

**OREGON BOARD OF DENTISTRY  
MINUTES  
AUGUST 21, 2020**

MEMBERS PRESENT: Yadira Martinez, R.D.H., President  
Alicia Riedman, R.D.H., Vice President  
Gary Underhill, D.M.D.  
Jose Javier, D.D.S.  
Reza Sharifi, D.M.D.  
Chip Dunn  
Jennifer Brixey  
Hai Pham, D.M.D.  
Amy B. Fine, D.M.D.

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

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT VIA TELECONFERENCE\*:

Lisa Rowley, R.D.H., ODHA; Mary Harrison, Oregon Dental Assistants' Association (ODAA); Phil Marucha, D.M.D., Oregon Health Sciences University, School of Dentistry (OHSU), Barry Taylor, D.M.D., Oregon Dental Association (ODA); Jen Lewis-Goff, ODA; Brian Wojahn, D.M.D. (OHSU School of Dentistry Graduate)

\*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 7:30 a.m. at the Board office; 1500 SW 1<sup>st</sup> Ave., Suite 770, Portland, Oregon.

Dr. Pham joined the meeting at 8:44 a.m.

**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.

President Yadira Martinez, RDH welcome everyone to the meeting and had the Board Members, Lori Lindley and Stephen Prisby introduce themselves.

## **NEW BUSINESS**

### **Approval of Minutes**

Dr. Javier moved and Dr. Underhill seconded that the Board approve the minutes from the June 19, 2020 Board Meeting as amended. The motion passed unanimously.

Dr. Pham moved and Dr. Javier seconded that the Board approve the minutes from the August 7, 2020 Special Teleconference Board Meeting as presented. The motion passed unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Board Member & Staff Updates**

The OBD welcomed back Haley Robinson, OBD Office Manager, on August 3<sup>rd</sup> after being out on maternity leave.

Dr. Todd Beck has resigned from the OBD effective August 10, 2020. Mr. Prisby reported that the Governor is now accepting applications and letters of interest for this dentist position on the Board. Applications should be submitted by November for consideration, with the position expected to be filled in January. Please contact Mr. Prisby if you have any interest or questions.

### **OBD Budget Status Report**

Mr. Prisby presented the latest budget report for the 2019 – 2021 Biennium. This report, which is from July 1, 2019 through June 30, 2020 shows revenue of \$1,949,930.28 and expenditures of \$1,643,978.70.

### **OBD 2021-2023 Agency Request Budget**

Mr. Prisby delivered the Agency's 2021-2023 Budget materials to the DAS-CFO Office in Salem per budget development instructions on July 30, 2020. This budget is only one step in the process and all agencies are expecting reductions and adjustments to be made due to the pandemic's effects on the state's budget.

### **Customer Service Survey**

Mr. Prisby presented the legislatively mandated survey results from July 1, 2019 – June 30, 2020. 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**

Ingrid Nye gave a License Application Zoom Presentation to PCC Dental Hygiene students on Tuesday, July 21, 2020.

### **Dental Hygiene License Renewal**

The renewal period started on July 17<sup>th</sup> and it is proceeding smoothly with slightly lower renewals compared to the same point in time a year ago.

### **Agency Head Financial Transactions Report July 1, 2019 – June 30, 2020**

Board Policy requires that at least annually the entire Board review agency head financial transactions and that acceptance of the report be recorded in the minutes. Mr. Prisby requested that the Board review, and if there were no objections, approve the report, which follows the close of the recent fiscal year.

Dr. Pham moved and Dr. Underhill seconded that the Board approve the Agency Head Financial Transactions Report for July 1, 2019 – June 30, 2020. The motion passed unanimously.

### **New Database & Technology Implementation**

The OBD has regular meetings to implement the new database and fine-tune it in a testing environment to meet the OBD's needs. This work will continue throughout the year. The OBD switched over its network onto new servers housed in the state's data center and also transitioned over to Office 365 for email. This has added work to all OBD Staff and we have done our best to manage the competing priorities at the OBD.

