

**OREGON BOARD OF DENTISTRY
MINUTES
April 6, 2007**

MEMBERS PRESENT: Rodney S. Nichols, D.M.D., President
David Smyth, B.S., M.S., Vice President
Melissa G. Grant, D.M.D.
Jill Mason, M.P.H., R.D.H.
Darren S. Huddleston, D.M.D.
Norman Magnuson, D.D.S.
Mary Davidson, R.D.H., L.A.P.
Patricia A. Parker, D.M.D.

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; Fred Bremner, D.M.D., ODA; Lynn Ironside,
R.D.H., ODHA; Bill Osmunson, D.D.S., M.P.H; James Catt,
D.M.D.

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

NEW BUSINESS

MINUTES

Ms. Mason moved and Mr. Smyth seconded that the Minutes of the February 9, 2007 Board meeting be approved as amended. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

The ODA reminded everyone that the Oregon Dental Conference would be held next week from April 11 through April 13, 2007.

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

There was nothing to report.

ADEX Liaison Report

Dr. Short was not present so Mr. Braatz stated that the Board could find a copy of the ADEX Constitution and Bylaws in the notebook for them to review. Mr. Braatz also stated that Dr. Short would be serving as our representative to the House of Representatives on June 17, 2007.

Rules Oversight Committee Meeting Report

Mr. Braatz stated that a Rules Oversight Committee meeting was held March 13, 2007. The Committee members reviewed and discussed the rules up for review and recommended that the Board send the rules to a public rules hearing.

OAR 818-042-0095 Restorative Functions Dental Assistants

Ms. Mason moved and Dr. Parker seconded to move OAR 818-042-0095, adopting rules for Restorative Functions Dental Assistants, to rules hearing. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-012-0030 Unprofessional Conduct

Mr. Smyth moved and Ms. Davidson, seconded to move OAR 818-012-0030, updating the fee allowed to be charged for copies of records to rules hearing. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-042-0040 Prohibited Acts

Ms. Mason moved and Dr. Grant seconded that OAR 818-042-0040, allowing Dental Assistants to perform restorative functions, be moved to rules hearing. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-001-0087 Fees

Dr. Grant moved and Dr. Magnuson seconded that the Board move OAR 818-001-087, adopting a fee for Restorative Functions Dental Assistants, to rules hearing. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

AADE Mid-Year Meeting Report

Ms. Davidson stated that the meeting was very timely. The material was very interesting and it was a real eye opener to hear what is happening in other states at this time. Ms. Davidson mentioned that bisphosphonates were discussed as well as the ADA online recommendations. There were several break away groups to work on model situations and Ms. Davidson reiterated that after working with individuals from other states that she is very happy to be in Oregon and that we appear to be ahead of the curve in many ways.

AADE Board Attorneys' Roundtable Report

Ms. Lindley stated that at the Roundtable meeting, North Carolina had a similar opinion to Oregon's that only Oral and Maxillofacial Surgeons have the training to give Botox injections. Another item that was brought to the attention of Ms. Lindley is called Small Smiles, a children only clinic that is having problems in several other states for their alleged mistreatment of the children they are treating. She said that it would appear to not affect Oregon due to our ownership laws. Ms. Lindley

also stated that the other hot topic at the discussion were diversion programs.

Committee Meeting Dates

There are no committee meeting dates set.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz attached the Budget Status Report for the Board members to review. This report from July 1, 2005 through February 28, 2007 shows revenue of \$1,479,354.62 and expenditures of \$1,345,128.30. The budget continues to perform as expected.

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

Mr. Braatz stated that the OBD's Budget has been adopted.

Board and Staff Speaking Engagements

Thursday, March 8, 2007 – Ms. Mason, R.D.H., made a presentation to the Dental Hygiene students at the ODS School of Dental Hygiene in La Grande.

Monday, April 2, 2007 – Teresa Haynes, Licensing Manager, and Patrick Braatz, Executive Director, made a presentation to the graduating OHSU Dental students.

