OREGON BOARD OF DENTISTRY

NEWS

Vol. 29, No. 1 December 2015

PRESIDENT'S MESSAGE

by Alton Harvey Sr.



I am honored to serve as President of the Oregon Board of Dentistry for the year 2015-2016. It is with joy and enthusiasm that I am in my second 4-year term with my fellow Board members in serving the citizens of our state. The board was in a transition period this year. The executive director had resigned from that position. The Board chose Mr. Stephen Prisby to serve as the Interim Executive Director and he also had the additional duties as office manager to complete as well. This was a very crucial time for the Board, for in addition to our regular business, the Board took on the task of hiring a new executive director, something none of the current Board members had previously done. The process was long and grueling to say the least. But that's what we were selected and appointed to do. I personally appreciate Mr. Prisby for his steady hand of leadership and believe we made the absolute best choice by naming him as permanent executive director. I am very proud of this Board and all of its members. I can say without hesitation or any equivocation that the OBD and the safety of the general public is in very good shape under the leadership of Mr. Prisby, the OBD staff and the Board Members. We look forward to a dedicated Strategic Planning Session in April 2016 that we hope will be positive and clarify the Board's long-term vision and goals.

The Board will be adding a new full time Dental Investigator to address the caseload. As President this year I ask that you send all of us on the Board of Dentistry, our dedicated Director, Stephen Prisby, and our staff, your positive support as we strive to bring the qualities of fairness, knowledge, and dedication to our work. Furthermore, I welcome your valuable input on the issues that encourage us to pursue all that is good in the practice of dentistry and dental hygiene with the regular practice of the Board. ■

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OUR NEWEST BOARD MEMBERS



Yadira Martinez, R.D.H., E.P.P., of Hillsboro joined the Board in October 2014 following her appointment by Governor Kitzhaber and confirmation by the Oregon State Senate to a hygienist seat on the OBD. She is a graduate of Pacific University. She has a passion for public health and been working with underserved populations at Virginia Garcia Memorial Health Center since 2000. She enjoys reading, hiking and spending time with her family. ■



Gary Underhill, D.M.D., of Enterprise, joined the Board in June 2014 followng appointment by Governor Kitzhaber and confirmation by the Oregon State Senate to a dentist seat on the OBD. He had a great interest in being on the Oregon Board of Dentistry, as Eastern Oregon has not had a dentist on the board for 27 years, and he is honored to have that ability. Away from practice and the Board, he has many outside interests, he and his wife enjoy anything outdoors. From snow skiing to warm salt water fishing, he loves playing outdoors. ■

OUR MISSION: The mission of the Oregon Board of Dentistry is to protect the public by assuring that the citizens of Oregon receive the highest possible quallity oral health care.



Alicia Riedman, R.D.H., E.P.P., of Eugene, was appointed to the Board of Dentistry by Governor Kate Brown and confirmed by the Oregon State Senate to a dental hygiene seat in April of 2015. She attended Lane Community College and received her Associate of Applied Science in Dental Hygiene in 2006. As the third generation of a family of dental professionals, she is honored to continue in their footsteps in dental public health. As an Expanded Practice Dental Hygienist she has worked for Community Health Centers of Lane County, a Federally Qualified Health Center, in their Outreach Dental Prevention Program for 9 years. After participating in the Oregon State Smile Survey in 2007, she saw the tremendous need for children to receive dental prevention services. She provides dental hygiene exams, fluoride varnish, teeth cleaning, oral hygiene instruction, and sealants to Head Start, Early Head Start, WIC, Summer Migrant Clinics, Relief Nursery and elementary students in Lane County, and has assisted in finding dental homes for thousands of children in Lane County.She has participated in many volunteer clinics such as Homeless Connect, Riverstone Clinic, Senior Smile Day, as well as many free sealant clinics at LCC. Alicia is an active member of Oregon Dental Hygienists' Association and has served as a member of the ODHA Government Relations Council. She attends many of the Oregon Oral Health Coalition conferences and is currently serving on the Senate Bill 660 Rules Advisory Committee, devoted to providing quality school-based sealants to elementary and middle school children. It is her commitment and passion to continue to provide services to the underserved population of Oregon. ■



