

**OREGON BOARD OF DENTISTRY  
MINUTES  
July 24, 2009**

- MEMBERS PRESENT: Jill Mason, M.P.H., R.D.H, President  
Norman Magnuson, D.D.S., Vice President  
Darren S. Huddleston, D.M.D.  
David Smyth, B.S., M.S.  
Rodney S. Nichols, D.M.D.  
Mary Davidson, R.D.H., LAP  
Patricia A. Parker, D.M.D.  
Jonna E. 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)  
Lisa Warwick, Office Specialist (portion of meeting)
- ALSO PRESENT: Lori Lindley, Esq., Sr. Assistant Attorney General
- VISITORS PRESENT: Lynn Ironside, R.D.H., ODHA; Ninette Lyon, ODAA, Apollo College;  
Gary Allen, D.M.D., Willamette Dental Group; Teri Barichello,  
D.M.D., ODA; Douglas Matz, D.M.D., OAGD.

**Call to Order:** The meeting was called to order by the President at 7:34 a.m. at the Board office; 1600 SW 4<sup>th</sup> Ave., Suite 770, Portland, Oregon.

**NEW BUSINESS**

**MINUTES**

Dr. Magnuson moved and Mr. Smyth seconded that the minutes of the May 15, 2009 Board meeting be approved as amended. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**ASSOCIATION REPORTS**

**Oregon Dental Association**

The ODA had nothing to report.

**Oregon Dental Hygienists' Association**

Ms. Ironside stated that it was the ODHA's hope that some temporary rules could be adopted to implement the changes from HB 3204.

**Oregon Dental Assistants Association**

The ODAA had nothing to report.

## **COMMITTEE AND LIAISON REPORTS**

### **WREB Liaison Report**

Dr. Magnuson stated that WREB was a very informative meeting. He stated that on July 15 the WREB Exam Review Committee met to make some changes to next year's exams, with the Board approving a few changes. One is that for those who've done the Endodontic exam previously, duplicate x-rays will not be needed, as they've found a way to take care of that security issue. In the Operative portion, they've made a couple of small changes; the most noticeable being the redefinition of demineralization for the exam as it's been a huge issue.

Dr. Magnuson told the Board that WREB currently has an 81.8% pass rate since they've changed to their new scoring system. WREB thought the pass rate would drop more dramatically than it has but it's only dropped a few points. Dr. Magnuson stated that the restorative portion of the Hygiene Exam has had a relatively large failure rate. Ms. Davidson added that typically the restorative portion of the exam is in the 90s but as this is a new exam for Oregon, the pass rate was considerably lower and that WREB said they weren't concerned with the high failure rate as new states typically had a learning curve of a few years. WREB also assured us that the examiners were all calibrated.

Dr. Magnuson stated that Minnesota has a new rule allowing for the Canadian Clinical Exams which is not done on a patient, and that there was some concern on how that would be handled with reciprocity. Mr. Braatz stated that this shouldn't be an issue for Oregon as our rules require a regional or state exam. The Canadian Exam is neither, but Mr. Braatz stated we'd look into our rules to make sure our intent was clear.

The last item that Dr. Magnuson mentioned was that with more states joining WREB, there was discussion whether every member state should have a position on the Board or to keep the Board lean to allow for a better decision making process. The discussion was split on how to handle that situation and we should keep up on this situation.

Ms. Davison attended the dental hygiene portion of the meeting and stated that there was some restructuring going on in WREB and also added that they will be moving the office the first week of August; none of which should have an impact on anyone. She stated that the annual David S. Low Service Award was presented to Anna Policelli, R.D.H., for her exemplary service to WREB as an examiner. Ms. Davidson also add that there was a working module of the computer portion of the WREB exam and that after the demonstration was over, it had gone miles to make everyone feel much more comfortable with the concept than before and the process appears to be going very well.