Oregon Dental Conference (ODC)

Mr. Braatz stated that the OBD will have a table at the ODC conference being held April 12-14 and that name badges have been requested for all Board members. He also stated that in the past Board Members who have attended the ODC have also volunteered to spend some time at the OBD table and that anyone who was interested should let him know.

Mr. Braatz also stated that he and Dr. Paul Kleinstub will be part of DBIC Risk Management presentation that will be held Thursday, April 12, 2007 from 9:00 a.m. to 12:00 p.m., and presenting "Record Keeping from the Board's Perspective" on April 13, 2007 from 2:00 - 3:00 p.m.

AADE Mid-Year Meeting Report/AADA Mid-Year Meeting Report/ADA National Dental Examiners Forum

Mr. Braatz stated that it was a very informative meeting. He reiterated about the Smiles Program issues as well as the cheating issues that appear to be happening with an increased frequency. He also stated that it would once again appear that the Maryland Board is being dissolved and that he's glad he's in Oregon.

Customer Service Survey

Mr. Braatz included a chart showing the results of the OBD Legislatively Mandated Customer Service Survey from July 1, 2006 through February 28, 2007. The results of the survey show that the OBD continues to receive positive comments from the majority of those that return surveys. There is also a booklet available for the Board to review containing the written comments sent in with the surveys.

Legislative Update

Mr. Braatz included a report on the bills that the OBD is currently monitoring that could have an effect on the OBD. Mr. Braatz also included copies of bills that have been introduced since the last meeting, as well as testimony that he has given on various legislative bills that could affect the OBD.

Review and Adoption of OBD Policy 834-413-0016 American with Disabilities Act & Reasonable Accommodations

Mr. Braatz stated that the Board would have to review and adopt the Americans with Disabilities Act & Reasonable Accommodations, Policy 834-413-0016. After review and discussion Mr. Smyth moved and Dr. Grant seconded that the Board adopt Policy 834-413-0016. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

Affirmative Action Plan 2007-2009

Mr. Braatz stated that the Board's 2007-2009 Affirmative Action plan was attached for the Board to review.

Dental Organization for Conscious Sedation (DOCS)

Mr. Braatz stated that the DOCS program was inviting a member of the OBD to attend their program at no cost. He stated that if any Board member was interested that the OBD would pay the travel expenses for the trip. Dr. Huddleston stated he would like to attend. Dr. Parker moved and Ms. Davidson seconded that the Board send Dr. Huddleston to the DOCS program. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

Newsletter

Mr. Braatz stated that he would really like to get the newsletter completed but that we needed articles or input from the Board as to the articles they would like to see. Hopefully, we will be able to get that out shortly.

UNFINISHED BUSINESS

RULES

Adoption of Administrative Rules

OAR 818-001-0087 Fees

Ms. Davidson moved and Ms. Mason seconded that the Board adopt OAR 818-001-0087 to allow a fee for Dental Hygiene Restorative Functions. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-035-0025 Prohibitions

Dr. Grant moved and Mr. Smyth seconded that the Board adopt OAR 818-035-0025 allowing Restorative Functions per OAR 818-035-0072. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye. Dr. Huddleston was opposed.

OAR 818-035-0040 Expanded Functions of Dental Hygienists

Dr. Magnuson moved and Dr. Grant seconded that the Board adopt OAR 818-035-0040, clarifying the requirement of expanded function applications. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-035-0072 Restorative Functions of Dental Hygienists

Ms. Mason moved and Dr. Parker seconded that the Board adopt OAR 818-035-0072 adopting rules for the Restorative Functions Dental Hygienist. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye. Dr. Huddleston was opposed.

Review and Recommend Administrative Rules for Hearing

OAR 818-021-0060 Continuing Education – Dentists

Ms. Mason moved and Dr. Grant seconded that the Board move OAR 818-021-0060 to hearing with the removal of “journal articles” in (3)(b). The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OAR 818-021-0070 Continuing Education – Hygienists

Ms. Mason moved and Dr. Grant seconded that the Board move OAR 818-021-0070 to hearing with the removal of “journal articles” in (3)(b). The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

CORRESPONDENCE

The Board received a letter from Deborah Loy, CDC OHP Services Director – Capitol Dental Care, Inc.

