

**OREGON BOARD OF DENTISTRY
MINUTES
February 23, 2018**

MEMBERS PRESENT: Todd Beck, D.M.D., President
Gary Underhill, D.M.D., Vice President
Amy B. Fine, D.M.D.
Julie Ann Smith, D.D.S., M.D., M.C.R.
Jose Javier, D.D.S.
Alicia Riedman, R.D.H.
Yadira Martinez, R.D.H.
Chip Dunn
Hai Pham, D.M.D.
Alton Harvey Sr.

STAFF PRESENT: Stephen Prisby, Executive Director
Paul Kleinstub, D.D.S., Chief Investigator
Daniel Blickenstaff, D.D.S., Investigator
Haley Robinson, Investigator
Harvey Wayson, Investigator (portion of meeting)
Teresa Haynes, Office Manager (portion of meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Phillip T. Marucha, D.M.D., OHSU; Cassandra Leone, ODA;
Jennifer Lewis-Goff, ODA; Kenneth Chung, D.D.S., ODA; Marcus
Watt, R.Ph., Board of Pharmacy; Tim Frost, Board of Pharmacy;
Fiona Karbowicz, R.Ph., Board of Pharmacy; Hali Kimball, Board
of Pharmacy; Jeffrey Sulitzer, D.M.D.; Brandon Schwindt, D.M.D.;
Lisa Rowley, R.D.H., ODHA; Heidi Jo Grubbs, R.D.H.; David
Dowsett, D.M.D., ODA

Call to Order: The meeting was called to order by the President at 7:35 a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Mr. Harvey moved and Dr. Smith seconded that the minutes of the December 15, 2017 Board meeting be approved as presented. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, and Mr. Harvey voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Dr. Chung announced that the Oregon Dental Conference will be held April 5-7, 2018 and thanked Board staff members for their involvement.

Oregon Dental Hygienists' Association

Nothing to report.

Oregon Dental Assistants Association

Mr. Prisby stated that Ms. Harrison sent her apologies, as she was unable to make it to the Board meeting. She was looking forward to the Oregon Dental Conference (ODC) and wanted to single out Teresa Haynes, to thank her for participating in a course on Thursday, April 5th at the ODC.

Dr. Pham joined the meeting at 7:38 a.m.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Fine reported that Mr. Prisby was recently able to attend a meeting in Arizona and meet with some of WREB's leaders. She reported that there are some new publications, as WREB is changing and modifying their exams, and that she or Mr. Prisby would be happy to answer any questions.

CDCA Liaison Report

Nothing to report

AADB Liaison Report

Nothing to report.

Dental Implant Safety Workgroup (DISW)

Dr. Smith reported that the workgroup held their second meeting on January 25, 2018. Members reviewed the additional information provided by ADEX and various other testing agencies. They discussed various aspects that could be considered regarding the safety of dental implants. Additional proposals to standardize the placement and restoration of dental implants were discussed, including but not limited to: continuing education and a more detailed informed consent. Dr. Smith announced that the next DISW meeting would be held May 17, 2018.

Anesthesia Office Evaluation Workgroup

Dr. Smith reported that the first workgroup was held on February 8, 2018. Members discussed various pathways to do office evaluations of anesthesia providers to ensure comprehensive patient safety. Dr. Smith announced that the next workgroup meeting will be held on March 22, 2018.

Licensing, Standards and Competency Committee

Ms. Martinez moved and Dr. Underhill seconded that the Board move the recommendations from the Licensing, Standards, and Competency Committee meeting of December 15, 2017 to the Rules Oversight Committee for further review. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey, and Dr. Pham voting aye.

ADEX Liaison Report

Dr. Pham reported that ADEX had some staff turnover and that Ms. Kathy Kelly replaced Mr. Patrick Braatz as the COO of ADEX.

