

**OREGON BOARD OF DENTISTRY  
MINUTES  
March 8, 2002**

**MEMBERS PRESENT:** Linda Lee, RDH, BS, President  
Jean Martin, DDS, MPH, Vice President  
Melissa Grant, DMD  
Kris Hudson, Public Member  
Kenneth Johnson, DMD  
Eugene Kelley, DMD  
George McCully, DMD  
Ronald Short, DMD  
Ellen Young, RDH, BS

**STAFF PRESENT:** Jo Ann Bones, Executive Director  
Larry Burnett, DDS, Investigator/Consultant  
Paul Kleinstub, DDS, Dental Director/Chief Investigator  
Jerry McNerney, DMD, Investigator/Consultant  
Daryll Ross, Investigator  
Harvey Wayson, Investigator

**ALSO PRESENT:** Frank Mussell, Assistant Attorney General

**Call To Order:** The meeting was called to order by the President at 7:30 a.m. at the Board office; 1515 SW 5<sup>th</sup> Avenue, Suite 602, Portland, Oregon.

**Approval of Agenda:** The agenda was reviewed and approved with two additions.

Board members signed wall certificates.

Mr. Mussell announced that he is retiring from state government at the end of April. The Board expressed its appreciation of his 15 years as Board counsel and that his experience and expertise will be missed. Mr. Mussell introduced Ms. Lori Lindley who will be Mr. Mussell's replacement as the Board's primary Assistant Attorney General. AAG Raul Ramirez will be the Board's back-up counsel in Ms. Lindley's absence or as necessity dictates.

**EXECUTIVE SESSION**

The Board entered into Executive Session pursuant to ORS 192.660(1)(f), (h) and (k); ORS 676.165, ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential materials and investigatory information, and to consult with counsel.

**REVIEW OF NEW COMPLAINTS, COMPLETED INVESTIGATIONS, PREVIOUS CASES REQUIRING BOARD ACTION, AND LICENSURE APPLICATION ISSUES**

The Board reviewed summaries of new complaints and reviewed completed investigation reports and related investigatory materials.

**PERSONAL APPEARANCES AND COMPLIANCE ISSUES**

Licensees appeared in Executive Session pursuant to their Consent Orders in case numbers 1999-0064, 1999-0174 and 2001-0076.

**OPEN SESSION:** The Board returned to Open Session.

## **ENFORCEMENT**

### **CONSENT AGENDA- NEW CASES**

**2202-0126, 2002-0154** Dr. Grant moved and Dr. Martin seconded that these cases be closed per the recommendations and appropriate letters be sent to the Complainants and Respondents. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **COMPLETED CASES**

#### **2002-0040 2002-0018, 2002-0051, 2002-0058, 2002-0061, 2002-0031, 2002-0070**

Dr. Martin moved and Ms. Young seconded that these cases be closed with findings of no violation of the Dental Practice Act or no further action, per the case recommendations. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0019** Ms. Hudson moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to pay a civil penalty of \$1,000 and to complete three hours of Board approved continuing education in record keeping within one year of the effective date of the Order. The motion passed with Dr. Grant, Ms. Hudson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. Short and Ms. Young voting aye. Dr. Johnson and Dr. McCully voted no.

**2001-0120** Dr. Johnson moved and Dr. Kelley seconded that the Board issue a Notice of Proposed License Revocation. The motion passed with Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, and Dr. Short voting aye. Dr. Grant, Dr. McCully and Ms. Young voted no.

