



# Oregon

John A. Kitzhaber, MD, Governor

## *Health Licensing Agency*

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**WHO:** Oregon Health Licensing Agency  
Board of Denture Technology

**WHEN:** October 17, 2011 – 11 am

**WHERE:** Oregon Health Licensing Agency  
Rhoades Conference Room  
700 Summer St NE, Suite 320  
Salem, Oregon

### **What is the purpose of the meeting?**

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/DT/meetings.shtml> for current meeting information.

### **Is the public or licensees allowed to attend the meeting?**

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

### **Is it possible to watch the meeting live on the internet?**

Yes. You may access the meeting at <https://oregon.ilinc.com/join/bbbhchw> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option "1."

### **What if the board/council enters into executive session?**

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

### **Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency  
Board of Denture Technology



11 am, Monday, October 17, 2011  
700 Summer Street N.E., Suite 320  
Salem, Oregon

**Revised 10/13/11**

**Call to Order**

- 1. Approval of Agenda**
- 2. Approval of Minutes**
  - ◆ June 6, 2011
- 3. Reports**
  - ◆ Director's Report
    - 2013 Legislative Concept Discussion
    - 2012 Chair Summit
  - ◆ Statistical & Budget Report  
Regulatory Report
  - ◆ Policy, Legislation & Administrative Rules
    - OHLA Permanent Administrative Rules

**Working Lunch**

- 4. Items for Board Action**
  - ◆ Approve Administrative Rulemaking Schedule
  - ◆ Determine and approve additional training requirements
    - a. Applicant's seventh attempt to pass denture technology written examination
  - ◆ 2012 Chair/Vice-Chair
  - ◆ 2012 Committees
  - ◆ 2012 Board Meeting Dates
  - ◆ 2012 Examination Dates
- 5. Public Comment**
- 6. Other Board Business**
  - ◆ Board Interest File
- 7. Executive Session (If needed)**

**Agenda is subject to change.**

**For the most up to date information visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)**

# **Approval of Minutes**



**June 6, 2011**



Oregon Health Licensing Agency  
Board of Denture Technology



11 am, Monday, June 6, 2011  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Shawn Murray, Chair  
Ivan Collver, Vice-Chair  
David Dahl  
Ken Holden  
Cindy Cunningham

**MEMBERS ABSENT:**

Geoffrey Berg

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Fiscal Services and Licensing Manager  
David Sparks, Regulatory Operations Manager  
Kraig Bohot, Public Information Officer  
Samie Patnode, Policy Analyst  
Nancy Sellers, Senior Policy Analyst  
Sinnamon Harris, Board Specialist

**GUESTS PRESENT:**

None

\*This meeting was live video streamed.

**Call to Order**

Shawn Murray, Chair, called the meeting of the Board of Denture Technology to order at 11 am, Monday, June 6, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

**1. Approval of Agenda**

**MOTION:**

Ken Holden made a motion with a second by Ivan Collver to approve the agenda as amended, adding under Items for Board Action, a review of committee members. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Ivan Collver made a motion with a second by Cindy Cunningham to approve the minutes for February 14, 2011. Motion passed unanimously.

### **3. Reports**

#### **◆ Directors Report**

Randy Everitt, Director, noted the meeting was now broadcast live on the internet through Oregon iLinc services. Stakeholders and other interested parties could watch the proceeding live from their own personal computers, with the meeting materials also available for viewing during the live meeting.

Everitt said the OHLA would be receiving a new board under the agency's umbrella: Board of Examiners of Licensed Dietitians. He also mentioned there is a bill, which may soon pass Legislation, to add Polysomnographic technologists under the Respiratory Therapist Licensing Board.

Everitt spoke about the change to investigative protocols. The agency has changed the first interview a licensee is asked to attend, to voluntary rather than mandatory. They may decline without penalty however, Everitt continued, if they do decline and the investigation finds enough evidence to move forward, the licensee will be sent a notice compelling them to attend an interview which then becomes public. In contrast, the original interview request would not be made public. Everitt explained the protocol up to this point had been to send a letter (which is not a notice) inviting the licensee to an interview. Most recipients have agreed to the interview at this point. The agency then determines if the case merits going any further. Feedback from the investigators and subject matter experts indicated this protocol was very cumbersome, and licensees were confused as to whether they should come to the interview or not. So the agency has made it not mandatory to attend the first interview and, if the licensee declines to attend, the agency will proceed with what information they have to determine if the case merits further action. Everitt noted the final details of the complaint will only be made public if the complaint results in a *final order*, which is then posted to the agency website. Everitt clarified the *notice* to appear for an interview will not be posted to the agency website but is available for public viewing through a public record request.

Everitt also noted the announcement went out for a Subject Matter Expert to work with the Regulatory Operations Division, but no one had applied, according to agency staff monitoring the process. The agency may have to extend the application deadline to fill the opening. He asked the board to let interested parties know of the recruitment.

#### **◆ Outreach and Communications**

Kraig Bohot, Public Information Officer, presented an overview of public information activities at OHLA which included:

- *Licensing Line*;
- Print Publications;
- OHLA Web Site;
- Media Relations;
- Presentations;
- Public Record Requests;
- Application Forms; and
- *Central Issues*.

#### **◆ Statistical Report**

Sylvie McMillan, Fiscal Services and Licensing Manager, presented an overview of statistics related to the board. Statistics included licensing, examination and regulatory statistics, active license trends, and complaints.

◆ **2010-2011 Budget**

McMillan reviewed the statement of cash flow for the 7/01/09 through 4/30/11 period and the cost allocations with the board. She also spoke about the projected statement of cash flow 7/01/09 through 6/30/2011, the end of the biennium. McMillan mentioned with the addition of the Board of Examiners of Licensed Dietitians, the combining of body piercing into the Board of Body Art, and adding polysomnographers to respiratory therapist, the cost allocations would be changing. But she also pointed out that licensing fees for the Board of Denture Technology had stabilized.

