

**HEALTH LICENSING OFFICE
Board of Denture Technology
Minutes for February 28, 2005**

MEMBERS PRESENT

Joe Coss, Chairperson
Tad Burzynski
Betty Taylor
Joe Hammar
Todd Young
J. Lee Sharp, DDS

MEMBERS EXCUSED

Janet Overholser, Public Member

STAFF PRESENT

Susan Wilson, Director
Larry Peck, ROD Manager
Samantha Patnode, Board Liaison

AUDIENCE MEMBERS

Shawn Murray, Denturist Investigator
Jane Myers, Oregon Denture Association Lobbyist
James Davis, Oregon State Denturists Association

CALL TO ORDER

Mr. Coss, Chairperson, called the meeting of the Board of Denture Technology to order at 11:00 a.m. on Monday, February 28, 2005, at the Board Office in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Mr. Young made a motion and Dr. Sharp seconded to approve the agenda. The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

APPROVAL OF MINUTES

MOTION

Mr. Young made a motion and Mr. Burzynski seconded to approve the September 20, 2004 meeting minutes. The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

Revenues and Expenditures

Ms. Wilson introduced Ron Riggs as the new Fiscal Services Division Manager for the agency, noting that he was previously employed with the Oregon Department of Transportation for six years.

Mr. Riggs explained that during the 2003 Legislative Session agencies were mandated to pay reduced amounts to Public Employee Retirement Systems (PERS). As a result, HLO made a one time payment to the State of Oregon's General Fund of \$114,000, which is reflected on the report under "Transfer Out". Staff clarified questions from the Board.

Mr. Riggs stated that allowable expenditures are limited to the approved budget for expense deemed necessary for successful operation for each program within the central agency. He explained the two main categories of interest. **Personal Services** are employee compensation and related benefits. **Services and Supplies** are non-personnel expenses for agency operations. Charges are divided into two types – direct and indirect – for each program. Indirect costs are for agency operation and include office supplies, rent, telephones, data processing hardware and software, etc. which are prorated for each program. Direct charges include legal counsel, postage, rules, instate travel or investigative costs etc. and are distributed at actual rates.

Mr. Riggs revisited the need for a licensing fee increase due to a continued revenue shortfall of \$60,512. He provided the Board with an overview of the Board's deficit projected through June 2005, noting that a \$100 annual increase to renewals and initial licensure would bring the Board to a slightly positive balance. Ms. Wilson reiterated the board's fiscal responsibilities for administrative costs within the HLO, which is 3%. She gave an overview of the factors that are used to calculate the Board's budget such as historical data, cost projection and attrition. The agency will be looking at historical data to ensure that the Board is paying the appropriate percentage of costs and possibly lower the percentage if the agency finds the allocation is not correct. Mr. Young suggested that the Board raise the fees \$300 annually to pay the deficit down quicker. He asked if the fees would be lowered once the Board is fiscally sound. Staff stated that will be reviewed and reported at future meetings.

MOTION

Mr. Young made a motion and Dr. Sharp seconded to increase the annual licensing fee by \$300 effective July 2005, until the Board's debt is paid in full and a six month operating balance reserve is reached, at which time the agency will determine whether fees can be decreased. Board members discussed the current fee and the outcome a fee increase may have on individuals licensed in multiple states. They asked if an inactive license could be issued at a lower fee. Ms. Wilson stated that currently a dentist can have their license inactive for up to three years before it becomes ineligible to renew. Mr. Hammar amended the original motion to increase the fees by \$200 instead of \$300 and Ms. Taylor seconded. The amended motion failed with Mr. Hammar and Ms. Taylor voting aye and Mr. Coss, Mr. Burzynski, Mr. Young and Dr. Sharp voting nay. Mr. Coss reinstated the original motion to increase the licensing fees by \$300 annually effective after July 2005 until the Board's debt is paid in full and a six month operating balance is in reserve at which time the agency will review fees. The motion passed with Mr. Burzynski, Mr. Coss, Dr. Sharp and Mr. Young voting aye and Mr. Hammar and Ms. Taylor voting nay.

Compliance

Mr. Rodriguez reported on complaint percentage figures for 2004, which indicates a total of 104 licenses and 8 complaints received, accounting for 3% of the overall HLO complaints. He stated that two complaints were safety and infection control related and the other six service related complaints, noting that of the eight complaints received three had been closed.

