

**OREGON BOARD OF DENTISTRY
MINUTES
October 10, 2008**

MEMBERS PRESENT: Darren Huddleston, D.M.D., President
Jill Mason, M.P.H., R.D.H., Vice President
David Smyth, B.S., M.S.
Melissa Grant, D.M.D.
Norman Magnuson, D.D.S.
Patricia Parker, D.M.D.
Jonna Hongo, 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)
Andrew Moschogianis, D.D.S., consultant (portion of meeting)
Lisa Warwick, Office Specialist (portion of meeting)

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

VISITORS PRESENT: Les Sturgis, C.R.N.A., Oregon Association of Nurse Anesthetists;
Douglas Matz, D.M.D., OAGD; Lynn Ironside, R.D.H., ODHA; Teri
Barichello, D.M.D., ODA; Beryl Fletcher, ODA; Ninette Lyon, ODAA,
Apollo College.

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 Dr. Magnuson seconded that the minutes of the August 15, 2008 Board meeting be approved as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Teri Barichello, D.M.D., introduced herself as the new OBD liaison to the Board. Dr. Barichello stated that the ODA had nothing to report but that she did want to thank Mr. Braatz for his presentation.

Oregon Dental Hygienists' Association

Ms. Ironside stated that the ODHA conference would be held next week at the Red Lion Inn at Jantzen Beach and it was being held in conjunction with the Washington State Dental Hygiene Association.

Oregon Dental Assistants Association

No one from the ODAA was present.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Magnuson stated that he had nothing to report currently and that the next WREB meeting will be held in January. Dr. Magnuson also reminded the Board members that if they had WREB surveys they still hadn't filled out, that they should do that as soon as possible.

ADEX Liaison Report

Mr. Braatz had nothing to report but stated that ADEX had a meeting coming up shortly and the Board could expect a full report at the next meeting.

AADE Liaison Report

Dr. Parker stated that there was nothing to report from the AADE.

Committee Meeting Dates

Division 35 - Dental Hygiene

Ms. Mason moved and Dr. Hongo seconded that the Board forward to a rulemaking hearing OAR 818-035-0010(1) Definitions, changing the definition of limited access patient. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson and Dr. Huddleston were opposed.

Division 21 – Examination and Licensing

Dr. Magnuson moved and Ms. Mason seconded that the Board send OAR 818-021-0011(1)(e), Application for License to Practice Dentistry Without Further Examination, and 818-021-0025(1)(e), Application for License to Practice Dental Hygiene Without Further Exam, forward to a rulemaking hearing for a temporary rule change. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dr. Magnuson moved and Ms. Mason seconded that the Board send OAR 818-021-0025(1)(e), Application for License to Practice Dental Hygiene Without Further Exam, allowing for the acceptance of clinical teaching hours, forward to a rulemaking hearing. The motion passed with Dr. Huddleston, Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson was opposed.

Division 35 - Dental Hygiene

Dr. Magnuson moved and Ms. Mason seconded that the Board send OAR 818-035-0030 Additional Functions of Dental Hygienists, forward to a rulemaking hearing. The motion passed with Dr. Huddleston, Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson was opposed.

Division 42 – Dental Assisting

Dr. Magnuson moved and Dr. Parker seconded that the Board send OAR 818-042-0080(2)(b), Certification – Expanded Function Dental Assistant, to a rulemaking hearing. The motion passed with Dr. Huddleston, Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson was opposed.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz stated that due to some unplanned expenses such as postage, building maintenance increase, etc., he may have to go to the Emergency Board to ask for an extension of Budget authority to spend the money we have, but currently don't have authority.

Mr. Braatz added that attached for the Board's review was the budget report for the 2007-2009 Biennium with the change to the new accounts. There are still some issues with this report as it is missing some revenue detail which is being corrected and will be a part of the next report. This report is for the period July 1, 2007 through August 30, 2008. The report shows revenue of \$1,120,447.22 and expenditures of \$1,141,518.31. This report does not reflect the final month of revenue for the renewal of Dental Hygienists which ended September 30, 2008. Mr. Braatz stated that he is monitoring the budget very closely as a review of the budget compared to the last biennium for the same time period, shows an increase in revenue of \$110,110.00, and an increase of expenditures of \$192,866.00 over the previous biennium.

Customer Service Survey Report

Mr. Braatz attached a chart which shows the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2007 through September 30, 2008.