### **Technology Use Policy 834-413-019**

Mr. Prisby referenced the draft technology use policy. He informed the Board that it still needs to be fine-tuned and he was gathering additional feedback to bring it back to the Board at a future Board meeting. No action was requested at this time.

### **TriMet 2020-21 Price Estimate**

Mr. Prisby asked the Board to ratify his entering into a contract with TriMet for the Universal Pass Program, which will allow the OBD provide transportation passes for employees that are eligible to receive such passes for transportation to and from work. Due to the pandemic there is a discount offered so the contract will end up being significantly less than the prior year. An estimated price sheet is attached. The contract will be effective September 1, 2020. Because of the timing, the contract was not finalized in time for this board meeting, but will be included in October board meeting materials.

Dr. Javier moved and Ms. Riedman seconded that the Board ratify the contract with TriMet for 2020-2021. The motion passed unanimously.

### **HPSP - Year 10 Reports**

Mr. Prisby presented the 10<sup>th</sup> Annual HPSP Reports for review.

### **Board Best Practices Self-Assessment & Score Card**

As a part of the legislatively approved Performance Measures, the Board was asked to complete the attached Best Practices Self-Assessment Score Card so that it can be included as a part of the 2020 annual progress report. The report will be provided to the Board at the October Board meeting.

Ms. Riedman moved and Dr. Javier seconded that the Board met all 15 Best Practices on the Self-Assessment & Score Card. The motion passed unanimously.

### **Secretary of State (SOS) Update**

The SOS Office informed Mr. Prisby on June 16, 2020 that the planned OBD audit, previously announced in their 2020-2021 Audit Plan back in January 2020, would be postponed, due to other SOS priorities. There is no new timeline on when it would be conducted at this time.

### **Oregon Legislative Special Sessions**

A Legislative Special Session was held June 24 – 26, 2020. A second Special Session has been called for by the Governor to start on August 10, 2020.

### **AADA Virtual Meeting in October**

The AADA will conduct a virtual meeting on October 30, 2020.

### **Newsletter**

The OBD received good and positive feedback regarding our June 2020 Newsletter. We are planning to produce and distribute the next one in December 2020.

## **ASSOCIATION REPORTS**

### **Oregon Dental Association (ODA)**

Jen Lewis-Goff reported that Dr. Barry Taylor is the new Executive Director for the ODA, and that Dr. Brad Hester assumed the ODA Presidency a few months early, with Dr. Calie Roa as new President Elect. She reported that the ODA is researching options for the Oregon Dental Conference in 2021. Ms. Lewis-Goff also reported the unexpected and tragic passing of immediate former ODA Executive Director, Conor McNulty. Dr. Barry Taylor provided additional information about the DLOSCE for the Board's consideration.

### **Oregon Dental Hygienists' Association (ODHA)**

Ms. Lisa Rowley presented the August 2020 ODHA report.

### **Oregon Dental Assistants Association (ODAA)**

Mary Harrison reported that the ODAA has their annual zoom meeting on September 16<sup>th</sup>, 2020, with the American Dental Assistants' Association virtual meeting taking place in October.

### **Oregon Health & Science University (OHSU) School of Dentistry**

Dean Phil Marucha reported that OSHU continues to train dental students with clinics and sim labs reopened, and that the entirety of the class of 2020 has completed their education. He also reported that the school is in their second wave of trainings for the administration of vaccines.

## **COMMITTEE AND LIAISON REPORTS**

### **WREB Liaison Report**

Dr. Amy Fine reported that WREB is listening and adapting to the state boards needs during the pandemic. She announced that the annual review board meetings this year will take place in an online format, and that the Board of Directors elections have been delayed.

### **AADB Liaison Report**

Dr. Amy Fine reported that the AADB is listening and adapting to the state boards needs during

the pandemic, with nothing further to report.

### **ADEX Liaison Report**

Nothing to report at this time.