EXECUTIVE DIRECTOR'S REPORT

Board Member & Staff Updates

Mr. Prisby reported that there will be a vacancy on the Board, with Alton Harvey Sr.'s second term of service ending in April 2018. Mr. Prisby reported that there will also be a staff vacancy with Mr. Harvey Wayson planning his retirement from state service this spring. Mr. Prisby reported that Mr. Wayson has been with the OBD since July 1999. Mr. Prisby reported Mr. Wayson has offered to serve as a full-time temporary employee after his official retirement, and will assist in the training of his replacement. Mr. Prisby stated that the recruitment process would be underway soon.

OBD Budget Status Report

Mr. Prisby reported that the budget report for the 2017 - 2019 Biennium. Mr. Prisby stated that this report, which is from July 1, 2017 through December 31, 2017, shows revenue of \$788,913.20 and expenditures of \$727,106.95. Board members were asked if they had any questions regarding the budget report, and there were none.

Customer Service Survey

Mr. Prisby reported the legislatively mandated survey results from July 1, 2017 – January 31, 2018. 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 reported that Dr. Daniel Blickenstaff gave a presentation to the Pacific University dental hygiene students in Forest Grove on Wednesday, January 17, 2018.

Mr. Prisby reported that he gave a "Board Updates" Presentation to the Lane County Dental Society in conjunction with DBIC in Eugene on Friday, January 26, 2018.

Mr. Prisby reported that Ingrid Nye and Teresa Haynes gave a License Application Presentation to the graduating Dental Hygiene Students at OIT in Salem on Tuesday, February 13, 2018.

2018 Dental License Renewal

Mr. Prisby reported that approximately 2,100 postcard notices were mailed to Oregon licensed dentists in mid-January for the March 31, 2018 Renewal Cycle. Mr. Prisby stated that just over half of licensees have renewed their licenses, which was typical at this point in the license renewal period.

WREB Leadership Meeting

Mr. Prisby announced that he attended the WREB Leadership Meeting in Tempe, Arizona on February 9, 2018. Mr. Prisby reported that this meeting was for executive directors of state dental boards to learn more about the WREB Clinical Exam, and how the examiners are calibrated and prepared for the exam process.

OBD Draft Bylaws

Dr. Fine moved and Ms. Martinez seconded that the Board approve the proposed Bylaws presented by Mr. Prisby. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey, and Dr. Pham voting aye.

AADA & AADB 2018 Mid-Year Meetings

Mr. Prisby reported that The American Association of Dental Administrators (AADA) and the American Association of Dental Boards (AADB) 2018 Mid-Year Meetings will be held in Chicago, April 22-23. Dr. Todd Beck, Yadira Martinez, RDH and Lori Lindley are invited to attend this year's AADB meeting, but only Ms. Lindley is available to attend. Mr. Prisby attached the preliminary meeting agenda for the Board's review. Mr. Prisby stated that he would like to attend, and asked the Board to consider his request to attend these meetings.

Dr. Fine moved and Ms. Martinez seconded that the Board approve Mr. Prisby's request to attend the American Association of Dental Administrators (AADA) and the American Association of Dental Boards (AADB) 2018 Mid-Year Meetings in Chicago April 22-23. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey, and Dr. Pham voting aye.

2018 Legislative Session - HB 4143

Mr. Prisby announced that the legislative session started February 5th, that there is one piece of legislation that impacts dentists who prescribe drugs, and that the OHA will mandate that they register on the Prescription Drug Monitoring Program (PDMP).

Pay Equity Project - HB 2005

Mr. Prisby reported that Governor Brown signed House Bill 2005 in 2017, also known as the Pay Equity Bill, expanding pay equity protections to all Oregonians and incentivizing employers to correct pay inequities between employees who perform comparable work.

Governor Brown Letter - Workplace Policies

Mr. Prisby stated that he attached a directive from Governor Brown and Workplace Policies of which Board Members should be aware; he had previously reviewed these documents with staff in January.

New Health & Wellness Policy 50-010-06

Mr. Prisby reported that he attached information on a new statewide policy for health and wellness. Mr. Prisby reported that PEBB is prioritizing agencies by size, and focusing first on larger agencies with 500+ employees, then midsize agencies with 100-499 employees. Mr. Prisby reported that agencies with fewer than 100 employees are encouraged but not required to develop wellness plans. Mr. Prisby stated that The OBD is not required to submit a plan however, OBD staff wants to engage and participate in this.

