



Oregon Health Licensing Agency
Board of Denture Technology

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11 am, February 14, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Shawn Murray, Chair
Ivan Collver, Vice-Chair
David Dahl
Ken Holden
Cindy Cunningham
Geoffrey Berg
John Cooper

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Business Services Manager
David Sparks, Regulatory Operations Manager
Samie Patnode, Policy Analyst
Nancy Sellers, Senior Policy Analyst
Cerynthia Murphy, Qualification Analyst
Sinnamon Harris, Board Specialist

MEMBERS ABSENT:

None

GUESTS PRESENT:

Ron Farris

*This meeting was live audio streamed within the Oregon Health Licensing Agency.

Call to Order

Shawn Murray, Chair, called the meeting of the Board of Denture Technology to order at 11:05 am, Monday, February 14, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called for present board members and a quorum was established. Dr. Geoffrey Berg and Ken Holden arrived after the approval of the agenda.

1. Approval of Agenda

MOTION:

Ivan Collver made a motion with a second by David Dahl to approve the agenda as amended. Motion passed unanimously.

2. Approval of Minutes

MOTION:

Ivan Collver made a motion with a second by Geoffrey Berg to approve the minutes for September 27, 2010. Motion passed unanimously.

3. Reports

• Director's Report

Randy Everitt, Director, presented a letter from former Governor Kulongoski addressed to the board expressing the former Governor's sincere appreciation for the board's service and dedication during the his administration.

Everitt described the new audio/visual broadcast of today's full board meeting to the members and how stakeholders would be able to gain access via their own computers. Everitt pointed out the system is still in its testing phase and in the near future a link will be available on the OHLA website for interested parties to log in to listen and see the board meetings live.

• Education/Examination

Cerynthia Murphy, Qualification Analyst, presented the board with information regarding a request from the state of Montana. The Montana Board of Dentistry had requested that OHLA Board of Denture Technology provide their state with the completed examination item bank for the denture technology written examination and allow Montana qualified applicants to take the Oregon denture technology practical examination. Everitt stated the agency will not provide the Montana Board of Dentistry with the complete examination item bank for the Board of Denture Technology written examination. Everitt stated an agreement between Oregon and Montana would require an interstate trade agreement that only the United States Congress could approve. The agency will obtain Oregon Department of Justice advice regarding Oregon's authority to allow individuals applying for Montana licensure to take Oregon's practical or written examination, without meeting Oregon's application requirements. Murray offered the reason Montana was seeking another avenue for licensure was George Brown University had ceased offering distance learning. Murphy stated George Brown University's new program instructor will continue with denturist program, however, Montana would like to provide pathways to licensure without relying solely upon George Brown University. Murphy offered to contact George Brown University to verify which programs are still being offered.

Murphy referred a letter of suggestion dated January 28, 2011, provided by Ronald D. Farris L.D., to the board. Farris has served as a proctor for the Oregon denturists practical examination and as such has noted what he termed "a missing link" in the practical examination process. Farris wrote that candidates spend three-plus hours setting their case without an evaluation of the major criteria set for a successful examination. Farris believes the process of taking intra oral records and transferring them correctly to the fabrication articulator should be assessed by proctors prior to the candidate proceeding to Phase III (upper and lower denture try in evaluation). He promoted an insertion of a "Proctor Evaluation of Records" prior to Phase III of the practical examination. Murray called upon Farris at the board meeting for his input and Farris stated he would be glad to attend an Education and Examination Committee meeting to further discuss the issue.

MOTION:

David Dahl made a motion with a second by Ivan Collver to review Ronald Farris' proposal at the Education and Examination Committee level. The motion passed unanimously.

• Outreach and Communications

Sylvie McMillan, Business Services Manager, filled in for Kraig Bohot, Public Information Officer, and presented Bohot's *Central Issues* publication ideas. The issue highlights included a legislative update, curriculum review, duplicate licenses issue, insurance reimbursement, practice accountability, and

collaborating on complaints with the Board of Dentistry. McMillan stated Bohot would email the draft publication to board members for review and requested the board members respond with their feedback.

- **Statistical Report**

McMillan presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, age diversity in practitioners, gender of licensees, and website traffic. McMillan noted 46 percent of denturists are age 58 or older.

- **2010-2011 Budget**

McMillan reviewed the statement of cash flow for the period 7/01/09 – 12/31/10. McMillan pointed out where the cost allocation changed for the small board assessment rate on October 1, 2010, because the Regulatory Operations Division was removed from the indirect rate to direct costs. McMillan presented the statement of cash flow projections for 7/01/09 – 6/30/2011. McMillan noted more expenditures are projected than revenues coming into the board and the cash balance is dwindling. McMillan stated unless the board has more new licensees the agency will have to work with the board to adjust fees.

