moved and Ms. Lee seconded that the Board send the survey back to the Rules Committee for further review. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

Expanded Functions for Dental Hygienists

Ms. Lee inquired if the Board was planning on moving forward with last winter's discussion of forming a committee with regard to possibly expanding the functions of dental hygienists. The Board indicated that the meeting that the Governors' Office will be asking us to facilitate will be a move in that direction.

CORRESPONDENCE

The Board received a letter from Kyung L. Boen, D.M.D., F.A.G.D.

After reviewing and discussing the available information, as well as the Oregon Dental Practice Act, the Board came to the conclusion that the use of Botox would be within the scope of practice allowed under OAR 818-012-0005, Scope of Practice, as it qualifies as a Rhydidectomy procedure.

The Board received a letter from Dr. Robert Woolf

Dr. Martin moved and Ms. Lee seconded that the Board allow Dr. Woolf up to six months to obtain his Advanced Cardiac Life Support certificate from the October 1 deadline established in the new Anesthesia rules, with the understanding that during this time period his Class 3 Permit will not be in use. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

The Board received a letter from Zina Burt, R.D.H., LAP

The Board clarified in a situation where there is no dentist of record for a nursing home patient, an LAP hygienist should contact the nursing home's dental director. If there is no dental director to seek approval from, then the LAP hygienist should contact the patient's physician of record to have treatment approved.

The Board received a letter from Susan Doerfler, R.D.H.

No action was needed.

The Board received a letter from the American Dental Hygienists' Association

No action was needed.

The Board received a letter from the American Dental Association

Dr. Short reported to the Board that the situation was not a serious problem for the Oregon Institute of Technology and had to do with the physical plant and that the problem was to be corrected.

OTHER BUSINESS

Articles and News of Interest (no action necessary)

- State Legislative Report, August 2004
- The Bulletin, Summer 2004
- State Legislative Report, July 2004
- Idaho State Board of Dentistry, Summer 2004
- Minnesota Board of Dentistry updates, Spring 2004
- Oregon State Board of Pharmacy, August 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.

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2005-0017 and **2005-0010** Dr. Nichols moved, and Dr. Martin seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

COMPLETED CASES

2004-0232, 2004-0217, 2004-0185, 2004-0228, 2004-0214, 2004-0166, 2004-0238, 2004-0186, 2004-0164, 2004-0189, 2004-0222, 2001-0144, 2004-0215, 2004-0213, 2005-0025, 2004-0208, 2004-0227 Dr. Nichols moved, and Dr. Martin 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 staff recommendations. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0209 Dr. Martin moved and Dr. Nichols seconded that the Board close the matter with No Further Action. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0165 Dr. Short moved and Mr. Smyth seconded that the Board with regard to Respondent #1, close the matter and take no further action at this time. With regard to Respondent #2, issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, a civil penalty in the amount of \$250.00 and 16 hours of community service, per the Board's standard protocols. The motion passed

with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0206 Mr. Smyth 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, a civil penalty of \$1,000 and requiring Respondent to show evidence of completion of the remaining 15 hours of CE within 60 days. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0231 Ms. Lee moved and Dr. Martin seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that the Board's continuing education hourly requirement for re-licensure are met in a timely manner in accordance with the Board's rules. Also, at the Licensee's 2006 license renewal, request that the Licensee provide documentation of completion of 40 hours of continuing education between September 2004 and March 2006. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0153 Dr. Martin moved and Dr. Nichols seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when medication is prescribed the prescription is documented, that when central nervous system anesthesia is provided, it is provided at a level that the Licensee is certified to provide, and that a dental justification is documented prior to providing treatment to a patient. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0219 Dr. Short 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, that the use of local anesthetic is documented in the patient records, that all treatment is documented in the patient records, and that billings to third party payers accurately reflect the treatment that was actually provided for the insured. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0207 Mr. Smyth moved and Mr. Lee 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, that every effort is made to clearly communicate proposed treatment during the treatment planning process, and that when informed consent is obtained, PARQ or its equivalent is documented in the patient records. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0194 Ms. Lee moved and Dr. Martin seconded that the Board close the matter with a Letter of Concern reminding the Licensee that he is ultimately responsible for assuring renewals for licensure are made in a timely manner and that it is his responsibility to inform the Board within 30 days of any change of address. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0177 Dr. Martin moved and Ms. Lee seconded that the Board notify the Licensee that he needs to either complete the hours he is deficient in his CE or notify the Board that he will let his license expire. The continuing education must be completed within 90 days of the date of the letter. If the license is allowed to expire, the license fee will be

refunded to the Licensee. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0226 Dr. Short moved and Dr. Nichols seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when periodontal probing is done, the probings are documented in the patient records and when the administration of antimicrobial agents is ordered, the written orders are tooth and site specific. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0175 Mr. Smyth moved and Dr. Martin seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to carefully read, understand and respond accurately to license and permit renewals. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0198 Ms. Lee moved and Dr. Martin 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 of \$4,000.00. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0223 Dr. Martin moved and Dr. Nichols 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 of \$2,000.00. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, and Mr. Smyth voting aye. Dr. Martin voted no.