Amy Fine, D.M.D., of Medford, joined the Board in June 2014 following her appointment by Governor Kitzhaber and confirmation by the Oregon State Senate to a dentist seat on the OBD. Dr. Fine graduated from the University of Oregon Clark Honors College and received her D.M.D. degree from OHSU. She has been an affiliate faculty with OHSU since 2010. She is a proud alumni of the National Health Service Corp and has a passion for increasing access to oral health care. Dr. Fine is involved with several organizations striving to improve quality oral health access via local, state, and national levels. She is active in her community, and works with various charitable groups. Dr. Fine is married to Dr. Joshua Fine.■

BOARD MEMBERS

Alton Harvey Sr.
President
Beaverton
Term expires 2018

•

Julie Ann Smith, DDS, MD
Vice President
Portland
Term expires 2019

•

Todd Beck, DMD
Portland
Term expires 2017

•

Amy Fine, DMD
Medford
Term expires 2018

•

Jonna Hongo, DMD
Portland
Term expires 2016

•

Yadira Martinez, RDH
Hillsboro
Term expires 2018

•

James Morris
Portland
Term expires 2017

•

Alicia Riedman, RDH
Eugene
Term expires 2017

•

Brandon Schwindt, DMD
Tigard
Term expires 2017

•

Gary Underhill, DMD
Enterprise
Term expires 2018

FAREWELL TO BOARD MEMBERS

We wish to extend a great big Thank You for the dedicated service to the Oregon Board of Dentistry, to our most recent past members: Mary Davidson, RDH for her 8 years of service, Norm Magnuson DDS for his 8 years of service, Patricia Parker DMD for her 8 years of service and Darren Huddleston DMD for his 8 years of service.

Their commitment, knowledge and common sense will be missed by their fellow Board Members and staff and we wish them well in their future endeavors. ■

SCHEDULED BOARD MEETINGS

2016

- February 19, 2016
- April 22, 2016
- June 17, 2016
- August 19, 2016
- October 21, 2016
- December 16, 2016

FREQUENTLY ASKED QUESTIONS

QUESTION:

Do I need to report an address change to the board?

Answer: YES!

Dentists: **679.120 License fees; waiver of fee; rules; renewal of license.**
(4) Every dentist shall advise the Board within 30 days of any change of address.

Dental Hygienists: **680.075 License fees; waiver; reinstatement of inactive status license; notice of change of address.**
(4) Every dental hygienist shall advise the Board within 30 days of any change of address.

QUESTION:

Do I have to renew my license online?

Answer: YES!

The OBD only offers online renewal.

This has saved the OBD time, money and resources to have all licensees use the online vs paper renewal. It has also allowed the OBD to actually mail second and third reminder notices, that it was never able to do in the past.

QUESTION:

Can I charge the patient for a copy of their records?

If so, what are the allowable charges?

Answer: YES!

818-012-0030 Unprofessional Conduct
The Board finds that in addition to the conduct set forth in ORS 679.140(2), a licensee engages in unprofessional conduct if the licensee does or permits any person to: (9)(a) Fail to provide a patient or patient's guardian within 14 days of written request:(A) Legible copies of records; and (B) Duplicates of study models and radiographs, photographs or legible copies thereof if the radiographs, photographs or study models have been paid for (b) The dentist may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The dentist may charge a fee not to exceed $30 for copying 10 or fewer pages of written material and no more than $0.50 per page for pages 11 through 50 and no more than $0.25 for each additional page (including records copied from microfilm), plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual cost of duplicating x-rays may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (9)(a)(B) of this rule.

MORE QUESTIONS?