Project Mobilizing Unified Systems & Integrated Communications (MUSIC) Update

Mr. Prisby announced that new phones were installed on February 8, 2018. Mr. Prisby stated that Teresa Haynes has done an exemplary job in helping the OBD prepare for the new phones, which has added considerable workload on her. Mr. Prisby stated that the Agency thanks her for this successful implementation. Mr. Prisby reported that the new phone system runs through the internet, and the state has had problems with reliability and connectivity. Mr. Prisby attached a memo regarding performance issues with IBM.

Workday Project Overview

Mr. Prisby reported that the state is implementing a new HR System this summer.

OBD Website Transition

Mr. Prisby stated that The Oregon CIO's Electronic Government Program helps Oregon government provide online services to Oregon residents and businesses over the internet. Mr. Prisby reported that at a date not determined yet (but before 2020) the OBD will have to migrate from its current Microsoft SharePoint web environment to a new statewide system managed by NIC. Mr. Prisby attached some information that addresses the transition.

UNFINISHED BUSINESS & RULES

Board of Pharmacy – Dispensing Practitioner Drug Outlet (DPDO) Rule Adoption

Mr. Prisby reported on new rules for practitioners who dispense drugs to register with the Oregon Board of Pharmacy as a Dispensing Practitioner Drug Outlet (DPDO). Dr. Beck introduced Board of Pharmacy Executive Director, Marcus Watt. Mr. Watt discussed the rule and the ways that licensed dentists may be affected. The rule is designed to regulate the marketing and dispensing of pharmaceutical drugs. If a practitioner's facility engages in dispensing certain FDA-approved human prescription drug therapies greater than a 72 hour supply or medication refill, they must register with the Board as a Dispensing Practitioner Drug Outlet (DPDO). A practitioner's facility is exempt from this registration requirement if the practitioner and facility only engages in:

- Dispensing FDA approved drug samples; or
- Dispensing Medication Assistance Program (MAP) drugs; or
- Dispensing homeopathic products; or
- Dispensing natural thyroid supplemental products; or
- Dispensing a small amount of drugs to start therapy or incidental to a procedure or office visit, up to a 72 hour supply; or
- An amount greater than a 72 hour supply if the drug is:
 - A drug in the manufacturer's original unit-of-use packaging, such as a metered-dose inhaler or bottle of fluoride rinse; or
 - A full course of therapy, if in the professional judgment of the practitioner would be in the patient's best interest, such as a course of antibiotic therapy.

Mr. Watt and Mr. Prisby will be communicating further on the ways that this will affect the dental community.

Dental Pilot Project #200

Dr. Brandon Schwindt provided the Board with a brief update on Dental Pilot Project #200.

CORRESPONDENCE

Request from Dr. Schwindt Regarding OAR 818-042-0113

Dr. Underhill moved and Ms. Martinez seconded that the Board send the proposed changes to OAR 818-042-0113 to the Licensing, Standards and Competency Committee for further review and discussion. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey and Dr. Pham voting aye.

Request from DOCS Education for IV Sedation Course

The Board directed staff to write a letter to DOCS Education informing them that the Board does not individually approve sedation courses that meet the requirements.

Automated External Defibrillators (AED) in Dental Offices

Dr. Beck requested that the Board consider mandating that every dental office have an Automated External Defibrillator (AED) in the office and that staff are trained to use it. Dr. Smith moved and Mr. Harvey seconded that the Board refer the request to the Licensing, Standards and Competency Committee for further review. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey and Dr. Pham voting aye.

OTHER ISSUES

Expanded Practice Permit (EPP) CE Provider Application – Pacific University

Mr. Harvey moved and Dr. Underhill seconded that the Board approve Pacific University's request to be an approved CE Provider for dental hygienists who wish to obtain an EPP. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Dr. Smith, Mr. Dunn, Mr. Harvey and Dr. Pham voting aye.

