

**OREGON BOARD OF DENTISTRY  
MINUTES  
DECEMBER 18, 2020**

MEMBERS PRESENT: Yadira Martinez, R.D.H., President

MEMBERS PRESENT  
VIA TELECONFERENCE: 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\*: Amy Coplen, R.D.H.; Phillip Marucha, D.M.D.; Pam Johnson; Jen Lewis-Goff, O.D.A.; Linda Boyd; Lisa Rowley, R.D.H.; Pam Lynch, R.D.H.; Carol Poe, R.D.H.

\*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 1<sup>st</sup> Ave., Suite 770, Portland, Oregon.

**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. Fine moved and Dr. Pham seconded that the Board approve the minutes from the October 23, 2020 Board Meeting as presented. The motion passed unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

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

The OBD will welcome our newest Board Member in early 2021. Mr. Prisby provided an update and additional information to the Board.

Mr. Prisby recognized Ingrid Nye, Examination & Licensing Manager, for her five-year work anniversary with the OBD on November 9, 2020.

Mr. Prisby recognized Shane Rubio, Investigator/Diversion Coordinator, who has been with the OBD for just over 2 years and celebrated his 10-year service anniversary working for the State of Oregon on November 29, 2020.

The OBD's dedicated and hardworking staff were designated "essential employees" earlier in 2020 and continue to show up at our downtown Portland Office. Mr. Prisby thanked them and acknowledged them for doing their work in these challenging times.

### **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, October 31, 2020 shows revenue of \$2,735,964.72 and expenditures of \$2,191,716.47.

### **OBD 2021-2023 Budget - NIC Fee Increase**

Mr. Prisby presented an email and fee table from NIC regarding a fee increase. The OBD is not planning to pass this fee increase on to our Licensees. Mr. Prisby believes the OBD can absorb the fee increase in the proposed 2021-2023 budget.

### **Customer Service Survey**

Mr. Prisby presented the customer service surveys received from July 1, 2020 – November 30, 2020, with majority rating their experience with the OBD positively.

### **OBD Strategic Planning Survey**

The OBD begins its initial planning to develop its next strategic plan (to replace the 2017-2020 edition) with responses gathered from this strategic planning survey. The survey will be sent to all Licensees and stakeholders on our email distribution lists, posted on our website and included in email blasts. We will collect survey responses into January and plan to have the results available at the February Board Meeting.

### **AADA Annual Meeting**

The American Association of Dental Administrators' (AADA) annual meeting was held on October 30, 2020 as a virtual meeting. The AADA adapted to the virtual setting and it was an efficient meeting. Mr. Prisby was elected President-Elect of the AADA.

### **AADB Mid-Year Meeting**

The American Association of Dental Boards' (AADB) Mid-Year Meeting will be a virtual meeting February 27 - 28, 2021. The AADA is considering holding their mid-year meeting on March 2, 2021.

### **Health Related Licensing Boards' Meeting**

The Health Related Licensing Boards' Executive Directors held a meeting on November 16, 2020. Mr. Prisby presented 81 pages of material which covered a number of important topics discussed at the meeting including racial justice, telehealth, access to service and Oregon's IT focus.

### **National Center for Interstate Compacts – Council of State Governments**

The CSG National Center for Interstate Compacts (NCIC) has partnered with the U.S. Department of Defense to support the development of new occupational licensure interstate compacts. Mr. Prisby attended an informational webinar held on November 30, 2020, and shared his opinion on this endeavor with the Board.

### **Pew Dental Therapy Model Administrative Rules Project**

Mr. Prisby volunteered to participate and shared his experience and opinion on the topic of dental therapy rulemaking. The first meeting of this group was on December 2, 2020.

### **OBD Dec 2020 Newsletter**

Mr. Prisby presented the latest newsletter, which is also available on our website. Mr. Prisby thanked all that contributed and especially our graphic artist, Samantha VandeBerg, who assembled the newsletter. Alicia Riedman also lent her editorial skills once again.