The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys. The booklet containing the written comments that are on the survey forms, which staff has reviewed, are available on the table for Board members to review.

Board and Staff Speaking Engagements

Friday, September 5, 2008 – Mr. Braatz and Dr. Kleinstub made a presentation to the Eastern Oregon Dental Society. Approximately 125 people were in attendance.

Saturday, September 13, 2008 – Mr. Braatz made a presentation to the Oregon Dental Association House of Delegates at Gleneden Beach.

National Practitioner Data Bank (NPDB)-Healthcare Integrity and Protection Data Bank (HIPDB), Western Regional Policy Forum

Mr. Braatz stated that he and Licensing Manager Teresa Haynes, attended the first NPDB-HIPDB Western Regional Policy Forum that was held September 11-12, 2008 in San Francisco, CA.

It was a very educational and informative meeting and they were able to ask questions about the two data bank procedures and policies as well as the new Proactive Disclosure Service (PDS) that we are looking to become a part of. One major positive point of using the PDS is that under the current Traditional Service, which is what we currently have, the data banks have an average of 302 days of lapse time between receipt of a report and the disclosure information in response to a query. Under the PDS, they will notify subscribers of a report on their enrolled practitioners within one business day of receipt by the data banks.

We were informed that OBD has 100% compliance for filing required reports within 30 days of Board action.

Mr. Braatz stated that we had planned on participation in the PDS program, but our Budget Analyst has denied our request to raise fees to participate in the Proactive Disclosure Service program and at this time Mr. Braatz has decided to appeal that decision.

2009-2011 Legislative Session Update

Mr. Braatz stated that Legislative Concepts affecting all of the Health Care Licensing Regulatory Boards continue to be reviewed by various Interim Committees of the Legislature. The Governor's Office also continues to work on Legislative Concepts regarding many aspects of the Health Care Licensing Regulatory Boards.

He again encouraged members of the OBD to contact members of the Oregon Legislature on their concerns regarding these Legislative Concepts as we move closer to the November elections and then again after the election.

Mr. Braatz added that there is a concept looking at giving Administrative Law Judges final authority for hearing discussion instead of the Boards. He stated he would keep the Board updated on this.

Secretary of State Audits Division Report

Mr. Braatz stated that we have received the final Audit Report for the OBD from the Secretary of State Audits Division. It has been posted to the Secretary of State's Web site. Most of the items addressed in the Audit have been taken care of or will be within the next six months.

Board Strategic Planning Meeting Update

Attached is the updated summary of the results of the Board Strategic Planning Session. Only two items remain to be accomplished from the list established by the Board in October of 2007.

Dental Assisting Radiologic Examination Proposal/Petition

Mr. Braatz stated that after doing his research he cannot recommend that the Board go forward with this proposal from a consortium of Dental Assisting Programs. They are asking the Board to create a new Radiologic Dental Assisting Examination for dental assisting students who attend those schools.

Newsletter

Mr. Braatz stated that we are in the process of completing the newsletter, however in an effort to save funds, we are waiting to mail the newsletter until after the Board had the Rulemaking Hearing and adopted the various rule changes so that information can be included in the newsletter. Mr. Braatz also asked the Board to review an article written by Board Vice President Jill Mason regarding a previous article that the Board published by Dr. Gary Chiodo. Mr. Braatz stated that the newsletter would be out the early part of November.

UNFINISHED BUSINESS

CORRESPONDENCE

The Board received a letter from Mark Feldman, D.M.D., President - ADA

The Board received a letter from Dr. Mark Feldman, President, ADA, regarding clinical licensing exams for all state Dental Boards to review.

The Board received a letter from Donald H. Busby, D.M.D., President, Board of Dental Examiners of Alabama

The Board received a letter from Donald Busby, D.M.D., regarding the letter sent to all State Boards and Regional Exams by Dr. Mark Feldman.

The Board received a letter from Heather Amistadi, J.D., Executive Director/General Counsel – CITA

The Board received a letter from Heather Amistadi, J.D., Executive Director/General Counsel regarding the letter sent to all State Boards and Regional Exams by Dr. Mark Feldman.

The Board received a letter from Delma H. Kinlaw, D.D.S., President - CITA

The Board received a letter from Delma H. Kinlaw, D.D.S., regarding the letter sent to all State Boards and Regional Exams by Dr. Mark Feldman.