**2002-0050** Dr. McCully moved and Dr. Martin seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when providing endodontic therapy, every effort is made to identify all canals in the tooth being treated. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0036** Dr. Short moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that the Licensee continue to comply with the terms of the Consent Order that was signed on July 20, 2000. That Order stipulated that the Licensee shall practice acceptable dentistry, shall comply with the Dental Practice Act, and the rules of the Board. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0066** Dr. Kelley moved and Ms. Young seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that all treatment is accurately documented in the patient records and that gloves are worn whenever placing fingers in the mouths of patients or when handling blood or saliva contaminated instruments. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0025** Ms. Young moved and Ms. Hudson seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issues of ensuring that it is he that determines when it is appropriate to discharge a patient who has been given general anesthesia and that it is he who makes the discharge entries in the patient record as to the condition of the patient upon discharge. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0069** Ms. Young moved and Dr. McCully seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that it is he that determines when it is appropriate to discharge a patient who has been given general anesthesia, that it is the Licensee who makes the discharge entries in the patient record as to the condition of the patient upon discharge, and that it is the Licensee who checks the surgical site prior to the patient's discharge. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0112** Dr. Johnson moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to make a restitution payment of \$7,500 to the patient. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0043** Dr. Grant moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to take 16 hours of continuing education in record keeping and diagnosis and treatment planning, and to make a restitution payment to patient VJ in the amount of \$2,000 for the root canal and emergency treatment on tooth #18. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0030** Ms. Hudson moved and Dr. McCully seconded that the Board close the matter with a strongly worded Letter of Concern reminding the respondent that each Licensee is expected to prepare and maintain an accurate record, in accordance with OAR 818-012-0070, for all persons receiving dental services and especially when medication is being prescribed. Also, that all prescriptions written by dentists must be for dental-related conditions of a patient of record. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0137** Dr. McCully moved and Dr. Kelley seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$500. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0038** Dr. Short moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that the Licensee complies with the Board's requirements for maintaining anesthesia permits and that prescription blanks do not have pre-printed DEA numbers. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0076** Dr. Kelley moved and Ms. Hudson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the licensee would agree to be reprimanded and to attend 16 hours of continuing education in the subjects of endodontics and the treatment of endodontic treatment complications. The motion passed with Dr. Grant, Ms. Hudson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. Short and Ms. Young voting aye. Dr. Johnson and Dr. McCully voted no.

## **PREVIOUS CASES REQUIRING BOARD ACTION**

**2001-0182** Ms. Young moved and Dr. Kelley seconded that the Board withdraw its Order dated January 25, 2002 in which the Board denied the Licensee's request for a stay pending appeal. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

Ms. Young moved and Dr. Martin seconded that at such time as the Board's withdrawal Order is filed with the Court of Appeals and the Board reassumes jurisdiction of the matter, the Board grant the Licensee's request for a stay, pending appeal. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye. Ms. Hudson and Dr. Kelley voted no.

**2001-0037 and 2001-0089** Dr. Johnson moved and Ms. Hudson seconded that the Board accept the Consent Order proposed by the Licensee. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2001-0172** Dr. Grant moved and Dr. Kelley seconded that the Board accept the applicant's request to withdraw his application for a license to practice dentistry in Oregon and issue an Order of Dismissal dismissing the Notice of Proposed Denial of Application for License dated October 5, 2001. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2002-0002** Ms. Hudson moved and Dr. Kelley seconded that the Board agree to an amended proposed Consent Order in which the Licensee would agree to a reprimand and to pay a civil penalty in the amount of \$1,000. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**2000-0064** Dr. McCully moved and Ms. Hudson seconded that the Board grant the Licensee's request to suspend the provision of the Consent Order requiring urinalysis testing. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **LICENSING ISSUES**

**2002-0109** Dr. Short moved and Ms. Hudson seconded that the Board close this matter with a determination of no further action as the application was not completed within 180 days. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **Specialty Examinations**

Dr. Martin moved and Dr. Kelley seconded that the proposed examiner teams and examination protocols for the June 2002 specialty exams be approved as submitted. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **UNFINISHED BUSINESS**

### **Dental Hygiene Continuing Education Rule**

Ms. Lee said that at the November 16, 2001 meeting, the Board considered proposed changes to several administrative rules. The proposed changes to 818-021-0070, Continuing Education for Dental Hygienists, was tabled until the pending review by the Dental Hygiene Committee of the changes made by the Board to the continuing education rule for dentists. The Dental Hygiene Committee met on February 8, 2002 and recommends that the Board amend the

continuing education rule for dental hygienists to reflect the changes made in the rule for dentists with the addition of a sub-section explaining the C.E. requirement if the licensee holds a Class 1 (nitrous oxide) permit. Ms. Young moved and Dr. Johnson seconded that the Board adopt the rule amendments as proposed by the Dental Hygiene Committee. The rule changes are to be made effective October 1, 2002. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

## **NEW BUSINESS**

Ms. Lee said that due to the public interest in one item on the "Correspondence" agenda, the Board would consider items under this section out of order.