Ms. Loy is requesting clarification from the Board regarding LAP duties and codes an L.A.P. may use when doing examinations for hygiene treatment planning. After reviewing the issue the Board directed Mr. Braatz to respond to Deborah Loy that the CDT is copyrighted by the ADA, and is not in our jurisdiction. It would be the insurance company’s final decision as to whether they accept those codes or not.

The Board received a letter from William O. Knight, D.M.D.

Dr. Knight thanked the Board for their support during his 38 years as a licensed Dentist in Oregon.

The Board received a letter from John A. Sorenson, D.M.D., Ph.D., Director – Pacific Dental Institute

Dr. Sorenson is requesting that Pacific Dental Institute be granted a license so that out-of-state Dentists may treat their patients there to complete continuing education courses. After a review of Dr. Sorenson’s program and past requirements of other similar requests, the Board directed Mr. Braatz to draft a letter to Dr. Sorenson stating that we could not comply with his request and that he would have to form a partnership with a company such as the ODA or OHSU.

The Board received a letter from Bill Schuyler, D.M.D.

Dr. Schuyler asked the Board to reconsider the requirement that Pediatric Dentists who hold a Class 3 Anesthesia Permit have a PALS CPR Card. Dr. Schuyler states that the requirements are not appropriate. The Board directed Mr. Braatz to notify Dr. Schuyler that this will be sent to the Anesthesia Committee for review when it’s reconstituted.

Election of Officers (Amended – 2/29/08)

Dr. Nichols nominated Mr. Smyth to be the next Board President and Mr. Smyth nominated Dr. Huddleston to serve as the Board Vice President for the upcoming term beginning at the May 2007 meeting. Mr. Smyth moved and Dr. Parker seconded that Mr. Smyth serve as President and Dr. Huddleston as Vice President. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

OTHER BUSINESS

Articles and News of Interest (no action necessary)

- State Legislative Report, March 2007

- "What's a Tooth Worth", Wall Street Journal, March 12, 2007

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 **2001-0039, 2002-0055, 1995-0043, 1999-0064, and 2002-0273.**

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2007-0174, 2007-0184, 2007-0188, 2007-0175, 2007-0208, 2007-0187, and 2007-0193 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 Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

COMPLETED CASES

2007-0148, 2007-0159, 2007-0145, 2007-0143, 2007-0160, 2007-0088, 2007-0153, 2007-0129, 2007-0127, 2007-0136, 2007-0181, 2007-0104, 2007-0116, 2007-0198, 2007-0125, 2007-0165, 2007-0157, 2007-0089 and 2007-0112 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 Mr. Smyth, Dr. Grant, Dr. Short, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0164 Mr. Smyth moved and Ms. Mason seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when nitrous oxide is administered, the patient's condition upon discharge is documented and that all treatment that is provided is documented in the patient records. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0113 Ms. Mason moved and Mr. Smyth seconded that the Board close the case with a Letter of Concern, in which the Licensee is reminded to assure that when a diagnosis is made, it is documented in the patient record; when a patient is given information about Licensee's dental condition, that information is as complete and accurate as circumstances allow, and the patient's status is thoroughly documented in the patient record; and when a referral is made, it is documented in the patient record. With respect to Respondent #2, close the case with a Letter of Concern, in which the Licensee is reminded to assure that, when it is determined prior to treatment that the patient has, in fact, taken prophylactic medication as directed, that fact is documented in the patient record; and when submitting application for license renewal, all continuing education requirements are complete. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0109 Dr. Magnuson 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 \$5,000.00 civil penalty, and take at least eight hours of continuing

education in pharmacology within one year, that the Licensee appears before the Board at the first meeting following the effective date of the Consent Order, that the Licensee begins the use of triplicate prescriptions for controlled substances following the Board's protocols, and that the Licensee agrees to no longer treat any family members. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0141 Dr. Parker moved and Ms. Mason seconded that the Board in reference to case 2007-0141, issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye. Dr. Huddleston recused himself.