ARTICLES AND NEWS (no action necessary)

- Cynthia Durley receives OSAP award
- AADB Bulletin Newsletter
- AADB ED Report 11.2017
- AADB ED Report 12.2017
- AADB ED Report 1.2018
- HPSP Dec 2017 Newsletter
- HPSP Jan 2018 Newsletter

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.

CONSENT AGENDA

2018-0121, 2018-0127, 2018-0104, 2018-0095, 2018-0126, 2018-0119

Dr. Underhill moved and Ms. Martinez seconded that the Board close the matters with a finding of No Further Action or No Violation of the Dental Practice Act per the staff's recommendation. The motion passed with Dr. Underhill, Dr. Smith, Dr. Fine, Dr. Javier, Ms. Martinez, Dr. Pham, Ms. Riedman, Mr. Harvey and Mr. Dunn voting aye.

2018-0128

Dr. Underhill moved and Ms. Martinez seconded that the Board close the matter with a finding of No Violation of the Dental Practice Act per the staff's recommendation. The motion passed with Dr. Underhill, Dr. Javier, Dr. Fine, Ms. Martinez, Dr. Pham, Ms. Riedman, Mr. Harvey and Mr. Dunn voting aye. Dr. Smith recused herself.

2018-0097

Dr. Underhill moved and Ms. Martinez seconded that the Board close the matter with a finding of No Further Action per the staff's recommendation. The motion passed with Dr. Underhill, Dr. Smith, Dr. Fine, Ms. Martinez, Dr. Pham, Ms. Riedman, Mr. Harvey and Mr. Dunn voting aye. Dr. Javier recused himself.

COMPLETED CASES

2018-0090, 2018-0076, 2018-0109, 2018-0049, 2018-0048, 2018-0066, 2018-0001, 2018-0103, 2018-0096, 2018-0043, 2018-0072

Dr. Underhill moved and Dr. Javier seconded that the Board close the matters with a finding of No Further Action or No Violation of the Dental Practice Act per the staff's recommendation. The motion passed with Dr. Underhill, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Harvey, Dr. Pham, and Mr. Dunn voting aye.

2018-0092

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a finding of No Violation of the Dental Practice Act per the staff's recommendation. The motion passed with Dr. Underhill, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Harvey, Dr. Pham, and Mr. Dunn voting aye. Dr. Smith recused herself.

2018-0116

Ms. Martinez moved and Dr. Javier seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern and to remind Licensee to ensure that all of her continuing education meets the requirements for licensure in Oregon. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

BARCLAY, JOAN C., R.D.H., 2017-0075

Dr. Smith moved and Mr. Harvey seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order in which the Licensee would agree to be reprimanded, and to pay a \$1000.00 civil penalty and provide the Board with proof of continuing education and CPR/BLS for the 2012-2016 licensure periods within 30 days of the effective date of the Order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0039

Dr. Smith moved and Mr. Harvey seconded that the Board issue a STRONGLY WORDED Letter of Concern and to reminding licensee to ensure that when performing a comprehensive exam adequate radiographs are obtained, and also that when prescriptions are written, proper documentation be made in the patient record. The motion passed with Dr. Underhill, Dr. Fine, Mr. Harvey, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

BIGBEE, HEATHER R., R.D.H., KATO, JEREMY S., D.D.S., & KRAUSE, CANDACE, D.M.D., 2018-0069

Mr. Harvey moved and Dr. Smith seconded that the Board, for Respondent #1 issue a Notice of Proposed Disciplinary Action and offer the licensee a Consent Order in which the licensee would agree to be reprimanded and pay a civil penalty of \$2,500.00 in the form of a cashier's, bank, or official check, made payable to the Oregon Board of Dentistry and delivered to the Board offices within 30 days of the effective date of the Order, unless the Board grants an extension, and advises the Licensee in writing; for Respondents #2 and 3, issue each licensee a Notice of Proposed Disciplinary Action and offer each licensee a Consent Order in which the licensee would agree to pay a civil penalty of \$2000.00 civil penalty in the form of a cashier's, bank, or official check, made payable to the Oregon Board of Dentistry and delivered to the Board offices within 30 days of the effective date of the Order, unless the Board grants an extension, and advises the Licensee in writing. The motion passed with Dr. Underhill, Dr. Fine, Mr. Harvey, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0110