## **CORRESPONDENCE**

**Waldon Isom, DDS** requesting a hearing before the Board to have his license reinstated and to correct the record. Mr. Mussell explained that this dentist voluntarily surrendered his license in settlement of several cases in 1997 and agreed to never seek licensure again in Oregon. Also, he has several times told agency staff that there is additional information that would correct the record in his cases but that he has never made any attempt to submit that information. Mr. Mussell said that Dr. Isom is not entitled to a hearing before the Board and that he should be advised that he should submit any documentation to correct a Board record to the Executive Director. Dr. Martin moved and Ms. Young seconded that the Executive Director be instructed to send Dr. Isom a letter in which Dr. Isom would be advised that he voluntarily resigned his license in settlement of several cases, he is not entitled to reinstatement of his license, he has no right to a hearing, and that any information that he wishes to submit to correct the record should be submitted to the Executive Director in writing. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

**WREB Board of Directors** advising that the Board of Directors is considering elimination of the Indirect (Gold) Restoration on the dental clinical examinations and replacing it with a second Direct (Amalgam or Composite) restoration procedure and asking that the member Boards provide feedback regarding this proposal. Dr. McCully said that he strongly disagrees with this proposal. Drs. Kelley and Short both agreed with Dr. McCully and further suggested that the candidates should also be required to perform their own lab work during the clinical exams. Dr. Johnson said that he feels that the gold inlay should be retained as it tests a lot of things but it does create a lot of problems in the testing process. Dr. Johnson asked that Board members fill out the survey form submitted by WREB and that the Executive Director collect and send the surveys to WREB. (*Note: Board member surveys submitted to WREB were: Agree – two; Disagree – five; Strongly Disagree – two*).

**Julia Markley, Perkins Coie, LLP** addressed to Attorney General Hardy Myers regarding the Board's policy statement on amalgam fillings. Mr. Mussell reiterated his previous advice to the Board that it rescind the 1990 policy statement regarding dental amalgam and publish its action in the next newsletter and on the Board's website. Dr. Johnson moved and Dr. Martin seconded that the Board rescind its policy statement regarding dental amalgam adopted September 9, 1990 and reaffirmed on December 12, 1997 and that this action be communicated to Oregon dentists by publication in the next newsletter and on the Board's website. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

Ms. Lee said the Board would hear limited comments from members of the public who were present. She said that testimony was not scheduled on this matter as this is a regular Board meeting and not a hearing as reported in The Oregonian. However, given that there is so much

interest and that so many people had taken the trouble to attend, the Board would allow time from its agenda at this point. Those providing comment about their concerns regarding dental amalgam included Julia Markley, George Mead, Dr. John Schmidt, Don Fell, Dr. Amy Khajavi, Sandra Duffy, Jane Haley, Jeff Clark, Dorothy Lamb, Dr. Christina Stimson, and Joyce Young. *(Note: This list is not complete as either the person providing comment did not give their name or the tape did not pick up.)*

**Paul Sims, DDS, AADE Award Selection Committee** seeking nominations for AADE "Citizen of the Year" award. The Board had no nomination for this award.

**Dr. James Cole, II, AADE President** calling for comments regarding proposed "Guidance for Scoring and Post-Examination Analysis of Dental and Dental Hygiene Clinical Licensure Examinations." The Board had no comment to offer on the proposed guidelines. The Executive Director will so inform the AADE.

**John Lindback, State of Oregon, Elections Director** regarding restrictions on political campaigning by public employees. Information only, no action necessary.

## **ASSOCIATION REPORTS**

### **Oregon Dental Association**

Dr. Mark Jensen reported that the ODA and the Board are working on several issues of mutual interest including the proposed mentorship program and the Ownership workgroup. He said that the ODA annual convention will be held April 11-13 at the Convention Center, there will be some very good courses offered and the ODA expects a good attendance. Dr. McCully asked if the ODA would have a courtesy table available for the Board. Ms. Fletcher said that she would check and get back to Ms. Bones. *(Followup: The Board will have a courtesy table at the 2002 ODA conference.)*

### **Oregon Dental Hygienists' Association**

Ms. Ironside said the ODHA had no report at this time.

## **COMMITTEE AND LIAISON REPORTS**

### **WREB Examiner and Committee Reports**

Ms. Lee said that the Dental Hygiene examiners held a training session recently at OHSU that was very productive. Dr. Johnson said that he is serving on the WREB Operative Committee this year, that they held a meeting in January and will meet again in April.