◆ **Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity. He stated between July 2009, and June 2011, 25 complaints have been filed with the agency of which one remains open.

Case # 11-6290

Received: January 17, 2011

Alleges the respondent is performing and purporting Denture Technology without a Denture Technology License.

The investigation is complete was closed as unfounded.

Case # 11-6295

Opened: 2/9/2011

Alleges the respondent failed to deliver a set of dentures that fit properly.

The investigation is ongoing.

For the current regulatory reporting period of February 8, 2011, through May31, 2011 the agency received one complaint.

• **Policy, Legislation & Administrative Rules**

Samie Patnode, Policy Analyst, gave the board an overview of various bills currently in Legislation. HB 2144 which was a "housekeeping" bill for OHLA died in committee. SB 723 related to polysomnographic technicians is to come under the Respiratory Therapist Licensing Board, adding approximately 400 new licensees. HB 2380 is the Direct Entry Midwifery bill that adds in peer review protections. It also reduces the number of board members to seven. In the instances of licensed direct entry midwife care transferring to the hospital, the bill removes the liability from the hospital and physician. HB 2380 is currently in the Ways and Means Committee. HB 2013 creates the new Board of Body Art which has moved through the House and Senate, and will move on to the Governor's Office. The Board of Body Art will merge the Advisory Council for Electrologists, Permanent Color Technicians, and Tattoo Artists, with the body piercing program, in addition to adding dermal implants and scarification. Patnode mentioned this newly merged board will be a large undertaking in rule writing for the agency. Patnode said, as Everitt had mentioned, the Board of Examiners for Licensed Dietitians more than likely will be coming to OHLA as it works its way through Legislation.

-House Bill 2145 Relating to Denture Technology Update

Patnode explained that HB 2145 relating to denture technology has now passed through the House and the Senate and is now at the Governor's Office. Patnode stated there was only one area of contention

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that Nancy Sellers, Senior Policy Analyst, helped work through. As a result, informed consent will be added into the rule regarding risks to teeth-whitening. Basically, Patnode stated, the definition for “Denturist” was amended to read: “means a person licensed under ORS 680.500 to 680.565 to engage in the practice of denture technology and who is authorized within [their] **the person’s** scope of practice to provide to the public full or partial upper or lower dentures **or other removable nonorthodontic dental appliances intended** to be worn in the human mouth.” Patnode noted the bill also allows for the issuance of a temporary license to practice denture technology. Murray provided the example of an intern who ended his 1,000 hours before he obtained his diploma so there was a period of time he could not work because there was no temporary licensure. Patnode said the DT board Legislation and Rules Committee may need to write some administrative rules surrounding temporary licensure in regards to possibly requiring the taking of the written examination, supervision, etc.

Patnode mentioned that Shawn Murray, who attended a class by American Dental Supply Company, has talked to several people about the possibility of the Food and Drug Administration (FDA) requiring a per-market 501k form to be filled out in regards to sleep apnea trays or snore guards. Patnode stated she has performed some research, placed a phone call and also sent an email in to see if “custom” trays require the 501k form. Murray explained because snore guards are customized to the individual and not massed produced, the FDA requirement may not apply. Patnode and Murray will pursue contact to the dental experts of the FDA for confirmation.

**-OHLA Notice of Proposed Rulemaking**

Patnode presented the OHLA notice of proposed rulemaking regarding protocols for authorization holders, who are in active military status. The proposed rules clarify what constitutes an “appearance” before the agency during investigations of alleged violations of statutes or rules, and defines the terms “incompetence and “negligence” used in ORS 676.612.

**-Pathways to Licensure Temporary Rule**

Patnode presented the board with a memorandum dated June 3, 2011, which provided a “cursory review of the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) by agency staff and legal counsel. It was determined that the agency has not been working within the framework of the law.”

The memorandum continues, “Currently OAR 331-410-000, regarding training, does not align with the agency’s statutory authority under ORS 680.515. It is necessary to adopt temporary administrative rules to streamline the training approval process for individuals coming through an associate degree program in denture technology, as well as individuals who have attained education through multiple educational programs.”

Patnode noted the temporary administrative rule will become effective on June 15, 2011, and she will email a copy with the final language to the board. The temporary rule will expired on November 9, 2011. The permanent rulemaking process will be done simultaneously to the temporary rulemaking process in order to make temporary administrative rules permanent.

Patnode explained that a denture technology program did not have to be accredited according to statute, nor is a two-year associate’s degree required. Patnode is working with the agency’s Assistant Attorney General to layout pathways to licensure and pathways for program approvals in temporary rule. She will be contacting the Oregon Student Assistant Commission (OSAC) for more information as part of her research. Patnode also spoke about contacting the office of degree granting and asking them to provide her with list for a denture technology degree and equivalent.

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Patnode noted she will contact the Mills Grey program, who had not been approved because they were not accredited, to inquire if they wish to reapply and submit documentation.

#### **4. Items for Board Action**

##### **-Approval of Administrative Rulemaking Schedule**

Patnode read an issue statement to the board which stated the Board of Denture Technology has not had an in-depth administrative rulemaking since 2004. Below are highlights of issues the board will consider:

1. Training requirements
2. Temporary licensure – HB 2145
3. Application requirements
4. Renewal requirements
5. Standards of practice including removable dental appliances and informed consent

#### **MOTION:**

Ken Holden made a motion to approve the administrative rulemaking schedule with a second by Ivan Collver. The motion passed unanimously.

