

**OREGON BOARD OF DENTISTRY
MINUTES
December 18, 2015**

MEMBERS PRESENT: Alton Harvey Sr., President
Julie Ann Smith, D.D.S., M.D., MCR, Vice-President
Todd Beck, D.M.D.
Amy B. Fine, D.M.D.
Jonna E. Hongo, D.M.D.
Yadira Martinez, R.D.H.
James Morris
Alicia Riedman, R.D.H.
Brandon Schwindt, D.M.D.
Gary Underhill, D.M.D.

STAFF PRESENT: Stephen Prisby, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Daryll Ross, Investigator (portion of meeting)
Harvey Wayson, Investigator (portion of meeting)
Teresa Haynes, Exam and Licensing Manager (portion of meeting)
Michelle Lawrence, D.M.D., Consultant (portion of meeting)
Daniel Blickenstaff, D.D.S., Consultant (portion of meeting)
Jessica Conway, Office Manager (portion of meeting)
Ingrid Nye, Office Specialist (portion of meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Heidi Jo Grubbs, R.D.H.; Kenneth Chung, ODA; Christina Swartz
Bodamer, ODA; Mary Harrison, ODAA; Anthony Medina, DAS;
Bruce Burton, D.M.D., ODA; Harold Hickok; Pamela Lynch, R.D.H.;
Kyle Johnstone, R.D.H., ODHA; Caroline Maier, R.D.H.

Call to Order: The meeting was called to order by the President at 7:40 a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Dr. Hongo moved and Dr. Fine seconded that the minutes of the October 30, 2015 Board meeting be approved as amended reminding the public that prior to a Board meeting, there is a public packet available with attachments of all relevant information to be reviewed at that Board meeting, and those public packets are public records as well. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Dr. Fine moved and Mr. Morris seconded that the minutes of the November 12, 2015 Special Teleconference Board meeting be approved as presented. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Dr. Bruce Burton reported that the sixth annual Mission of Mercy event served 1,090 patients, and provided \$900,000 worth of care. Christina Swartz Bodamer reported that the ODA's peer review program was seeking more volunteer dentists.

Oregon Dental Hygienists' Association

Stephen Prisby stated that he spoke to Lynn Ironside and she was unable to attend the meeting but had nothing to report at this time. Mr. Prisby welcomed the new President of the ODHA, Cassie Button, R.D.H. Mr. Prisby reported that he presented at the ODHA conference on November 13, 2015.

Oregon Dental Assistants Association

Ms. Mary Harrison reported that there were no registrations for the ODAA education seminar, which was scheduled for December 5, 2015.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Jonna Hongo had nothing to report at this time. The next meeting is scheduled for February, 2016.

AADB Liaison Report

Dr. Amy Fine was not able to attend the AADB meeting in Washington DC, and Ms. Yadira Martinez reported on behalf of the Board members who attended the conference. The meeting was educational and informative.

ADEX Liaison Report

Dr. Jonna Hongo reported that Mr. Alton Harvey was elected as a consumer member on the Board of Directors, and that past Board member Dr. Patricia Parker was re-elected to her seat on the Board of Directors.

CDCA Liaison Report

Dr. Amy Fine had nothing to report at this time. The CDCA annual meeting will be held January 14-16, 2016 in Orlando, Florida. Mr. Prisby requested the Board approve his attendance at the annual conference. Dr. Underhill moved and Dr. Hongo seconded that his travel be approved. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Committee Meeting Dates

A Dental Hygiene committee meeting is scheduled for January 21, 2016 at 6:00 p.m. at the Board office.

EXECUTIVE DIRECTOR'S REPORT

Board Member & Staff Updates

Mr. Prisby introduced the new Office Specialist, Ingrid Nye. The new Dental Investigator position interviews are in the final stages, tentative start date in January, 2016.

Budget Status Report

Mr. Prisby reviewed the latest budget report for the 2015 - 2017 Biennium. The report, which is from July 1, 2015 through October 31, 2015, shows revenue of \$660,714.35 and expenditures of \$383,794.53. Mr. Prisby said he would be happy to answer questions that the board members have regarding the report.