### **CDCA Liaison Report**

Dr. Amy Fine reported that the CDCA is listening and adapting to the state boards needs during the pandemic. She announced that the CDCA summer newsletter has been published, and will be available for Board members to review at the October Board meeting. She addressed a few key points from this newsletter. She reported that she and Ms. Yadira Martinez virtually attended the steering committee meeting, which took place on July 9<sup>th</sup>.

## **UNFINISHED BUSINESS & RULES**

### **Proposed Rule Changes regarding DLOSCE**

Board members discussed the below proposed rule changes regarding the DLOSCE, and shared their various questions and concerns. Dr. Brian Wojahn, a graduate of OHSU and recently licensed dentist, shared his positive experiences with taking the DLOSCE and answered questions.

#### **818-021-0010**

##### **Application for License to Practice Dentistry**

(1) An applicant to practice general dentistry, in addition to the requirements set forth in ORS

679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Having graduated from a dental school located outside the United States or Canada, completion of a predoctoral dental education program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(c) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination.

(2) An applicant who has not met the educational requirements for licensure may apply for examination if the Dean of an accredited school 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, or regional testing agency, national testing agency or other Board-recognized testing agency and a jurisprudence portion administered by the Board. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative and endodontics.** 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 school accredited by the Commission on Dental Accreditation of the American Dental Association.

#### **818-021-0011**

##### **Application for License to Practice Dentistry Without Further Examination**

(1) The Oregon Board of Dentistry may grant a license without further examination to a dentist who holds a license to practice dentistry in another state or states if the dentist meets the requirements set forth in ORS 679.060 and 679.065 and submits to the Board satisfactory evidence of:

- (a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association; or
- (b) Having graduated from a dental school located outside the United States or Canada, completion of a predoctoral dental education program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or completion of a postdoctoral General Dentistry Residency program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and
- (c) Having passed the dental clinical examination conducted by a regional testing agency, by a state dental licensing authority, by a national testing agency or other Board-recognized testing agency. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative and endodontics;** and
- (d) Holding an active license to practice dentistry, 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 dentistry, 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, other states or in the Armed Forces of the United States, the United States Public Health Service or 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 dentists employed by a dental education program in a CODA accredited dental school, 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 dentistry, and any adverse actions or restrictions; and
- (f) Having completed 40 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.

(3) A dental license granted under this rule will be the same as the license held in another state; i.e., if the dentist holds a general dentistry license, the Oregon Board will issue a general (unlimited) dentistry license. If the dentist holds a license limited to the practice of a specialty, the Oregon Board will issue a license limited to the practice of that specialty. If the dentist holds more than one license, the Oregon Board will issue a dental license which is least restrictive.

#### **818-021-0017**

##### **Application to Practice as a Specialist**

(1) A dentist who wishes to practice as a specialist in Oregon, who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

- (a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association and active licensure as a general dentist in another state. Licensure as a general dentist must have been obtained as a result of the passage

of any clinical Board examination administered by any state or regional testing agency, national testing agency or other Board recognized testing agency. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative and endodontics;**

(b) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination; and

(c) Proof of satisfactory completion of a post-graduate specialty program accredited by the Commission on Dental Accreditation of the American Dental Association.

(d) Passing the Board's jurisprudence examination.

(2) A dentist who graduated from a dental school located outside the United States or Canada who wishes to practice as a specialist in Oregon, who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language, and evidence of active licensure as a general dentist in another state obtained as a result of the passage of any clinical Board examination administered by any state or regional testing agency; or

(b) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language and certification of having successfully passed the clinical examination administered by any state or regional testing agency, national testing agency or other Board recognized testing agency within the five years immediately preceding application.