##### **-Approval of Legislation and Rules Committee Members**

Patnode reminded the board members of the commitment involved during rulemaking session and suggested current Legislation and Rules Committee members consult their schedules to confirm attendance. Shawn Murray expressed an interest in being on the Legislation and Rules Committee and David Dahl stated his participation may be hindered by the driving distance and his schedule. Dahl withdrew from the committee and Murray was added.

#### **MOTION:**

David Dahl made a motion to approve the Legislation and Rules Committee as follows: Shawn Murray, Ken Holden, and Cindy Cunningham. A second was made by Ken Holden. The motion passed unanimously.

##### **-Approval of Practical Examination**

Patnode read the issue statement made by Cerynthia Murphy, Qualification Analyst, recommending the adoption of the Education and Examination Committee's changes to Board of Denture Technology's final practical examination. The issue statement noted that on February 14, 2011, the Board of Denture Technology reviewed a letter submitted by Ronald D. Farris regarding his observation of the new examination process. Mr. Farris stated there was a "missing link" in the examination process. Mr. Farris suggested that the process of taking intra oral records and transferring them correctly to the articulator should be assessed by proctors prior to the candidate proceeding to the "try in" phase of the examination. The Board voted to review Mr. Farris' proposal at the education and examination committee level.

On April 4, 2011, the education and examination committee had met to review the practical examination. They made changes to the practical examination which would fix the "missing link" in the examination process, which was proposed by Mr. Farris.

Changes were made to the Phase 3.0; Trial Denture Section. The candidate will present the post-dam

wax model on the articulator under section 3.1; the candidate will *now* be given three attempts to achieve centric relation and ridge crest relationship before moving to the vertical dimension section 3.2.

Murray stated the scoring criteria remains the same but this change eliminates the last minute crunch at the end of the testing period. Murray stated if the tester can correct the problem without knowledge of the actual problem, then they know what they are doing.

**MOTION:**

Ivan Collver made a motion to approve the final practical examination with a second by Cindy Cunningham. The motion passed unanimously.

**5. Public Comment**

No public comment was received.

**6. Executive Session-Place Holder**

The board did not enter into executive session.

**7. Other Board Business/Board Interest**

There was no "Other Board Business" or items in the "Board Interest File."

The meeting adjourned at approximately 1:45 pm.

Prepared by: Sinnamon Harris, Board Specialist

# **Director's Report**



# 2013 Legislative Concepts

## OREGON HEALTH LICENSING AGENCY

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The Oregon Health Licensing Agency (OHLA) begins the legislative process more than a year before the actual legislative session.

To begin the process the agency has compiled a list of possible legislative concepts for each program. Members are asked to review the list and make comments as well as add additional changes. As part of that process the agency will consider all comments and suggestions and may call on the individual boards and councils Legislative & Rules Committees to fine tune language or to act as experts in a particular profession.

### **OHLA ORS 676 – Streamline the following among all OHLA professions:**

- Continuing education authority;
- Renewal requirements;
- Fee structure;
- Complaint and investigation confidential;
- Disclosure of confidential information to other public entity; and
- Charitable events exception for all programs or relevant programs;

### **Board of Athletic Trainers ORS 688:**

- Remove NATA references; and
- Standardized definition of “Physician Extender”.

### **Board of Body Art Practitioners Oregon Laws 2011, Chapter 715 (ORS 690):**

- Ear lobe piercing only field of practice with grandfathering provision;
- Make tattooing a minor illegal;
- Add freelance authorization for electrology allowing electrologists to be mobile licensees.

### **Board of Cosmetology ORS 690:**

- Add work performed on the “face” related to esthetics;
- Practice standards and requirements for legend drugs and devices such as lasers and hydroquinone (skin lightening agent);
- Streamline public records confidentiality regarding complaints (690.195(2)); and
- Clarify authority to assess civil penalty to the Board (690.992) for violations of (676.612)

### **Board of Denture Technology ORS 680:**

- Perform X-rays part of scope of practice.

**Environmental Health Registration Board ORS 700:**

- Exempt individuals under a supervised internship from registration with guidelines by rule;
- Define duties and parameters of an environmental health specialist;
- Designate title for waste water specialist as RWWS; and
- Elimination of waste water field of practice.

**Advisory Council on Hearing Aids ORS 694:**

- Council membership – designate four hearing aid specialists licensed under 694.065(a) and (c) and one audiologist licensed under ORS 681; and
- Add temporary licensure provisions by rule.

**Board of Direct Entry Midwifery ORS 678:**

- Mandatory licensing including exemptions;
- Broaden legend drugs and devices;

**Nursing Home Administrators Board ORS 678:**

- Standards for directors/administrators for Assisted/Residential Living Facilities.

**Respiratory Therapist and Polysomnographic Technologists Licensing Board Oregon Laws 2011, Chapter 346 (ORS 690):**

- Add training to requirements for licensure under polysomnography; and
- Add language related to the practice of respiratory care to include:  
*“the insertion of devices to draw, analyze, infuse or monitor pressure in arterial, capillary or venous blood as prescribed by medical director” and emergent intraosseous placement.*

**Sex Offender Treatment Board ORS 675:**

- Designate titles for use by only a certified or associate sex offender treatment therapist as CCSOT and CASOT.
- Require that only certified or associate sex offender treatment therapists may treat minors or developmentally disabled;
- Mandatory licensure for all sex offender treatment therapists.

