

**OREGON BOARD OF DENTISTRY
MINUTES
JUNE 17, 2022**

MEMBERS PRESENT: Jose Javier, D.D.S., President
Chip Dunn, Vice President
Alicia Riedman, R.D.H.,
Reza Sharifi, D.M.D.
Sheena Kansal, D.D.S.
Aarati Kalluri, D.D.S.
Terrence Clark, D.M.D.
Sharity Ludwig, R.D.H.,E.P.P. joined by teleconference at 9:10 am

STAFF PRESENT: Stephen Prisby, Executive Director
Winthrop "Bernie" Carter, D.D.S., Dental Director/ Chief Investigator
Angela Smorra, D.M.D., Dental Investigator
Haley Robinson, Office Manager (portion of meeting)
Shane Rubio, Investigator (portion of meeting)
Samantha VandeBerg, Examination and Licensing Manager (portion of meeting)
Ingrid Nye, Investigator (portion of the meeting)
Kathleen McNeal, Office Specialist (portion of the meeting)
Teresa Haynes, Project Manager (portion of the meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Mary Harrison, Oregon Dental Assistants Association;
VIA TELECONFERENCE*: Lisa Rowley, Oregon Dental Hygienist Association; Amy Coplen,
R.D.H., E.P.P., Pacific University; Miranda Davis, D.D.S.; Jen
Lewis-Goff, Oregon Dental Association (ODA); Katy Adishian, ODA;
Thomas Kolodge, D.D.S.; Jonathan Yih, D.M.D., Oregon State
Society of Orthodontists; Brittany Seneca; Sabrina Riggs; Candace
Jimenez, NPAIHB; Laura Brannon; Lauren Malone, OAGD

*This list is not exhaustive, as it was not possible to verify all participants on the teleconference.

Call to Order: The meeting was called to order by the President at 8:00 a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

President Jose Javier, D.D.S. welcomed everyone to the meeting and had the Board Members, Lori Lindley, and Stephen Prisby introduce themselves.

NEW BUSINESS

Approval of Minutes

Dr. Sharifi moved and Mr. Dunn seconded that the Board approve the minutes from the April 22, 2022 Board Meeting as presented. The motion passed unanimously.

ASSOCIATION REPORTS

Oregon Dental Association (ODA)

Jen Lewis-Goff introduced ODA's newest staff member, Katy Adishian. Ms. Lewis-Goff reported that ODA's Board of Trustees approved the 2023 legislative agenda which addresses the Oregon workforce shortage.

Oregon Dental Hygienists' Association (ODHA)

Lisa Rowley stated there was nothing to report.

Oregon Dental Assistants Association (ODAA)

Mary Harrison reported that the Oregon Dental Assistants Association presented several scholarships to students at local Oregon schools. The ODAA is pleased that Mr. Prisby will be attending the DANB meeting next month.

COMMITTEE AND LIAISON REPORTS

The Committee and Liaison Assignments document was presented which was updated and included dental therapists on the regular standing committees along with the new Board members.

EXECUTIVE DIRECTOR'S REPORT

Board and Staff Updates

Mr. Prisby reported that the Governor sent a number of names forward for consideration for open board and commission seats. The Senate Interim Committee On Rules and Executive Appointments met on June 1 and the Senate convened on June 3 to approve the Board and commission members for appointment. On behalf of the OBD and staff, Mr. Prisby welcomed three new board members.

Sharity Ludwig is an Expanded Practice Dental Hygienist and the Director of Alternative Care Models for Advantage Dental. She completed her dental hygiene education at Oregon Institute of Technology in Klamath Falls and then went on to receive a master's degree in Healthcare Administration and Interprofessional Leadership from the University of California, San Francisco. Much of her career has been developing innovative strategies and processes for community based dental care, in addition to the development and implementation of models of care that incorporate oral health with a focus on the ever-changing needs of the healthcare industry to achieve the quadruple aim.

Terrence A. Clark, DMD, FAGD did his undergraduate work at Portland State University, then after graduating from OHSU, completed his residency at the OHSU Hospital and VA. He has been in private practice in Wilsonville, Oregon since 1987, with an emphasis on comprehensive dentistry for medically compromised patients. He has been a lecturer for the ADA on Ethics and Professionalism, and has presented at many dental schools and dental societies. He is an avid skier, hiker, and loves boating. His wife of 45 years is a native Oregonian, RN, and they are the proud parents of three children and ten grandchildren.