The Board received a letter from Ronald K. Owen, D.D.S., President, North Carolina State Board of Dental Examiners

The Board received a letter from Ronald K. Owen, D.D.S., regarding the letter sent to all State Boards and Regional Exams by Dr. Mark Feldman.

The Board received a letter from Leah Diane Howell, Executive Director, Mississippi State Board of Dental Examiners

The Board received a letter from Leah Diane Howell, Executive Director, regarding the letter sent to all State Boards and Regional Exams by Dr. Mark Feldman.

The Board received a letter from Paul Cosgrove

Mr. Braatz stated that he has attached an email from Mr. Cosgrove, as well as history of the Dental Hygiene Committee, and email messages between himself and the Chair of the Hygiene Committee. Dr. Huddleston stated that he would like to hear from Ms. Mason, Chair of the Dental Hygiene Committee, regarding her understanding of the situation. Ms. Mason concurred with Mr. Braatz that her idea of the situation is the same as Patrick's, that committees meet when they need to meet, and that maybe we need to try to make more people aware of what's going on and when. Dr. Huddleston added that although the Dental Hygiene Committee doesn't meet frequently, it does meet when it's necessary and also that nothing has ever, or ever will be, kept from the Dental Hygiene Committee.

As far as the concern over meeting in Executive Session, the Board feels that it is the Board's right to meet in Executive Session. Anyone who can't be here when the public session begins and discussion occurs, can always call to find out. The results are always in the minutes. Mr. Braatz and Board President Dr. Huddleston will draft a response to Mr. Cosgrove.

OTHER BUSINESS

Adoption of Rules

Ms. Mason moved and Dr. Grant seconded that the Board approve OAR 818-001-0002, Definitions, as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dr. Magnuson moved and Ms. Mason seconded that the Board approve OAR 818-012-0030, 818-012-0040, 818-012-0060 and 818-012-0070, as amended. The motion passed with Ms. Mason,

Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Ms. Mason moved and Dr. Grant seconded that the Board approve OAR 818-015-0005, 818-015-0007, and 818-015-0015, as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Ms. Mason moved and Dr. Hongo seconded that the Board approve OAR 818-021-0017, as amended. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dr. Magnuson moved and Ms. Mason seconded that the Board approve OAR 818-026-0030, as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Ms. Mason moved and Dr. Parker seconded that the Board approve OAR 818-035-0020, 818-035-0025, 818-035-0030, 818-035-0040, and 818-035-0100, as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dr. Hongo moved and Dr. Parker seconded that the Board approve OAR 818-042-0095, as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Proposed Protocol Changes

Mr. Wayson asked the Board to review the proposed changes to the Board Protocols and adopt or reject his recommended changes. The first item to be looked at was the process for clinical expertise. It should be added to protocol so it doesn't have to be spelled out in every Consent Order that may include it. The second revision asked the Board for clarification of the term "Group Practice." The Board stated that the definition of Group Practice would be multiple practitioners working in the same location for the same business entity.

Dr. Magnuson moved and Dr. Hongo seconded that the Board approve the additions to the Board Protocols as suggested by Mr. Wayson. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Annual Diversion Program Report

Mr. Wayson made his Annual Diversion Report to the Board. He outlined some new language as well as a few changes that he would like the Board to consider, to allow for greater transparency in addressing relapse cases and release from the Diversion Program. Ms. Mason moved and Dr. Parker seconded that the Board approve the changes presented by Mr. Wayson to allow for more transparency in the Board Diversion Program. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

IV Course Approval Requisition

Dr. Grant moved and Dr. Magnuson seconded that the Board approve the IV Course as presented. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dental Practice Act Question

The Board was asked if Dental Assistants were allowed to do periodontal probing. The Board, in general, was uncomfortable with the idea and several individuals said that although probing isn't diagnostic, it is a tool used for diagnoses. Currently it is not prohibited, and if the Board wants to prohibit it or require education for it, then the Board needs to create a rule to do that. Ms. Mason pointed out that probing was something that both Dental Hygienists and Dentists are tested on as part of an exam. This question was sent to the Rules Committee for further review.