**Other Issues:**

- Durable medical equipment; and
- Home caregiver registry;

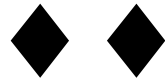
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**Oregon Health Licensing Agency**

700 Summer Street NE, Suite 320  
Salem, Oregon 97301-1287  
(503) 378373-1904



# **Statistical & Budget Reports**



# Oregon Health Licensing Agency

## Board of Denture Technology

*Licensing and Regulatory Division Statistics as of October 12, 2011*

**2011 - 2013 Biennium**

Quarter	Licenses Issued	Renewals processed over the counter or by mail	Renewals processed online	% of Renewals processed online
1st	1	13	8	38.10%
2nd	1	0	0	0.00%
<b>Total:</b>	2	13	8	38.10%

Quarter	Complaints Received	Notice of Proposed Sanctions	Final Orders	Complaints Closed
1st	1	0	0	0
2nd	0	0	0	0
<b>Total:</b>	1	0	0	0

# Oregon Health Licensing Agency Board of Denture Technology

*Examination Statistics as of October 12, 2011*

*2011 - 2013 Biennium*

<b>Quarter</b>	<b>Practical Exams Passed</b>	<b>Practical Exams Failed</b>	<b>% Passed</b>
<b>1st</b>	1	1	50%
<b>2nd</b>	0	0	0%
<b>Total:</b>	1	1	50%

<b>Quarter</b>	<b>Written Exams Passed</b>	<b>Written Exams Failed</b>	<b>% Passed</b>
<b>1st</b>	1	0	100%
<b>2nd</b>	0	0	0%
<b>Total:</b>	1	0	100%