### **WESTERN STATES CONFERENCE**

Dr. Magnuson stated that Mr. Braatz did a great job with his presentation although he was not feeling well. He stated that he was enlightened in the political process of the clinical curriculum integrated exam and how the Deans from various schools were saying they'd like that approach, but then it was pointed out that WREB had offered it many times but the Deans kept kicking it out and had not wanted to participate. He stated that the politics at that level is amazing and the lack of follow through; the case of saying one thing, yet doing another.

Dr. Magnuson stated that the Western Conference has always held their meeting in conjunction with the WREB meeting and now WREB is going to possibly delay their Board Meeting for a

variety of reasons, including timing and cost. Dr. Magnusson noted that the first day of the meeting there was a lot of discussion whether they even needed to have one, but by the second day most were in consensus that they did want to continue the meeting. Dr. Magnuson concluded that we'll just have to wait and see what takes place. Mr. Braatz added that he did not see how the Western States Conference could take place without doing it around WREB scheduling.

### **AADE Liaison Report**

**National Exam Survey** – The AADE sent a National Exam Survey to the Board as they are still working on having one national exam for dentistry. The questions are “How Does the Board Feel about One National Board?” and the second is “What Role Should the AADE Play in Developing this Exam?” Mr. Braatz stated that he would like the Board to take a position. He notified the AADE that we would not be able to respond to their national exam survey by the date indicated but we would provide feedback after our Board meeting.

Dr. Huddleston moved and Dr. Parker seconded that the Board move to support the concept of one national exam. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **Call for Comments – Record Keeping Guidelines**

The Board had no comment.

### **ADEX Liaison Report**

Dr. Huddleston said he attended his first ADEX meeting on June 13, 2009. He stated that ADEX was not happy with the way the WREB Exam is offering their exam all over the country and believes WREB should stay in their territory, meaning the Western U.S. He added that ADEX is in favor of having one national exam and they would prefer to be the group who holds the exam, distributing it to the national exam groups, and then the exam groups would administer the exam to their specific region.

Dr. Huddleston stated that the psychometrician's presentation was really interesting and that after reviewing the information it became very clear that regional exams are NOT all the same. The weighting is different, scoring is different, requirements are different, etc. and that, in his belief, for a state to accept all licensing exams is not appropriate.

He also stated that we will need to think about appointing a dental hygiene member to the ADEX committee.

### **Committee Meeting Dates**

Mr. Braatz stated that he was trying to schedule the next Anesthesia Committee meeting and everyone would be notified when that happens.

### **Anesthesia Committee Meeting Report**

Dr. Nichols stated that the second Anesthesia Committee meeting was held June 13, in an attempt to decide what we are doing and how to bring our current anesthesia rules into compliance with the ADA suggested guidelines. Dr. Nichols stated that nothing had been finalized and that the committee was still in the process of discussing the possible changes. We are adding some additional Licensees to the committee to make sure that we have a representation of general dentists as well as specialists. We have added a pediatric dentist, Dr.

Richard Park.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Budget Report**

Attached is the budget report for the 2007-2009 Biennium with the changes to the new accounts. This report is for the period July 1, 2007 through May 31, 2009. The report shows revenue of \$1,794,890.49 and expenditures of \$1,839,760.59. Mr. Braatz stated that he included an update of the budget including the \$81,000 last minute budget cut from the legislature. We still haven't heard if the Legislature is going to sweep any of our funds.

### **Customer Service Survey**

Attached is a chart which shows the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2008 through June 30, 2009. 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.

### **Western Conference of Dental Examiners and Dental School Deans**

Attached are copies of the two Power Point presentations that Mr. Braatz made at the Western Conference of Dental Examiners. The first was "Education, Examinations, Age, Gender: Do they Impact Board Complaints?" and the second was "National Licensing Examinations." Mr. Braatz stated that there were some very interesting presentations.

### **Board and Staff Speaking Engagements**

Friday, May 29, 2009 – Mr. Braatz made a presentation to the Hayden Family Dental Group on Record Keeping at the Willamette Valley Vineyards located in Turner, Oregon; there were approximately 30 people in attendance.

