

**OREGON BOARD OF DENTISTRY
MINUTES
February 9, 2007**

MEMBERS PRESENT: David Smyth, B.S., M.S., Vice President
Melissa G. Grant, D.M.D.
Ronald C. Short, D.M.D.
Jill Mason, M.P.H., R.D.H.
Darren S. Huddleston, D.M.D.
Mary Davidson, R.D.H., LAP

STAFF PRESENT: Patrick D. Braatz, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Daryll Ross, Investigator (portion of meeting)
Harvey Wayson, Investigator (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; James Catt, D.M.D., ODA; Fred Bremner,
D.M.D., ODA; Vickie Woodward, R.D.H., ODHA; Gary Allen,
D.M.D., Willamette Dental; Lynn Ironside, R.D.H., ODHA;
Laurie Johnson, R.D.H., ODHA; Viki Points, R.D.H., ODHA,
OIT; Paul Cosgrove, ODHA; Kathleen Cosgrove, ODHA.

Call to Order: The meeting was called to order by the Vice President at 7:30 a.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Dr. Short moved and Dr. Grant seconded that the minutes of the December 15, 2006 Board Meeting be approved as amended. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Dr. Short moved and Ms. Davidson seconded that the minutes of the January 17, 2007 Special Telephone Meeting be approved as amended. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

The ODA had nothing to report.

Oregon Dental Hygienists' Association

The ODHA had nothing to report.

Oregon Dental Assistants Association

No one was present from the ODAA.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Short reported that the January 6 meeting was very good and that some changes were made. WREB will be going ahead with the computer simulations program for dental hygiene examinations. The program should be completed by 2009 and implemented by 2010. The program is reportedly going to shorten the length of the exam and also lower administrative costs. WREB will also be allowing educators to be examiners as long as they have a recommendation from the state dental board and do not examine in their own state. WREB is also considering the addition of crown prep to the exam. That portion of the exam would take place at the dental school during the senior year of dental school and would be administered and graded by WREB examiners at the school. Another change is that WREB will no longer allow patients who have been treated with IV bisphosphonates to be patients in the exam.

ADEX Liaison Report

Mr. Braatz stated that ADEX will be holding their annual session in June and that the Board needed to elect someone as a representative. Dr. Huddleston moved and Ms. Davidson seconded that the Board appoint Dr. Short as our ADEX representative. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Rules Oversight Committee Report

OAR 818-042-0095 Restorative Functions of Dental Assistants

Dr. Short stated that the Rules Oversight Committee had met on February 8 and recommended that the Board adopt the Restorative Functions of Dental Assistants rule. Dr. Short moved and Dr. Grant seconded that the Board send to hearing OAR 818-042-0095. Dr. Grant, Dr. Short, Ms. Davidson and Ms. Mason voted aye and Dr. Huddleston was opposed. (Pursuant to ORS 174.130 any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law. Attorneys General have consistently advised that this statute requires a majority of all members of a board, commission or council to concur in order to make a decision. When ORS 174.130 applies, a majority of those present and voting in favor of a particular action is not sufficient to authorize that action unless that majority is more than one-half of the total members of the board, commission or council.) Thus, the motion failed.

OAR 818-012-0030(2) – Unprofessional Conduct, Fee Splitting, Review

Dr. Short stated that OAR 818-012-0030(2) was reviewed by the committee and it was decided to leave the rule as it is. Dr. Short moved and Dr. Grant seconded that the Board write a letter to Dr. Watanabe stating that the model projected in his letter would be considered fee splitting and a violation of the Dental Practice Act. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

OAR 818-021-0060 and OAR 818-021-0070 - Continuing Education for Dentists and Dental Hygienists, Review

Dr. Short stated that the Rules Oversight Committee recommended the Board allow up to six (6) hours of non-clinical continuing education as part of the 40 hours required for dentists and 24 hours required for dental hygienists, as outlined in the ADA proposal, which is to include authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, a board complaint investigation, peer review, or quality of care review procedures; successful completion of Part II of the National Boards Dental Exam, a recognized specialty exam, or National Board Dental Hygiene exam, taken after initial licensure; test development for clinical dental, dental hygiene, or specialty exam; volunteer pro bono dental services; or community oral health instruction at a public health facility. Dr. Short stated that all committee members were in favor of this

recommendation. Dr. Short moved and Dr. Grant seconded that the Board accept the recommendation from the Rules Committee.