Send us an email:
information@oregondentistry.org

A WORD FROM THE EXECUTIVE DIRECTOR

by Stephen Prisby, Executive Director



It is an incredible opportunity to carry out the OBD's mission to ensure Oregonians receive the highest possible quality oral health care. As the OBD's new Executive Director, I thank the board and staff for choosing me to lead the OBD.

I am a Chicago native who grew up with two older brothers and a fraternal twin brother in Frankfort, Ill. Family and acquaintances have shaped my career aspirations. My grandmother was a letter carrier for a quarter century and my aunt an employee of the Federal Aviation Administration for about three decades. Other relatives served in the military. They all left a positive impression on me. I could see they were happy in public service, and had great careers. My longtime family dentist, Dr. Kenneth Biel, who ended up becoming Frankfort's mayor, also left a powerful imprint on me, ingraining in me a respect for the dental profession and government, too.

I earned a degree in Mass Communication from Illinois State University in Normal, IL. I migrated west to Phoenix, Az. and began working in the admissions department with DeVry University. Eight years of director-level experience in higher education followed, including as contract director for the Institute of Professional Development, a private firm that partnered with Warner Pacific College's Adult Degree Program. Initiated in 2004, that partnership helped the college boost enrollment substantially, and taught me a lot about the importance of developing the skills so invaluable in my future role with the OBD: patience, persistence and diplomacy. I worked with all types of people to focus on a mission and to mutually agree on the goals for the organization.

I served as the OBD's Office Manager since July 2012 and as Interim Executive Director since February 2015 when Patrick Braatz resigned. Patrick hired me and I learned a lot from him. His deep state government experience, organizational skills and knowledge of the dental profession were commendable. I chose to apply to become executive director after some deep contemplation regarding the duties, responsibilities, commitment level, stress and the motivation necessary to be successful. Family, staff, board members and other interested parties encouraged me to apply. I submitted my application, and the Board followed it's steps in the recruitment process working with the State of Oregon's human resource department. The Board chose me and voted on my appointment as the Executive Director at the June 26, 2015 Board Meeting. I am deeply honored to be in this position, serving Oregonians and the dental community in this way. It's a position that requires a lot of hard work, persistence, patience, and a diplomatic and objective mindset. I am under no illlusion. I know this will be a challenging position, and that I will not be welcomed or embraced by everyone, whether it is an unpopular Board decision, policy or something beyond my control. I feel my skills and background are a great fit, and that my time as office manager was effective training in terms of understanding of how a state agency runs and the challenges of helping manage and lead a health regulatory board.

There are many duties and short term goals to accomplish. At the August 2015 Board meeting the Board agreed on my recommendation to hold a Strategic Planning Session in April 2016, to establish long term goals and a vision for the OBD. The last Strategic Planning Session was held in 2007. I think this will be important, since none of the current board members were serving on the Board when the last Strategic Planning Session was held, and of course since I became the new Executive Director.

I am also pleased to report that another important goal has been accomplished with the hiring of our new Office Manager, Jessica Conway. She is a great addition to the team, and will provide all staff and board members with support, as we have been understaffed since December 2014. In addition, our temporary employee Ingrid Nye accepted a permanent position as the Office Specialist. She is very excited to be a part of the OBD team. So thank you for your patience as our office staff gets up to speed. The plan is to be consistent with regular and meaningful communications with our Licensees and stakeholders with our newsletters, website updates, strategic email blasts and timely notice/posting of agendas and relevant communications.

I am committed to another big goal, and that is to hire the most qualified person to be our new dental Investigator. We will do our best to assure we have an effective and productive new hire, and I will work with Dr. Kleinstub to train them. Our hopes are that the new investigator will lead to greater efficiency in terms of examining the complaints that come to the OBD which still average about five a week; many of the complaints are complex, involve multiple providers, and can take well over a year until the board is able to review and vote on the cases.

One of the ODB's greatest strengths is our long-tenured staff members. Teresa Haynes, exam and licensing manager, 28 years; Dr. Paul Kleinstub, dental director and chief investigator, 25 years; and investigators Daryll Ross 19 years and Harvey Wayson, with 18 years experience. Our staff has incredible institutional knowledge and has been unified in their commitment and service to the OBD. Unfortunately, this also means that these folks will choose to retire someday, and we will have to prepare for that as well.

