

**Oregon Health Licensing Agency
Board of Denture Technology
Minutes of September 24, 2007**

MEMBERS PRESENT

Todd Young, Chairperson
Tad Burzynski, Vice-Chairperson
Joe Coss, Public Member
Joe Hammar, Denturist

MEMBERS ABSENT

Betty Taylor, Denturist
Genie Uebelacker, Public Member

STAFF PRESENT

Susan Wilson, Director
Cerynthia Murphy, Board Liaison
Karen Nelson, Administrative Assistant

AUDIENCE MEMBERS

Jim Davis, Oregon State Denturists Association
Dee Dee Burzynski, Business Manager

CALL TO ORDER

Todd Young, Chair, called the meeting of the Board of Denture Technology to order at 9:30 a.m. on Monday, September 24, 2007, at the Department of Agriculture, Basement Hearing Room, 635 Capitol St NE, Salem, Oregon.

APPROVAL OF AGENDA
MOTION

After reviewing the agenda, Mr. Coss suggested adding an Executive Session to Section III - E. Mr. Burzynski also suggested public comment be moved before lunch so an individual traveling from Bend, Oregon would be able to participate in that portion of the meeting. Mr. Coss made a motion to approve the agenda with the changes. Mr. Burzynski seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

APPROVAL OF MINUTES
MOTION

Mr. Coss made a motion to approve the February 26, 2007 meeting minutes. Mr. Burzynski seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

DIRECTOR'S REPORT

Director Wilson stated the Oregon Health Licensing Agency (OHLA) is undergoing internal reorganization to lay a foundation to provide boards, customers and regulated professionals with the best regulatory services and resources. As OHLA's strategic plan develops, the first shift will occur in agency divisions and staff roles. The Business Administration Division is headed by Richard McNew who oversees agency-wide licensing responsibilities, fiscal management, budget and contract management, economic forecasting, human resources and payroll, information technology and systems management, and facility and property control.

Director Wilson added the result of reorganization and review will position the agency to maximize existing benefits of economies of scale and to make adjustments smoothly and effectively. The agency will carry forward, to the 2009 Legislature, proposed refinements and promote the value of streamlining and standardizing services and fees.

REVENUES AND EXPENDITURES

Richard McNew, Business Administration Division Manager, introduced himself to members and addressed the agency budget, revenues, standardization and fees. He reported that OHLA has a budget of \$6,131,235. Mr. McNew explained OHLA's objective in reorganization is geared toward efficiencies -- eliminating unnecessary or redundant processes and improving completed staff work and centralizing work around function to best serve the needs of OHLA customers. He stated that the more efficiencies the agency implements the less staff is required, which will have a beneficial affect on license fees. He noted the agency is reviewing every process and position for the agency's new cost allocation plan.

Mr. McNew provided an overview of the internal review that draws on outside resources and other agencies expertise and assistance to recommend efficiencies in restructuring OHLA accounting models, human resources and information technology. He explained that restructuring is an important step in preparing for future growth and expansion without having to increase fees and add staff when a new program is added to the central agency's administrative oversight.

Mr. McNew reported that when the cost allocation model is completed, he will re-project the budget and revenues and provide OHLA's Director, Susan Wilson, with his best assumptions for fees. He addressed changes to the Customer Service area of the agency and plans to add an express lane and on-site service kiosks to provide customers with additional service options.

Focusing on revenues, Mr. McNew reported that the 2007-09 current agency-wide revenue was \$1,410,646. He pointed out the new reporting tools for agency-wide expenditures and revenues based on actual figures. He noted that the members will be provided information on an on-going basis.

Mr. Coss asked what the timeline was for implementing a revised licensing and fee program. Mr. McNew responded it is targeted for implementation by January or February, 2008, after running a two-to-three month test system. He noted that members will receive monthly updates on the progress through email.

Mr. Young stated a year ago, the Board raised its fees from \$395 to \$695 per year. The understanding was that the fee would remain at \$695 then revert to a lower amount after the two year period. He asked if they could still anticipate a reduction in their fees? If not, he anticipates negative feedback from his constituents.