Dr. Pham moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that treatment notes fully support the justification for providing treatment. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

BROWN, TIFFANY DIANE D.M.D., 2018-0054

Mr. Dunn moved and Mr. Harvey seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and a prohibition from placing implants without direct supervision of a Board approved mentor within a Board approved mentorship program until full completion of the mentorship program as determined by the Board. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

CALVIN, DANIEL J., R.D.H., 2017-0080

Dr. Javier moved and Mr. Harvey seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order in which the Licensee would agree to be reprimanded, and to pay a \$1000.00 civil penalty and provide the Board with proof of continuing education and CPR/BLS for the 2012-2016 licensure periods within 30 days of the effective date of the Order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Mr. Dunn and Dr. Pham voting aye. Ms. Riedman recused herself.

2017-0041

Ms. Riedman moved and Dr. Javier seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern ensuring that Licensee verifies the accuracy of the credentials of all employees with the appropriate agency. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0106

Dr. Fine moved and Dr. Underhill seconded that the Board grant applicant an Oregon dental license and close the matter with No Further Action. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0065

Ms. Martinez moved and Mr. Harvey seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern addressing the issue of ensuring that the Board's continuing education requirements for licensure are completed in a timely manner. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

DI GUILIO, YOLIMAR C., D.M.D., 2018-0056

Dr. Smith moved and Mr. Harvey seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay \$1,765.00 in restitution to patient BB, pay \$630.40 in restitution to patient BC, provide the Board with documentation verifying a reimbursement payment of \$454.60, made to Lifemap, patient BC's insurance carrier, pay \$342.30 in restitution to patient SZ, provide the Board with documentation verifying a reimbursement payment of \$629.70, to Delta Dental of Missouri, patient SZ's insurance carrier, take a Board approved 15 hour hands-on Endodontic course within nine months, take a Board approved three hour course on Record Keeping within 30 days, and to pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

February 23, 2018

Board Meeting

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DREW, BLAKELY B., D.M.D., 2018-0019

Mr. Harvey moved and Dr. Smith seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a civil penalty of \$2,000.00, within 30 days, complete ten hours of community service within 60 days, complete three hours of continuing education in Medical Emergencies and two hours of continuing education in Infection Control for the licensure period April 1, 2015 to March 31, 2017, within 60 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of this Order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

FAST, JOEL, D.M.D., 2018-0037

Mr. Dunn moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, Licensee shall pay \$788.00, in the form of a cashier's, bank or official check made payable to patient FJ and delivered to the Board offices within 30 days, Licensee shall provide the Board with documentation verifying reimbursement payment of \$691.00, made to Delta Dental of Minnesota, patient FJ's insurance carrier, within 30 days, a \$9,000.00 civil penalty to be paid within five months, 60 hours of Board approved community service to be completed within 18 months, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, 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. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, and Mr. Dunn voting aye. Dr. Pham recused himself.

2018-0063

Dr. Javier moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern advising the Licensee to ensure that when addendums or changes are made in the patient's chart, they are made in a timely manner. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0111

Ms. Riedman moved and Ms. Martinez seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern addressing the issue of ensuring that when nitrous oxide sedation is administered, the patient's vital signs and condition upon discharge are documented, and that informed consent is obtained prior to providing dental treatment. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

HARRIS, MARK L., D.M.D., 2018-0070

Dr. Fine moved and Dr. Smith seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$17,000.00 civil penalty with \$9,000.00 stayed, to be paid within four months, provide 110 hours of Board approved community service, with 60 hours stayed, within three years, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and monthly submission of spore testing results for a period of three years from the effective date of this Order. The stayed civil penalty and community service will become due if the licensee misses any week of spore testing through December, 2020. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2017-0085

Ms. Martinez moved and Dr. Javier seconded that the Board grant Licensee an extension of six months to provide documentation of her CE for the 2012-2014 and 2014-2016 dental hygiene licensure periods. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