## **ASSOCIATION REPORTS**

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

Ms. Lewis-Goff reported that the 2021 Oregon Dental Conference will be held virtually, with registration beginning in January. She reported that the ODA is continuing to advocate for dental staff to be able to receive the Covid-19 vaccine, with dental staff currently falling under "phase four of wave one" of vaccine administration. Ms. Lewis-Goff reported that the Lane County Dental Society has been working with OHSU to bring the vaccine training course down to Lane County. She reported that the ODA has released their 2021 legislative agenda, which is focused on increasing access to dental care, creating a tribal dental scholarship at OHSU, and funding the state dental director position.

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

Ms. Rowley reported that the ODHA held their annual meeting on November 14, 2020, with Laura Vanderwerf being installed as the ODHA 2020-2021 President. Ms. Rowley also reported that the 2020 Outstanding Partner Award was given to the Oregon Dental Association.

December 18, 2020

Board Meeting

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## **COMMITTEE AND LIAISON REPORTS**

### **WREB Liaison Report**

Dr. Fine reported that the DERB meeting minutes were available for Board members to review.

### **AADB Liaison Report**

Dr. Fine reported that the AADB meeting will be held virtually. Mr. Prisby added that the OBD is in need of a Board member to step in as AADB liaison.

### **ADEX Liaison Report**

Dr. Pham summarized a few recent changes to grading criteria for dental and hygiene exams, with the full material available for review on the ADEX website.

### **CDCA Liaison Report**

Dr. Fine reported that the annual CDCA meeting will be held virtually on January 7-11, 2021.

## **UNFINISHED BUSINESS & RULES**

### **Dental Hygiene Scope of Practice – Orofacial or Myofunctional Therapy**

OBD Staff have fielded questions regarding dental hygienists approval from the Board to practice and advertise therapeutic techniques involving orofacial and myofunctional therapy. OBD Staff believe it is within the scope of dental hygiene services as long as they have appropriate training and do not misrepresent their credentials in advertising. Mr. Prisby requested that the Board make a formal policy decision and address whether this type of therapy is allowed under a dental hygienists' scope of practice.

The Board requested more information on the matter, and no motion was made. The Board will readdress this topic at the February Board meeting.

## **CORRESPONDENCE**

### **Request for Clarification on Virtual CE Requirements**

Dr. Fred Bremner requested clarification on the requirements for a webinar CE lectures to count for the 40 hours of CE requirement for licensure.

Dr. Javier moved and Dr. Pham seconded that the Board accept Zoom, and other similar virtual or web-based training, lectures, and courses for the continuing education (CE) requirements under existing OBD rules, and that said training does not necessarily require a quiz at the end to be considered acceptable for CE. The motion passed unanimously.

### **Request for Dental Hygienists to administer COVID-19 vaccine**

The Board has received multiple requests to allow dental hygienists to administer the COVID-19 vaccine. The Board discussed the matter with legal counsel, and came to the determination that based on current legislature, it is not within the scope of practice of dental hygienists to administer vaccines.

## **OTHER ISSUES**

### **Request for Approval of IV Access/Phlebotomy Course – South Beach Dental Training Institute**

Dr. Pham moved and Dr. Javier seconded that the Board deny the IV Access/Phlebotomy course as requested. The motion passed unanimously.

### **Request for Approval of Revised Vaccination Course – OHSU**

Dr. Javier moved and Dr. Pham seconded that the Board accept the revisions to the OHSU vaccination course as presented. The motion passed unanimously.

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

- DHAT Article
- Kaiser Permanente Dentists to Begin Offering Flu Vaccines
- REALD Data Collection and Reporting
- Forbes Dental Vaccine Article
- The Future of State Telehealth Policy
- Oregon Dentists Training to Give Vaccines
- Yadira Martinez receives National Oral Health Award

### **Requests for Non-Resident Permits**

Dr. Javier moved and Dr. Pham seconded that the Board approve the issuance of non-resident permit for John Van, D.D.S. The motion passed unanimously.

Dr. Pham moved and Dr. Javier seconded that the Board approve the issuance of non-resident permit for Jerome Cutler, D.D.S. The motion passed unanimously.