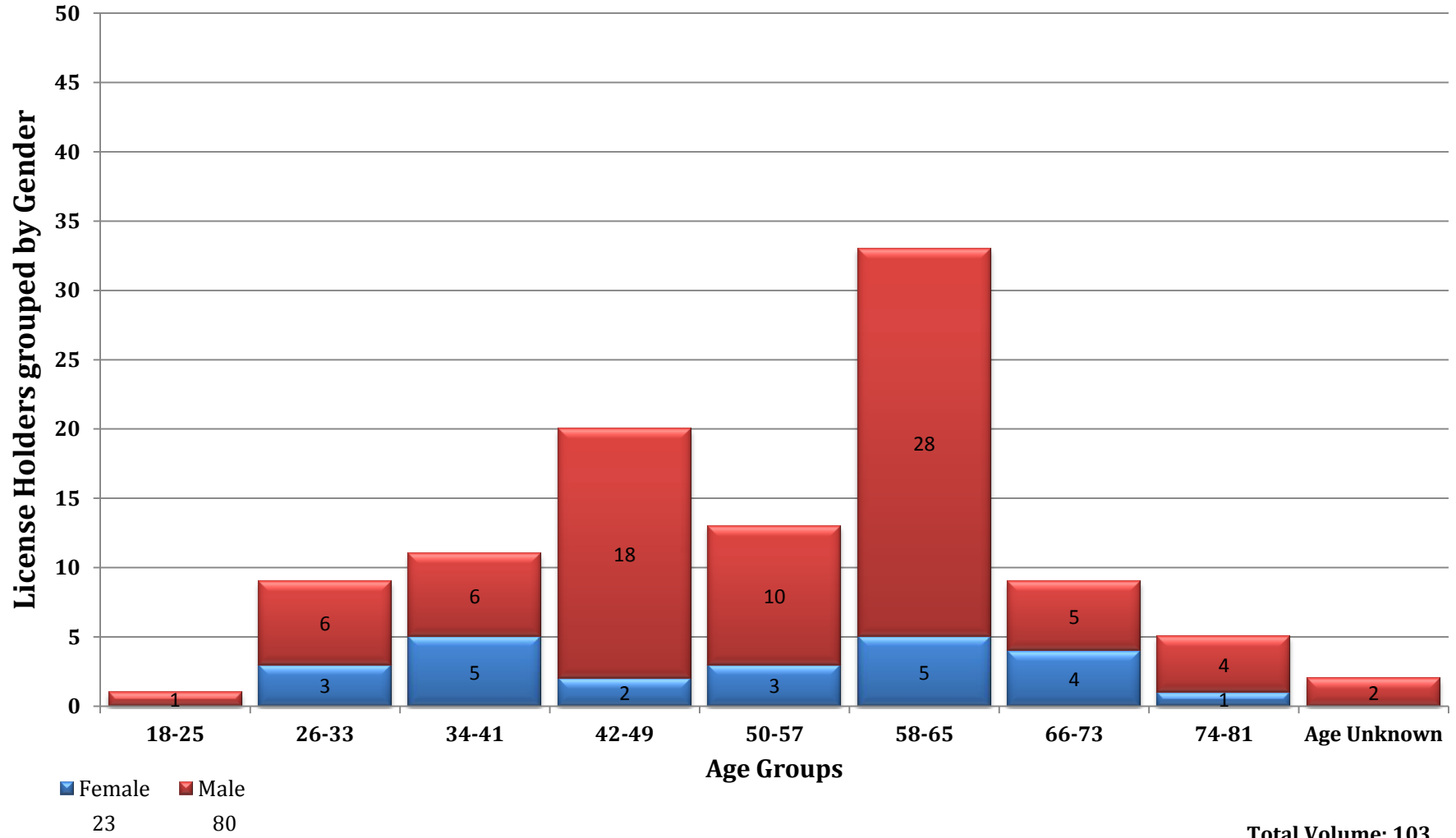
# Oregon Health Licensing Agency

## Board of Denture Technology

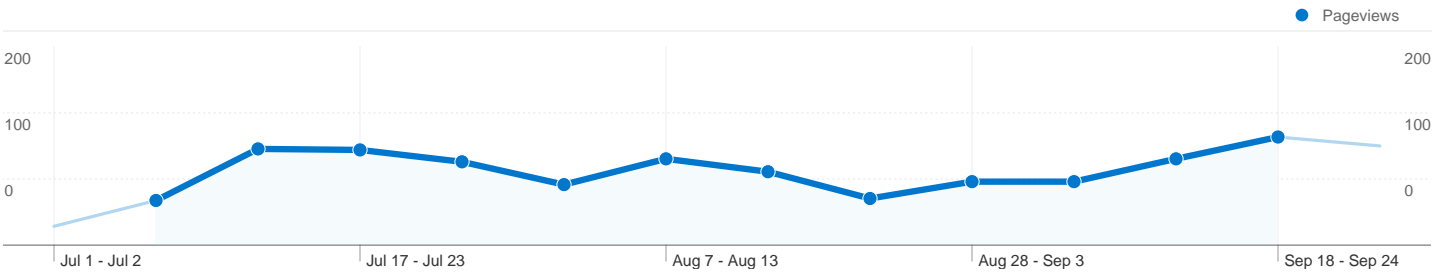
### Active License Holders

Statistics grouped by Gender and Age Group as of October 12, 2011

2011 - 2013 Biennium



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### Content Performance

<b>Pageviews</b> <b>1,565</b> % of Site Total: 1.14%	<b>Unique Pageviews</b> <b>1,252</b> % of Site Total: 1.14%	<b>Avg. Time on Page</b> <b>00:00:38</b> Site Avg: 00:01:13 (-48.72%)	<b>Bounce Rate</b> <b>50.00%</b> Site Avg: 47.28% (5.76%)	<b>% Exit</b> <b>35.56%</b> Site Avg: 37.68% (-5.64%)	<b>\$ Index</b> <b>\$0.00</b> Site Avg: \$0.00 (0.00%)
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Pivot by: Source

1 - 5 of 6

Page	Total	google	oregon.gov	(direct)	licenseinfo.oregon.gov	cdc.gov
	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews
/OHLA/DT/index.shtml	382	243	0	69	0	69
/OHLA/DT/forms.shtml	278	69	208	0	0	0
/OHLA/DT/How_to_Get_Licensed.shtml	208	173	0	0	34	0
/OHLA/DT/contact_us.shtml	139	69	0	69	0	0
/OHLA/DT/Biographies/John_Cooper.shtml	69	69	0	0	0	0
/OHLA/DT/DTContinuingEducation.shtml	69	34	0	0	34	0
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/OHLA/DT/about_us.shtml	69	69	0	0	0	0
/OHLA/DT/Biographies/Dr_Geoffrey_Berg.shtml	34	34	0	0	0	0
/OHLA/DT/Biographies/Kenneth_Holden.shtml	34	34	0	0	0	0

1 - 10 of 16

# Oregon Health Licensing Agency

## Board of Denture Technology

### Cumulative Revenue and Expenditures For the Biennium 2009-11

<b>OREGON HEALTH LICENSING AGENCY DENTURE TECHNOLOGY FUND 7530 STATEMENT OF CASH FLOW FOR THE PERIOD 07/01/09 - 6/30/11</b>	
09-'11 Beginning Cash Balance	\$ 54,926.28
Revenues	\$ 95,815.10
Expenditures	\$ 118,057.45
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (118,057.45)
Subtotal: Resources Available	\$ 32,683.93
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Actual) as of 8/31/2011</b>	<b>\$ 32,683.93</b>
<b>Cost Allocation 7/1/2009 - 1/31/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.31%
	1.91%
<b>Cost Allocation 2/1/2010 - 9/30/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.42%
	2.02%
<b>Cost Allocation 10/1/2010 - 6/30/2011</b>	
Small Board Assessment Rate	1.50%
License Volume Rate	0.15%
Indirect Rate for all Divisions	1.65%
Direct Cost 100%	

Agency Divisions	Shared Cost Categories	FTE ALLOCATION	Cosmetology	Board of Body Art	Denturists, Hearing Aids, Nursing Home Administrators and Environmental Health Specialists	Athletic Trainers, Respiratory Therapists and Polysmonographic Technologists , Direct Entry Midwives, Sex Offender Treatment Therapists and Dietitians
			Cosmetology Plan	Small Board Gold Plan	Small Board Silver Plan	Small Board Bronze Plan
Administrative Services Division	Management, Rules and Legislation and Board Support	10.00 FTE	X	X	X	X
	Education Services	1.00 FTE	X	X	X	
Fiscal Services / Licensing Division	Fiscal Services and Information Technologies	7.00 FTE	X	X	X	X
	Cosmetology Direct Support	1.00 FTE	X			
	Small Board Qualifications and Licensing	1.00 FTE		X	X	X
	Front Line	4.00 FTE	X	X	X	X
Regulatory Operations Division	Inspections	4.00 FTE	X	X		
	Investigations	4.00 FTE	X	X	X	X
	Admin Support	1.00 FTE	X	X	X	X
<b>TOTAL FTE / COST CATEGORIES</b>		<b>33.00 FTE</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>6</b>

# Oregon Health Licensing Agency

## Board of Denture Technology

### Cumulative Revenue and Expenditures For the Biennium 2011-13

<b>OREGON HEALTH LICENSING AGENCY</b> <b>DENTURE TECHNOLOGY FUND 7530</b> <b>STATEMENT OF CASH FLOW</b> <b>FOR THE PERIOD 07/01/11 - 08/31/11</b>		
11-'13 Beginning Cash Balance <i>as of 8/31/2011</i>	\$	32,683.93
Revenues	\$	10,225.00
Expenditures	\$	6,347.33
Less: Accrued Expenditures	\$	(8.49)
Less: Total Expenditures	\$	(6,338.84)
Subtotal: Resources Available	\$	36,570.09
Change in (Current Assets)/Liabilities	\$	9.07
<b>Ending Cash Balance (Actual)</b>	<b>\$</b>	<b>36,579.16</b>
<b>Silver Allocation Plan, 07/01/2011 - 12/31/2011</b>		
Shared Services Rate (ASD, FSD, ROD)		0.75%
Educational Services Rate		10.53%
SMB Qualifications and Licensing Rate		1.76%
Front Line Support Rate		0.15%
Direct Expenses		100.00%