Articles and News of Interest (no action necessary)

- State Legislative Report, September 2008
- State Legislative Report, October 2008

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 **2007-0071 and 2007-0069.**

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2009-0048, 2009-0060, 2009-0019, 2009-0051, 2008-0303, 2009-0068, 2009-0064 and 2009-0046 Ms. Mason moved and Mr. Smyth seconded that the above referenced cases be closed with No Violation of the Dental Practice Act per the staff recommendations. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

COMPLETED CASES

2009-0025, 2008-0273, 2008-0163, 2008-0291, 2009-0002, 2008-0276, 2009-0054, 2008-0175, 2008-0295, 2008-0294, 2008-0231, 2009-0012, 2008-0264, 2008-0190, 2008-0228, 2008-0191, 2008-0233, 2008-0187, 2008-0225 and 2008-0211 Ms. Mason moved and Dr. Grant 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 Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2009-0026 Mr. Smyth moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern for both Respondents addressing the issue of ensuring that persons have appropriate certifications when duties are authorized by the supervising dentist. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0258 Dr. Magnuson moved and Dr. Parker 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

medication is prescribed, a dental justification is documented in the patient records; and that when conscious sedation is administered, continuous monitoring with pulse oximetry and the patient's condition upon discharge are documented. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2009-0013 Dr. Hongo moved and Dr. Magnuson 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 pay a \$1,000.00 civil penalty within 30 days of the effective date of the Order. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2009-0008 Dr. Parker moved and Dr. Grant 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 or prescribing medication. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0285 Dr. Grant moved and Mr. Smyth 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 all treatment that is provided is documented in the patient records; and that a dental justification is documented for treatment that is provided. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson and Dr. Hongo voting aye. Dr. Parker abstained.

2008-0286 Mr. Smyth moved and Ms. Mason seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that appropriate training required by the Board's rules is completed before providing cosmetic surgical procedures, that all advertisements are in compliance with the Board's advertising rules, and that all continuing education hours needed for nitrous oxide permit maintenance are completed in a timely manner. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0246 Dr. Magnuson moved and Dr. Grant seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that all treatment that is provided is documented in the patient records, that every effort is made to accurately diagnose pathology evident on radiographs, and that all reasonable treatment options are explored before providing irreversible treatment. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0151 Dr. Hongo moved and Dr. Grant seconded that the Board, with regard to Respondent #1, Issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order in which Licensee would pay a \$5,000 civil penalty; complete three hours of Board approved continuing education in the area of record keeping within six months; agree to restrictions on Licensee's dental license that Licensee only practice dentistry in a group setting for a period of at least five years; and that for a period of at least six months, Licensee may use Licensees' restricted dental license only under the close supervision of a Board approved Oregon licensed dentist(s) to demonstrate clinical skills that meet the standard of care, per the standard protocols. With regard to Respondent #2, close the case with a finding of No Violation of the Dental Practice Act. The

motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0143, 2008-0281, 2008-0181 Dr. Parker moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order by which Licensee would agree to a reprimand; Licensee would pay a \$37,340 restitution payment to patient RB; a \$15,033 restitution payment to patient RR; a \$11,086 restitution payment to patient JP; a \$8,960 restitution payment to patient AM; resign Licensee's Oregon Dental License within one year of the effective date of the Order and agree to never reapply for an Oregon Dental License. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0232 Dr. Grant moved and Dr. Parker seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that a dental justification is documented in the patient's records when providing treatment, and that all treatment that is provided and all medications prescribed are documented in the patient's records. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0302 Mr. Smyth moved and Dr. Grant seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that the appropriate level of supervision is exercised on all persons, and that no person is allowed to perform duties for which the person is not licensed or certified. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0248 Dr. Magnuson moved and Dr. Parker 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 make a restitution payment of \$525.00 to the patient. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0217 Dr. Hongo moved and Dr. Grant seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that informed consent is obtained in advance of utilizing behavior modification techniques and that the appropriate ACLS/PALS certification is kept current, for whichever is appropriate for the patient being sedated. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0275 Dr. Parker 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; that pathology evident on radiographs is documented in the patient records; and that there is a dental justification documented for any prescriptions that are written. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0212 Dr. Magnuson moved and Dr. Hongo seconded that the Board close the matter with a finding of No Violation of the Dental Practice Act and open a complaint against the subsequent treating dentist. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2009-0007 Dr. Hongo moved and Dr. Parker 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 to be placed on probation for a period of two years, effective June 6, 2008, and subject to the terms of the Medical Board of California Stipulated Settlement and Disciplinary Order in case 05-2004-161299. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2009-0018 Dr. Parker moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern reminding the Licensees that they are responsible to assure advertisements placed, by or including them in the content of the advertisement, comply with the Board's rules on advertising. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0203 Dr. Grant moved and Mr. Smyth seconded that the Board close the matter with a strongly worded Letter of Concern addressing the lack of PARQ, lack of a dental justifications for treatment provided, the need to have current radiographs of teeth being prepared for crowns, and document the use of local anesthetics and the taking of impressions. In addition, pre-cementation radiographs should be utilized to assure crown margins are closed when such margins are not accessible to visual inspection. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0236 Mr. Smyth moved and Dr. Hongo 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 make a restitution payment of \$3,548.00 to the patient. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0253 Dr. Magnuson moved and Dr. Hongo 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 Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0288 Dr. Hongo 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 Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2008-0230 Dr. Parker moved and Ms. Mason seconded the Board move to issue a Default Order incorporating a reprimand and restitution payment of \$3,995 to the patient. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2004-0170 Dr. Grant moved and Ms. Mason seconded that the Board move to grant Licensee's request and release Licensee from the Voluntary Diversion Program. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2004-0173 Mr. Smyth moved and Dr. Hongo seconded that the Board allow Licensee to remain in