### **Implementation of Electronic Signatures for Wall Certificates**

Dr. Pham moved and Dr. Javier seconded that the Board approve the use of electronic signatures for wall certificates. The motion passed unanimously.

### **Request to Withdraw Dental Licensure Application – Susan Chan, D.D.S.**

Dr. Javier moved and Mr. Dunn seconded that the Board approve the withdrawal of dental licensure application for Dr. Susan Chan. The motion passed unanimously.

### **Request for Release of Investigative Summary**

Dr. Pham moved and Dr. Javier seconded that the Board release the investigative case summary for case 2020-0154 as requested. The motion passed unanimously.

### **Amendment to August 21, 2020 Board Meeting Minutes**

Dr. Javier moved and Dr. Pham seconded that the Board amend the minutes from the August 21, 2020 Board Meeting regarding case 2020-0180, and that the motion and minutes reflect this: In reference to case 2020-0180, move to close the matter with a letter of concern reminding the

licensee to assure that he takes two hours of infection control continuing education every licensure period, and to ensure that his amalgam separator is installed and maintained. The motion passed unanimously.

### **CONSENT AGENDA**

#### **2021-0049, 2021-0054, 2021-0068, 2021-0062, 2021-0067, 2021-0048, 2021-0056**

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**

#### **2021-0014, 2020-0205, 2020-0104, 2021-0018, 2021-0044, 2021-0050**

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.

#### **ANDERSON, JAMES R., D.M.D., 2021-0005**

Dr. Underhill moved and Dr. Javier seconded that the Board, in regards to Respondent #1, move to issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$1,000.00 civil penalty to be paid within 30 days, a refund to patient TJ of \$1,780.00 to be paid within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. In reference to case 2021-0005, as regards Respondent # 2, move to close the matter with a Letter of Concern reminding Licensee to assure that weekly biological testing of sterilization devices is completed. The motion passed unanimously.

#### **2020-0201**

Dr. Pham moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he documents informed consent and patient vital signs when administering nitrous oxide sedation. The motion passed with Ms. Martinez, Ms. Riedman, Dr. Sharifi, Dr. Pham, Dr. Underhill, Dr. Fine, Ms. Brixey and Mr. Dunn voting aye. Dr. Javier recused.

#### **2021-0045**

Dr. Javier moved and Dr. Sharifi seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that her autoclave is tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

#### **2021-0002**

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he conducts weekly biological monitoring testing of his sterilization devices. The motion passed unanimously.

#### **2021-0004**

Dr. Fine moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee not to attempt to restore an implant until the surgeon has deemed the implant is integrated and ready to restore, and to assure that all of your autoclaves are tested with a biologic monitoring system on a weekly basis. The motion passed unanimously.

**CAUBLE, DAVID A., D.M.D., 2021-0016**

Dr. Sharifi moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$12,000.00 civil penalty to be paid within 150 days, complete six hours of Board approved continuing education in infection control within 60 days, complete three hours of Board approved continuing education in record keeping within 30 days, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and for a period of one year from the effective date of the Order, submit results of weekly testing of his heat sterilizing devices with a biologic monitoring system on a weekly basis. The motion passed unanimously.

**2020-0189**

Ms. Brixey moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he thoroughly documents all of the treatment provided to a patient during an appointment. The motion passed with Ms. Martinez, Ms. Riedman, Dr. Sharifi, Dr. Pham, Dr. Underhill, Dr. Fine, Ms. Brixey and Mr. Dunn voting aye. Dr. Javier recused.

**2021-0029**

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding the Licensee to assure that all of his autoclaves are tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

**DUTRO, JAMES A., D.M.D., 2020-0171**

Dr. Pham moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, and to successfully pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

**EDWARDS, JAMES, D.D.S., 2021-0076**

Dr. Javier moved and Mr. Dunn seconded that the Board issue an Order of Immediate Emergency Dental License Suspension. The motion passed unanimously.

**2021-0012**

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he thoroughly documents in the patient records all treatment discussions and referral discussions he has with his patients. The motion passed unanimously.