The OBD is seeking to improve communications with the dental community. I recently presented at the ODA's House of

A WORD FROM THE EXECUTIVE DIRECTOR

(Continued from page 5)

Oregon Dental Conference in April. During the last Legislative session: Dr. Kleinstub, Lori Lindley, Sr. AAG and I worked with the ODA, ODHA and ODAA leaders, to review possible and pending legislative action. Although some legislation may have not met all of the involved parties' goals, or made sense- the review and sharing of concerns was very productive and I believe showed a commitment to open dialogue and mutual respect.

I also enjoy volunteering in the community and have nonprofit experience with Volunteers of America, and currently serve as a board member and treasurer for Portland Metropolitan Residential Services, Inc. I recently had the pleasure of serving at the ODA's Mission of Mercy event in November 2015. When not working, my long-time girlfriend Betsy and I enjoy the culinary and cultural opportunities in Portland. We travel around the state and enjoy going to the coast or mountains- depending on our moods and the seasons. I enjoy running and golf, and would like to get back into snow skiing. I have an old house in Portland's Mount Tabor neighborhood which is always in need of improvements. I root for all Chicago Sports teams, and have a Chicago Cubs Banner in my office from their last World Series Championships- they won in 1907 and 1908.

I know there will be many challenges ahead and that all regulatory boards work with stakeholders who have competing priorities, motivations and interests in the rules and policies the board implements. Nevertheless, I am excited about the challenges and variety of my new OBD responsibilities. The Board members seem engaged and genuinely interested in their important roles. OBD President Alton Harvey, Sr. has reached out to me and the staff and expressed his gratitude for our hard work and dedication in a time of transition for the OBD. I understand the importance of developing and maintaining professional relationships and working with an open and respectful communication style which is exactly what President Harvey advocates. Please reach out if you have any questions, comments or want to introduce yourself. ■

QUESTIONS? *Call the board office at 971-673-3200 or email questions to us*
information@oregondentistry.org

BOARD STAFF

Stephen Prisby, *Executive Director*
Stephen.Prisby@state.or.us

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Paul.Kleinstub@state.or.us

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Daryll Ross, *Investigator*
Daryll.Ross@state.or.us

The Board office is open 7:30 a.m. to 4:00 p.m., Monday through Friday, except State and Federal Holidays.
Phone: 971-673-3200 Fax: 971-673-3202

NEW STAFF INTRODUCTIONS

by Jessica Conway, Office Manager



I am beyond excited and honored to join such an amazing group of employees and Board members. The knowledge amongst my peers is vast and abundant, and everyone has been so welcoming and kind. As the office manager, I am learning more and more everyday here with the OBD and find so much of the work we do to be greatly rewarding. Away from the office, I enjoy spending time with my two children and my boyfriend, Alex; we are Oregonians through and through and enjoy hiking, coffee, movies and I never can turn down a good book.

As we wrap up 2015 and head in to a new year, I look forward to the continued opportunity of carrying out the OBD's mission; to protect the public by assuring that the citizens of Oregon receive the highest possible quality oral health care. ■

ENFORCEMENT NEWS

by Paul Kleinstub D.D.S., M.S., Dental Director and Chief Investigator

One of the statutory duties of the Board is to conduct investigations, based "upon its own motion or any complaint... on all matters related to the practice of dentistry..." In fulfilling its duties, the Board relies upon the cooperation of licensees to provide information, (and often, patient records) to the Board. Details of disciplinary action taken against individual licensees are available on the Licensee Lookup menu on the Board's website: **http://www.oregon.gov/dentistry**

Based upon recurring issues noted in investigations that have resulted in discipline, the following reminders are provided to assist in your compliance with the Dental Practice Act.