### **2009 Legislative Session Update**

Mr. Braatz attached the final Legislative Bills Summary Report which shows the Legislative Bills which have become law and will affect the Dental or Dental Hygiene profession, as well as the OBD as a state agency. Mr. Braatz stated that he wanted to update the Board on some of the Bills that may have an impact on the OBD.

- HB 2009- Minor provision regarding a health care workforce committee giving them ability to assess fees against Licensees to pay for program.
- HB 2058- Streamlines regulatory boards. Board terms stay the same. Governor appoints, Senate confirms. Increases public members to at least two. This rule does not remove any professional members. Allows Board to change Board member compensation.
- HB 2059 – law effective January. Healthcare professionals must report prohibited or unprofessional conduct to their Board and if you don't, your Board must file a complaint against you. Now there is also a requirement to report misdemeanors to your Board in a set amount of days. Also requires Board to report within ten days any illegal conduct. Our Senior Assistant Attorney General is working on this definition as our investigations take longer than ten days.

- HB 2118 –Two significant changes. First, the process regulatory Boards must use to audit themselves, and the second removes the Board’s authority to fire the Executive Director and places that with the Governor.
- HB 2345 – Statewide diversion program. Legally we are still analyzing the situation. We have no choice regarding participation in this program. We’re looking at rules to allow participants to sign releases to get all information involved on all sides. If we can’t do that, then we’re not sure of our approach. Our program will cease in July of 2010. We’re hoping we can continue with the way we’ve been doing things as long as there are releases signed, otherwise, the Board will have to make big decisions.
- HB 3175- provision made to Malpractice posting that says any malpractice action taken will be a public record forever, which is a change from the original rules only making it visible for four years.
- HB 3204 – Hygiene bill, parts are effective now, some in January.
- SB 274 – Administrative law case changes.
- SB 355 – Prescription monitoring program. DHS will monitor this program. Every licensee that can prescribe scheduled drugs will have a \$25 fee added per year, which will be added as a \$50 fee to license renewals. This program will allow you access to the system showing prescription information to licensees. Effective January 1, but we don’t know how long it will take to implement fully.

### **Governor Theodore R. Kulongoski Letter on Board Consolidation**

Mr. Braatz wanted to share with the Board a letter recently sent out by the Governor discussing the possibility of Board consolidation.

### **Best Practices Self Assessments**

Mr. Braatz reminded the Board that as a part of the Legislatively Approved Performance Measures, the Board needed to complete the attached Best Practices Self-Assessment so that it can be included as a part of the 2009 Performance Measures Report.

Mr. Smyth moved and Dr. Magnuson seconded that the Board approve the Best Practice management as 100%. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **Agency Head Financial Transaction Report 7/1/2008 – 6/30/2009**

Mr. Braatz stated that the Board Policy requires that at least annually the entire Board will review agency head financial transactions, that acceptance of the report will be placed in the Minutes, and that typically the Board reviews and approves this report which follows the close of the recent fiscal year. Mr. Braatz stated that the report is marked “Draft” as we have not received the Parking invoice for June. Mr. Braatz provided an update in the Board’s handout showing the addition of the parking invoice and Mr. Braatz stated he would answer any questions regarding the report.

Ms. Davidson moved and Dr. Parker seconded that the Board approve the agency head financial transactions as presented. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **Possible Board Meeting Date Change**

Based on the most recent union contract negotiations, a tentative agreement has been reached and March 19, 2010 may be designated as one of six mandatory closure days for all non-essential state government offices. March 19, 2010 is one of the OBD Board Meeting dates.

Mr. Braatz added that he has asked for clarification if the OBD can close on a different day that week and he is waiting for a response. If we cannot change the date of the closure, then we will need to select another Board meeting date, as the OBD cannot be open that day.

### **Review of ORS 679.050 Nonresident dentists giving or receiving instruction; hospital permits**

Mr. Braatz asked that the Board review this law and give some direction to the OBD staff on how to handle these cases between Board meetings. The law says that the individuals must be reputable; the problem is that instead of getting this information six weeks in advance, we get it three days in advance. Mr. Braatz stated it isn't a question whether staff can grant authority; those that are questionable would still be presented to the Board.