Mr. Rodriguez presented a breakdown of complaints received, and the ratio of complaints per licensee base for 2004 as well as a comparison of complaint information for 2001 through 2004.

He reported that two partial denture complaints had been received in 2004, both of which are still under investigation and will be reviewed by the Board or committee in the future. Positive feedback was received by Board members regarding the consistent reduction of complaints received since 2001. Ms. Wilson stated that outreach and communication efforts by the agency to practitioners and consumers contributed to the reduction in complaints received.

Mr. Rodriguez reported on the number of files, which had been closed since the previous board meeting. He briefly outlined the report and answered questions from the Board.

Mr. Rodriguez reported that the Enforcement Committee met on November 18, 2004, to discuss required partial denture training and education for incoming contract investigators. He provided an overview of the committee's decision noting that applicants will be required to submit the following to qualify as a Contract Denturist Investigator:

- Transcripts showing the additional 13 hours of Denture Laboratory Technology (Theory and Practice in partials from an accredited school **and** six of the required 30 hours of continuing education must be directly related to partial denture technology

OR

- Take a written multiple choice exam, administered by HLO, consisting of 20 questions relating to partial denture services.

Mr. Coss asked for clarification regarding the 13 hours of Denture Laboratory Technology (Theory and Practice). Mr. Young stated that if a denturist received the 13 hours of education in partial denture technology during their original training they would not be required to take the training again.; however, if it was not included in their original training they would need to demonstrate competency in partial dentures by taking the 20 question exam or obtaining the required education from a recognized school.

Mr. Rodriguez stated that letters were sent to current contract denture investigators on January 21, 2005, informing them of the new requirements including the statement of work for the next contract cycle. He noted that a letter would be sent out in early March 2005 to all denturists notifying them of the investigator requirements.

Mr. Rodriguez pointed out the letters mailed to the current contract investigators notifying them the Board approved their education for partial denture investigations through June 2005. He explained that one denturist was not approved based on insufficient evidence of education. The Board notified the individual by mail on September 21, 2004 of the required training.

Public Comment:

Ms. Shawn Murray, Licensed Denturist and current contract Investigator asked that an additional Practice Standard Evaluation Form be created to accommodate partial dentures. She stated that some of the information on the form does not relate to partial dentures. The Board deferred the issue to the Enforcement Committee to create a second Practice Standard Evaluation Form for partials. Mr. Peck asked that committee members and Ms. Murray submit questions that may be pertinent to partial dentures.

Mr. Peck reported that the Oregon State Denturists Association (OSDA) sent a letter to Yellow Book USA notifying them that denturists may be listed incorrectly within their telephone directory. He stated that the letter was forwarded to the Oregon State Board of Dentistry. Mr. Jim Davis, Executive Director for the OSDA, stated the letter was to clarify misleading advertisements that were inadvertently placed within the Yellow Book USA.

Mr. Peck clarified the definition of "General Supervision", noting that the term is used only in the definition and is not referenced anywhere in the administrative rules. He referenced ORS 680.510 which states that "*the prohibitions of ORS 680.500 to 680.570 do not apply to: Any activity described in ORS 680.500 (5)(a) by a person acting under the supervision of a denturist.*" He said that the practices listed in ORS 680.500 (1)(a) are the only practices which could be performed under "General Supervision" after they have completed the 1000 hours and are qualified to take the examination.

Licensing

Ms. McCallister provided the Board with statistics on the total number of licensees from 2001 through 2004 to date with a break down of each month including original licenses issued, licenses re-issued and late renewals.

Examinations

Ms. McCallister provided the Board with two reports, which show yearly and monthly comparisons of the written, practical, and oral pathology examinations from 2001, 2002 and 2003. She stated that the reports include pass / fail numbers, number of examinations conducted and percent of passing scores. Ms. McCallister clarified questions from the Board.

Ms. McCallister presented response letters sent to the Governor's Office and Senator Vickie Walker regarding Grant Smith's complaint.

Ms. McCallister stated that the Examination Committee met this morning and reviewed the 18 potential practical examination evaluators. She stated that each of them will be sent a contract with a mutual agreement document for signatures.

Outreach and Communication

Mr. Bohot explained that the Web site "migration" has been completed. HLO'S current Web site is still operational but soon will be removed and migrated to Oregon.gov\HLO Web site. He gave an overview of the new Web site showing the organizational pattern and flow of the new page. Mr. Bohot stated that the agency is currently developing an online monthly newsletter called "Licensing Line" that will be e-mailed to all board members upon completion.