2004-0120 Dr. Martin moved and Mr. Smyth seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern, reminding Licensee that teamwork and communications are an essential part of implant dentistry. For Respondent #2, close the matter with a finding of No Violation of the Dental Practice Act. For Respondent #3, close the matter with a Letter of Concern addressing the issue of attempting to perform procedures which the Licensee is not capable of performing. For Respondent #4, close the matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. McCully, Dr. Martin and Mr. Smyth, voting aye. Dr. Short recused himself.

2004-0169 Mr. Smyth 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, a civil penalty of \$500.00 and requirements to complete continuing education, per the standard protocols. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. McCully, Dr. Martin and Mr. Smyth, voting aye. Dr. Short recused himself.

2004-0129 Ms. Lee 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. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0168 Dr. Martin moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern reminding the Licensee it is his responsibility to assure that he has

complied with the continuing education requirements each licensure period. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0178 Mr. Smyth 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, that when pathology is evident on radiographs, every effort is made to carefully review the radiographs and diagnose and treat the evident pathology. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0191 Ms. Lee moved and Dr. Martin seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to assure timely filing of licensure and permit renewals; and further, it is his responsibility to provide the Board with a written notice of any change of address within 30 days of any address change. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0218 Dr. Martin moved and Dr. Nichols seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that the Board's reporting requirements for disciplinary actions in other jurisdictions and the Board's continuing education requirements for re-licensure are met. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0227 Dr. Nichols moved and Dr. Martin seconded that the Board close the matter with No Further Action. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0190 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, to allow the Licensee to provide fixed prosthodontic treatment to patients only under the direct supervision of a Board approved Licensee until the Licensee completes a Board approved hands-on education program in fixed prosthodontic procedures and then demonstrates to a Board approved Licensee evaluator the ability to provide acceptable fixed prosthodontic procedures. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0202 Mr. Smyth moved and Ms. Lee seconded that the Board close this matter with a Letter of Concern reminding the Licensee that his prescription writing privileges extend to patients of record whose need for prescriptions are dentally related. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0182 Ms. Lee 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, that every effort is made to take appropriate radiographs, that the dosage of medications prescribed is documented in the patient records, that current health histories are maintained, and that all treatment provided to patients is

documented in the patient records. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0188 Dr. Martin moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that records of successful completion of the Board's continuing education requirement for licensure are maintained for at least four years. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0212 Dr. Short moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when medication is prescribed a dental diagnosis is documented, that appropriate measures are taken when patients currently receiving treatment have complaints of potential emergent conditions, and that appropriate periapical radiographs are taken when indicated. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0161 Mr. Smyth 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 radiographs are taken, it is documented in the patient records. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0162 Ms. Lee moved and Dr. Nichols seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to assure that he completes all the necessary steps to secure permits. It is further recommended that the Licensee reimburse the patients and insurance companies for fees paid by them. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0155 Dr. Martin moved and Dr. Nichols seconded that the Board close the matter with No Further Action. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0176 Dr. Short moved and Dr. Nichols seconded that the Board vote to issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order that incorporates a reprimand and a civil penalty of \$1,000.00. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2004-0045 Dr. Martin moved and Ms. Lee seconded that a letter be sent to the Complainant explaining that the provider who made the dentures was not given the opportunity to solve the problems identified by the patient. The lower partial was delivered in August of 2001 and only one adjustment visit was requested by the patient and that was not made until March of 2003. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2003-0122 Dr. Short moved and Mr. Smyth seconded that the Board reject the Licensee's proposed Consent Order and affirm the Board's decision of 5/14/04. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr.

Smyth voting aye.

2002-0079 Mr. Smyth moved and Dr. Martin seconded that the Board accept the Licensee's proposed Consent Order incorporating a reprimand, a \$1,000 civil penalty, and 15 hours of Board approved continuing education in the areas of pharmacology, dental diagnosis, treatment planning, risk management, or record keeping, and with three of those hours in record keeping. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2000-0199 Ms. Lee moved and Dr. Martin seconded that the Board grant Licensee an extension to complete the community service and offer him an Amended Consent Order reflecting the extension. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2003-0126 Dr. Martin moved and Ms. Lee seconded that the Board grant the Licensee's request and allow a five month extension, to 12/7/04, for Licensee to complete the course. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

1999-0205 Dr. Short moved and Mr. Smyth seconded that the Board issue an Order of Dismissal withdrawing the Notice of Proposed Disciplinary Action, dated 12/10/01. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. McCully, and Mr. Smyth voting aye. Dr. Martin recused herself.