Dr. Short moved and Dr. Huddleston seconded that the motion be amended to include "in the state of Oregon" for volunteer pro bono dental services or community oral health instruction at a public health facility. The amendment passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Dr. Short moved and Dr. Grant seconded that the motion be amended to remove "board complaint investigation" from the list of acceptable continuing education. The amendment passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Dr. Huddleston moved and Dr. Short seconded that the motion be amended to increase the hours from six (6) non-clinical CE to ten (10) hours of non-clinical CE. Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voted aye and Dr. Grant was opposed. (Pursuant to ORS 174.130 any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law. Attorneys General have consistently advised that this statute requires a majority of all members of a board, commission or council to concur in order to make a decision. When ORS 174.130 applies, a majority of those present and voting in favor of a particular action is not sufficient to authorize that action unless that majority is more than one-half of the total members of the board, commission or council). Thus, the amendment failed.

The motion as amended passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

OAR 818-012-0030(b) - Unprofessional Conduct , Fees for Record Duplication, Review

Dr. Short stated that the committee agreed that the Assistant Attorney General will have to research the current rule to assure that it is in compliance with the newly changed Oregon Health Care Record Laws. Ms. Lindley will suggest any needed changes upon completion of her research.

Committee Meeting Dates

There were no meeting dates scheduled.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz stated that copies of the budget report for the 2005-2007 Biennium were attached for the Board's review. The reports show revenue of \$1,215,804.01 and expenditures of \$1,207,495.09. Mr. Braatz pointed out that although the two amounts are almost even, this report was not taking into consideration the dental renewals that were mailed on January 15, which will account for approximately 20% of the OBD's revenue.

2007-2009 Oregon Board of Dentistry's Governor's Recommended Budget

Mr. Braatz stated that he and Dr. Nichols presented the 2007-2009 Oregon Board of Dentistry's Governor's Recommended Budget to the Joint Ways and Means Subcommittee on Education of the Oregon Legislature on Tuesday, January 30, 2007. Copies of the Budget, as submitted, are attached.

Board and Staff Speaking Engagements

Wednesday, January 10, 2007- Paul Kleinstub, D.D.S. and Mr. Braatz made a presentation on the OBD to the senior dental students at OHSU.

Customer Service Survey

Mr. Braatz attached a chart showing the OBD State Legislatively Mandated Customer Service Survey results from July 1, 2006 through January 31, 2007. The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys. There is also a booklet available of all comments returned with the surveys for the Board to review.

Report from Federation of Associations of Regulatory Boards (FARB) 31st Annual Forum

Mr. Braatz stated that the FARB meeting was very informative and well timed and had some great information on security risks and licensing. Ms. Lindley and Dr. Kleinstub agreed.

Licensing Statistics

Mr. Braatz reported to the Board the licensing statistics from November 1, 2005 through January 24, 2007. This report represents the time period where the OBD, based on a Legislative change, was required to consider applicants who had passed any state, regional or national clinical licensing examination.

Legislative Update

Mr. Braatz stated that he has included copies of legislative bills introduced in the 2007 Regular Session of the Legislature that he is monitoring and thought would be of interest to the Board.

Flowchart for Investigative Process

Included please find an updated copy of the "Investigative Flow Chart" that is used in presentations. It shows all steps of the process and who is involved.

Newsletter

Mr. Braatz reminded the Board that it is once again time for the OBD to develop and mail a newsletter. He stated that he would like the Board to discuss some articles they believe would be of interest and should be in the newsletter and asked for volunteers to write such articles.

CAFR Gold Star Award 2006

Mr. Braatz included a copy of the FY 2006 Gold Star Certificate that the OBD has once again received for providing accurate and complete fiscal year information in a timely manner.