Michelle Aldrich, DMD, BSDH, D.ABDSM, was born and raised in La Grande and Union, Oregon, and graduated from OHSU dental hygiene program in 1992. It was at that time she decided to eventually return to dental school after her children were grown. She graduated from OHSU's dental program in 2008, and started a practice in Salem, OR. Dr. Aldrich has

taken advanced training in dental sleep medicine, earning her diplomate from the American Board of Dental Sleep Medicine and started an additional business with the primary focus of the dental treatment of obstructive sleep apnea. She has lectured on that topic, including the published standards of care, to both dentists and dental hygienists in Marion and Polk Counties.

OBD Budget Status Report

Mr. Prisby presented the latest budget report. The report, which was from July 1, 2021 through April 30, 2022, showed revenue of \$1,738,745.97 and expenditures of \$1,388,175.60.

Customer Service Survey

Mr. Prisby presented the legislatively mandated survey results from July 1, 2021 – May 31, 2022. The results of the survey showed that the OBD continued to receive positive ratings from the majority of those that submitted a survey.

Board and Staff Speaking Engagements

Samantha VandeBerg and Ingrid Nye gave several License Application virtual presentations to graduating Dental Hygiene Students at Oregon schools. They presented to Lane Community College in Eugene on Monday, May 2, 2022. They presented to the graduating Dental Hygiene Students at Mt. Hood Community College in Gresham on Monday, May 16, 2022. And they presented to graduating Dental Hygiene Students at Pacific University in Hillsboro on Wednesday, June 1, 2022. And Ingrid Nye gave a License Application virtual presentation to the graduating Dental Students at OHSU School of Dentistry in Portland on Monday, May 23, 2022.

Dr. Bernie Carter gave a Board Operations, Investigations and Protocols presentation to dentists and staff Permanente Dental Associates on Saturday, May 21, 2022.

Dr. Bernie Carter gave a Board Operations, Complaint Process, Investigations and Protocols presentation to the third-year dental students at OHSU School of Dentistry on Tuesday, May 31, 2022.

Delegated Duties for Executive Director & Staff

Mr. Prisby stated that every June the new President of the OBD takes the gavel for the first regular Board meeting after being elected President at the April Board Meeting for a 1-year term of office. Every June he submits to the Board for reauthorization, this memo outlines delegated duties to the executive director and OBD staff along with the executive director's job description. The document was updated for the delegated duties to include reference to dental therapy and their verification of collaborative agreements.

Ms. Riedman moved and Mr. Dunn seconded that the Board approve the delegated duties as presented. The motion passed unanimously.

OBD Bylaws

The OBD Bylaws were adopted in 2018 and are included for review. A motion was made to update the mission statement to: The Mission of the Oregon Board of Dentistry (OBD) is to promote quality oral health care and protect all communities in the State of Oregon by equitably and ethically regulating dental professionals.

Ms. Riedman moved and Dr. Sharifi seconded that the Board approve the updated bylaws as presented. The motion passed unanimously.

AADA & AADB Annual Meetings

The American Association of Dental Administrators and the American Association of Dental Boards will hold in person meetings in Asheville, North Carolina October 6 - 9, 2022. The Board plans for this and has the resources to send two Board members, our attorney and Executive Director to the meetings. Mr. Prisby is currently the President of the AADA.

Ms. Riedman moved and Mr. Dunn seconded that the Board approve Mr. Prisby's attendance at the AADA and AADB meetings. The motion passed unanimously.

DANB Invitation – Stakeholder Forum

The Dental Assisting National Board (DANB) invited Mr. Prisby to Chicago, Illinois to attend a forum on the future dental workforce. The forum is designed to bring together leaders in dentistry to share their perspectives and identify ways to work together to assure a robust, effective and adequately staffed dental assistant workforce.

Dr. Kansal moved and Dr. Sharifi seconded that the Board approve Mr. Prisby's attendance at the DANB meeting. The motion passed unanimously.

OBD 2023 Meeting Dates & Calendar

Mr. Prisby presented the proposed 2023 Board meeting dates.

Dr. Kansal moved and Dr. Sharifi seconded that the Board approve the 2023 Board Meeting dates as presented. The motion passed unanimously.

Newsletter

Mr. Prisby announced a Summer OBD Newsletter is planned to be published in August.

UNFINISHED BUSINESS AND RULES

Dental Therapy Public Rulemaking Hearing

Mr. Prisby discussed findings from the May 18, 2022 public rulemaking hearing on Dental Therapy. After extensive discussion at four committee meetings, Board meetings and public hearings, no comments came back regarding most of the new rules. It was determined that three rules would need extra discussion and would be held back from the vote encompassing the remaining rules. The rules pulled aside for further discussion were 818-021-0052, 818-021-0054, and 818-038-0005. Rule 818-021-0088 rule was removed from the proposed rules to allow the legislature to add dental therapists to the volunteer license verbiage.