Please also note that an underlying problem that generates many complaints is in the area of patient communication; clarity in communication by the dentist, before, during and after providing services is essential. Also, a failure by the dentist to establish an in-office protocol to deal with patient complaints, and then personally deal with those complaints is a huge source of discontent by patients.

1. Copies of Patient Records, Radiographs, Models

Under OAR 818-012-0030(9) a dentist must provide a patient within 14 days of written request, legible copies of records, radiographs and duplicates of study models, if the radiographs or study models have been paid for. The dentist may, however, require the patient to pay in advance the cost of making copies or duplicates. The dentist must provide copies of radiographs, even if the patient still owes money for services provided subsequent to the appointment when the radiographs were taken, and it is the Board's position that any payment made on a bill are presumed to cover radiographs.

2. Fees

Under OAR 818-012-0030(8) a dentist engages in unprofessional conduct if the dentist does or permits any person to misrepresent any facts to a patient concerning treatment or fees. When a patient requests fees for individual procedures, and these procedures would necessitate accompanying procedures such as the placements of implants (which would be accompanied by restorations) or cleanings (which would be ac companied by exams and radiographs), the dentist must indicate to the patient the charges for the accompanying procedures.

The underlying cause for the greatest number of patient complaints appears to be centered around disagreements with or misunderstanding of the "front office" staff in dental offices, and the inability of the patient to communicate directly with the dentist. Other common complaints are misunderstandings about amounts which will be paid by insurance, or that subsequent treatment will be required at additional cost.

3. Infection Control

Under OAR 818-012-0040 licensees must wear disposable gloves whenever placing fingers in the mouth of a patient or when handling bloody or saliva contaminated instruments; wear masks and protective eyewear or face shields when splattering of blood or other body fluids is likely; sterilize instruments or other equipment between each patient use; test heat sterilization equipment weekly; disinfect surfaces; and properly dispose of contaminated wastes.

The public is increasingly sensitive to infection control, and the Board has received complaints that masks or gloves were not worn, or instruments were not properly sterilized. Compliance with the Board's infection control guidelines is required, and licensees are urged to comply with similar guidelines (i.e., CDC, Oregon OSHA, etc.).

Further, the Board has received a number of complaints about the cleanliness of dental offices. The complaints have centered around offices that gave the appearance of being dirty or run down. The investigation of these complaints revealed rust or staining that could have easily been resolved by normal housekeeping procedures.

4. Informed Consent

Under OAR 818-012-0010(10) licensees are required to obtain a patient's or guardian's informed consent prior to performing any procedure. Under OAR 818-012-0070(c) when informed consent has been obtained, licensees are required to document that informed consent has been obtained and the date the consent was obtained. This documentation may be in the form of an acronym such as "PARQ" (Procedure, Alternatives, Risks and Questions) or "SOAP" (Subjective, Objective, Assessment and Plan).

The question then arises, does "PARQ" have to be documented at each appointment that treatment is provided. The answer would be "yes", unless the licensee first has a consultation appointment at which time the licensee explains the planned Procedures, describes all of the Alternative treatments, mentions all of the Risks involved in the proposed treatment, and then answers any Questions the patient might have. At that time if the licensee provides the patient with a final treatment plan that the patient agrees to, "PARQ" can be noted in the patient record, and as long as the treatment that is provided to the patient does not deviate from the treatment that was described in the final treatment plan agreed to by the patient, "PARQ" does not have to be documented at each subsequent treatment appointment.

However, for example, if an inlay that was originally planned evolves into a crown because of an undermined cusp during the preparation appointment, informed consent needs to be

ENFORCEMENT NEWS (Continued from page 6)

obtained for the new procedure and "PARQ" needs to be documented in the patient records at that appointment.

5. Documentation in patient records

Treatment notes must accurately document the treatment provided and the rationale for providing that treatment. The treatment notes should include documentation of past treatment provided, the future planned treatment, and defensible documentation of your dealings with the patient.