Director Wilson advised members to keep in mind that we want total support from the Legislation. The board expressed continued support of agency streamlining and fee reduction efforts for the 2009 Legislative Session.

ONLINE RENEWAL

Director Wilson reported that their online renewal rate was at approximately 30 percent. She stated, a very important key element has been people can renew and go to work as quickly as possible. To help facilitate this and better serve clients, additional changes within will include:

- Opening the Licensing Customer Service during the lunch period,
- expanding the testing to include Mondays,

- Receiving advanced reservation of testing stations available to provide better service to out-of town clients and
- Providing a conference room for client conversations on an as-needed basis.

ENFORCEMENT

The Oregon Health Licensing Agency's **Complaints and Enforcement Section** conducts statewide, onsite inspections for licensed facilities and responds to and investigates complaints. Onsite facility inspections include surveillance and monitoring businesses, independent contractors and practitioners. Special Investigations are based on the result of citizen complaints or cases involving critical issues – both civil and criminal, such as bacterial/viral infection outbreaks, unlicensed or illegal practice, prohibited acts, fraud or trade practice violations, incompetence or violations of practice standards and other critical issues involving the health and safety of consumers. The **Complaints and Enforcement Section** is responsible for taking disciplinary action against licensees who are found in violation / non-compliance of state law.

Tim Molloy, Chief Enforcement Officer, reported the Board of Denture Technology percentage of overall OHLA complaints received for 2007.

January 1 through July 31, 2007:

- Total Number of Licenses – 99
- Total Number of Complaints – 2
- Overall Percent of OHLA Complaints – 2%

Mr. Molloy presented a two-year comparison report detailing the increase and decrease in complaints received, the ratio of complaints per licensee base, and orders written for 2005 to 2006.

Enforcement Action on Closed Files

Mr. Molloy provided the Board with a summary of complaints closed since the February 9, 2007, board meeting. The summary is as follows:

07-5002: On March 14, 2007, OHLA received a complaint from a consumer stating a dentist refused to file a claim with her insurance and refused to adjust her dentures. Complaint was investigated and no violations were found. Case closed 8/21/07.

Enforcement Action on Open Files

Mr. Molloy then presented the Board with a report of open Enforcement Action Files.

07-4993: Service Full Dentures - under investigation.

Recruitment for Contract Denturists Investigators

Mr. Molloy directed the Board's attention to a memo titled, "Recruitment Criteria for Contract Denturist Investigators." He stated the agency is interested in locating denturists who are willing to serve as technical investigators. The agency currently contracts with one investigator.

Ms. Murphy directed attention to a memorandum to Director Wilson which provided a summary of information discussed during the February 26, 2007, Board of Denture Technology meeting regarding the Arizona State Board of Dental Examiners, Denturist Program initiating certification for the practice of denture technology. Ms. Murphy explained Arizona, in conjunction with the Western Regional Examining Board, requested review of Oregon's written and practical examinations; the Board voted to release the examination.

Julie Chapko, Executive Director of the Arizona State Board of Dental Examiners, Denturist Program was provided with the following information:

- Oregon's written examination blueprint,
- Candidate clinical examination process form,
- Candidate examination notice packet and
- Candidate courtesy covers and sheet proctor grading form.

On September 17, 2007, the agency contacted Nancy Chambers, Julie Chapko's predecessor, to provide additional information if needed.

Ms. Chambers stated the Arizona Board met in August, 2007 and approved the following pathways for certification:

Pathway One:

Graduate of an accredited college or university and an examination approved by the Arizona State Board of Dental Examiners;

- Bates College is the only college that has been approved,
- Oregon and Washington's examination has been approved as an acceptable examination.

Pathway Two:

Certificate or licensure from another state where the applicant has taken an Oregon or Washington examination and has graduated from an accredited college or university approved by the Arizona State Board of Dental Examiners (Bates is the only college that has been approved by Arizona).

EXAMINATION COMMITTEE

Ms. Murphy reported the Examination Committee meeting met and the following was completed:

- 15 questions were removed from the item bank to be rewritten; of the 15 questions removed, only three questions were related to oral pathology; and
- 58 questions deleted; of the 58 questions deleted, four were related to oral pathology.