# Oregon Health Licensing Agency

## Board of Denture Technology

### Cumulative Revenue and Expenditures For the Biennium 2011-13

<b>OREGON HEALTH LICENSING AGENCY</b> <b>DENTURE TECHNOLOGY FUND 7530</b> <b>STATEMENT OF CASH FLOW</b> <b>FOR THE PERIOD 07/01/11 - 06/30/13</b>		
11-'13 Beginning Cash Balance <i>as of 8/31/2011</i>	\$	32,683.93
Revenues	\$	61,382.50
Expenditures	\$	77,905.00
Less: Accrued Expenditures	\$	-
Less: Total Expenditures	\$	(77,905.00)
Subtotal: Resources Available	\$	16,161.43
Change in (Current Assets)/Liabilities	\$	-
<b>Ending Cash Balance (Projected)</b>	<b>\$</b>	<b>16,161.43</b>
<b>Silver Allocation Plan</b>		
Shared Services Rate (ASD, FSD, ROD)		0.75%
Educational Services Rate		10.53%
SMB Qualifications and Licensing Rate		1.76%
Front Line Support Rate		0.15%
Direct Expenses		100.00%

**Regulatory  
Operations Division  
Report**



Oregon Health Licensing Agency  
Regulatory Division

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**BOARD OF DENTURE TECHNOLOGY**

***2009 – 2011 Biennium***

Between July 2009 and June 2011, 26 complaints were received by the Agency. Of the 26 complaints, 2 remain open.

Below is a detailed list of the 2 open complaints with an ongoing investigation:

Case #	Received Date	Complaint Allegations
11-6295	1/31/2011	Services Provided
11-6470	6/13/2011	Services Provided

There were no closed complaints since the last Board meeting.

Below is a summary of all other closed complaints categorized by investigation result. These 24 complaints were closed out prior to the last Board meeting.

Investigation Result	Count
Civil Penalty	2
Resolved	1
Unfounded	17
W/D	2
W/O Action	2

***2011 – 2013 Biennium***

Between July 1, 2011 and October 12, 2011, 1 complaint was received by the Agency. Of the 1 complaint, 1 remains open.

Below is a detailed list of the 1 open complaint with an ongoing investigation:

Case #	Received Date	Complaint Allegations
6560	9/13/2011	Services Provided

# **Policy, Legislation & Administrative Rules**

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on August 15, 2011 by the  
the Date prior to or same as filing date

<u>Oregon Health Licensing Agency</u>	<u>OAR 331</u>
<b>Agency and Division</b>	<b>Administrative Rules Chapter Number</b>
<u>Samantha Patnode, Policy Analyst</u>	<u>700 Summer St. NE, Suite 320, Salem, Oregon 97301-1287</u>
<b>Rules Coordinator</b>	<b>Address</b>
	<u>503-373-1917</u>
	<b>Telephone</b>

to become effective August 15, 2011. Rulemaking Notice was published in the June 2011 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULE CAPTION**

Define terms used in ORS 676.612 and active military status protocols for authorization holders.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** 331-010-0050

**AMEND:** 331-020-0040, 331-020-0070

**REPEAL:**

Stat. Auth.: ORS 676.615

Other Auth.: ORS 408.450

Stats. Implemented: ORS 676.607, 676.608, 676.612, 408.450

**RULE SUMMARY**

Adopt 331-010-0050 allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Define and clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the Oregon Health Licensing Agency (OHLA), its boards or councils.

Define and clarify the terms incompetence and negligence used in ORS 676.612 in relation to the boards or councils under the OHLA.

	<u>Randall Everitt, Director</u>	<u>8/11/11</u>
<b>Authorized Signer</b>	<b>Printed name</b>	<b>Date</b>

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. \*\*The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 m on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.  
ARC 930-2005

**OREGON HEALTH LICENSING AGENCY**

**DIVISION 10**

**AGENCY GENERAL ADMINISTRATION RULES**

**331-010-0050**

**Authorization Holders; Military Leave**

**(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.**

**(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.**

**(3) No fees will be due until the following renewal period.**

**(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.**

## DIVISION 20

### AGENCY REGULATORY OPERATIONS RULES

#### 331-020-0040

#### Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

- (1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.
- (2) The agency investigator(s):
  - (a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;
  - (b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;
  - (c) May attempt to informally resolve the matter;
  - (d) (c) Will make recommendations for agency action.
- (3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.
- (4) As used in ORS 676.608(8), to "appear before the agency" includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview or hearing before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include interrogatories, written admissions, other written communications, or voluntary communications.**

Stat. Auth.: ORS 183, 676.605, 676.608, 676.615  
Stats. Implemented: ORS 183, 676.605, 676.608, 676.615  
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

## 331-020-0070

### Discipline

(1) The Oregon Health Licensing Agency may discipline authorization holders for violations of laws and rules, in accordance with ORS 676.612 and 676.992.

(2) Failure to cooperate with the agency or its agent is unprofessional conduct and is subject to disciplinary sanctions, which may include suspension or revocation and refuse to issue or renew or place on probation and assessment of civil penalties. Failure to cooperate with the agency or its agent includes, but is not limited to, the following:

(a) Failing to provide information within the specified time allotted and as requested by the agency;

(b) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(c) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(d) Interference, use of threats or harassment which delays or obstructs the agency in carrying out its functions under individual programs administered and regulated by the agency as listed in ORS 676.606 and rules adopted thereunder; or

(e) Deceiving or attempting to deceive the agency regarding any matter under investigation including altering or destroying any records.