Under OAR 818-012-0070(b) licensees are required to document the date and description of examination and diagnosis. The question then comes up on how could a dentist easily document in the records a diagnosis (dental justification) prior to providing a particular treatment to a patient. So, if the proposed treatment, for example, is to treat caries in tooth #4 – MO, you can make a note "Caries #4 – MO" either in the treatment plan or in the treatment note on the day the treatment is done.

Under OAR 818-012-0070(f) licensees are required to document the date and description of all radiographs, study models, and periodontal charting. In reference to radiographs, the question has arisen that if there is caries evident on a radiograph, does the licensee also have to have written documentation of the presence of caries in the patient records. The Board has opined that the radiographs have no voice, they are only a tool to aid the dentist in diagnosing and documenting pathology and that the dentist must document the interpretation of what is evident on the radiographs. ■

DID YOU KNOW?

In addition to reporting Child Abuse, pursuant to ORS 124.050, as of January 1, 2015, dentists are now required to report Elder Abuse.

To report Child or Elder Abuse you may contact your local Department of Human Services (DHS) office, or you may also call the DHS toll-free hotline at 1-855-503-7233.

RULE CHANGES

The Board held a public rulemaking hearing on August 27, 2015. At its regular Board meeting on August 28th the Board voted to amend 20 administrative rules. All changes to rule language is available on our website.

Effective October 1, 2015

The Board voted to amend the following 13 OARs effective October 1, 2015.

818-001-0002 - Definitions
818-001-0087 - Fees
818-012-0030 - Unprofessional Conduct
818-021-0060 - Continuing Education- Dentists
818-021-0070 - Continuing Education- Dental Hygienists
818-026-0080- Standards Applicable When a Dentist Performs Dental Procedures and a Qualified Provider Induces Anesthesia
818-035-0025 - Prohibitions
818-035-0030- Additional Functions of Dental Hygienists
818-035-0065 - Expanded Practice of Dental Hygiene Permit
818-042-0040 - Prohibited Acts
818-042-0050 - Taking of X-Rays -Exposing of Radiographs
818-042-0070 - Expanded Function Dental Assistants (EFDA)
818-042-0090 - Additional Functions of EFDAs

Effective January 1, 2016

The Board voted to amend the following 7 OARs effective January1, 2016.

818-026-0020 - Presumption of Degree of Central Nervous System Depression
818-026-0040 - Nitrous Oxide Sedation
818-026-0050 - Minimal Sedation Permit
818-026-0060 - Moderate Sedation Permit
818-026-0065 - Deep Sedation
818-026-0070 - General Anesthesia Permit
818-026-0110 - Office Evaluations

Please note that the new rules effective January 1, 2016 require all dentists who hold a Moderate Sedation, Deep Sedation or a General Anesthesia Permit in addition to having an Advanced Cardiac Life Support certificate and/or a Pediatric Advanced Life Support certificate to also have a current BLS for Healthcare Providers certificate or its equivalent.

Reminders:

*Effective January 1, 2015 all Licensees must maintain at a minimum a current BLS for Healthcare Providers certificate or its equivalent.

OREGON BOARD OF DENTISTRY
1500 SW 1st Avenue, Suite 770
Portland, OR 97201

IT'S THE LAW!

You must notify the OBD within 30 days of any change of address. An on-line Address Change Form is on the OBD's website at **www.oregon.gov/dentistry**. *All address changes must be made in writing by fax, mail or e-mail.*

Our Mission: *The mission of the Oregon Board of Dentistry is to protect the public by assuring that the citizens of Oregon receive the highest possible quality oral health care.*

Licensees are required to report any change of address within 30 days.

CHANGE OF ADDRESS FORM

Licensee Name: _____
Print Name *Phone*

Licensee Number: _____

New Mailing Address: _____

_____

New Email Address: _____

Above is designated as my mailing address: ☐ Home ☐ Office ☐ Other

Mail or Fax to: **OREGON BOARD OF DENTISTRY**
1500 SW 1st Avenue, Suite 770
Portland, OR 97201
Phone: (971) 673-3200
Fax: (971) 673-3202