**All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative and endodontics;** and

(c) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination;

(d) Passing the Board's jurisprudence examination; and

(3) An applicant who meets the above requirements shall be issued a specialty license upon:

(a) Passing a specialty examination approved by the Board within the five years immediately preceding application; or

(b) Passing a specialty examination approved by the Board greater than five years prior to application; and

(A) Having conducted licensed clinical practice in the applicant's postdoctoral dental specialty in Oregon, other states or in the Armed Forces of the United States, the United States Public Health Service or 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 the applicant's dental specialty by dentists employed by a dental education program in a CODA-accredited dental school, 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 dentistry in the specialty applicant is applying for, and any adverse actions or restrictions; and;

(B) Having completed 40 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(4) Any applicant who does not pass the first examination for a specialty license may apply for a second and third regularly scheduled specialty examination. If the applicant fails to pass the third examination for the practice of a recognized specialty, the applicant will not be permitted to retake the particular specialty examination until he/she has attended and successfully passed a remedial program prescribed by a dental school accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the Board.

(5) Licenses issued under this rule shall be limited to the practice of the specialty only.

**818-021-0018**

**Temporary Dental License for Spouses or Domestic Partners of Active Duty Armed Forces of the United States Stationed in Oregon**

(1) A temporary license to practice dentistry shall be issued to the spouse or domestic partner of an active duty armed forces personnel when the following requirements are met:

- (a) completed application and payment of fee is received by the Board; and
- (b) Satisfactory evidence of having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association; or
- (c) Satisfactory evidence of having graduated from a dental school located outside the United States or Canada, completion of a predoctoral dental education program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and
- (d) Submission of a copy of the military orders assigning the active duty member to an assignment in Oregon; and
- (e) The spouse holds a current license in another state to practice dentistry at the level of application; and
- (f) The license is unencumbered and verified as active and current through processes defined by the Board; and
- (g) Satisfactory evidence of successfully passing a clinical examination administered by any state, national testing agency or other Board-recognized testing agency. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative and endodontics.**

(2) The temporary license shall expire on the following date, whichever occurs first:

- (a) Oregon is no longer the duty station of the active armed forces member; or
- (b) The license in the state used to obtain a temporary license expires; or
- (c) Two years after the issuance of the temporary license.

(3) This temporary license is not renewable. If the dates in section two of this rule are exceeded and the spouse continues to practice in Oregon, the spouse must apply for an active Oregon license. This license must be obtained using the processes and fees established for permanent licensure. Continuing to work in Oregon when the temporary license has expired will be considered practicing without a valid license and is subject to Board action.

**818-021-0019**

**Temporary Dental Hygiene License for Spouses or Domestic Partners of Active Duty Armed Forces of the United States Stationed in Oregon**

(1) A temporary license to practice dental hygiene shall be issued to the spouse or domestic partner of active duty armed forces personnel when the following requirements are met:

- (a) A completed application and payment of fee is received by the Board; and
- (b) Satisfactory evidence of having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or
- (c) Satisfactory evidence of having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and
- (d) Submission of a copy of the military orders assigning the active duty member to an assignment in Oregon; and
- (e) The spouse holds a current license in another state to practice dentistry at the level of application; and
- (f) The license is unencumbered and verified as active and current through processes defined by the Board; and

(g) Satisfactory evidence of successfully passing a clinical examination administered by any state, national testing agency or other Board-recognized testing agency. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative, if applicable and periodontics.**

(2) The temporary license shall expire on the following date, whichever occurs first:

(a) Oregon is no longer the duty station of the active armed forces member; or

(b) The license in the state used to obtain a temporary license expires; or

(c) Two years after the issuance of the temporary license.

(3) This temporary license is not renewable. If the dates in section two of this rule are exceeded and the spouse continues to practice in Oregon, the spouse must apply for an active Oregon license. This license must be obtained using the processes and fees established for permanent licensure. Continuing to work in Oregon when the temporary license has expired will be considered practicing without a valid license and is subject to Board action.

#### **818-021-0020**

##### **Application for License to Practice Dental Hygiene**

(1) An applicant to practice dental hygiene, in addition to the requirements set forth in ORS

680.040 and 680.050, shall submit to the Board satisfactory evidence of:

(a) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(c) Certification of having passed the dental hygiene examination administered by the Joint Commission on National Dental Examinations or the Canadian National Dental Hygiene Certificate Examination.