(3) The agency, at its discretion, may require supplemental training in an appropriate area of study as determined by the agency, board or council, as a disciplinary sanction. Supplemental training may be in addition to assessment of a monetary penalty or the agency, board or council may waive or reduce a penalty, in cases requiring supplemental training.

**(4) As used in ORS 676.612(2)(j) incompetence means engaging in conduct which evidences a lack of ability or fitness to perform the holder's professional functions.**

**(5) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.**

Stat. Auth.: ORS 676.607, 676.612, 676.992  
Stats. Implemented: ORS 676.607, 676.612, 676.992  
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

# **Items for Board Action**

***ISSUE:***

Begin administrative rulemaking process for the Board of Denture Technology.

***DISCUSSION:***

**Permanent Rulemaking**

Oregon Health Licensing Agency (agency) has been engaging each program in administrative rulemaking. The Board of Denture Technology (board) has not had in-depth administrative rulemaking since 2004.

The board can expect to make significant changes in all areas of administrative rules to align with other agency programs as well as ensure that administrative rules fall within the statutory framework of the law. Revisions the board may consider are as follows:

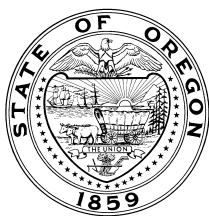
- Training Requirements
- Temporary Licensure – HB2145
- Application Requirements
- Renewal Requirements
- Standards of Practice
  - Removable dental appliances
  - Informed consent

When beginning the rulemaking process it is important to consider, the time commitment required by the Legislation and Rules Committee members. The current Legislation and Rule Committee members are Cindy Cunningham, Ken Holder and Shawn Murray.

Please note that meetings related to ONLY administrative rules will begin at 9 am, due to the degree of detail required for rulemaking.

***RECOMMENDATION:***

Recommend approval of the administrative rulemaking schedule. (See schedule attached)



# Administrative Rule Schedule

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## OREGON HEALTH LICENSING AGENCY

### Board of Denture Technology

Date	Action	Time
October 17, 2011	Board meeting approve rulemaking schedule	9 am
January 30, 2012	Legislation & Rules Committee – fiscal impact review	9 am
February 6, 2012	Legislation & Rules Committee – fiscal impact review	9 am
March 9, 2012	Legislation & Rules Committee – fiscal impact review	9 am
March 26, 2011	Board meeting approve proposed rules & fiscal impact – CC	9 am
May 1, 2012	Notice of proposed rules –Oregon Bulletin	
May 28, 2012	Last day for public comment	
June 4, 2012	Legislation & Rules Committee – fiscal impact review	9 am
June 18, 2012	Board meeting adopt permanent rules	9 am
July 1, 2012	Permanent rules effective	

Under ORS 676.607(f) the Oregon Health Licensing Agency (Agency) has authority and responsibility to approve and collect all fees for the programs under ORS 676.606 including the Board of Denture Technology. The Agency has final rulemaking authority under ORS '676.615. All comments including recommendations from board members will be considered by the Agency.

All meetings are held at the Oregon Health Licensing Agency, Rhoades Conference Room, 700 Summer St, Suite 320, Salem, OR 97301, unless otherwise specified.

Members of the public are invited and encouraged to attend all board and committee meetings. However, audience members will not be allowed to participate, unless there is a dedicated placeholder on the agenda and/or the chairperson designates an allotted time.

Invited technical experts may be asked to participate in meetings regarding their knowledge and expertise in specific areas.

Please send all public comment to:

Samie Patnode, Policy Analyst  
700 Summer St NE, Suite 320  
Salem, OR 97301-1287  
[samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)  
Work: (503) 373-1917

For current information regarding administrative rules or the rulemaking process visit the Web at [http://www.oregon.gov/OHLA/DT/DTlaws\\_rules.shtml](http://www.oregon.gov/OHLA/DT/DTlaws_rules.shtml).

# Issue Statement

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## ISSUE:

Determine additional training requirements for Young Seck Yang prior to taking the denture technology written examination for a seventh attempt.

## DISCUSSION:

According to Oregon Administrative Rule 331-410-0030 (10), an applicant who fails to pass the written or practical examination on the third attempt, must apply to the Board and receive authorization before application for re-examination will be approved. The Board may require the applicant to undergo additional training before taking the examination a fourth or subsequent time.

On June 8, 2009, an issue statement was presented to the board requesting approval for Mr. Yang to take the written examination for his fourth attempt. On February 12, 2009, when Mr. Yang took his third attempt examination, the testing system stopped a candidate's examination once the candidate missed enough questions to make it impossible to pass, which also made it impossible to determine the amount of training Mr. Yang should receive within each examination domain. The testing system has been changed to allow the candidate to take the entire examination. The board voted to allow Mr. Yang to retake the examination without obtaining additional training. On July 24, 2009, Mr. Yang failed his fourth attempt examination with a 39% failure rate.

On September 28, 2010, an issue statement was presented to the board requesting approval for Mr. Yang to take the written denture technology examination for his fifth attempt, and due to English being Mr. Yang's second language, allow interpreter assistance in addition to requiring Mr. Yang take 390 hours of additional training. The board voted to require Mr. Yang to complete 390 hours in practical and theory training, in addition to allowing him interpreter assistance.

On January 21, 2010, Mr. Yang submitted written correspondence to the agency stating he did not want to utilize an interpreter, he simply wanted additional time. Mr. Yang was provided with an American's With Disabilities Act Accommodation Request Form, for individuals needing accommodation to the regular testing environment due to a disability; Mr. Yang never submitted the accommodation request form. On February 16, 2010, Mr. Yang failed his fifth attempt examination with a 36% failure rate. On May 13, 2011 Mr. Yang failed his sixth attempt examination with a 36% failure rate.