Customer Service Survey Report

Mr. Prisby stated that he attached the legislatively mandated survey results from July 1, 2015 - November 30, 2015, implementing our new online format and including comments received. The results of the survey show that the OBD continues to receive positive ratings from the majority of those that submit a survey.

Board and Staff Speaking Engagements

Mr. Prisby stated that he and Dr. Kleinstub gave a "Board Updates" and "Enforcements" presentation to the Washington County Dental Society with DBIC on November 10, 2015 in Beaverton.

Mr. Prisby stated that he gave a "Board Updates" presentation to the ODHA at their Convention on November 13, 2015 at the Portland Airport Sheraton.

Mr. Prisby stated that he gave a "Board Updates" presentation to the Marion and Polk County Dental Society with DBIC on December 4, 2015 in Salem.

Newsletter

Mr. Prisby stated that the next newsletter is being finalized and the plan is to have it available and distributed before the end of the year.

UNFINISHED BUSINESS

At the October 30th Board meeting, the staff was directed to research the rules regarding Epinephrine (the EpiPen) for dental hygienists in emergency situations to have available in an emergency kit. The Board discussed Oregon Pharmacy's rule and the Oregon Health Authority's rules regarding epinephrine relevant to the discussion. It was determined that the OHA has a pathway for dental hygienists to acquire EpiPens.

CORRESPONDENCE

James Brown Memo

December 2015 Dental Board letter from SRTA

ADEX Highlights 2015

OTHER BUSINESS

The Board Received a Request for Approval Dental Hygiene Restorative Curriculum - Pima Medical Institute Dental – Hygiene Program. Dr. Beck moved and Dr. Smith seconded that the Board approve the curriculum as presented. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

The Board Received a Request to amend a previously approved Dental Hygiene Restorative
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Curriculum from Portland Community College. Dr. Smith moved and Ms. Martinez seconded that the amended curriculum be approved as presented. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

The Board Received a Request for permission to take the Western Regional Dental Examination - Silvia Amaya-Pajares, D.D.S., M.S. Dr. Hongo moved and Dr. Fine seconded that the Board grant permission to take the examination. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Ethics and Boundaries Assessment Services Inc. Dr. Underhill moved and Dr. Fine seconded that the Board use this assessment as a tool for discipline. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

ARTICLES AND NEWS OF INTEREST (no action necessary)

Bend Bulletin Article

ADEA Snapshot of Education

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(f), (h) and (k); ORS 676.165; ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential investigatory materials and investigatory information, and to consult with counsel.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES

Licensee appeared pursuant to their Consent Order in case numbers **2013-0097, 2013-0119, 2014-0094.**

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2016-0092 and **2016-0074** Dr. Smith moved and Dr. Hongo seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act per the staff recommendations. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Schwindt recused himself on case 2016-0092.

COMPLETED CASES

2015-0086, 2016-0080, 2015-0096, 2015-0075, 2016-0078, 2016-0069, 2016-0022 and 2016-0041 Dr. Smith moved and Dr. Beck seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action per the Board recommendations. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2014-0117

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Dr. Beck moved and Dr. Fine seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that the instructions for all prescriptions are documented, assure that all subgingival cement is removed when cementing a crown onto an implant abutment, and to assure that every autoclave is tested every week patients are treated, even when the autoclave is not used that week. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0090

Mr. Morris moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he informs his patients of any less than optimal outcomes of his dental treatment and to document the occurrences in the patient chart. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye

2014-0122

Ms. Riedman moved and Dr. Fine seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that his documented informed consent is more thorough when using the Herbst appliance on adults. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Schwindt recused himself.

2015-0072

Dr. Hongo moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he fully documents dental diagnosis for prescribing medications and documenting all radiographic findings. The motion passed with Dr. Smith, Dr. Beck, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Fine recused herself.

