



**Oregon Health Licensing Agency (OHLA)
BOARD OF DENTURE TECHNOLOGY**



10:00 am Monday, February 2, 2009
700 Summer Street N.E., Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

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

OTHERS PRESENT

Samantha Patnode, Policy Analyst
Trampus Schuck, Board Specialist
Kraig Bohot, Communications Coordinator
Mike Simpson, Quality and Statistical analyst
Tim Molloy, Regulatory Operations Manager

MEMBERS EXCUSED

Geoffrey Berg, DMD, Dentist

Call to Order

Tad Burzynski, Vice-Chairperson, called the meeting of the Board of Denture Technology to order at 10:00 a.m. on Monday, February 2, 2009, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer Street NE, Salem, Oregon.

Executive Session – ORS 192.660(2)(b)

Tad Burzynski convened Executive Session under ORS 192.660(2)(b) at 10:07 am for the purpose of reporting complaints or charges brought against, a public officer, employee, staff member or an individual agent. Executive Session concluded at 10:12 am

Regular Session

Tad Burzynski reconvened regular session at 10:12 am. No action or recommendations were made.

I - Approval of Agenda

MOTION

Joe Coss made a motion with a second by Joe Hammar to approve the agenda for February 2, 2009. Mr. Coss made a motion with a second by Dr. Berg to approve the agenda as presented. Aye: Mr. Young, Mr. Hammar, Mr. Dahl, Mr. Burzynski and Mr. Coss. Nay: None. The motion passed unanimously.

II - Approval of Minutes

MOTION

Joe Coss made a motion with a second by David Dahl to approve the September 29, 2008 with corrections to spelling errors. The motion passed unanimously.

III - Reports

A. Director's Report

- **2009 Legislation**

Samie Patnode, Policy Analyst, presented 2009 Legislation regarding OHLA Legislative Concept 765 reporting it had been pulled by the Governor's Office due to technical issues and provisions in the "Relating to Clause". The agency revised the areas in question but in doing so did not meet the deadline for completion. The Governor's Office and Department of Administrative Services, Budget and Management Division support the concept and encouraged the agency to pursue introducing the legislation as a committee bill. Patnode stated that many of changes are house keeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs.

Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the Board and the agency. She noted that specific bills add public members to health related boards including the Board of Denture Technology. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidence where scopes of practice may crossover, and restricting the liability of hearings and court fees to complainants.

Board members voiced concern that it is difficult to fill the vacancies of public membership and asked for definition of public member. Currently the Governors Office defines public member as anyone who do not possess the same credentials and skills as a licensee on the respective board; this would vary if public member were defined in specific statutes. Other concerns involved recruitment and retention of public members and their ability to effectively serve on committees where detailed technical knowledge was needed. Board members requested a letter be drafted expressing these concerns with final revisions and recommendations being made by Chairperson Todd Young. Upon completion the letter will be distributed to each board member and the House Health Care Committee.

B. Administrative Services Division

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Board of Denture Technology. His report included licensing, examinations, Website traffic, and regulatory statistics for 2008.

Simpson stated that a continuing education audit was done for 2006 and 2007. He provided an overview of the outcome noting eight licensees were audited and all licensees passed. The board was provided with the report and a copy was placed in board documents for retention. Simpson stated audits for 2008 would begin in April of 2009.

C. Regulatory Operations Division

Tim Molloy Regulatory Operations Manager stated there had been no new complaints since the September 2008 board meeting. He provided an overview of two ongoing cases both of which are scheduled for hearing as follows:

- Case number 08-57330 resulted in a violation for unlicensed activity
- Case number 08-5436 resulted in violations for no direct supervision, no signed informed consent, Trainee not Identified as a trainee, failure to maintain trainee documentation.

D. Program Operations Division

• Proposed Administrative Rules

Samie Patnode provided an overview of the agency proposed administrative rules which include temporary rules filed and effective December 1, 2008. They addressed requirements for completion of a fingerprint and criminal background check to determine fitness of individuals applying or renewing an authorization. The rules are used to clarify requirements for acceptable documentation and personal identification of applicants to strengthen applicant licensure qualification criteria. The purpose of the rule changes are to mitigate use of false identification and/or misrepresentation of personal information, to reduce potential agency liability, and secure license issuance and renewal procedures.

Other technical amendments were made relating to procedure of model rules, rulemaking, definitions, and Oregon Accounting Manual requirements. Corrections to statute citations and agency name were made.

Board questioned if costs associated with fingerprinting and background checks would be passed on to the customer or absorbed by the Agency and the Board. Patnode stated currently costs for those services would be absorbed by the agency; however that could change in the future.

Patnode noted that on January 7, 2009, the OHLA Customer Connection Committee met and reviewed the proposed administrative rules for accuracy and implication to each board, council and program. Present from the Respiratory Therapy Licensing Board was Tad Burzynski and Joe Coss. She pointed out a change in the permanent rule making scheduled, noting public comment would be open until April 30, and rules would become permanent and effective on May 1, 2009.

• Outreach and Communication

Kraig Bohot, Communications Coordinator, began by showing the Board the new Regulatory Compliance resource page on the OHLA Website. Bohot explained the purpose of the Webpage is to help licensees through the disciplinary process. He presented the Board with the OHLA ten year report explaining a virtual presentation will be available on the Website on February 13 which coincides with the Oregon 150 year anniversary.

Mr. Bohot provided an overview of the new Frequently Asked Questions section relating to fingerprinting and the purpose behind the proposed administrative rule. The proposed changes set procedures and guidelines to perform fingerprinting and criminal background checks on applicants and current licensees.

Patnode reported on December 5, 2008 a letter regarding feedback continuing education requirements was sent at the request of the Board. She noted that no feedback had been received at this time. Patnode stated the Oregon State Denturist Association (OSDA) met and discussed continuing education requirements and may be providing feedback to the Agency. Dave Dahl provided staff with a copy of the minutes from the last OSDA meeting which denoted the association's recommendations.

Patnode reported her efforts to find new venue for the practical examination, which would allow for more candidates. She stated she has checked on several locations including Portland Community College (PCC), Chemeketa Community College, Apollo College as well as Linn-Benton Community College. PCC Sylvania has a lab and chair side space which will accommodate up to 24 students; however they were not very receptive to renting it. Patnode will continue conducting research and report findings at the June meeting.

Patnode also reported on changes to forms requested by practical examination proctors.

- **Committees and Reports**
No Committee reports at this time

IV - Items for Board Action

No Items required Board action at this time

V - Executive Session

No executive session at this time.

VI - Other Board Business

Board members discuss dental appliances other than replacement teeth, i.e. sleep apnea guards and bleaching trays being allowed within the scope of practice for denturists. Discussions centered on whether or not denturists are prohibited from fitting such appliances. Concerns were raised regarding the definition of denturist under ORS 680.500(3). Many on the board felt they were not prohibited from fitting such appliances but were unsure. Molloy stated he would discuss the issue with the assistant attorney general and report the recommendations at the June 2009 meeting. Concerns were raised by agency staff that expanding the scope of practice is generally done by an association of the practice similarly to the partial denture campaign in 2002. As well expansion of scope of practice is generally done in conjunction with consumer protection, such as if the practice was not currently regulated. Board members disagreed.

VII - Public Comment

No public comment was provided.

VIII Miscellaneous

A. Board Interest File

Tad Burzynski, Vice-Chairperson, adjourned of the Board of Denture Technology at 12:53 pm.