UNFINISHED BUSINESS

RULES

Petition for Rulemaking Pursuant to OAR 137-001-0070

Ms. Mason moved and Dr. Grant seconded to reject the petition from Mr. Cosgrove that would allow for rulemaking pursuant to OAR 137-001-0070, stating that the Board does not have the statutory authority to promulgate the rule because current statutory language under ORS 679.010(4) prohibits the unsupervised practice of dental hygiene; but that the Board is willing to work with the stakeholders to draft appropriate language to remedy this prohibition.

Rules Hearing

On February 8, 2007 the Board held a rulemaking hearing regarding the adoption of 818-035-0072, amendment of 818-001-0087, 818-012-0030, 818-035-0025, 818-035-0040 and the repeal of 818-001-0015 and 818-001-0021.

818-001-0015 – Filing Exceptions and Argument to the Board

Dr. Short moved and Dr. Grant seconded that the Board repeal 818-001-0015, as this is a duplication of procedures that already exist in the Administrative Procedures Act. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

818-001-0021 – Petition for Reconsideration or Rehearing as Condition for Judicial Review.

Dr. Grant moved and Dr. Short seconded that the Board repeal 818-001-0021 as this procedure already exists in the Administrative Procedures Act. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

818-001-0087 – Fees - To Create Fee for Restorative Functions of Dental Hygienists

No motion made.

818-012-0030 – Unprofessional Conduct

Dr. Short moved and Dr. Grant seconded to amend 818-012-0030 Unprofessional Conduct, to include the requirement to release photographs; adding the addiction and dependency or abuse of alcohol, illegal or controlled drugs or mind altering substances; and require a Dentist or Dental Hygienist to work in a clinic owned by an Oregon licensed dentist except as described under ORS 679.020(3) and ORS 680.205 (1) (2). The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

818-035-0025 – Prohibitions - To Allow Dental Hygienists to Perform Restorative Functions Pursuant to OAR 818-035-0072

Ms. Mason moved and Ms. Davidson seconded that the Board amend 818-035-0025. The motion failed with Ms. Mason and Ms. Davidson voting aye. Dr. Grant, Dr. Short, and Dr. Huddleston were opposed.

818-035-0040- Expanded Functions of Dental Hygienists - To Require that an Applicant Must Submit an Application to Receive this Endorsement

Ms. Mason moved and Ms. Davidson seconded that the Board amend 818-035-0040. The motion failed with Ms. Mason and Ms. Davidson voting aye. Dr. Grant, Dr. Short, and Dr. Huddleston were opposed.

818-035-0072- Restorative Functions of Dental Hygienists - To Allow the Placement of and Finishing of Direct Alloy and Direct Composite Restorations

Ms. Mason moved and Ms. Davidson seconded that the Board create 818-035-0072. The motion failed with Ms. Mason and Ms. Davidson voting aye. Dr. Grant, Dr. Short, and Dr. Huddleston were opposed.

CORRESPONDENCE

The Board received a letter from Bill E. Osmunson, D.D.S.

Dr. Bill Osmunson has sent a formal written complaint against the OBD and his request for a hearing to present evidence and data for the OBD to consider, rescinding its Resolution to Support Water Fluoridation. Dr. Osmunson provided voluminous information for the Board to review. The Board directed Mr. Braatz to write a letter of thanks to Dr. Osmunson.

The Board received a letter from Dr. Dania Tamimi

Dr. Tamimi is requesting information on how or if she needs to become certified in Oral and Maxillofacial Radiology in the state of Oregon, as it is the newest ADA-recognized dental specialty. Dr. Tamimi is not interested in practicing clinical dentistry and would not work in the state of Oregon physically, but rather have radiological images sent to her via e-mail. Dr. Short moved and Dr. Grant seconded that the Board direct staff to write a letter letting Dr. Tamimi know that there are no requirements to practice Oral and Maxillofacial Radiology inside the state of Oregon as giving an opinion is not diagnosing.

The Board received a letter from Chad Hinrichs, President – 1st Impressions

Mr. Hinrichs is requesting of the Board an explanation of what Dental Hygienists are allowed to do regarding “whitening procedures,” particularly with and without the supervision of a dentist. Mr. Hinrichs is planning to open teeth whitening centers throughout the state with him doing the whitening, a trained hygienist doing the procedures, and the operation being overseen by a Board certified dentist who would not be present when the procedure is taking place.