2003-0138, 2003-0167, 2003-0198, 2003-0202, 2003-0227, 2004-0057, 2004-0071, 2004-0083, 2004-0106, 2004-0108, and 2004-0137 Mr. Smyth moved and Dr. Nichols seconded that the Board deny the Consent Order proposed by the Licensee and again offer the original Consent Order changing the license revocation to allow the Licensee to resign the Licensee's dental license. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2004-0063 Ms. Lee moved and Dr. Martin seconded that the Board maintain the decision made on 5/14/04 when the Board voted to close this matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2002-0112 Dr. Martin moved and Mr. Smyth seconded that the Board in reviewing all new information, send the matter to hearing. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

1999-0146 Dr. Short moved and Dr. Nichols seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and a \$5,000 civil penalty. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

2002-0203 Mr. Smyth moved and Dr. Martin seconded that the Board grant Licensee an unrestricted dental license effective 10/8/04, and relieve Licensee of all restrictions and dictates related to clinical evaluation under the restricted license. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

LICENSE AND EXAM ISSUES

Ryan Horn, D.D.S., sat for and passed the WREB exam between 12/12/04 and 12/15/03 when it was offered at USC. Oregon law states that an applicant must have completed their program within four calendar months of passing the WREB exam for them to be eligible for licensing in Oregon. USC's official graduation date was May 14, 2003; four months and two weeks after Dr. Horn had sat for the WREB exam.

Dr. Horn's argument was that although there was a four and a half month timeframe between his WREB exam and graduation date, his program was completed prior to April 30, 2004. Dr. Horn asked that the Board review his case and grant him eligibility to apply for licensure in Oregon. He included supporting evidence from the Associate Dean, Dr. Charles Schuler, that this was true and accurate information.

Ms. Lee moved and Dr. Martin seconded that the Board accept applicant as eligible for dental licensing. The motion passed with Dr. Johnson, Ms. Lee, Dr. Short, Dr. Martin, Dr. McCully and Mr. Smyth voting aye. Dr. Nichols voted nay.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES

Licensees appeared pursuant to their Consent Orders in case numbers **2001-0120, 1993-0183, 2003-0209, 2003-0208, 1999-0174, 1997-0091.**

1994-0174 Dr. Martin moved and Dr. Short seconded that the Licensee be removed from probation 9/17/2004 and be granted permission to apply for a DEA permit after completion of four hours of a Board approved course in pharmacology that includes current information on controlled substances currently used in dentistry and in offices, sedation, and anxiolytic agents. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

1997-0091 Dr. Short moved and Dr. Martin seconded that the Licensee's dental license suspension be removed. All parts of the existing Consent Order are to remain the same, except relief from probation may be applied for October 31, 2007.

Ratification of Licenses Issued

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

Dental Hygienists

H4774	Christina L. Lieblick, R.D.H.	June 30, 2004
H4775	Ginger L. Gaskill, R.D.H.	July 13, 2004
H4776	Jihui Xiao, R.D.H.	July 14, 2004
H4777	Kimberly D. Dayton, R.D.H.	July 14, 2004
H4778	Susan D. Doerfler, R.D.H.	July 14, 2004
H4779	Yelena d. Nikitko, R.D.H.	July 14, 2004
H4780	N'Cole M. Merritt, R.D.H.	July 14, 2004
H4781	Pamela E. Olson, R.D.H.	July 14, 2004
H4782	Julie A. Brown, R.D.H.	July 14, 2004
H4783	Kathie L. Harrington, R.D.H.	July 14, 2004
H4784	Rachel R. Gerlach, R.D.H.	July 15, 2004