Mr. Bohot thanked Dr. Sharp for returning the photograph of the dentures which are displayed in the agency hallway.

Mr. Bohot explained that HLO has developed "blended" administrative rules that combine agency rules with rules specific to each profession. This new format was created to provide practitioners with the most reader-friendly experience. It will include rule revisions from the most recent rulemaking.

Mr. Bohot stated that the HLO has continued its relationship with the OSDA and is maintaining the Director's Column in the Oregon Denturist publication. He reported the latest column submitted for the winter 2005 issue describes the Board of Denture Technology policy clarifying administration of the practical examination.

Mr. Bohot stated that the agency would be creating a brochure on the complaint process to help consumers and practitioners understand the steps involved.

Mr. Bohot stated that the agency's customer service program "Customer Connection" is seeking board and council members interested in participating in upcoming projects that are not only worthwhile but also fun, such as production of a board orientation video.

Ms. Patnode presented a snap shot of the web hits for 2004 for the Denture Technology home page.

Mr. Coss stated that the HLO is currently in the process of setting up a meeting with the Oregon Board of Dentistry director and chairperson to establish a dialog and partnership on mutual and overlapping regulatory issues.

Legislation

Ms. Wilson gave an overview of the legislative process noting that all agency bills must be approved by the Governor. She stated the agency proposed two legislative concepts which were filed with the Department of Administrative Services April 15, 2004, and were approved for drafting legislation to be introduced during the 2005 Session as the Governor's bills.

HB 2103 HLO Central Agency – changes the name of agency to *Oregon Health Licensing Agency*; corrects residual program statutes to the central agency model; corrects errors and/or omissions in the law due to drafting, and creates mechanism for issuing a single business license for facilities offering multiple service as a regulatory streamlining effort.

Ms. Wilson reported a public hearing was held before the House Health and Human Services Committee on February 11, 2005 at which time amendments were proposed to eliminate the next fee ceilings. She stated that the agency will report the outcome at the next scheduled meeting. Ms. Wilson provided the Board with written testimony and amendments.

2005-07 Budget

Ms. Wilson stated that a copy of the Agency's Governor Approved Budget was available for review. She clarified questions from the Board.

EXECUTIVE SESSION – Enforcement ORS 192.660 (1)(f)

The Board entered Executive Session pursuant to ORS 192.660(1)(f) with Regulatory Operations Division Manager Mr. Peck at 11:30 am to review and determine action on enforcement files 04-05 and 04-4268. No final action will be taken in Executive Session.

Joe Coss, Chairperson reconvened open session at 1:30 p.m. and requested that a motion be made on the Board's recommendations.

File Number 04-4268:

Mr. Burzynski made a motion and Mr. Young seconded to impose civil penalties on file number 04-4268 as follows: \$200 civil fine for failure to inform HLO of a work address change within 30 days of moving as required under OAR 331-430-0030(5), which is a violation of OAR 331-010-0040(1)(e); and, \$5000 civil fine for failure to conduct follow-up or provide continuity of care in dealing with a patient, as required under ORS 676.992, which is a violation of OAR 331-420-0000(5)(e). The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

File Number 04-05:

Mr. Young made a motion and Mr. Burzynski seconded to impose civil penalties on file number 04-05 as follows: \$5000 civil fine for not meeting minimum standards of acceptability for upper dentures under OAR 331-430-0030(8), which is a violation of OAR 331-420-0000(6); \$5000 civil fine for not meeting minimum standards of acceptability for lower dentures under OAR 331-430-0030(8), which is a violation of OAR 331-420-0000(7); and \$1000 civil fine for failing to maintain accurate patient records based on further inspection and investigation of the facility and authority under OAR 331-430-0030(7), which is a violation of OAR 331-420-0000(5)(a). Other possible citations may be issued regarding health and safety standards upon further investigation by the Health Licensing Office. The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

ITEMS FOR BOARD ACTION

Customer Connection

The agency is in the process of creating a Customer Connection Committee to provide input to enhance customer service efforts. The committee would be made up of one board member from each board as reported by Mr. Bohot.

Release of Written Examination

Ms. McCallister reported on her work with the Washington Board of Denture Technology, and the recent revisions to their written examination, expanding the examination from 150 to 250 questions as a result of the exchange of information on the Oregon examination. She explained that Washington will look at expanding the number of its examination questions in the future to balance with Oregon's 345 question examination.