The Board directed Mr. Braatz to write a letter notifying Mr. Hinrichs that only Dentists are allowed to complete “whitening procedures” in the state of Oregon, as Mr. Hinrichs describes them.

The Board received a letter from Sherin Tooks, CDA, R.D.H., M.S. – Commission on Dental Accreditation

Ms. Tooks notified the Board that Legacy Emanuel Hospital and Health Center in Portland has expressed a willingness to have a representative of the state board participate in the Commission on Dental Accreditation’s 2007 on-site evaluation. Dr. Grant asked to be present for that accreditation and the Board approved.

OTHER BUSINESS

Approval of Presentation

Ms. Mason asked the Board to approve her presentation on March 8 at the ODS Dental Hygiene Program in La Grande. Dr. Huddleston moved and Dr. Short seconded that the Board sponsor Ms. Mason as our representative. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Articles and News of Interest (no action necessary)

- State Legislative Report, January 2007, Vol. #1
- North Dakota State Board of Dental Examiners Newsletter, Fall 2006
- The Southern Examiner, Vol. 5, Issue 3, Fall 2006
- “Dental Pain” Oregon Business Magazine.com; Bell, John
<www.oregonbusiness.com/.doc/action/detail/rid/21478/pg/10003>
- “More than just a pretty smile” The Sunday Oregonian, 1/21/2007
- “Poor Oral Health Is Linked to Deadly Pancreatic Cancer,” The Wall Street Journal
- State Legislative Report, February 2007, Vol. # 2

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

Licensees appeared pursuant to their Consent Orders in case numbers **2005-0077** and **2002-0273**.

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2007-0115, 2007-0108, 2007-0128, 2007-0140, 2007-0122, 2007-0124 and 2007-0147 Dr. Grant

moved and Ms. Mason seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

COMPLETED CASES

2007-0005, 2007-0105, 2007-0086, 2007-0126, 2007-0059, 2007-0121, 2007-0065 and 2007-0134 Dr. Grant moved and Ms. Mason 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, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0117 Ms. Mason moved and Dr. Grant seconded that the Board vote to close the matter with a Letter of Concern addressing the issue that the Licensee ensures that any final advertisement copy is reviewed prior to agreeing to have the advertisement published. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0097 Dr. Huddleston moved and Ms. Mason seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0094 Ms. Davidson moved and Dr. Short seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that only qualified staff members give treatment instructions to patients, that treatment instructions are documented in the patient records, and that treatment instructions are coordinated with licensed professionals. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0110 Dr. Short moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that treatment notes accurately document pertinent discussions about proposed treatment and then accurately reflect the patient's treatment needs. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0139 Ms. Mason moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that no person is allowed to perform duties for which the person is not licensed or certified. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0085 Dr. Huddleston moved and Ms. Mason seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0036 Ms. Davidson moved and Dr. Grant seconded that the Board close the case with a Letter of Concern, in which the Licensee is reminded to assure that, prior to undertaking a complex treatment plan, a comprehensive oral evaluation be performed; when treatment is performed, it is documented in

the record; and when communication with the patient about salient facts in treatment takes place, those facts and the conversation are documented in the patient record. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0099 Dr. Short moved and Dr. Grant 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, pay a \$1,000.00 civil penalty, complete an additional 13 hours of CE within 60 days of the effective date of the Consent Order, complete 3 hours of continuing education in record keeping within 120 days of the effective date of the Consent Order, and complete 16 hours of continuing education in the next available course put on by Dr. Bart Johnson in the subject of "Understanding Your Dental Patient With Significant Medical Disease." The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0120 Ms. Mason moved and Dr. Grant seconded that the Board with regard to Respondent #1, 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 local anesthetic is administered, the name and strength of the local anesthetic agent is documented; with regard to Respondent #2, close the matter with No Further Action. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0057 Dr. Huddleston moved and Ms. Davidson seconded that the Board 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. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0092 Ms. Davidson moved and Ms. Mason seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern addressing the issue of ensuring that a dental justification is documented prior to providing treatment; with regard to Respondent #2, close the matter with a Letter of Concern addressing the issue of ensuring that the CPR requirement for maintenance of her Class 1 Nitrous Oxide Permit is met. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0082 Dr. Short moved and Ms. Mason seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0087 Ms. Mason moved and Ms. Davidson seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0135 Ms. Davidson moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that all future advertisements are in compliance with the