Dr. Huddleston moved and Dr. Nichols seconded that the Board grant staff the ability to approve the non-resident dentist. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **Review of Division 15 Advertising**

Mr. Braatz stated that he would like the OBD to review the attached advertisement and see if the OBD feels that it is in compliance with the spirit of Division 15 Advertising. Mr. Braatz asked if putting "general dentist" in the mailing line of a flier meets the requirements for the Board. It was the general consensus of the Board that individuals would need something more than just a mailing line stating "general dentist." The Board will consider a rule change.

### **Newsletter**

Mr. Braatz stated that we are currently working on the next Newsletter and he understands that it is late, but that we have timely information about recent Legislative changes that should be added to the newsletter. Mr. Braatz added that he believed the newsletter would go out sometime in September.

## **UNFINISHED BUSINESS**

### **818-001-0000 – Notice of Proposed Rule Making.**

This removes requirement for providing notice to all licensees. We will allow licensees and other interested parties to opt in to receive these notices.

### **818-001-0090 – Board Member Compensation**

Allows Board to adjust compensation to Federal compensation levels.

### **818-001-0087 – Fees**

Adopts rule to repeal temporary rule, allowing for new rule to take effect.

Dr. Magnuson moved and Dr. Nichols seconded that the Board move these rules to a rulemaking hearing. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### **Question Regarding 818-035-0030**

We received a question asking if a dental hygienist could prescribe any oral antibiotic. Mr. Braatz stated that Board staff decided that this needed to go to the Board for clarification. The original intent was not to allow for all items and that the Board should add the words “non systemic” to the rule to clarify. Dr. Parker moved and Dr. Hongo seconded that the Board send this to the Rules Committee to fix, adding the word “non – systemic” to the definition. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **CORRESPONDENCE**

#### **The Board received a letter from Claudia Kanter, University of Minnesota**

Ms. Kanter sent a letter to the Board notifying us that they will endorse the Canadian, non-patient based licensure exams for dentists. Mr. Braatz stated that this has no effect on us, as our state only accepts State and Regional exams, which would exclude the Canadian National Exam.

#### **The Board received a letter from John S. Findley, D.D.S., President – ADA**

Dr. Findley sent a letter to the Board in follow up to Dr. Mark Feldman’s letter from September 2008 regarding clinical licensure exams.

#### **The Board received a letter from Larry M. Over, D.M.D., M.S.D.**

Dr. Over is asking the Board to review their advertising rules and consider adding the sub-specialty of maxillofacial prosthetics under the category of prosthodontics. Mr. Braatz stated that we haven’t listed sub-specialties in our rules yet, but if the Board would like that we could do that. Mr. Braatz was directed to respond stating the Board does not wish to start listing sub-specialties by rule.

#### **The Board received a letter from Richard Ghalie, M.D.**

Dr. Ghalie is asking the Board to reconsider its previous decision regarding denial of Oraverse administration by licensed dental hygienists. The Board moved this discussion to the Rules Committee for further review.

### **OTHER BUSINESS**

#### **Mt. Hood Community College Restorative Program– addition of pre-clinical hours**

Dr. Parker moved and Ms. Davidson seconded that the Board approve the proposed changes to Mt. Hood Community College’s Hygiene Restorative Curriculum. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### **Mt. Hood Restorative CE Curriculum program**

Dr. Hongo moved and Dr. Parker seconded that the Board approve Mt. Hood Community College’s Continuing Education Hygiene Restorative Program as presented. The motion

passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **OHSU CE Restorative Curriculum**

Ms. Davidson moved and Dr. Magnuson seconded that the Board approve OHSU's Continuing Education Hygiene Restorative CE program. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **Committee Appointments**

Ms. Mason stated that she was very happy to see everyone's diverse interest in the Board and that she tried to give everyone either their first or second choice in committees.