KASCH, TIFFANY N., R.D.H., 2017-0073

Dr. Smith moved and Ms. Riedman seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$1,000.00 civil penalty, complete ten hours of community service within 60 days and complete the balance of the 19 hours, including one hour of infection control, for the licensure period 10/1/14-9/30/16 within 60 days of the effective date of this order, in addition to the continuing education required for licensure. As soon as possible following completion of the continuing education the Licensee shall provide the Board with documentation certifying the completion. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0088

Mr. Harvey moved and Dr. Smith seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all of his autoclaves are spore tested on a weekly basis. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0107

Dr. Pham moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern reminding Licensee to evaluate radiographs for proper seating of the crown. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

MEYER, ANNE H., D.D.S., 2018-0084

Mr. Dunn moved and Ms. Martinez seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and pay a \$2000.00 civil penalty. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0087

Dr. Javier moved and Dr. Smith seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when there is pathology evident on radiographs, the pathology is diagnosed and documented in the patient records and the patient is informed of the pathology. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2017-0077

Ms. Riedman moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that requests from the Board for information are fulfilled in a timely manner. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0075

Dr. Smith moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern reminding Licensee to comply with patient requests for records in a timely manner. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

PHAM, JOHN D.D.S., 2017-0113

Dr. Fine moved and Dr. Smith seconded that the Board move to issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and a restriction to his dental license to prohibit performing any oral surgical procedure, including but not limited to any extractions, the placement of temporary anchorage devices, the surgical placement of implants, or the placement of bone grafting material. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0089

Ms. Martinez moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that her autoclaves are spore tested on a weekly basis. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

SFERLE, SIMONA M., R.D.H. 2017-0076

Dr. Smith moved and Ms. Martinez seconded that the Board move to issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$1,000.00 civil penalty, complete ten hours of community service within 60 days and complete the balance of the 21 hours of CE, including two hours of infection control, for the licensure period 10/1/14-9/30/16 within 60 days of the effective date of this order, in addition to the continuing education required for licensure. As soon as possible following completion of the continuing education the Licensee shall provide the Board with documentation certifying the completion. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0041

Mr. Harvey moved and Dr. Smith seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that every effort is made to be in compliance with the Board's infection control guidelines and rules. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0085

Dr. Pham moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that records of the completion of the Board's CE requirements are maintained for at least four licensure years. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

SUMMER, JOHN D., D.D.S., 2018-0062

Mr. Dunn moved and Dr. Smith seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to pay a \$2,000.00 civil penalty, to successfully complete the "Dental Ethics and Conduct" continuing education course at DentalBehavioralResources.com within six months, and to complete ten hours of community service within 60 days of the effective date of the Order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0052

Dr. Javier moved and Dr. Smith seconded that the Board close the matter with a Letter of Concern reminding Licensee to ensure she has sufficient permit for the level of sedation administered. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

WHEELER, JASON J., D.D.S., 2018-0073

Ms. Riedman moved and Dr. Underhill seconded that the Board accept the Interim Consent Order proposed by the Licensee and close the matter with No Further Action. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION**ACHLEITHNER, CHRIS F., D.M.D., 2018-0026**

Dr. Fine moved and Dr. Smith seconded that the Board rescind the vote on 12/15/17, and issue an Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, and to pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days from the effective date of this order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2017-0188

Ms. Martinez moved and Dr. Fine seconded that the Board issue an Order of Dismissal dismissing the Notice of Proposed Disciplinary Action, and close the case with a Letter of Concern reminding Licensee to assure that he responds to any Board request within ten days and to assure that all of his autoclaves are spore tested on a weekly basis. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

CLARK, PAUL K. JR., D.M.D., 2016-0162

Mr. Harvey moved and Ms. Riedman seconded that the Board accept Licensee's proposal and offer Licensee a Consent Order incorporating a reprimand, a \$3,000.00 civil penalty, three hours of Board approved continuing education in record keeping within 30 days, and successfully complete the Board's Jurisprudence Exam within 30 days. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye. Dr. Smith recused herself.