Board's advertising rules. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0118 Dr. Huddleston moved and Ms. Mason 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, pay a \$1,500.00 civil penalty, attend at least 3 hours of continuing education in record keeping, and to provide 20 hours of pro bono community service within one year of the effective date of the Order. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0040 Ms. Mason moved and Dr. Grant seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order, in which the Licensee agrees to 1) be reprimanded; 2) pay restitution to the patient in the amount of \$873.00, in the form of a bank, certified, or cashier's check in favor of the patient's parent/guardian, and delivered to the Board office within 30 days of the effective date of the Order; and 3) complete, within six months of the effective date of the Order, a minimum of seven hours of continuing education, via a Board approved course, in pediatric dental diagnosis and treatment planning. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0138 Dr. Short moved and Ms. Mason seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that before a coronal polishing procedure is provided to a patient, a licensed dentist or dental hygienist has verified the patient's teeth are free of calculus and also that the Board's infection control requirements are followed. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0100 Dr. Huddleston moved and Ms. Davidson seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0083 Ms. Davidson moved and Dr. Grant seconded that the Board with regard to Respondent #1, close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to ascertain that all employees under his supervision who require licensing, certification and/or permits to carry out their duties are properly licensed, certified or possess the appropriate permit for the functions they perform; with regard to Respondent #2, close the matter with a Letter of Concern reminding the Licensee that it is her responsibility to assure all licenses, permits and/or certificates are current and licensure renewals are done in a timely manner. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0090 Dr. Short moved and Ms. Mason seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when treatment is provided, treatment notes document the treatment that was provided. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0119 Ms. Mason moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when patients are premedicated, the premedication is reflected in the treatment notes; that when periodontal probings are done, the probings are documented in the patient record; and that all treatment that is provided is documented in the patient record. The

motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0080 Dr. Huddleston moved and Dr. Grant seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and attend six hours of continuing education in endodontics within one year of the effective date of the Order. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0106 Dr. Huddleston moved and Dr. Grant seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and attend six hours of continuing education in endodontics within one year of the effective date of the Order. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0101 Ms. Davidson moved and Dr. Short seconded that the Board close the case with a Letter of Concern, in which the Licensee is reminded to assure that, when informed consent is obtained prior to treatment, PARQ or its equivalent is documented in the patient record; when administering N₂O sedation, proper documentation, pursuant to OAR 818-026-0040(3)(4)(5)(7)(8), is made in the patient record; when a diagnosis is made, it is documented in the patient record; and when placing a dowel post and crown in a tooth with an existing root canal filling, the root canal treatment has been determined to be clinically successful prior to restoring the tooth. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0102 Dr. Short moved and Ms. Mason seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is his responsibility to assure that all licenses, certificates and/or permits that he requires in his practice are applied for, approved and current. Furthermore, the Board accepts the Licensee's proposal to voluntarily reimburse the parties, in the amount of \$2,079.00, for services rendered and present proof of that reimbursement to the Board within 60 days of the date of the Letter of Concern. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0024 Ms. Mason moved and Ms. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when periodontal probing is done, the findings are accurately documented in the patient records and that when a patient presents with evident periodontal disease, a diagnosis and a treatment plan are documented in the patient records. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2007-0046 Dr. Huddleston moved and Ms. Davidson 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 a dental justification is documented prior to providing treatment. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2006-0035 Ms. Davidson moved and Dr. Grant seconded that the Board accept the Consent Order offered by the Licensee to resolve the case. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

2005-0146 Dr. Short moved and Ms. Davidson seconded that the Board issue an Order of Dismissal, dismissing the Notice of Proposed Disciplinary Action, issued March 24, 2006, and take No Further Action on the case. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms.

Davidson voting aye.

2005-0028 Ms. Mason moved and Dr. Short seconded that the Board for Respondent #1, close the matter with No Further Action and dismiss the Notice of Proposed Disciplinary Action issued by the Board on March 25, 2005. The motion failed with Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye. Dr. Grant was opposed. The case will be considered at the April 6, 2007 Board meeting.