(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. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative, if applicable and periodontics.** 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 hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association.

#### **818-021-0025**

##### **Application for License to Practice Dental Hygiene Without Further Examination**

(1) The Oregon Board of Dentistry may grant a license without further examination to a dental hygienist who holds a license to practice dental hygiene in another state or states if the dental

- hygienist meets the requirements set forth in ORS 680.040 and 680.050 and submits to the Board satisfactory evidence of:
- (a) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or
  - (b) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and
  - (c) Having passed the clinical dental hygiene examination conducted by a regional testing agency, by a state dental or dental hygiene licensing authority, by a national testing or other Board-recognized testing agency. **All acceptable exams must include at a minimum a clinical portion demonstrating psychomotor competency utilizing a typodont mounted in a manikin or live patient to test the areas of restorative, if applicable and periodontics.**; and
  - (d) Holding an active license to practice dental hygiene, 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 hygiene, 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 hygienists employed by a CODA accredited dental hygiene 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 hygiene, and any adverse actions or restrictions; and
  - (f) Having completed 24 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.

Dr. Javier moved and Dr. Pham seconded that the Board not adopt the temporary rules as presented and the current licensure rules remain the same. The motion did not pass with Ms. Riedman, Dr. Javier, Dr. Sharifi, and Dr. Pham voting aye, and Mr. Dunn, Dr. Fine, Dr. Underhill, Ms. Brixey and Ms. Martinez voting nay.

Dr. Underhill moved and Dr. Fine seconded that the Board adopt the temporary rules as presented, effective January 31, 2021. The motion passed with Ms. Riedman, Dr. Sharifi, Mr. Dunn, Dr. Underhill, Ms. Brixey, Dr. Fine and Ms. Martinez voting aye. Dr. Javier and Dr. Pham voted nay.

### **Model Rule for Disciplining Licensees**

Ms. Riedman moved and Dr. Javier seconded that the Board move the model rule to the Licensing, Standards & Competency Committee for review. The motion passed unanimously.

### **Model Rule for Medical Providers**

#### **818-XX-XXXX: Compliance with Governor's Executive Orders**

- (1) During a declared emergency, unprofessional conduct includes failing to comply with any applicable provision of a Governor's Executive Orders or any provision of this rule.
- (2) Failing to comply as described in subsection (1) includes, but is not limited to:

- (a) Operating a business required by an Executive Order to be closed under Executive Order 20-25;
  - (b) Providing services at a business required by an Executive Order to be closed under Executive Order 20-25;
  - (c) Failing to comply with Oregon Health Authority (OHA) guidance implementing an Executive Order, including but not limited to:
    - (A) Failing to satisfy required criteria in OHA guidance prior to resuming elective and non-emergent procedures;
    - (B) Failing to implement a measured approach when resuming elective and non-emergent procedures in accordance with OHA guidance;
  - (d) Failing to comply with any Board of Dentistry guidance implementing an Executive Order;
- (3) No disciplinary action or penalty action shall be taken under this rule if the Executive Order alleged to have been violated is not in effect at the time of the alleged violation.
- (4) Penalties for violating this rule include: XXX Any such penalties shall be imposed in accordance with ORS Ch. 183. XX.

### **Publishing of Board Actions on the Oregon Board of Dentistry Website**

Dr. Underhill moved and Dr. Javier seconded that the OBD staff publish all public board action as lawfully permitted (allowed) on the OBD website through its Licensee Lookup feature or any other manner which the Board displays public records or board actions. The motion passed unanimously.

### **CORRESPONDENCE**

#### **Request for Cascade Health Alliance & Advance Directives Statute**

The Board directed staff to provide clarification to Cascade Health Alliance & Advance Directives Statute per their request.