FRANK, BRADFORD L., D.M.D., 2017-0171

Dr. Pham moved and Dr. Javier seconded that the Board rescind the vote on 10/13/17, and issue an Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, take a three hour Board approved course on Record Keeping, and pass the Oregon Jurisprudence Exam within 30 days of the effective date of this order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2017-0170

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with No Further Action. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

JOHNSON, CRAIG D., D.D.S., 2018-0020

Dr. Javier moved and Ms. Riedman seconded that the Board decline Licensee's offer and affirm the Board's vote of 12/15/17. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

MCFEE, TRAVIS L., D.D.S., 2017-0174

Ms. Riedman moved and Dr. Javier seconded that the Board rescind the vote of 12/15/17, and for Licensee #1, move to issue an Amended Notice of Proposed Disciplinary Action removing allegations #1 & #2, and offer Licensee a Consent Order incorporating a reprimand; a \$6,000.00 civil penalty; 40 hours of community service; three hours of continuing education in record keeping within 60 days; pass the Board's Jurisprudence Exam within 30 days, and monthly submission of spore testing results for a period of one year from the effective date of this Order. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

MEYERS, JOSHUA TROY D.D.S., 2018-0047

Dr. Fine moved and Dr. Underhill seconded that the Board offer Licensee a Consent Order incorporating a reprimand; a civil penalty of \$2,000.00, to be paid within 30 days; 30 hours of Board approved community service to be completed within one year, monthly submission of spore testing results for a period of one year. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2018-0035

Ms. Martinez moved and Dr. Underhill seconded that the Board reopen the investigation. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

OWENS, JENNIFER D.D.S., 2017-0150 & 2018-0046

Dr. Smith moved and Dr. Underhill seconded that the Board issue a Default Order, suspending Licensee's Oregon dental license. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

RADATTI, DANIEL A., D.D.S. 2017-0064

Mr. Harvey moved and Dr. Smith seconded that the Board rescind the vote on 10/13/17, and issue an Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2016-0172

Dr. Pham moved and Dr. Smith seconded that the Board affirm the Board's decision on 12/16/16 and reclose the case with No Further Action, and report case to the Board of Nursing for further investigation. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

SAWYER, JOSEPH A., D.M.D. 2017-0091

Mr. Dunn moved and Dr. Javier seconded that the Board rescind the vote on 06/23/17 and issue an Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

2017-0184

Dr. Javier moved and Ms. Riedman seconded that the Board issue an Order of Dismissal, dismissing the Notice of Proposed Disciplinary Action, dated 10/26/17, which was to issue a Notice of Proposed Disciplinary action and offer Licensee a Consent Order incorporating a reprimand, pay a \$1,000.00 civil penalty, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

STALEY, ROBERT W., D.D.S. 2017-0109

Ms. Riedman moved and Dr. Smith seconded that the Board accept Licensee's offer of a Consent Order incorporating a reprimand, a \$1000.00 civil penalty to be paid within 90 days, and 20 hours of community service to be completed within eight months. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

WYATT, BROOKE E., D.M.D. 2018-0064

Dr. Fine moved and Dr. Smith seconded that the Board issue an Amended Notice of Proposed Disciplinary Action removing allegation three and offer Licensee a Consent Order incorporating a reprimand; a \$5000.00 civil penalty to be paid within 60 days; and to pass the Oregon Board of Dentistry's Jurisprudence Exam within 30 days from the effective date of the Order. . The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

LICENSURE AND EXAMINATION**Request for Reinstatement of a Retired License – Michelle L. Erecacho, R.D.H.**

Ms. Martinez moved and Dr. Javier seconded that the Board reinstate Michelle L. Erecacho's license as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Temporary Non-Resident Permit – Anthony S. Feck, D.M.D.