2007-0029 Dr. Huddleston moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern reminding the Licensee when patient demands for treatment require the Licensee to perform procedures that likely are or will fall below the standard of care, the Licensee should consider dismissing the patient before treatment is begun. Furthermore, when patient records are requested in writing, the Licensee is obligated to provide those records per OAR 818-012-0030(8). The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0084 Ms. Davidson, moved and Ms. Mason seconded that with regard to Respondent #1 the Board 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, that the Board 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 Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0068 Mr. Smyth moved and Ms. Mason seconded that the Board vote to adopt the Evaluators' recommendation as follows: Regarding case 2007-0068, issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which he agrees to:

- 1) Be reprimanded;
- 2) Licensee's license to practice dentistry in the state of Oregon is suspended, but stayed on the condition that Licensee applies through the Oregon Academy of General Dentistry (OAGD) for entry into the Board's mentoring program within 30 days of this Order;
- 3) Licensee shall successfully complete the Board/OAGD mentoring program at Licensee's expense. Under the mentoring program, Licensee must attain an acceptable level of skill in record keeping, diagnosis and treatment planning, occlusion, and fixed prosthodontics. Licensee will remain in the mentoring program until such time as the mentor advises the Board that Licensee achieved an acceptable level of skill in the listed areas of dentistry, and the Board advises Licensee in writing that he met the provisions of this Order. In the event Licensee's mentor agreement ends prematurely, the Board may require an alternative education program for Licensee;
- 4) Licensee shall cease and desist from performing fixed prosthodontic treatment until Licensee successfully completes the requirements of paragraph 3 above, except that Licensee may undertake such cases as part of a Board approved program, as described in paragraph 3 above;
- 5) Licensee shall complete, within one year of the effective date of the Order, a Board-approved continuing education course in occlusion;
- 6) As soon as possible after successful completion of a Board approved continuing education course in occlusion, Licensee shall provide the Board with documentation of such successful completion;

7) Licensee shall provide the Board with documentation verifying reimbursement payment of \$862.40 made to Delta Dental Insurance, Roanoke, VA, the patient's insurance carrier, within 30 days of the effective date of the Order;

8) Licensee shall provide the Board with documentation verifying reimbursement payment of \$59.20 made to Met Life Insurance, Lexington, KY, the patient's insurance carrier, within 30 days of the effective date of the Order;

9) Licensee shall pay \$20,683.40 (Twenty thousand six hundred eighty three dollars and forty cents) in restitution in the form of a cashiers, bank, or official check made payable to the patient and delivered to the Board office within 9 months of the effective date of the Order. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0111 Dr. Magnuson moved and Ms. Mason seconded that the Board close the case with a Letter of Concern reminding the Licensee to assure that, when informed consent is obtained prior to treatment, PARQ, or its equivalent, is documented in the patient record; when periodontal disease is diagnosed, the diagnosis is documented in the patient record; and when submitting application for license renewal, all continuing education requirements have been fulfilled. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0123 Dr. Huddleston moved and Dr. Magnuson seconded that the Board close the case with a Letter of Concern, in which the Licensee is reminded to assure that, when administering nitrous oxide sedation, appropriate documentation is made in the patient record, per OAR 818-026-0040; and when a consultation with a supervising dentist regarding the patient's health history, oral health status, treatment protocol, or other factors that pertain to the patient's health and well-being takes place, the conversation is documented in the patient's record. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, and Dr. Magnuson voting aye. Dr. Parker recused herself.