### **Articles and News of Interest (no action necessary)**

- State Legislative Report, July 2009
- Nebraska Board of Dentistry Newsletter, June 2009
- Oregon Medical Board Report, Vol. 121, No. 2, Spring 2009
- Pennsylvania State Board of Dentistry Newsletter, June 2009
- 2009-2009 OHSU School of Dentistry Tuition and Fees Chart

**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 **1995-00034, 1999-0064, 1997-0091, 2009-0138, 2007-0073, and 2007-0222.**

### **LICENSING ISSUES**

**OPEN SESSION:** The Board returned to Open Session.

### **CONSENT AGENDA**

**2009-0267, 2009-0272, 2009-0249 and 2009-0238** Dr. Magnuson moved and Dr. Nichols seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

### **COMPLETED CASES**

**2009-0085, 2009-0057, 2009-0120, 2009-0119, 2009-0256, 2009-0028, 2009-0229, 2009-0178, 2009-0135, 2009-0268, 2009-0131, 2009-0200, 2009-0146, 2009-0260, 2009-0128, 2009-0264, 2009-0134, 2009-0103, 2009-0139, 2009-0235, 2009-0121 and 2009-0163** Dr. Magnuson moved and Dr. Nichols 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. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson recused himself from case 2009-0134.

**2009-0243** Mr. Smyth moved and Dr. Nichols seconded that the Board accept the Licensee's resignation of their license to practice dentistry in the state of Oregon and close this matter. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0215** Dr. Nichols moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure that licenses to practice dentistry in the state of Oregon are filed in a timely manner. The motion passed with Dr. Magnuson, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye. Dr. Huddleston recused himself.

**2009-0236** Ms. Davidson moved and Dr. Parker seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure timely renewal of their license to practice Dentistry in the state of Oregon. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson and Dr. Parker voting aye. Dr. Hongo recused herself.

**2009-0155** Dr. Parker moved and Dr. Hongo seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when treating patients with medication intended to provide anxiolysis, the dosage of medication does not provide any level of sedation beyond anxiolysis. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2005-0117** Dr. Hongo moved and Dr. Huddleston seconded that the Board accept Licensee's offer of an Interim Consent Order whereby Licensee agreed not to practice dentistry pending further order of the Board, and issue a Notice of Proposed Disciplinary Action. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0141** Dr. Nichols moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that the requirements for maintaining a Class 1 Nitrous Oxide permit are met on a continuing basis. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0142** 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 complete at least three hours of a Board approved continuing education course in record keeping within six months of the effective date of the Order and also require that the Licensee not perform endodontic therapy on molar teeth until the Licensee has completed at least 30 hours of Board approved hands-on continuing education in endodontic therapy and provided documentation of the completed continuing education to the Board. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0107** Dr. Huddleston moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that treatment that is provided is accurately documented; that there is a dental justification documented prior to providing treatment; that when obtaining informed consent prior to providing treatment, PARQ or its

equivalent is documented in the patient records; and that the patient has a clear understanding of proposed treatment before that treatment is provided. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Parker voting aye. Dr. Nichols and Dr. Hongo recused themselves.

**2009-0211** Ms. Davidson moved and Dr. Parker seconded that the Board close the matter with a Letter of Concern reminding Licensee that it is the Licensee's responsibility to assure timely renewal of their license to practice. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0112** Dr. Hongo moved and Dr. Magnuson seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that the treatment provider is identified in the patient records; that billings accurately reflect the treatment that was provided; and that when conscious sedation is provided, there is continuous monitoring with a pulse oximeter; that written informed consent is obtained; and that the patient is discharged to a responsible person. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson and Dr. Hongo voting aye. Dr. Parker recused herself.

**2009-0213** Dr. Nichols moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is their responsibility to assure renewal of their license to practice dentistry in the state of Oregon is filed in a timely manner. The motion passed with Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson recused himself.

**2009-0239** Mr. Smyth moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure timely renewal of their license to practice. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Parker voting aye. Dr. Nichols and Dr. Hongo recused themselves.