### **Annual Reports of Standing Committees**

Ms. Lee said that she had asked each committee Chair to prepare a report for the Board on the committee's work during the year, its accomplishment of goals as directed by the Strategic Plan and any recommendations for future work of the committee.

- **Communications Committee**

In addition to the written report, Ms. Hudson stated that the Board's website has been recently updated with a new look to reflect the image of the State of Oregon website ([www.Oregon.gov](http://www.Oregon.gov)). She said that Ms. Bones has recently been working to add downloadable forms to the website which should significantly enhance the effectiveness of the website and hopefully, reduce telephone calls and mailing of forms by staff. Ms. Hudson said that the committee had met on February 8, at the request of the Board, to consider the issue of adding a licensee lookup function to the website. She reported that after significant discussion, the committee recommends that the Board include a limited lookup function. Therefore, Ms. Hudson moved and Dr. McCully seconded that the website

be modified to include a licensee lookup for active status licenses only that includes the following: name of licensee, license number, permits and certificates held, date license was issued, expiration date, city and state from mailing address. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

- **Dental Hygiene Committee**

In addition to the written report submitted, Ms. Lee said that the Dental Hygiene Committee met February 8, 2002 and, in addition to reviewing the continuing education rules already dealt with earlier in this meeting, the committee also recommends that the Board initiate legislative action to allow Dental Hygienists to supervise dental assistants. This is especially needed by Limited Access Permit Dental Hygienists but would also assist Dentists in the dental office. After discussion about the Board's role in introducing legislation versus carrying out legislative action, Dr. Martin moved and Ms. Young seconded that the Board add this issue to its legislative concepts. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. Short and Ms. Young voting aye. Dr. McCully voted no.

- **Enforcement and Discipline Committee**

Ms. Lee reported that the Enforcement and Discipline Committee has primarily worked on development of the mentoring project. The proposed protocols and various forms for the project were submitted for Board review. Ms. Lee said that the committee recommends the Board adopt this program. The Board acknowledged the good job that had been done on this project and stated that it wants to proceed with the next phase. Mr. Mussell said that the Board needs to have this proposal reviewed by Risk Management before implementation. There was discussion as to whether or not a pilot program could be started until final approval was obtained. Mr. Mussell advised against that concept. Mr. Mussell, Ms. Lindley and Ms. Bones will discuss the concept with Risk Management and report back to the Board.

Ms. Lee said that the remaining goal of the committee is to develop a diversion program. Dr. Kelley volunteered to be on this committee. Ms. Hudson said that she feels this is an important project and said that she would be available to serve on the committee even after her term on the Board is up.

- **Licensing, Standards and Competency Committee**

Dr. Martin presented the committee's written report. She said that of the committee's four goals, two were implemented through legislative action and adoption of rules and two were not dealt with. The committee reviewed the requirements for continuing education, simplified the rules and specified that C.E. be related to clinical practice. An Ad Hoc committee has been appointed to review the Specialty Exams that will include significant communications with the specialty groups about the standards for valid and reliable examinations. On development of the Jurisprudence examination she said that she feels a valid Jurisprudence examination cannot be developed given that it is an open book, untimed test. She said that the usefulness of the test is that it familiarizes the applicant with the law but does not need to be developed to any higher standard.

- **Rules Oversight Committee**

Ms. Young presented the committee's annual report. She said that all of the committee's are on-going projects. Regarding the development of an in-office evaluation for Class 3 and Class 4 permit holders, Dr. Kelley has provided information regarding the procedure used by the Oregon Society of Oral and Maxillofacial Surgeons. Ms. Young also stated that the

committee needs to review the regulation of light conscious sedation (Class 2) in light of the current issues with “sleep dentistry” which uses only oral sedation and the Board’s Class 2 permit regulates only a combination of nitrous in conjunction with an oral sedative. With regard to the ownership of dental practices, Dr. Short is representing the Board on the Ownership Workgroup coordinated by the ODA. A full report will be made to the Board when the workgroup concludes its work. Dr. Short said that the workgroup hopes to have a draft report by the May board meeting. In the case of reviewing the scope of practice of Dental Hygienists and dental assistants in light of access to care issues, the committee has taken no specific action but will monitor this issue closely and make recommendations if needed.

## **EXECUTIVE DIRECTOR’S REPORT**

### **Budget Status**

A budget status report including expenses paid and revenue received through January 31, 2002 was provided for Board review.