### **OTHER ISSUES**

#### **Reinstatement of Expired License – Jacob C. Burry, D.D.S.**

Mr. Dunn moved and Ms. Riedman seconded that the Board approve the reinstatement of retired dental license for Dr. Jacob Burry. The motion passed unanimously.

#### **Reinstatement of Retired License – Robert Staley, D.D.S.**

Mr. Dunn moved and Ms. Riedman seconded that the Board approve the reinstatement of Dr. Staley's dental license, and offer the licensee a consent order with a restriction on practicing clinical, oral and maxillofacial surgery. The motion passed unanimously.

#### **Request for Investigative Summary – 2020-0031**

Dr. Pham moved and Dr. Underhill seconded that the Board release the case summary to the requestor. The motion passed unanimously.

## **ARTICLES AND NEWS (Informational Only)**

- Record Number Earn OSAP-DALE Foundation Certificates
- 2019 Center for Personalized Education for Professionals Annual Report
- Summer 2020 State of the States – DANB

## **RATIFICATION OF LICENSES**

Ms. Riedman moved and Dr. Javier seconded that the Board ratify the licenses presented. The motion passed unanimously.

## **CONSENT AGENDA**

### **2021-0007, 2021-0003, 2020-0214, 2020-0215, 2021-0006**

Ms. Riedman moved and Dr. Javier seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

## **COMPLETED CASES**

### **2020-0134, 2020-0123, 2020-0121, 2020-0030, 2020-0090, 2020-0122, 2020-0086, 2020-0048, 2020-0063, 2020-0207, 2020-0074, 2020-0062, 2020-0216**

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

### **AANDERUD, BENJAMIN J., 2020-0087**

Dr. Javier moved and Dr. Underhill seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$ 3,000.00 civil penalty, four hours of Board approved continuing education in the area of infection control 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 unanimously.

### **2021-0010**

Mr. Dunn moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that a valid Healthcare Provider BLS/CPR certification is maintained while licensed. The motion passed unanimously.

### **2020-0106**

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to document any pathology evident on any radiographic images taken and to assure that he has pre-treatment radiographs of any tooth that he treats. The motion passed unanimously.

### **2020-0115**

Dr. Javier moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that there is a diagnosis or dental justification documented in the patient record for all medications that he prescribes. The motion passed unanimously.

**2020-0099**

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding licensee to assure that informed consent is documented in the patient record when nitrous oxide is administered, to assure that all of the excess bonding material is removed from the tooth after seating a crown, and to assure that all instruments he uses have been sterilized in an autoclave that is tested with a biologic monitoring system on a weekly basis. The motion passed unanimously.

**2020-0091**

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding licensee to assure that all treatment rendered is recorded and to document a diagnosis or dental justification for the prescription of any medications. The motion passed unanimously.

**2020-0100**

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Strongly Worded Letter of Concern reminding Licensee to thoroughly document the findings of his comprehensive exams, thoroughly document diagnoses for the treatment provided, thoroughly document the treatment provided, and to test his autoclaves with a biologic monitoring system on a weekly basis. The motion passed unanimously.

**2020-0113**

Dr. Javier moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that when administering nitrous oxide sedation to record the length of time that the nitrous oxide sedation was administered, the flow rate, percentage of nitrous oxide administered, post operative vital signs and the status of the patient upon discharge. The motion passed unanimously.

**2020-0180**

Dr. Sharifi moved and Mr. Dunn seconded that the Board move to close the matter with a Letter of Concern reminding Licensee to assure that he takes two hours of infection control continuing education every licensure period, and to assure that his amalgam separator is installed and maintained.

**PREVIOUS CASES REQUIRING BOARD ACTION****AGARWAL, ROHINI A., D.M.D., 2019-0201**

Mr. Dunn moved and Dr. Javier seconded that the Board offer Licensee a Consent Order incorporating a reprimand, a \$4,000.00 civil penalty; refund patient JE \$800.00; refund patient CT \$67.00; refund Cigna Health and Life Insurance Company \$153.00; monthly submission of spore testing results for a period of one year; pass the Oregon Board of Dentistry Dental Jurisprudence Examination within 30 days; complete three hours of a Board approved continuing education course, in person, in Record Keeping; and complete six hours of Board approved continuing education in infection control within 6 months of the effective date of the Consent Order. The motion passed unanimously.