Collver asked about legislative sweeps. Everitt explained if the Legislature finds a huge ending balance it may sweep the monies into the General Fund. OHLA is an “Other Funds” agency and the past 15 years the Legislature has not swept any of the agency’s funds. Everitt stated that each board should have at minimum three months operating costs at the end of a biennium and that none of the agency’s boards have large ending balances.

- **Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity. For the current biennium of July, 2009, through February, 2011, a total of 23 complaints had been filed with the agency. Of those 23 complaints five remain open. For the current reporting period dates of September 14, 2010 through February 7, 2011, the agency had received six complaints. Sparks presented a report with details of the open and closed complaints to the board.

- **Policy, Legislation and Administrative Rules**

Nancy Sellers, Senior Policy Analyst, presented a memorandum outlining an overview of the legislative process and the role of the board member in this process.

Hierarchy of Law Governing State Agencies

- US and Oregon Constitutions
- Oregon Revised Statutes
 - *Oregon Laws*
 - *Budget Notes*
- Governor’s Executive Orders/Agency Directives
- Oregon Administrative Rules
- Agency Policies
- Agency Practices

OHLA works closely with the Governor’s Office, Department of Administrative Services, partner agencies, stakeholder groups and the Legislature to ensure that all bills, potential amendments and budgets that may impact the agency and its stakeholders are fully vetted and understood.

Sellers made it clear to the board that as OHLA board members they can be a great asset in the legislative process. The board members often play a dual role: both as agents of the state in their official capacity with OHLA, and as private citizens working in their individual professions. If a legislator, staffer or other agent of the Legislature contacts a board member directly regarding policies and legislation of the agency, please clarify with him or her that you are speaking as an individual, and not as a representative of the regulatory/advisory board of which you are a member.

Persons acting as agents of the Executive Branch of government – including agency management, employees and appointed board and council members – are not allowed to advocate for or against legislation, budgets or other legislative initiatives without the express permission of the Governor's Office.

Sellers reminded board members that if legislators or staffers are looking for an *official response*, please direct them to her or Samie Patnode, Policy Analyst, and they will follow-up promptly, and keep the board informed.

House Bill 2145

Everitt informed the board that he would be testifying later this afternoon on behalf of the Board of Denture Technology for HB 2145. He invited the board to watch the proceedings online through a link on the www.leg.state.or.us website. HB 2145 permits denturists to provide removable nonorthodontic dental appliances to be worn in human mouth. The bill would also authorize the Oregon Health Licensing Agency to adopt rules waiving examination requirement for license to practice denture technology and providing for issuance of temporary license to practice denture technology. Everitt stated he had talked with the Board of Dentistry and they had no objections to HB 2145.

House Bill 2144

Patnode stated this is the OHLA "housekeeping" bill that she presented at the last board meeting that, for example, aligns the licensees across all boards to have the same "active, inactive and expired" statuses. The summary for the bill reads: "Modifies provisions relating to Oregon Health Licensing Agency and boards, councils and programs administered by agency."

Senate Bill 227

SB 227 "Directs Oregon Board of Dentistry to issue certificates to dental therapists to perform certain dental services. Declares emergency, effective on passage." Patnode explained the bill would allow a person who holds a dental therapist certificate a host of services under Section 3, but her concern was line 38, under Section 3, subsection 2(g) "Final impressions." Patnode has asked Murray to draft a letter regarding her concerns about health and safety in relation to SB 227 and send it to both Patnode and Sellers for review. Patnode stated she is tracking the bill and watching for any hearing dates. Murray remarked she would like the agency to confer with the Board of Dentistry to see what their stance is on the bill. Murray stated information from the National Denturist Association has found in unregulated states that this type of legislation has been an avenue to not allow denturists by having dental therapist perform this service. Murray also stated the state of Washington just defeated a similar bill because it would undermine denturists. Dahl pointed out line 26 (m) "Temporary soft relines of complete dentures for tissue conditioning," which is part of the denturists' scope of practice. Patnode assured the board that she would be carefully tracking the bill and would keep them informed and up-to-date. Everitt asked the origins of the bill. Dr. Berg stated there was a website for the Oregon Oral Health Coalition at www.OROHC.org

5. Public Comment

No public comment was provided at this time.

6. Other Board Business/Board Interest

The board was provided with a copy of an article from the *Register-Guard* by Matt Cooper, entitled: "Ruling sheds new light on public meetings, but questions remain" on their notebook computers to upload and take home for review.

7. Executive Session

No executive session was held.

The meeting adjourned at approximately 12:47 pm.

Prepared by: Sinnamon Harris, Board Specialist