**2021-0009**

Dr. Fine moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that sterilization is completed within CDC guidelines and that biological monitoring is done on a weekly basis. The motion passed unanimously.

**2007-0314**

Dr. Sharifi moved and Dr. Javier seconded that the Board close the matter with No Further Action. The motion passed unanimously.

**2021-0053**

Ms. Brixey moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure to place a ligature on all rubber dam clamps used on a patient, and to assure that all rubber dam clamps are removed from the patient's oral cavity prior to dismissing the patient. The motion passed with Ms. Martinez, Ms. Riedman, Dr. Sharifi, Dr. Javier, Dr. Underhill, Dr. Fine, Ms. Brixey and Mr. Dunn voting aye. Dr. Pham recused.

**MYERS, KRISTI M., R.D.H., 2021-0052**

Dr. Underhill moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand and a \$500.00 civil penalty to be paid within 60 days of the effective date of the Order. The motion passed unanimously.

**2020-0213**

Dr. Pham moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he documents in the patient record all radiographs taken, and that his autoclaves are tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

**2021-0027**

Dr. Javier moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all instruments that he uses have been sterilized in an autoclave that has been tested with a biologic monitoring system on a weekly basis, and to instruct the Board staff to open a complaint against the owner of the practice for missing biologic monitoring testing of the autoclaves in the office on 18 occasions in 2019. The motion passed unanimously.

**SUMMER, JOHN D., D.D.S. 2021-0043**

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, a \$2,000.00 civil penalty to be paid within 30 days, take a Board approved continuing education course on record keeping within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of this Order. The motion passed unanimously.

**SWEETEN, J. COLT, D.D.S., 2021-0023**

Dr. Fine moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$12,000.00 civil penalty to be paid within 150 days, complete three hours of Board approved continuing education in record keeping within 30 days, complete six hours of Board approved continuing education in infection control within 60 days, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and submit monthly results of the biological monitoring of his autoclave for a period of one year, of the effective date of the Order. The motion passed unanimously.

**WOLFE, BENJAMIN J., D.M.D., 2021-0022**

Dr. Sharifi moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$263.70 refund to the patient, pay restitution of \$5,200.00 to the patient, take a three hour board approved continuing education course on Record Keeping 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 with Ms. Martinez, Ms. Riedman, Dr. Sharifi, Dr. Javier, Dr. Underhill, Dr. Fine, Ms. Brixey and Mr. Dunn voting aye. Dr. Pham recused.

## **PREVIOUS CASES REQUIRING BOARD ACTION**

### **AGARWAL, ROHINI A., D.M.D., 2019-0201**

Ms. Brixey moved and Dr. Javier seconded that the Board issue an Amended Proposed Notice of Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$4,000.00 civil penalty; refund patient CT \$ 50.00; monthly submission of spore testing results for a period of one year; pass the Oregon Board of Dentistry Dental Jurisprudence Examination; complete a Board approved continuing education course, in person, in Record Keeping; and complete six hours of a Board approved continuing education course in Infection Control. The motion passed unanimously.

### **BIANCO, MARC F., D.M.D., 2020-0211**

Dr. Underhill moved and Dr. Javier seconded that the Board accept Licensee's offer, and offer Licensee a Consent Order incorporating a reprimand, pay a \$1,500.00 civil penalty within 60 days, take four hours of infection control continuing education 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.

### **2019-0050**

Dr. Pham moved and Dr. Javier seconded that the Board issue an Order of Dismissal, dismissing Licensees Interim Consent Order dated August 23, 2019. The motion passed unanimously.

### **HIGBEE, T.J., D.D.S., 2006-0086 & 2012-0073**

Dr. Javier moved and Dr. Underhill seconded that the Board deny Licensees request to end the Interim Consent Order and return to practice. The motion passed unanimously.

### **2007-0116**

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

## **RATIFICATION OF LICENSES**

Dr. Underhill moved and Dr. Fine seconded that the Board ratify the licenses presented. The motion passed unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 2:14 p.m. Ms. Martinez stated that the next Board Meeting would take place on February 19, 2021.

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Yadira Martinez, R.D.H.

President