**ATKINSON, JACOB L., D.M.D., 2019-0089**

Dr. Underhill moved and Dr. Javier seconded that the Board accept licensee's proposal and issue a Second Amended Consent Order incorporating a reprimand, an \$8,000.00 civil penalty to be paid by December 15, 2020, monthly submission of biological monitoring results of his autoclaves for one year, 20 hours of Board approved community service and pass the Oregon Board of Dentistry Jurisprudence exam within 30 days of the effective date of this Order. The motion passed unanimously.

**BOYD, DOUGLAS C., D.M.D., 2020-0008**

Dr. Javier moved and Mr. Dunn seconded that the Board issue a Second Amended Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, and restitution in the amount of \$481.00 to patient BE within 30 days of the effective date of the Order. The motion passed unanimously.

**KIM, KATHY S., D.D.S., 2016-0155**

Mr. Dunn moved and Dr. Javier seconded that the Board issue Licensee an Amended Consent Order removing the 40 hours of community service. The motion passed unanimously.

**KIM, DANIEL M., D.D.S., 2020-0151**

Mr. Dunn moved and Dr. Underhill seconded that the Board issue a Final Default Order. The motion passed unanimously.

**2014-0066**

Dr. Underhill moved and Dr. Javier seconded that the Board grant Licensee's request and offer Licensee an Amended Agreement to Enter the Health Professionals' Services Program, eliminating the terms related to Scheduled controlled drugs. The motion passed unanimously.

**PALANDECH, THOMAS, D.D.S., 2020-0159**

Dr. Javier moved and Dr. Pham seconded that the Board issue a Notice of Dismissal dismissing the Notice of Proposed Disciplinary Action and close the matter with a Letter of Concern reminding Licensee that a valid Healthcare Provider BLS/CPR certification is maintained while licensed. The motion passed unanimously.

**REGAN, MICHAEL C., D.M.D., 2019-0276**

Dr. Sharifi moved and Dr. Underhill seconded that the Board offer Licensee a Consent Order incorporating a reprimand, pay a \$794.80 refund made payable to the patient BG and delivered to the Board office within 30 days, pay a \$1,188.10 refund to Delta Dental of Washington, patient BG's insurance provider within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

**SKINNER, GEOFFREY A., D.D.S., 2020-0019 & 2020-0023**

Mr. Dunn moved and Dr. Javier seconded that the Board issue Licensee a Consent Order incorporating a reprimand; pass the Oregon Board of Dentistry Dental Jurisprudence Examination within 30 days of the effective date of the Order; complete a Board approved continuing education course, in person, in Record Keeping within 90 days of the effective date of the Order; complete a Board approved course in extraction of third molars for General Dentists within 6 months of the effective date of the Order; and complete a Board approved continuing education course in implant placement surgery completing 56 hours of combined

didactic and hands on training within one year of the effective date of the Order. The motion passed unanimously.

**2014-0094**

Dr. Javier moved and Mr. Dunn seconded that the Board release Licensee from HPSP and close the matter with No Further Action. The motion passed unanimously.

**WEICHEL, RENEE, D.M.D., 2019-0273**

Dr. Javier moved and Mr. Dunn seconded that the Board deny licensees proposal and affirm the Board's April 24, 2020 decision. The motion passed unanimously.

**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 1:26 p.m.

**Executive Director Performance Evaluation**

Ms. Martinez moved and Ms. Riedman seconded that the Board rate Mr. Prisby an “outstanding” on his performance review, and accept his 2020-2021 goals as presented. The motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at 1:30 p.m. Ms. Martinez stated that the next Board Meeting would take place on October 23, 2020.

      /S/

Yadira Martinez, R.D.H.  
President