**2009-0212** Dr. Huddleston moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure timely renewal of their license to practice. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0129** Ms. Davidson moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when pathology is evident on radiographs, the pathology is documented in the patient records, and that a dental justification is documented prior to providing treatment. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0241** Dr. Parker moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern reminding the Licensee that he is responsible for accruing 40 hours of continuing education as outlined at OAR 818-021-0060 Continuing Education – Dentists. Further, the Licensee may not count the 23 hours of make-up courses toward his next licensure renewal. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0140** Dr. Hongo moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when medication is prescribed or dispensed, the action is documented in the patient records. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0245** Dr. Nichols moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern reminding the Licensee that he is responsible for maintaining CE records for at least four (4) licensure years consistent with the Licensee's licensure cycle; and further reminding the Licensee of Licensee's responsibility to respond to the Board within ten (10) days of a written request for information. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0074** Mr. Smyth moved and Dr. Nichols 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 take a 3 hour Board approved class in record keeping. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0223** Dr. Huddleston moved and Dr. Parker seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it his responsibility to assure renewal of his license to practice dentistry in the state of Oregon is filed in a timely manner. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0096** Ms. Davidson moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, and the requirement to provide pro-bono care for a Board approved patient in need of a 24 to 36 month course of orthodontic treatment, and to supply documentation to the Board that this care is provided and completed. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0214** Dr. Parker moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure that licenses to practice dentistry in the state of Oregon are filed in a timely manner. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0124** Dr. Hongo moved and Mr. Smyth seconded that the Board close the matter with a Letter of Concern reminding the Licensee to document a dental justification or diagnosis for the care provided as well as reminding the Licensee that he is responsible for the actions of his staff relative to how care is coded, reported and billed for. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0145** Dr. Nichols 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 a dental justification is documented prior to providing treatment; and that when treatment is provided, the treatment is documented in the patient records. The motion passed with Dr.

Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson and Dr. Parker voting aye. Dr. Hongo recused herself.

**2009-0127** Mr. Smyth moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when a temporary crown is seated by an EFDA assistant, the supervising dentist checks the crown prior to dismissing the patient. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0264** Dr. Huddleston moved and Ms. Davidson seconded the Board close the matter with a Letter of Concern reminding the Licensee that he is obligated to provide responses to the Board's written requests for information within 10 days. The motion passed with Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye. Dr. Magnuson recused himself.

**2009-0154** Ms. Davidson moved and Dr. Parker seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when there is pathology that is evident on radiographs, every effort is made to diagnose and document the pathology in the patient records and then make the appropriate referrals to specialists, and that the appropriate documentation is done in the patient records when nitrous oxide is administered. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson and Dr. Parker voting aye. Dr. Hongo recused herself.

#### **PREVIOUS CASES REQUIRING BOARD ACTION**

**2007-0109** Dr. Parker moved and Mr. Smyth seconded the Board accept the Licensee's offer to resign his dental license in lieu of further discipline. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2009-0138** Dr. Hongo moved and Dr. Parker seconded that the Board issue a Notice of Proposed Disciplinary Action and reinstate the Licensee's dental license providing the Licensee agrees to a Consent Order incorporating a reprimand; \$2,000 civil penalty to be paid within 30 days; 40 hours of community service to be completed within three months; and the standard protocols to support the Licensee's recovery and protect the public, including triplicate prescriptions and no unilateral access to any controlled drugs in the dental office. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2007-0073** Dr. Nichols moved and Dr. Magnuson seconded the Board issue a Notice of Proposed Disciplinary Action and reinstate the Licensee's dental hygiene license providing the Licensee agrees to a Consent Order incorporating a reprimand, and the standard protocols to support their recovery and protect the public. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**2004-0173** Mr. Smyth moved and Dr. Magnuson seconded that the Board deny the Licensee's request for relief from the Diversion Program. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