Higbee, Max W., D.M.D. and Smith, Dane E., D.M.D. 2015-0079

Dr. Underhill moved and Dr. Beck seconded that the Board merge this case with case 2015-0070, for Respondent #1 and issue a single Notice of Proposed Disciplinary Action for both cases, and offer the licensee a Consent Order in which the licensee would agree to be reprimanded, to pay a \$3,000 civil penalty to be paid within 60 days, 20 hours of Board approved community service to be completed within six months, complete at least three hours of Board approved CE in record keeping, make a restitution payment in the amount of \$925.00 to patient TB per Board protocols, and monthly submission of spore testing results for a period of one year from the effective date of the Order. For Respondent #2, close the matter with a Letter of Concern addressing the issue of ensuring that all treatment provided to a patient is completely and accurately documented in the patient records. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Higbee, Max W., D.M.D. 2015-0070

Dr. Underhill moved and Dr. Beck seconded that the Board merge this case with case 2015-0079, for Respondent #1 and issue a single Notice of Proposed Disciplinary Action for both cases, and offer the licensee a Consent Order in which the licensee would agree to be reprimanded, to pay a \$3,000 civil penalty to be paid within 60 days, 20 hours of Board approved community service to be completed within six months, complete at least three hours of Board approved CE in record keeping, make a restitution payment in the amount of \$925.00 to patient TB per Board protocols, and monthly submission of spore testing results for a period of one year from the effective date of the Order. For Respondent #2, close the matter with a Letter of Concern addressing the issue of ensuring that all treatment provided to a patient is completely and accurately documented in the patient records. The motion passed with Dr.

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Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0147

Ms. Martinez moved and Dr. Smith seconded that the Board close the matter with a strongly worded Letter of Concern reminding Licensee to assure that he only provide treatment within the scope of the practice of dentistry. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman and Ms. Martinez and Dr. Underhill voting aye.

Olesberg, Dale J., D.M.D. 2015-0098

Dr. Beck moved and Dr. Fine seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and a \$3,000.00 civil penalty, 20 hours of Board approved community service, and monthly submission of spore testing results for a period of one year. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Hongo recused herself.

Pham, John, D.D.S. 2015-0045

Mr. Morris moved and Dr. Beck seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and civil penalty of \$6,000.00, to be paid within 90 days, 40 hours of Board approved community service to be completed within one year, take a Board approved class on record keeping, and monthly submission of spore testing results for a period of one year from the effective date of the Order. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0089

Dr. Schwindt moved and Dr. Fine seconded that the Board close the matter with Letter of Concern addressing the issue of ensuring that when treatment is planned, there are diagnostic images present to substantiate the planned treatment. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2014-0205

Dr. Underhill moved and Dr. Fine seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that adequate pre-treatment radiographs are available prior to providing treatment. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0076

Ms. Martinez moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern reminding Licensee to ensure that documentation of heat sterilizer testing is done and recorded on a weekly basis. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman and Ms. Martinez and Dr. Underhill voting aye. Dr. Smith recused herself.

PREVIOUS CASES REQUIRING BOARD ACTION

2008-0013

Mr. Morris moved and Dr. Hongo seconded that the Board reaffirm Board action of October 30, 2015. The motion passed with Dr. Smith, Dr. Fine, Dr. Hongo, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Beck and Dr. Schwindt recused themselves.

Smith, Dane E., D.D.S. 2015-0073

Dr. Schwindt moved and Dr. Fine seconded that the Board reinstate Licensee's dental hygiene license providing she agree to the terms of a Consent Order incorporating the protocols to protect the public and support her recovery and a requirement she enroll in HPSP. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Hsu, Richard Pao-Yuan, D.M.D. 2015-0189

Ms. Riedman moved and Dr. Hongo seconded that the Board issue an Order of Dismissal dismissing the Notice of Proposed License Revocation issued 7/3/15. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Dr. Schwindt recused himself.

2015-0181

Dr. Fine moved and Dr. Hongo seconded that the Board rescind the Board's vote on October 30, 2015 to issue a Notice of Proposed License Revocation and close the case with No Further Action. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0153

Dr. Hongo moved and Dr. Beck seconded that the Board issue an Order of Dismissal dismissing the Notice of Proposed Disciplinary Action and close the matter with a Letter of Concern reminding Licensee to assure that he not offer considerations in exchange for referrals. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

2015-0008

Dr. Underhill moved and Dr. Beck seconded that the Board affirm board action of October 30, 2015. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

LICENSURE AND EXAMINATION**Request for Oral and Maxillofacial Exam**

Ms. Martinez moved and Dr. Schwindt seconded that the Board accept the request to allow Dr. Jev Clark to take the Oral and Maxillofacial Exam in July pending staff and examiner availability. The motion passed with Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Smith, Dr. Schwindt, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye. Mr. Morris voted no.