Ms. Murphy stated 93 oral pathology questions were initially included in the complete written examination item banks, and with only four being deleted, the bank of oral pathology questions substantially large. Ms. Murphy noted another Examination Committee meeting will be held to re-write the questions which were removed and a final summary will be provided at the next regularly scheduled board meeting.

Clarification was made on members of the examination committee: Tad Burzynski, Todd Young and the dentist's position, which needed to be filled.

OUTREACH AND COMMUNICATION

Kraig Bohot, OHLA Communications Officer, presented an article from the Oregonian. The article refers to the Oregon Board of Nursing undergoing problems from a state investigation. They concluded the board's action lacked a sense of urgency to protect the public. This investigation spurred the Department of Administrative Services (DAS) and the Governor's Office to review all state agencies that oversee boards. Staff referred to a September 12, 2007 memo from the Governor's Office requesting all health-related licensing boards attend a special meeting to discuss regulatory performance, particularly as it relates to the disciplinary process. OHLA was represented at this meeting.

Mr. Bohot provided an overview of the OHLA Web site highlighting recent updates to the Board Web page. New features meet the American with disabilities Act (ADA) standards, such as adjustable type size. The new Oregon.gov 3.0 version offers more flexibility for presenting Web content. The short description of key online resources provides visitors with quick and easy access to what they need. Mr. Bohot pointed out that OHLA's Web Site is initiating the second phase of ongoing efforts to provide consumers with access to disciplinary action information of licensees.

Mr. Bohot reported that OHLA now oversees its ninth volunteer citizen board – the Sex Offender Treatment board (SOTB), and referred members to the agency's Web site for more information on the new regulatory program.

PUBLIC COMMENTS

Ms. Dee Dee Burzynski, addressed the Board as the Business Manager for *Denture Inc.* Ms. Burzynski explained that Tad Burzynski has been in practice for approximately 15 years with only a handful of complaints filed against him; one complaint resulted in a disciplinary hearing. Ms. Burzynski questioned the procedures for processing complaints and the information provided to licensees regarding the full complaint. She suggested the board and the agency didn't receive everything and this resulted in the Board ruling against them.

Ms. Burzynski is currently responding to another complaint filed with the agency; Ms. Burzynski noted her frustration with the time it is taking and the difficulty she is having trying to obtain information. She would like to have the following:

- All of the information regarding the claim upfront and
- Adequate time for the board to review the information.

Director Wilson explained that the agency must abide by the Justice Department's rules for case determination and justification. Director Wilson explained the board members serve as a public body, and while they continue to practice, their primary focus is public protection. The hearings process operates outside of the Board, with the states central hearing panel, to ensure public protection.

Ms. Burzynski questioned the incomplete information she had received from the initial complaint before the hearing. Mr. Peck explained respondent's are not provided with all of the information, as the agency is building a case. Mr. Peck continued to explain how the investigation process works:

- A preliminary investigation is conducted by staff.
- A independent investigator is contracted if necessary

- The enforcement committee reviews the complete file and makes a recommendation to the board
- The full Board reviews the committee's recommendation and a summation of the file or the complete file if necessary, and votes on any action needing to be taken.
- If the Board determines action is needed, all facts pertaining to the case are included in the proposed order sent to the respondent. This initiates the right of the respondent to request a hearing.
- If the case goes to hearing, copies of all facts pertaining to the case are sent to the respondent.

Ms. Burzynski expressed concern regarding the investigation review being conducted by an unqualified individual, such as a dentist. Ms. Burzynski then asked how many investigators currently are employed by the agency. Director Wilson explained there are five compliance officers the agency contracts with one licensed dentist.

EXECUTIVE SESSION

Todd Young, Chair, called for the Board to enter into Executive Session at 12:20 p.m., under ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection. He stated that the Board would be reviewing enforcement file number 07-4993. It was stated that members of the news media and designated staff would be allowed to attend the session. All other members of the audience were asked to leave the room. No recommendations will be made during Executive Session.