Ms. McCallister stated that the Board's Examination Committee reviewed the Washington practical examination. Committee members reported that Oregon's test was more detailed while the Washington test was more subjective and concluded that if the two examinations were combined, it would result in a satisfactory regional examination. Ms. McCallister stated once Washington reviews and accepts the Oregon practical examination the process for recognizing each states' examinations as a qualifier for licensure will be closer to completion.

Committee members recommended deferring the addition of the partial portion to the practical examination until a regional examination is created. Board members discussed the 1000 hours of additional clinical training that is required if an individual fails the Oregon examination. Members concurred that if a candidate passes the Washington examination after failing the Oregon examination, and then seeks licensure in Oregon, the individual would still need to complete the additional 1000 hours of training as specified by law.

Mr. Peck stated that a person who has attained their education in Washington may not meet Oregon's educational requirements and may not be eligible to take the Oregon's examination. Ms. McCallister clarified that an individual must meet all qualifications to take the Oregon examination and become licensed. Ms. Shawn Murray asked whether an individual who completed their education at Bates Technical College would be required to complete another 1000 hours of clinical training in order to qualify for Oregon's examination. Staff clarified that if an individual completed Board approved education, the 1000 hours of clinical training is not required unless the practical examination is failed. It was noted that Washington is considering requiring an additional 1000 hours of training if an individual fails the practical examination.

Board members agreed that to reach equivalency, Oregon and Washington would have to review and concur on the requirements for an additional 1000 hours of clinical training for those individuals who fail to attain a passing score on the practical examination. Dr. Sharp expressed concern on the number of times an individual may be allowed to repeat the Washington examination, without requiring additional hours of training, and recommended a limitation on the number of times an individual can take the examination. Mr. Burzynski stated that agreement would have to be reached with Washington so both states have a uniform standard.

Ms. McCallister clarified that that it will take sometime before the Washington Board of Denture Technology examination meets Oregon standards. She recommended that the Board wait to approve the Washington written examination until it meets the same standards as Oregon's written examination. Ms. Wilson recommended that the Board give Washington a deadline of January 2006 to meet Oregon's standards. The Board concurred with both recommendations.

MOTION

Dr. Sharp made a motion and Mr. Young seconded to approve the committee's recommendation to accept the Washington practical examination. The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

Mr. Burzynski made a motion and Mr. Young seconded to defer the addition of partial dentures to the practical examination. The motion passed unanimously with Dr. Sharp, Mr. Coss, Mr. Hammar, Mr. Burzynski, Ms. Taylor and Mr. Young voting aye.

Mr. Coss stated that he received a telephone call from Daryl Borlin, a Denture Lab Technician in Southern Oregon who is attempting to qualify for the examinations. He stated that Mr. Borlin is concerned that he may have to acquire the 1000 hours of training before he takes the examination. Mr. Young stated that the Examination Committee is meeting following the Board meeting to discuss this individual. He said that without discussion and just reviewing the qualification it looks like Mr. Borlin will need one year of additional training because he did not come from an accredited school and is lacking specific requirements. Mr. Coss voiced Mr. Borlin's concern that he has been making full and partial dentures in his current employment. Mr. Young stated that the 1000 hours is not spent just making dentures there are many other facets to the training in a clinical setting.

Mr. Coss asked if the Board should look at waiving the 1000 hours under certain circumstances. Mr. Young stated that following this meeting the Examination Committee would also be reviewing qualifications of a retired dentist of 33 years from Arizona. He said that in that situation he may look at waiving the 1000 hours. Dr. Sharp stated that just because someone

is a licensed dentist does not mean they did denture work in their practice. He said they may have never made a denture during their entire practice. Ms. Wilson stated that passing the written and practical examination tests an individual's competency and if he fails the exam the 1000 hours of additional training would be required. Board members agreed that circumstances outside the normal avenue of qualification should be considered on a case-by-case basis.

Board members voiced concern that dental laboratory technicians may be providing services which are within the scope of practice of denture technology, such as adjustments and fitting partials. Staff encouraged a complaint be filed with the HLO and the agency would investigate. Board members suggested someone from the Board attend the next Oregon Dental Lab Association Meeting and Mr. Burzynski stated he would attend the meeting and convey the Board's concerns.

PUBLIC COMMENT – None

BOARD INTEREST FILE

Ms. Patnode addressed the Board interest and answered questions from the Board.

The meeting was adjourned at 3:20 p.m. 02/28/05

Susan K. Wilson, Director