Dr. Sharifi moved and Ms. Riedman seconded that the Board approve OARs 818-001-0002, 818-001-0082, 818-001-0087, 818-012-0020, 818-012-0030, 818-021-0026, 818-021-0076, 818-021-0080, 818-021-0085, 818-021-0090, 818-021-0095, 818-021-0110, 818-026-0055, 818-038-0001, 818-038-0010, 818-038-0020, 818-038-0025, 818-038-0030, 818-038-0035, 818-042-0010, 818-042-0020, 818-042-0050, 818-042-0060, 818-042-0090, 818-042-0114 as presented. The motion passed unanimously.

Ms. Riedman moved and Dr. Kansal seconded that the Board approve OAR 818-038-0005 as amended. The motion passed unanimously.

818-038-0005

Dental Therapy Education Program

The Board defines “Dental Therapy Education Program” as:

- (1) A program accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor organization, and approved by the Board by rule;
- (2) A dental pilot project as defined in ORS 679.600 and includes at least 500 hours of combined didactic and hands-on clinical dental therapy practice.
- (3) ~~A program determined by the Board to be substantially equivalent to subsection (1) or (2) of this paragraph with the same hour requirements as section 2.~~ Beginning January 1, 2025, no new applicants may qualify for licensure under section 2, unless they completed training within a fully approved OHA dental therapy pilot project prior to January 1, 2025.

Ms. Riedman moved and Dr. Kansal seconded that the Board approve OAR 818-021-0052 as amended. The motion passed unanimously.

818-021-0052

Application for License to Practice Dental Therapy

- (1) An applicant to practice dental therapy, in addition to the requirements set forth in ORS 679.603 and 679.609~~6~~, shall submit to the Board satisfactory evidence of:
 - (a) Having graduated from a dental therapy program accredited by the Commission on Dental Accreditation of the American Dental Association; or
 - (b) Having successfully completed or graduated from a Board-approved dental therapy education program that includes ~~all~~**the** procedures outlined in OAR 818-038-0020, and includes at least 500 hours of didactic and hands-on clinical dental therapy practice.
- (2) An applicant who has not met the educational requirements for licensure may apply if the Director of an accredited program certifies the applicant will graduate.
- (3) An applicant must pass a Board examination consisting of a clinical portion administered by the Board, or any clinical Board examination administered by any state, regional testing agency, national testing agency or other Board-recognized testing agency and a jurisprudence portion administered by the Board. Clinical examination results will be recognized by the Board for five years.
- (4) A person who fails any Board approved clinical examination three times must successfully complete the remedial training recommended by the testing agency. Such remedial training must be conducted by a dental therapy program accredited by the Commission on Dental Accreditation of the American Dental Association.

Mr. Dunn moved and Dr. Kansal seconded that the Board approve OAR 818-021-0054 as amended. The motion passed unanimously.

818-021-0054

Application for License to Practice Dental Therapy Without Further Examination

- (1) The Oregon Board of Dentistry may grant a license without further examination to a dental therapist who holds a license to practice dental therapy in another state or states if the dental therapist meets the requirements set forth in ORS 679.603 and 679.609~~6~~ and submits to the Board satisfactory evidence of:

- (a) Having graduated from a dental therapy program accredited by the Commission on Dental Accreditation of the American Dental Association; or
 - (b) Having successfully completed or graduated from a Board-approved dental therapy education program that includes ~~all~~**the** the procedures outlined in OAR 818-038-0020, and includes at least 500 hours of didactic and hands-on clinical dental therapy practice; and
 - (c) Having passed the clinical dental therapy examination conducted by a regional testing agency, by a state dental or dental therapy licensing authority, by a national testing agency or other Board-recognized testing agency; and
 - (d) Holding an active license to practice dental therapy, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental therapy, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and
 - (e) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Licensed clinical practice could include hours devoted to teaching by dental therapists employed by a CODA accredited dental therapy program with verification from the dean or appropriate administration of the institution documenting the length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dental therapy, and any adverse actions or restrictions; and
 - (f) Having completed 36 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.
- (2) Applicants must pass the Board's Jurisprudence Examination.

Dental Implant Rule Changes

The Board discussed feedback from licensees regarding the new dental implant rules. There was additional discussion of the upcoming dental implant rules with input from the ODA and the Oregon State Society of Orthodontists.

Dr. Sharifi moved and Dr. Clark seconded that the Board continue on with an education and communication period regarding the new 56 hour dental implant training requirement and dental implant continuing education rules; and make the effective date January 1, 2024. The motion passed unanimously.

Dr. Sharifi moved and Mr. Dunn seconded that OAR 818-021-0005 section 4 and OAR 818-021-0060 section 8 become effective January 1, 2024. The motion passed unanimously.

OHA Interpreter Registry Rules

OHA posted amended language to the new interpreter rules. President Javier noted that more information will be forthcoming on this rule.