Board Member, Tad Burzynski, recused himself from the Executive Session and then read this statement, "I, Tad Burzynski have an Actual Conflict of Interest regarding Enforcement File number 07-4993 as defined under ORS 244.021(1). The Board of Denture Technology's outcome to the case would directly and specifically affect his financial interests, as file number 07-4993 is a complaint that a "consumer" filed against his professional denture technology license.

Recusal refers to a public official or employee declining to participate in a matter because of an actual conflict of interest which means that the action taken would directly and specifically affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. For the record, recusal means the board members do not engage in deliberations or debates, make recommendations, give advice, consider findings, or in any other way assume responsibility for or participate in any aspect of the work or decision making relating to the matter where there is an actual conflict of interest.

Executive Session ended at 2:42 p.m.; Regular Session re-commenced

MOTION

Mr. Coss made and motion and Mr. Young seconded regarding the Board's review of file number 07-4993; no violation found, however, a letter of concern will be sent regarding the approach to patient management, which could lead to a violation of practice standards. The motion passed with Mr. Young, Mr. Coss and Mr. Hammer voting aye.

Mr. Burzynski recused himself from the proceeding and therefore did not vote or recommend any action on the file.

2007 LEGISLATIVE REPORT

Director Wilson reported that in an effort to keep the boards and councils apprised of the agency's continued communication efforts, OHLA will be providing a Web Analysis Report at the next scheduled board meeting, which will identify the following areas of interest:

- The most popular web pages on the agency's web site
- The number of visits for each web page
- The average length of time each page was visited
- The most popular files downloaded

Director Wilson stated the 2007 Legislature placed the Sexual Offender Treatment Board (SOTB) under the jurisdiction of OHLA. She stated SOTB is a high profile statewide program supported by both the Governor and Attorney General. The Health Licensing Agency was selected because it offered an existing infrastructure and professional staff to respond, develop and coordinate treatment roles with county and statewide criminal and juvenile justice organizations while maintaining a regulatory process that is cost-effective and accountable.

Director Wilson noted that legislation promoted by OHLA during the 2009 Legislative Session will be presented as an agency bill. She advised that legislation pertaining to public protection will need to be solidified by April 14, 2008.

ITEMS FOR BOARD ACTION

2008 SUBCOMMITTEES

MOTION

Ms. Murphy stated the purpose of subcommittees is to provide review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at board meetings. She then gave the board members an overview of previous subcommittee members:

Mr. Hammer made a motion to approve the subcommittees listed. Mr. Coss seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

Item Writing/Examination

Tad Burzynski
Todd Young
Joe Hammer, alternate

Enforcement

Betty Taylor
Tad Burzynski
Todd Young
Joe Hammar

Education/Curriculum

Betty Taylor
Joe Hammar

Genie Uebelacker
Joe Coss, alternate

Legislation/Rules

Tad Burzynski
Joe Coss
Joe Hammar

**Public Protection, Safety and
Professional Relations**

Joe Coss
Joe Hammar
Genie Uebelacker

Customer Connection

Joe Hammar

2008 BOARD MEETING DATES

Mr. Coss made a motion to accept the February 25, 2008 and September 29, 2008 meeting dates as recommended, with the inclusion of a third meeting date, May 5, 2008. Mr. Hammar seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

2008 CHAIR AND VICE CHAIR

MOTION

Mr. Burzynski made a motion to maintain Todd Young as chairperson and nominate Joe Hammer as vice-chairperson. Mr. Coss seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

2008 EXAMINATION DATES

MOTION

Mr. Coss made a motion to approve the July 11, 2008 examination date. Mr. Hammer seconded the motion. The motion passed with Mr. Young, Mr. Burzynski, Mr. Coss and Mr. Hammer voting aye.

PUBLIC COMMENT

No Public Comment

BOARD INTEREST FILE

Ms. Murphy directed the Board's attention to an article titled, "Debate over Dental Clinic Ownership Rights May Soon be Resolved." The group received an update on the Oregon State Denturist Association's sponsored initiative that allowed, among other things, dentists and denturists to enter into "mutually agreeable business relationships." The initiative passed by a three-to-one margin.

I attest that the Denture Technology Board minutes of September 24, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

The meeting was adjourned at 3:40 p.m.

(Signature not available)

Cerynthia Murphy, Program Coordinator