H4785	Carolyn J. Eagan, R.D.H.	July 15, 2004
H4786	Debra J. Berreth, R.D.H.	July 15, 2004
H4787	Susanny Thenus, R.D.H.	July 15, 2004
H4788	Theresa L. Abel, R.D.H.	July 15, 2004
H4789	Rose M. Landry, R.D.H.	July 16, 2004
H4790	Vanessa R. Schiedler, R.D.H.	July 16, 2004
H4791	Ronald D. Wright, R.D.H.	July 16, 2004
H4792	Kelly A. Barrett, R.D.H.	July 19, 2004
H4793	Jennifer P. Baker, R.D.H.	July 19, 2004
H4794	Angela G. Doner, R.D.H.	July 19, 2004
H4795	Annette M. Hahn, R.D.H.	July 19, 2004
H4796	Lisa A. Cates, R.D.H.	July 19, 2004
H4797	Kari A. Lawrence, R.D.H.	July 21, 2004
H4798	Jessica N. Leonard, R.D.H.	July 21, 2004
H4799	Brandi A. Buchan, R.D.H.	July 21, 2004
H4800	Shawna M. Koppert, R.D.H.	July 21, 2004
H4801	Kristen M. Arehart-Hopkins, R.D.H.	July 22, 2004
H4802	F. Jane Kaady-Miller, R.D.H.	July 22, 2004
H4803	Kari L. Lucich, R.D.H.	July 22, 2004
H4804	Michelle L. Hendricks, R.D.H.	July 22, 2004
H4805	Amelia Gunawan-Wijaya, R.D.H.	July 23, 2004
H4806	Jennie M. Gould, R.D.H.	July 23, 2004
H4807	Lindsey R. Davis, R.D.H.	July 23, 2004
H4808	Jacqueline J. Burkhart, R.D.H.	July 23, 2004
H4809	Angela K. Sobba Baldwin, R.D.H.	July 23, 2004
H4810	Tracy L. Page, R.D.H.	July 26, 2004
H4811	Bethany J. Scott, R.D.H.	July 26, 2004
H4812	Faith J. Roland, R.D.H.	July 26, 2004
H4813	Christina A. Tesler, R.D.H.	July 27, 2004
H4814	Stephanie A. Smith, R.D.H.	July 27, 2004
H4815	Katherine J. Romoser, R.D.H.	July 27, 2004
H4816	Jaymi S. Adams, R.D.H.	July 27, 2004
H4817	Aaron W. Robinson, R.D.H.	July 27, 2004
H4818	Mei S. Erovick, R.D.H.	July 29, 2004
H4819	Krista N. Knight-Feckner, R.D.H.	July 29, 2004
H4820	Tanya I Loucks, R.D.H.	August 2, 2004
H4821	Rachel L. Conrad, R.D.H.	August 2, 2004
H4822	Keely R. Thompson, R.D.H.	August 2, 2004
H4823	Ashley Vanhees, R.D.H.	August 2, 2004
H4824	Krista L. Beaty, R.D.H.	August 3, 2004
H4825	Kelly E. Goodman, R.D.H.	August 3, 2004
H4826	Lisa J. Smole, R.D.H.	August 4, 2004
H4827	Cindi R. Rasmussen, R.D.H.	August 4, 2004
H4828	Sharon K. Estoque, R.D.H.	August 5, 2004
H4829	Maryam Eslani-Moghadam, R.D.H.	August 6, 2004
H4830	Nancy A. Carpenter, R.D.H.	August 9, 2004
H4831	Gina S. Barney, R.D.H.	August 11, 2004

H4832	Theresa L. Kitchen, R.D.H.	August 11, 2004
H4833	Sarah J. Powlison, R.D.H.	August 11, 2004
H4834	Jill L. Barber, R.D.H.	August 11, 2004
H4835	Simona M. Sferle, R.D.H.	August 12, 2004
H4836	Tricha L. Diehl, R.D.H.	August 16, 2004
H4837	Mary B. Layman, R.D.H.	August 17, 2004
H4838	Mary E. Corn, R.D.H.	August 17, 2004
H4839	Codi F. Miebach, R.D.H.	August 19, 2004
H4840	Elaine M. Lamere, R.D.H.	August 23, 2004
H4841	Sally A. Altree, R.D.H.	August 25, 2004
H4842	Heidi J. Grubbs, R.D.H.	Sept. 1, 2004
H4843	Susan D. Ruch, R.D.H.	Sept. 2, 2004
H4844	Sehreen Islam, R.D.H.	Sept. 2, 2004
H4845	Shea C. Donaldson, R.D.H.	Sept. 2, 2004
H4846	Pamela J. Lynch, R.D.H.	Sept. 3, 2004

Licensing Permits and Certification

Dr. Short moved and Dr. Nichols seconded that the Board approve the proposed doctors for the specialty exam and the specialty exam format. The motion passed with Dr. Johnson, Ms. Lee, Dr. Nichols, Dr. Short, Dr. Martin and Mr. Smyth voting aye.

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 5:55 p.m. Dr. McCully noted that the next Board meeting would take place November 19, 2004.

Approved by the Board November 19, 2004.

George McCully, D.M.D.
President