## Examination Information:

- First attempt on July 28, 2008 with a score of 37%; failure rate of 63%.
- Second Attempt on December 12, 2008 with a score of 42%; failure rate 58%
- Third attempt on February 12, 2009 with a score of 45%; failure rate of 55%

- Fourth attempt on July 24, 2009 with a score of 61%; failure rate 39%
- Fifth attempt on February 16, 2010 with a score of 64%; failure rate 36%
- Sixth attempt on May 13, 2011 with a score of 64%; failure rate 36%

**RECOMMENDATION:**

The agency recommends Mr. Yang obtain 36% or 360 hours of the initial 1000 hours in practical and theory training supervised by a licensed denturist or dentist prior to taking the examination as his seventh attempt.

The 36% or 360 hours of training would be as follows,

Theory

4% or 40hours	General Anatomy and Physiology
1% or 10 hours	Histology
2% or 20 hours	Microbiology
1% or 10 hours	Ethics and Jurisprudence
1% or 10 hours	Periodontology
4% or 40 hours	Geriatrics and Nutrition
1% or 10 hours	Pharmacology
1% or 10 hours	Dental Materials
7% or 70 hours	Pathology
1% or 10 hours	Medical Emergencies

23% or 230 hours

Theory hours would be reported via verification of the hours spend on the subject, referencing the times spend and the sources used to study and signed off by their supervisor.

Practical

4% or 40 hours	Denture Laboratory Technology
6% or 60 hours	Clinical Denture Technology
3% or 30 hours	Partial Dentures

13% or 130 hours

Practical Hours would be reported via certification of completed hours signed by their supervisor.

**RECOMMENDATION CONTINUED:**

To approve the agency's recommendation to require Mr. Yang to take 360 hours of practical and theory training as listed above.

**Issue:**

With the end of 2011 approaching it is necessary for the Board of Denture Technology to elect a Chair and Vice-Chair for the year 2012.

**Discussion:**

Shawn Murray has served as Chair during the year of 2011.  
Ivan Collver has served as Vice-Chair during the year of 2011.

**Recommendation:**

Board of Denture Technology nominates and elects a board Chair and Vice-Chair for the year 2012.

CHAIRPERSON

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VICE-CHAIRPERSON

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**Issue:**

With the end of the year 2011 approaching, it is necessary for the Board of Denture Technology to review the make up of committees and designated members to each committee.

**Discussion:**

The purpose of committees is to allow for review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. Committees also serve as a resource to staff in the daily administration of the program with members providing technical expertise and direction, particularly in scope of practice, practice standards, education and regulatory aspects.

A committee may be comprised of one member acting, as liaison between the board and office staff, but must include a total number of members that equates to less than an a quorum.

Committee	Committee Purpose/Description
Legislation/Rules	Gain consensus on rule development and make recommendations for action to the board/agency. Committee work is centered on "fact-finding"-discussion of facts, perspectives and concerns.
Education/Examination	Establish requirements for training and education, equivalencies and continuing education.
Enforcement	Advise agency during investigation or review of disciplinary cases.
Customer Connection	Advise agency on areas affecting all board/councils uniformly. Projects may include Website review, agency publications and agency rulemaking.
Practice & Procedures Standards	Review and discuss inquiries received regarding scope of practice

**Recommendation:**

The Board of Denture Technology designates committee members for the year of 2012.

# Oregon Health Licensing Agency

## BOARD OF DENTURE TECHNOLOGY

### 2012 Recommended Committee Nominees

<b>2011 COMMITTEE LIST</b>	
<b>Education/Examination</b>	Dr Berg, Shawn Murray, John Cooper
<b>Enforcement</b>	David Dahl, Shawn Murray, Ken Holden
<b>Legislation/Rules</b>	David Dahl, Cindy Cunningham, Dr. Berg
<b>Public Protection, Safety and Professional Relations</b>	Ivan Collver, John Cooper, Cindy Cunningham
<b>Practice &amp; Procedure Standards</b>	Ken Holden, David Dahl, Shawn Murray
<b>Customer Connection</b>	Ivan Collver

<b>2012 COMMITTEE NOMINEES</b>	
<b>Legislation/Rules</b>	<hr/> <hr/> <hr/>
<b>Education / Examination</b>	<hr/> <hr/> <hr/>
<b>Enforcement</b>	<hr/> <hr/> <hr/>
<b>Public Safety/Professional Relations</b>	<hr/> <hr/> <hr/>
<b>Practice &amp; Procedures Standards</b>	<hr/> <hr/> <hr/>
<b>Customer Connection</b>	<hr/>

**Issue:**

With the end of 2011 approaching it is necessary for the Board of Denture Technology to approve meeting dates for the year 2012.

**Discussion:**

The following dates are proposed for the Board of Denture Technology to conduct regular board business:

Monday, February 6, 2012 @ 1pm (following Leg/Rules Committee)  
**Monday, March 26, 2012 –teleconference call @ 9am (to  
approve proposed rules)**  
Monday, June 18, 2012 @ 11 am  
Monday, September 24, 2012, @ 11 am

**Recommendation:**

Board of Denture Technology approves meeting dates for the year 2012. Approved meeting dates:

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**Issue:**

With the end of 2011 approaching it is necessary for the Board of Denture Technology to approve the examination date for the year 2012.

**Discussion:**

Schedule the practical examination in August at Oregon Health Sciences University in Portland, Oregon. Offering the examination in August allows candidates enough time to finish school, apply to sit for the examination, and submit transcripts prior to the cut off date for the examination (July 10, 2012). The following date is proposed:

August 10, 2012

**Recommendation:**

The Board of Denture Technology approves the above examination date for the year 2012. Meeting date:

\_\_\_\_\_, 2011

# **Public Comment**

# **Other Board Business**



**Board Interest File**