2007-0081 Ms. Davison moved and Ms. Grant seconded that the Board with regard to Respondents #1 & #3, close the matter with Letters of Concern reminding each Licensee that it is their responsibility to ascertain that all employees under their 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 move the Board 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 Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0114 Ms. Smyth moved and Ms. Mason 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 Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0144 Ms. Mason moved and Dr. Magnuson 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 administering nitrous oxide sedation, vital signs are taken before, during, and after the sedation; and the patient's condition upon discharge is documented. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0137 Dr. Magnuson 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 it is documented in the patient records and that the Board's continuing education requirements for renewal of his Class 1 Anesthesia Permit are met. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2006-0226 Dr. Parker moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which he agrees to be reprimanded; and Licensee shall pay a \$15,000.00 civil penalty in the form of a cashier's, bank, or official check, made payable to the Oregon Board of Dentistry and delivered to the Board offices within 180 days of the effective date of the Order; and that his license to practice dentistry is suspended for twelve (12) months, with all but 30 consecutive days stayed. Licensee is placed on indefinite probation with the following conditions:

- 1) The Licensee will, within 30 days of the effective date of the Consent Order, submit to a comprehensive psychosexual evaluation by a qualified psychosexual evaluator approved by the Board and participate and cooperate fully in any and all aspects of a Board approved comprehensive treatment program as may be recommended by the qualified psychosexual evaluator or psychologist approved by the Board of Dentistry;
- 2) The Licensee will not absent himself from recommended treatment programs without prior approval of the program director and the Oregon Board of Dentistry or its designated representative;
- 3) That within 30 days of the effective date of the Consent Order, the Licensee will present to the Oregon Board of Dentistry clear written office protocols for physical, verbal and non-verbal contact and communication between the Licensee and any staff member and between the Licensee and any patient. These protocols must be approved by the Board and establish at a minimum:
 - a) Clear identification of acceptable limits of physical contact and verbal and non-verbal communication,
 - b) Protocols that allow any staff member to express concerns or complaints they may have about inappropriate physical contact or verbal and non-verbal communication between the Licensee and any patient or between the Licensee and any staff member. The protocols must include the ability of the staff to file a complaint with the Licensee, the Board or the Licensee's therapist,
 - c) Staff supervision during all contacts with female patients,
 - d) That the Licensee not provide treatment of any kind, routine or emergency, to any female patient unless he is chaperoned by a staff member who has been made fully aware of the contents of his Consent Order, including all conditions of probation, and who has received and read a copy of the written office protocols for physical and verbal contact of staff and patients within the office setting;
- 4) That within 30 days of the effective date of the Consent Order, and thereafter at least one time annually, the Licensee will review the contents, including all conditions of probation, of his Consent Order with all employees. The Licensee will review the contents, including all conditions of probation, of his Consent Order with newly hired employees within 30 days of their employment;
- 5) The Licensee will provide the Board annually, beginning with the first regularly scheduled Board meeting following the effective date of the Consent Order, documentation signed by each employee, verifying they have been made fully aware of the contents of his Consent Order, including all conditions of probation, and that each has received and read a copy of the written office protocols for physical contact and verbal and non-verbal communication between the Licensee and his staff and patients within the office setting;

The Licensee will make regularly scheduled appearances before the Oregon Board of Dentistry every six months beginning with the first regularly scheduled Board meeting following the effective date of the Consent Order. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0182 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. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0132 Ms. Davidson moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when temporary crowns are placed, the temporary crowns are well adapted to the margins of the crown preparation. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0045 Mr. Smyth moved and Ms. Mason seconded that the Board vote to issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to a reprimand; Licensee shall pay a \$5,000.00 civil penalty in the form of a cashier's, bank, or official check, made payable to the Oregon Board of Dentistry and delivered to the Board offices within 60 days of the effective date of the Order; within 30 days of the effective date of the Order Licensee shall prepare and forward to the Board a copy of an office protocol, initialed by each employee, outlining appropriate infection control guidelines, including the disposal of contaminated wastes and sharps; and Licensee agrees to forward copies of receipts and/or invoices from the disposal service used to remove contaminated wastes and sharps for one (1) year from the effective date of the Order. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0151 Ms. Mason moved and Mr. Smyth seconded that the Board take No Further Action. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0133 Dr. Magnuson moved and Mr. Smyth 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 complete at least 16 hours of hands-on continuing education in crown and bridge, at least three hours of continuing education in record keeping, and at least 16 hours of hands-on continuing education in endodontic therapy, all within one year; suspension of the Licensee's dental license, to be stayed if Licensee applies for the OAGD mentoring program within 30 days of this Order per the standard protocol of the Board; and to discontinue endodontic therapy and crown and bridge treatment until all CE is completed and the Licensee is participating in the OAGD mentoring program. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2006-0111 Dr. Parker moved and Dr. Grant seconded that the Board issue a Notice of Proposed License Suspension. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2005-0028 Dr. Huddleston moved and Mr. Smyth seconded that the Board for Respondent #1, offer the Licensee a Corrective Action Order in which the Licensee would agree to never request reinstatement of the Licensee's expired license or to reapply for licensure. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2007-0118 Ms. Davidson, moved and Dr. Grant seconded that the Board reaffirm its February 9, 2007 action to offer a Consent Order that would include a reprimand, a \$1,500.00 civil penalty, to 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 Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2001-0059 Mr. Smyth moved and Dr. Grant seconded that the Board grant the Licensee's request and issue an Order of Dismissal. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