## LICENSURE AND EXAMINATION

### Ratification of Licenses Issued

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

### Dental Hygienists

H5587	REBECCA J BITHER, R.D.H.	5/12/2009
H5588	TRICIA JO OPARKA, R.D.H.	5/12/2009
H5589	SHASTA L WAMBOLDT JONASSON, R.D.H.	5/19/2009
H5590	JULIA F RICHMOND, R.D.H.	5/19/2009
H5591	JESSICA M SAMEK, R.D.H.	5/20/2009
H5592	SIDNEY A BOLDIZAR, R.D.H.	6/3/2009
H5593	NICOLE H LOWE, R.D.H.	6/3/2009
H5594	MYA LAM TRAN, R.D.H.	6/3/2009
H5595	JESSICA F ALLEN, R.D.H.	6/3/2009
H5596	BRESCIA L MARCOUX, R.D.H.	6/9/2009
H5597	SUZANNE L HOLT, R.D.H.	6/9/2009
H5598	CORI MC GINNIS, R.D.H.	6/9/2009
H5599	KELSI L SCHROEDER, R.D.H.	6/17/2009
H5600	ERIN RENEE ABSTON, R.D.H.	6/17/2009
H5601	HEIDI DRAKE, R.D.H.	6/17/2009
H5602	THERESA M ALDRIDGE, R.D.H.	6/17/2009
H5603	CAMERONN R HAWKINS, R.D.H.	6/17/2009
H5604	KATIE J LANE, R.D.H.	6/17/2009
H5605	CINDI JEAN STANDLEY, R.D.H.	6/18/2009
H5606	MONTE TRAVIS POPE, R.D.H.	6/22/2009
H5607	HEATHER A HUNTINGTON, R.D.H.	6/23/2009
H5608	BINH T NGUYEN, R.D.H.	6/23/2009
H5609	MICHELE M LARSON, R.D.H.	6/29/2009
H5610	ANDREA H BUCHER, R.D.H.	7/1/2009
H5611	CRYSTAL L JOHNSON, R.D.H.	7/1/2009
H5612	LESLIE A CARTNER, R.D.H.	7/8/2009
H5613	SHAN-AI S KWONG, R.D.H.	7/9/2009
H5614	EMANUELA E CRISAN, R.D.H.	7/9/2009
H5615	RANDI M PETTY, R.D.H.	7/9/2009
H5616	AMAYA M ZABALA, R.D.H.	7/9/2009
H5617	MELISSA ROSCA, R.D.H.	7/9/2009
H5618	GENA A LE MERT, R.D.H.	7/9/2009
H5619	RONA JEAN HARRISON, R.D.H.	7/9/2009

H5620	JASMINE D FERRELL, R.D.H.	7/9/2009
H5621	BETH A DRUCTOR, R.D.H.	7/9/2009
H5622	CECILIA J ALVARADO, R.D.H.	7/9/2009
H5623	AILEEN TAYLOR, R.D.H.	7/9/2009
H5624	MICHELE R DAVIDSON, R.D.H.	7/9/2009
H5625	ATSUKO MAGNUSON, R.D.H.	7/9/2009
H5626	LINDSAY E MARISKA, R.D.H.	7/9/2009
H5627	AUBREY N BOWES, R.D.H.	7/9/2009
H5628	CRYSTAL D LUKAS, R.D.H.	7/9/2009