CORRESPONDENCE

Dr. Markert requested that the Board consider changing the language in OAR 818-012-0005. There was no motion to change the rule.

The OHA approved to extend the timeline for the Dental Pilot Project 100 to May 31, 2023.

Minutes from the Dental Pilot Project #300 meeting were presented.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(2)(f), (h) and (L); 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

OPEN SESSION: The Board returned to Open Session at 2:55 p.m.

CONSENT AGENDA

2022-0106, 2022-0113, 2022-0115, 2022-0111

Mr. Dunn moved and Dr. Sharifi seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

COMPLETED CASES

2022-0069, 2022-0064, 2022-0085, 2022-0097, 2022-0068

Mr. Dunn moved and Dr. Sharifi seconded that the Board close the matters with a finding of No Further Action or No Violation. The motion passed unanimously.

2022-0065

Dr. Sharifi moved and Mr. Dunn seconded to close the matter with a Letter of Concern reminding Licensee to assure (1) timeout policies and procedures are strengthened at the clinics he works, and (2) he personally verify the correct patient, the correct procedure, and the correct site, prior to irreversible surgical procedures. The motion passed unanimously.

2022-0016

Dr. Clark moved and Ms. Riedman seconded to close the matter with strong Letter of Concern reminding Licensee to assure that he (1) reviews all DPA rules related to required documentation prior, during, and post-management of sedation patients, specifically OAR 818-026-0060(10) and (11), (2) that he ensures that all operatory equipment is functional prior to and during sedation procedures performed, and (3) confirms his patient after hours contact processes are working for his patients. The motion passed unanimously.

Friess, Robert L., D.M.D.; 2022-0049

Dr. Kansal moved and Ms. Riedman seconded that the Board issue a notice of proposed disciplinary action and offer the licensee a Consent Order incorporating a reprimand and a \$1000 civil penalty for failing to maintain and active Health Care Provider BLS/ CPR card. The motion passed unanimously.

2022-0110

Ms. Riedman moved and Dr. Sharifi seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that the proper tooth is identified prior to extraction. The motion passed unanimously.

2022-0067

Dr. Kalluri moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that 1) she collects and documents adequate radiographic and clinical periodontal data to subsequently determine and document a periodontal diagnosis (assessment), and 2) inform group practice management that an estimate of periodontal (alveolar) bone loss, as mild, moderate, or severe, is determined after a radiographic evaluation is completed from a full mouth series of radiographic images, as well as clinical evaluation, are required to be completed to determine a periodontal assessment. The motion passed unanimously.

2021-0127

Dr. Sharifi moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern reminding licensee to assure that (1) his billing records accurately reflect services provided; (2) he document in the patient record comprehensive chart notes for all patient encounters; and, (3) he document in the patient record the reading and interpretation of all radiographic imaging, including CBCT's. The motion passed unanimously.

PREVIOUS CASES REQUIRING BOARD ACTION

Jimenez, Sylvia, D.D.S.; 2021-0188

Dr. Clark moved and Mr. Dunn seconded that the Board move deny Licensee's proposal and affirm the Board's April 22, 2022, decision The motion passed unanimously.

Edwards, James, D.D.S.; 2021-0175

Dr. Kansal moved and Mr. Dunn seconded that the Board issue a Final Default Order Revoking Licensee's Oregon Dental License. The motion passed unanimously.

Grasvik, Nicholas M., D.M.D. 2022-0030

Ms. Riedman moved and Dr. Kansal seconded that the Board accept Licensee's proposal. The motion passed unanimously.

Higbee, T.J., D.D.S.; 2006-0086, 2012-0073

Dr. Kalluri moved and Dr. Kansal seconded the Board offer Licensee a Consent Order incorporating a reprimand, restrict Licensee from applying for a DEA certification until further Order of the Board, restricted to only practice in a group setting until further Order of the Board, Successfully pass a Board approved Clinical Competency Exam prior to returning to practice, Enroll in a Board approved alcohol monitoring service for a period of 24 months and agree to refrain from practicing dentistry if a positive substance abuse test is confirmed. The motion passed unanimously.

Haymore, Thomas L.; 2021-0109, 2021-0176

Dr. Kalluri moved and Dr. Kansal seconded that the Board issue an Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order to incorporate a reprimand, a civil penalty of \$10,000 to be paid within 60 days, a 60 day suspension from practice of dentistry starting on the effective date of the order, unconditionally pass the PROBE: Ethics and Boundaries Program within 12 months, licensee is responsible for cost of the program and must report the results to the Board within ten days of completion. Licensee will be restricted from practicing dentistry on any current or former coworkers until further order of the Board. The motion passed unanimously.