2005-0075 Dr. Magnuson moved and Dr. Huddleston seconded that the Board reject the Licensee's counter-offer and offer the Licensee a Consent Order in which she accepts a reprimand. The motion passed with Mr. Smyth, Dr. Grant, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye. Ms. Mason recused herself.

LICENSING ISSUES

2007-0196 Dr. Huddleston moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Denial of Application for License. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

Ms. Mason moved and Dr. Grant seconded that the Board ratify the licenses as shown. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

Dental Hygiene

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| H5165 | LOUISE A THESMAN, R.D.H. | 2/2/2007 |
| H5166 | SUSAN L WIESER, R.D.H. | 2/6/2007 |
| H5167 | LILLIAN L SPOERHASE, R.D.H. | 2/6/2007 |
| H5168 | TERESA L COLLINS, R.D.H. | 2/23/2007 |
| H5169 | TIFFANY F MC PHEETERS, R.D.H. | 2/23/2007 |
| H5170 | EMILY A WELLS, R.D.H. | 2/23/2007 |
| H5171 | TERRA P TAYLOR, R.D.H. | 2/28/2007 |
| H5172 | KELLY R MATTHEWS, R.D.H. | 2/28/2007 |
| H5173 | MARNIE J WOOD, R.D.H. | 2/28/2007 |
| H5174 | CONNIE S STANSBERY, R.D.H. | 3/7/2007 |
| H5175 | JANIE R STRICKLAND, R.D.H. | 3/9/2007 |
| H5176 | JENNIFER S PECK, R.D.H. | 3/13/2007 |
| H5177 | MARIANNE H HARDY, R.D.H. | 3/13/2007 |
| H5178 | MERANDA L CHIRRICK, R.D.H. | 3/14/2007 |
| H5179 | SHERYL M REEDER, R.D.H. | 3/14/2007 |

Dental

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| D8891 | CHENG ZHU, D.M.D. | 2/7/2007 |
| D8892 | JONATHAN S LUDWIG, D.M.D. | 2/8/2007 |
| D8893 | STACY L LOMELI, D.D.S. | 2/23/2007 |
| D8894 | MICHAEL PLUNKETT, D.D.S. | 2/23/2007 |
| D8895 | VICTOR CULLEN, D.D.S. | 2/23/2007 |
| D8896 | CHRIS J CURRY, D.M.D. | 2/28/2007 |
| D8897 | EVONNE M NADELHOFFER, D.D.S. | 3/14/2007 |
| D8898 | GARRETT K CAMPBELL, D.D.S. | 3/20/2007 |

REINSTATEMENT

Dr. Larry A. Moss is requesting that his dental license be reinstated under OAR 818-021-0085. Mr. Smyth moved and Ms. Mason seconded that the Board reinstate Dr. Moss's license. The motion passed with Mr. Smyth, Dr. Grant, Ms. Mason, Dr. Huddleston, Ms. Davidson, Dr. Magnuson, and Dr. Parker voting aye.

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 1:00 p.m. Dr. Nichols noted that the next Board meeting would take place May 18, 2007.

Approved by the Board May 18, 2007.

David Smyth, B.S., M.S.
President