the Diversion Program with greater controls. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2006-0066 Dr. Magnuson moved and Ms. Mason seconded that the Board grant Licensee's request and release Licensee from the Voluntary Diversion Program. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2006-0133 Dr. Hongo moved and Dr. Parker seconded that the Board remove Licensee from the Voluntary Diversion Program, and permit Licensee to continue practicing dental hygiene providing that Licensee agree to the terms of an Interim Consent Order incorporating provisions to support the recovery efforts and protect the public, and on the basis that Licensee enter residential treatment not later than December 2008 and notify Licensee's employer of Interim Consent Order. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2006-0207 Dr. Parker moved and Ms. Mason seconded that the Board move to close the matter with No Further Action and Issue an Order of Dismissal dismissing the Notice of Proposed Disciplinary Action dated 9/19/07. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2008-0220 Dr. Magnuson moved and Mr. Smyth seconded that the Board offer Licensee a Consent Order in which provision number one was reworded, and if by Tuesday, 10/14/08, Licensee was not in a Board approved residential treatment program, add to provision one of the Consent Order, "and shall initiate that residential treatment in a Board approved facility within seven days of the effective date of this Order." The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

2007-0069 Mr. Smyth moved and Ms. Mason seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order by which Licensee would agree to resign his Oregon dental license and agree never to reapply for an Oregon dental license. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

LICENSURE AND EXAMINATION

2008-0146 Dr. Grant moved and Dr. Magnuson seconded that the Board move to grant Licensee reinstatement of her dental hygiene license. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Ratification of Licenses Issued

Dr. Parker moved, and Mr. Smyth seconded, that licenses issued be ratified as published. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Dental Hygienists