Ms. Martinez moved and Dr. Smith seconded that the Board issue a Non-Resident Permit as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

CONSULT WITH COUNSEL

Request for Investigative Summary 2017-0174

Dr. Smith moved and Mr. Harvey seconded that the Board release the investigative summaries as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Summaries 2015-0226 & 2016-0196

Dr. Pham moved and Mr. Harvey seconded that the Board release the investigative summary as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Summaries 2017-0040 & 2017-0052

Mr. Dunn moved and Dr. Smith seconded that the Board release the investigative summaries as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Summary 2018-0024

Dr. Javier moved and Dr. Smith seconded that the Board release the investigative summary as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Reports 2001-0120 & 2002-0244

Ms. Riedman moved and Dr. Smith seconded that the Board release the investigative reports as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Report 2017-0057

Dr. Fine moved and Dr. Javier seconded that the Board release the investigative report as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Request for Investigative Reports 2003-0016, 2005-0109, 2007-0081, 2007-0213, 2011-0106, 2013-0127, 2015-0165 & 2015-0034

Ms. Martinez moved and Dr. Javier seconded that the Board release the investigative reports as requested. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

OAR 818-012-0005 Scope of Practice

Dr. Smith moved and Mr. Harvey seconded to refer OAR 818-012-0005 Scope of Practice to the Licensing, Standards, and Competency Committee for further review and discussion. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

Ratification of Licenses Issued

Dr. Pham moved and Dr. Javier seconded that licenses issued be ratified as published. The motion passed with Dr. Underhill, Mr. Harvey, Dr. Fine, Dr. Smith, Dr. Javier, Ms. Martinez, Ms. Riedman, Mr. Dunn and Dr. Pham voting aye.

DENTAL HYGIENISTS

H7586	JAIME BLUMENTHAL, R.D.H.	12/13/2017
H7587	KATHLEEN NICOLE MARTINEZ, R.D.H.	12/13/2017
H7588	JESSICA L LEMUS, R.D.H.	12/20/2017
H7589	ANGELA R ALCORN, R.D.H.	12/20/2017
H7590	MARIA DE LA CRUZ GARRIDO BERRUEZO, R.D.H.	12/22/2017
H7591	LEO KOSOVAN, R.D.H.	12/22/2017
H7592	JEANEEN WEINBRECHT, R.D.H.	1/4/2018
H7593	SKIA ANN WHITCOMB, R.D.H.	1/12/2018
H7594	RANDI LA'RAY LIMBAUGH, R.D.H.	1/12/2018
H7595	CHRISTINA RENE'E HEREDIA, R.D.H.	1/12/2018
H7596	JESSICA ANNE KELSO, R.D.H.	1/25/2018
H7597	ANDRA ELAINE HAMILTON, R.D.H.	1/25/2018
H7598	BRENDA JO PEBENITO, R.D.H.	1/25/2018
H7599	JO ANNE M MAURER, R.D.H.	2/8/2018

DENTISTS

D10752	RYAN STIRLING MOTT, D.D.S.	12/13/2017
D10753	MICHELLE SUE, D.D.S.	12/13/2017
D10754	RACHEL ANNE HOFFMAN, D.D.S.	12/13/2017
D10755	ALLEN TUCKER, D.D.S.	12/20/2017
D10756	JAMES GORMAN, D.D.S.	1/3/2018
D10757	HANS PETER GRAY, D.D.S.	1/3/2018
D10758	CHAD JEFFREY COOMBS, D.D.S.	1/3/2018
D10759	RAPHAEL SOLOMON JOSEPH, D.M.D.	1/3/2018
D10760	KEVIN CHENG, D.M.D.	1/3/2018
D10761	HANNAH RYAN BEATTY, D.M.D.	1/4/2018
D10762	HYE YONG CHOE, D.D.S.	1/12/2018
D10763	CLARKE LANDON SHORT, D.D.S.	1/25/2018
D10764	LUIS D GUTIERREZ PULIDO, D.D.S.	1/25/2018
D10765	STEVEN A HOLLEY, D.D.S.	1/25/2018
D10766	RICHARD HOWES, D.D.S.	1/25/2018
D10767	ALLISON JOY JACOBS, D.D.S.	2/2/2018
D10768	ASRAA OBEIDI, D.D.S.	2/8/2018
DF0039	KIYONO YAMASHITA, D.D.S.	1/25/2018

Announcement

No announcements.

ADJOURNMENT

The meeting was adjourned at 2:23 p.m. Dr. Beck stated that the next Board meeting would take place April 20, 2018.

_____/S/
Todd Beck, D.M.D.
President