### Dentists

D9262	SUE-CHIN LIU, D.M.D.	5/7/2009
D9263	CHARLES BRIAN SPRIGGS, D.D.S.	5/7/2009
D9264	ANTHONY M BAGOYO, D.M.D.	5/19/2009
D9265	MATTHEW WILLIAM WOOLSEY, D.M.D.	5/19/2009
D9266	TRENTON KEITH LEBARON, D.M.D.	5/19/2009
D9267	SETH P EDVALSON, D.D.S.	5/19/2009
D9268	MATTHEW ALLDREDGE STEVENS, D.D.S.	5/19/2009
D9269	CHRISTOPHER E NEALE, D.M.D.	5/20/2009
D9270	RENEE M ROBERTSON, D.M.D.	5/29/2009
D9271	LISA S SPINK, D.M.D.	5/29/2009
D9272	THOMAS A KOLODGE, D.D.S.	6/3/2009
D9273	KRISTA M KUNZ, D.M.D.	6/3/2009
D9274	KIMBERLY R ROSS, D.D.S.	6/3/2009
D9275	MELINDA LORRAINE BECK, D.D.S.	6/3/2009
D9276	NINA ARORA, D.D.S.	6/3/2009
D9277	PHILIP COMERFORD MANN, D.D.S.	6/9/2009
D9278	JEAN M PACEWIC, D.M.D.	6/9/2009
D9279	NATHANIEL DAVID TRICKER, D.D.S.	6/9/2009
D9280	JEFFREY M BURSTEIN, D.D.S.	6/17/2009
D9281	ERIC D CORNELIUS, D.D.S.	6/17/2009
D9282	TRAVIS J HUNSAKER, D.D.S.	6/17/2009
D9283	PHILIP BENJAMIN MEYER, D.D.S.	6/17/2009
D9284	MATTHEW L MC CLEERY, D.M.D.	6/17/2009
D9285	MINDY MICHON MC CONNELL, D.M.D.	6/17/2009
D9286	TRAVIS R EVANS, D.M.D.	6/17/2009
D9287	BRYAN PAUL HILL, D.D.S.	6/18/2009
D9288	RICK A BEVERLEY, D.D.S.	6/22/2009
D9289	JENNIFER BALLANTYNE BERWICK, D.D.S.	6/23/2009
D9290	PAUL T RODEGHERO, D.D.S.	6/23/2009
D9291	MICHAEL J COURTRIGHT, D.M.D.	6/24/2009

D9292	JULIAN F PETERSEN, D.D.S.	6/29/2009
D9293	ADRIAN CATUNA, D.M.D.	6/29/2009
D9294	DENNIS D IVERSON, D.D.S.	7/1/2009
D9296	GILES R LOONEY, D.D.S.	7/9/2009
D9297	BONNIE JEAN MOELLER, D.D.S.	7/9/2009
D9298	JASON AARON BAJUSCAK, D.M.D.	7/9/2009
D9299	JIMMY J YOO, D.D.S.	7/9/2009

### Specialty

#### Oral and Maxillofacial Surgery

D9295	Robert R. Russell, D.M.D.	7/8/2009
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#### Oral and Maxillofacial Specialty Examination Results

Ms. Davidson moved and Dr. Nichols seconded that the Board move to accept the oral and maxillofacial specialty exam results as published. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### Periodontic Specialty Examination – Approval of Examiners

Ms. Davidson moved and Dr. Magnuson seconded that the Board move to approve the periodontic specialty examiners as presented. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### Request for Extension of Continuing Education

Patricia Shigeno, R.D.H., requested the Board grant her an extension in time to complete her continuing education requirements. Dr. Parker moved and Dr. Hongo seconded that the Board move to grant a one year extension for the Licensee's continuing education. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### License Reinstatement – Julie Zumwalt, R.D.H.

Julie Zumwalt, R.D.H., submitted all required documentation and is requesting the Board reinstate her Oregon Dental Hygiene License H4294. Dr. Hongo moved and Dr. Magnuson seconded that the Board move to reinstate Ms. Zumwalt's dental hygiene license without any further examination. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

#### Request for release of Investigative Records

Michael Clement sent a request to the Board to release the investigative records for case Dr. Waldon Isom. Mr. Smyth moved and Dr. Magnuson seconded that the Board, based on the information provided by Mr. Clement, deny Mr. Clement's request for release of Dr. Waldon E. Isom's investigative files as he did not meet the burden of proof by clear and convincing evidence that the interest in the disclosure of those records outweighs the interest in protecting

the records. The motion passed with Dr. Magnuson, Dr. Huddleston, Mr. Smyth, Dr. Nichols, Ms. Davidson, Dr. Parker and Dr. Hongo voting aye.

**Announcement**

No announcements

**ADJOURNMENT**

The meeting was adjourned at 1:45 p.m. Ms. Mason stated that the next Board meeting would take place September 25, 2009.

Approved by the Board September 25, 2009.

                    
**/s/**  
Jill Mason, M.P.H., R.D.H.  
President