H5472	LUBOV M FULTZ, R.D.H.	8/6/2008
H5473	CHRISTY L MYERS, R.D.H.	8/7/2008
H5474	HANH T TRAN, R.D.H.	8/7/2008
H5475	CRISTINA L BEC, R.D.H.	8/7/2008
H5476	DEA M MINNITTE, R.D.H.	8/12/2008
H5477	FALLON L TOBIN, R.D.H.	8/12/2008
H5478	JESSICA M GALLEGOS, R.D.H.	8/12/2008
H5479	ANJA K SHIRLEY, R.D.H.	8/12/2008
H5480	MELISSA A STAPLETON, R.D.H.	8/14/2008
H5481	DANIELLE M GROVE, R.D.H.	8/19/2008
H5482	CHERYL L STEWART, R.D.H.	8/19/2008
H5483	CONSTANCE L DAVIS, R.D.H.	8/19/2008
H5484	AUTUMN L WIRTH, R.D.H.	8/13/2008
H5485	YADIRA MARTINEZ, R.D.H.	8/28/2008
H5486	RONNI J BUSH, R.D.H.	8/28/2008
H5487	TAMMY C HAYES, R.D.H.	8/28/2008
H5488	MORGAN R RODMAN, R.D.H.	8/28/2008
H5489	HUONG T NGO, R.D.H.	9/4/2008
H5490	LIZETTE N NGUYEN, R.D.H.	9/4/2008
H5491	STEPHANI A SISSON, R.D.H.	9/4/2008
H5492	KATHLEEN C HERZOG, R.D.H.	9/4/2008
H5493	KERI E SMITH, R.D.H.	9/5/2008
H5494	JAMIE R BRANDTNER, R.D.H.	9/5/2008
H5495	SABRINA A COLLINS, R.D.H.	9/5/2008
H5496	AMBER J CROCKER, R.D.H.	9/5/2008
H5497	KRISTANN K QUIGLEY, R.D.H.	9/5/2008
H5498	BRIANNE C DAVIDSON, R.D.H.	9/5/2008
H5499	AIMEE C SCHANZ, R.D.H.	9/5/2008
H5500	CASEY D HARRIS, R.D.H.	9/5/2008
H5501	HELIA M AMADO, R.D.H.	9/5/2008
H5502	CHRISTINE D PHILLIPS, R.D.H.	9/5/2008
H5503	MARY M NELSON, R.D.H.	9/8/2008
H5504	VALARIE I AUSTIN, R.D.H.	9/8/2008
H5505	LAUREL M EVANS, R.D.H.	9/8/2008
H5506	SARAH E HOYER, R.D.H.	9/8/2008
H5507	ALISA B NELSON, R.D.H.	9/17/2008
H5508	AMBER R DAGGETT, R.D.H.	9/17/2008
H5509	CATHERINE A DARY, R.D.H.	9/19/2008
H5510	THANH T TRUONG, R.D.H.	9/19/2008
H5511	RYAN D MADSEN, R.D.H.	9/19/2008

H5512	DANA P SHIPLEY, R.D.H.	9/19/2008
H5513	MARY R JONES, R.D.H.	9/19/2008
H5514	ALMA R HUERTA, R.D.H.	9/19/2008
H5515	MELANIE L LEISKE, R.D.H.	9/19/2008
H5516	ELIZABETH A ELIASON, R.D.H.	9/19/2008
H5517	ALISON S HENNES, R.D.H.	9/24/2008
H5518	MARI LYN E STEWART, R.D.H.	9/24/2008
H5519	YIAN J HUDDLESTON, R.D.H.	9/24/2008
H5520	ANGELA K SCHMIERBACH, R.D.H.	9/30/2008
H5521	ROSIE H HOANG, R.D.H.	9/30/2008
H5522	BRANDY N PEER, R.D.H.	9/30/2008
H5523	JULIANA D LUEPTOW, R.D.H.	9/30/2008
H5524	MONIKA B ALCORN, R.D.H.	9/30/2008

Dentists

D9180	TRISTAN V MARTIN, D.M.D.	8/7/2008
D9181	DILAN V MUNAWEERA, D.D.S.	8/12/2008
D9182	JOHN H WORTHINGTON, D.D.S.	8/14/2008
D9183	DAVID M BARNEY, D.M.D.	8/14/2008
D9184	TIMOTHY A BACHMAN, D.M.D.	8/28/2008
D9185	ANDREW N DOW, D.M.D.	8/28/2008
D9186	ALALEH MOAZAMI, D.M.D.	8/28/2008
D9187	MATTHEW A PARK, D.M.D.	9/4/2008
D9188	MARK P TRANBY, D.M.D.	9/17/2008
D9189	MELISSA M HUTTON-BEADNELL D.M.D.	9/19/2008
D9190	ELISHA B MAYES, D.D.S.	9/19/2008
D9191	TODD C COOPER, D.D.S.	9/19/2008
D9192	RAM K GRANDHI, D.D.S.	9/24/2008
D9193	MARDELLE PETERSEN, D.D.S.	9/24/2008
D9194	RUSSELL K SEARLE, D.M.D.	9/30/2008
D9195	JANICE E PILON, D.D.S.	9/30/2008
D9196	PAUL M DECKER, D.D.S.	9/30/2008

Specialty Exams Dr. Hongo moved and Dr. Magnuson seconded that the Board approve the Endodontic, Oral and Maxillofacial, Orthodontic and Prosthodontic Specialty Exams as proposed. The motion passed with Ms. Mason, Mr. Smyth, Dr. Grant, Dr. Magnuson, Dr. Parker and Dr. Hongo voting aye.

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 11:45 a.m. Dr. Huddleston stated that the next Board meeting would take place December 5, 2008.

Approved by the Board December 5, 2008.

_____/S/_____
Darren Huddleston, D.M.D.
President