DANB Proposal

Dr. Beck moved and Dr. Fine seconded, that the board accept DANB's proposal to take over issuing all of Oregon's Dental Assisting Certifications, as of July 1, 2016. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Ratification of Licenses Issued

As authorized by the Board, licenses to practice dentistry and dental hygiene were issued to applicants who fulfilled all routine licensure requirements. It is recommended the Board ratify issuance of the following licenses. Complete application files will be available for review during the Board meeting.

DENTAL HYGIENISTS

H7113	GAIL MARGARET JOHNSON, R.D.H.	10/22/2015
H7114	SARAH LYNN BOROWIAK, R.D.H.	10/22/2015
H7115	TIA M GLANDING, R.D.H.	10/22/2015
H7116	CALLY MARIE GRANT, R.D.H.	10/29/2015
H7117	SHANNON MICHIKO SAKATA, R.D.H.	10/29/2015
H7118	VANESSA R PLUNKETT, R.D.H.	10/29/2015
H7119	ADAM M MERRITT, R.D.H.	11/6/2015
H7120	BINA MISTRY, R.D.H.	11/10/2015
H7121	JACQUE'LINE MARIE MENDIOLA, R.D.H.	11/18/2015
H7122	MELISSA KAYE ALLEMAND, R.D.H.	11/18/2015
H7123	KYNA L CHILDS, R.D.H.	11/18/2015
H7124	SABRINA ROSE ANDRUS, R.D.H.	11/18/2015
H7125	ALESIA MARIE GREENE, R.D.H.	12/3/2015
H7126	SARAH A ROSS, R.D.H.	12/3/2015
H7127	DANIELLE MARIE DESHAYES, R.D.H.	12/3/2015
H7128	CORINNE MAUREEN SMITH, R.D.H.	12/4/2015
H7129	ANGELA M HERMANSEN, R.D.H.	12/7/2015

DENTISTS

D10366	JASMINE J CHA, D.D.S.	10/23/2015
D10367	MARK S CUSHING, D.D.S.	10/23/2015
D10368	IRAJ H KASIMI, D.M.D.	10/29/2015
D10369	LAUREN S BUSCH, D.D.S.	10/29/2015
D10371	JOHN K SULLIVAN, D.D.S.	11/6/2015
D10372	MELISSA M RAMSEY, D.D.S.	11/18/2015
D10373	LIN ZHU, D.D.S.	11/18/2015
D10374	CHARLES DANIEL KNECHTEL, D.D.S.	11/18/2015
D10375	DANA NGUYEN SCHMIDL, D.D.S.	11/19/2015
D10376	RARES N DECA, D.M.D.	12/3/2015
D10377	BEATRICE E DECA, D.M.D.	12/3/2015
D10378	LAUREN M WEBER, D.D.S.	12/3/2015
D10379	CRAIG ROSS ELGIN, D.M.D.	12/3/2015
D10380	ELIZABETH A MILLER, D.D.S.	12/3/2015
D10381	ALISHA J JAMES, D.D.S.	12/3/2015
D10382	JUNGHUN JI, D.D.S.	12/7/2015
D10383	CONG VO, D.D.S.	12/7/2015
D10366	JASMINE J CHA, D.D.S.	10/23/2015

Mr. Morris moved, and Dr. Fine seconded, that licenses issued be ratified as published. The motion passed with Dr. Smith, Dr. Beck, Dr. Fine, Dr. Hongo, Dr. Schwindt, Mr. Morris, Ms. Riedman, Ms. Martinez and Dr. Underhill voting aye.

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 1:35 pm. President Harvey stated that the next Board meeting would take place February 19, 2016.

_____/S/_____
Alton Harvey Sr.
President