2006-0233 Dr. Huddleston moved and Ms. Davidson seconded that the Board offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and provide 20 hours of Board approved non-reimbursed community dental service within 12 months of the effective date of the Consent Order. Upon completion of the non-reimbursed community dental service, the Licensee shall promptly submit documentation to the Board verifying the hours of community service provided. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

1999-0197 Ms. Davidson moved and Dr. Grant seconded that the Board grant the Licensee's request and offer an Amended Consent Order eliminating reference to probation and maintaining all other provisions of the Consent Order dated February 19, 2002. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

Dr. Short moved and Ms. Davidson seconded that licenses issued be ratified as published. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Dental Hygiene

H5148	Timre M Smith, R.D.H.	12/11/2006
H5149	Cristin J Murdoch, R.D.H.	12/11/2006
H5150	Ashley N Ellison, R.D.H.	12/11/2006
H5151	Tina K Lewandowski-Reneau, R.D.H.	12/11/2006
H5152	Shari K Eaton, R.D.H.	12/14/2006
H5153	Jana C Porter, R.D.H.	12/18/2006
H5154	Donna G Pyktel, R.D.H.	12/26/2006
H5155	Holly L Hahn, R.D.H.	12/27/2006
H5156	Kelli B Shaffer, R.D.H.	1/3/2007
H5157	Annie M Brumbaugh, R.D.H.	1/10/2007
H5158	Sarah E Meerdink, R.D.H.	1/10/2007
H5159	Eileen M Tosh, R.D.H.	1/10/2007
H5160	Patricia C Drabkin, R.D.H.	1/17/2007
H5161	Carla M Woinarowicz, R.D.H.	1/17/2007
H5162	Jennifer L Miles, R.D.H.	1/17/2007
H5163	Sonya D Conley, R.D.H.	1/26/2007
H5164	Mary P Johnson, R.D.H.	1/30/2007

Dental

D8868	Yolimar C Di Giulio, D.M.D.	12/11/2006
D8869	Barton L Carter, D.M.D.	12/11/2006
D8870	Bryan S Euzent, D.D.S.	12/14/2006
D8871	Andrew Nardecchia, D.D.S.	12/14/2006
D8872	Rusty J Walker, D.D.S.	12/18/2006
D8873	Andrew D Forster, D.D.S.	12/18/2006
D8874	Richard S Horacek, D.D.S.	12/20/2006
D8875	Scott W Joslin, D.D.S.	12/20/2006
D8876	Kevin J Zimmerman, D.M.D.	1/10/2007
D8877	Beata U Cymorek, D.M.D.	1/10/2007
D8878	Matthew A Falkenstein, D.D.S.	1/10/2007
D8879	James J Jasper, D.D.S.	1/10/2007
D8880	Tracy R Robinson, D.M.D.	1/17/2007
D8881	Sara M Westermeyer, D.D.S.	1/17/2007
D8882	John P Pruett, D.D.S.	1/17/2007
D8883	Robert W Smith, D.M.D.	1/17/2007
D8884	Craig D Ritchie, D.D.S.	1/17/2007
D8885	Russel G Leoni, D.M.D.	1/18/2007
D8886	Stacey R Kutsch, D.D.S.	1/30/2007
D8887	Loc V Vuu, D.D.S.	1/30/2007
D8888	Douglas P Olson, D.M.D.	1/30/2007
D8889	Cynthia P Pelley, D.M.D.	1/30/2007
D8890	Val D Weenig, D.D.S.	1/30/2007

Reinstatement of License

Ms. Mason moved and Dr. Grant seconded that Jamison Spencer, D. M.D., license number D7878, be reinstated pursuant to OAR 818-021-0085. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Ms. Mason moved and Ms. Davidson seconded that Deborah Hoopes, R.D.H., license number H2898, be reinstated pursuant to OAR 818-021-0085. The motion passed with Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, and Ms. Davidson voting aye.

Announcement

No announcements.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m. Mr. Smyth stated that the next Board meeting would take place April 6, 2007.

Approved by the Board April 6, 2007.

Rodney S. Nichols, D.M.D.
President