### **2001 Dental Practice Act**

A new edition of the Dental Practice Act and rules of the Board has been compiled which reflects changes in the laws made by the 2001 Legislature and administrative rules adopted to date. Copies of the new DPA are available to all licensees upon request at no cost and are available on the website. Ms. Bones said that a copy of the DPA will be sent to all licensees with the next newsletter.

### **2003 Legislative Concepts**

At the January 18 meeting, the Board voted to propose several changes to the Dental Practice Act to be considered by the 2003 Legislature. The Board asked that the exact language of proposed changes be presented at the March meeting. This was provided for Board review. Ms. Bones also reported that she and Mr. Mussell have met with representatives of the ODHA and ODA regarding the proposed statutory changes and also with Tom Johnson, Assistant Administrator, Environment and Health Systems, Health Services (previously Health Division), regarding regulation of x-ray operators in dental offices.

Mr. Mussell recommended that the Board also pursue a legislative change to address the issue of the status of a license from the point that a Licensee appeals the Board’s disciplinary order until the conclusion of the appeal process. Mr. Mussell said that there is an apparent conflict between 676.210 and 679.160(2) and the Board should either repeal 679.120(2) so that the provisions of 676.210 will prevail, or replace the language in 679.160(2) to provide the following language; “(2) Notwithstanding ORS 676.210, enforcement of the Board’s disciplinary order pending appeal shall be determined pursuant to ORS 183.482(3).” After discussion of the merits of the two options, Ms. Young moved and Dr. Short seconded that the Board introduce a legislative change to amend ORS 679.160(2) to allow the provisions of the Administrative Procedures Act (ORS 183) to provide the Board discretion in allowing a stay after issuing a license suspension or revocation. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **2003-2005 Budget Development**

Ms. Bones reported that by late March, the agency would receive budget instructions for development and submission of its request for funding and program changes for the 2003-2005 biennium. At this time, she does not anticipate that any fee increases will be necessary to support existing Board activities as long as inflation rates remain low and there are no unexpected big increases in charges such as State Government Services, rent, or employee health insurance. The current lease for office space expires one year into the 2003-2005-

budget period (July 31, 2004) and any increases in that expense are not known at this time.

## **LICENSURE AND EXAMINATION**

### **Ratification of Licenses Issued**

Dr. Martin moved and Ms. Young seconded that the licenses issued be ratified as published. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

#### **Dental Hygienists**

H4425	Robin A. Marcinkiewicz, R.D.H.	01/10/2002
H4426	Kitty B. Sizemore-Boles, R.D.H.	01/11/2002
H4427	Ronita Singh, R.D.H.	01/15/2002
H4428	Leslie F. Pfeifle, R.D.H.	01/15/2002
H4429	Julie R. Grobbel, R.D.H.	01/15/2002
H4430	Shannon M. Burdick, R.D.H.	01/15/2002
H4431	Robin L. Nelson, R.D.H.	01/30/2002
H4432	Teresa M. Stanley, R.D.H.	01/30/2002
H4433	Lynae D. Walters-Gambee, RDH	01/30/2002
H4434	Kari Haakenson-King, R.D.H.	02/14/2002
H4435	Laurie A. Fearon, R.D.H.	02/14/2002
H4436	Molly A. Johnson, R.D.H.	02/20/2002
H4437	Rachel C. Freeman, R.D.H.	02/22/2002

#### **Dentists**

D8040	Brant L. Powell, D.D.S.	01/10/2002
D8041	David Beanland, D.M.D.	01/10/2002
D8042	George R. Safirstein, D.M.D.	01/15/2002
D8043	Zahra Hassanloo, D.D.S.	02/14/2002
D8044	Michael T. Dryden, D.D.S.	02/14/2002
D8045	James S. Walker, D.D.S.	02/15/2002

### **Other Licensing, Permit and Certification Issues**

- Board position on Residency experience qualifying as clinical practice  
OAR 818-021-0011(f) regarding qualifications for Licensure Without Further Examination, requires that applicants show satisfactory evidence of "Having conducted licensed clinical practice in other states or in the Armed Forces of the United States, the United States Public Health Service or the United State Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately prior to application..."

At its December 15, 2000 meeting, the Board discussed and voted unanimously that "licensed clinical practice" does not include residency experience or dental or dental hygiene education hours. By e-mail dated February 11, 2002 Dr. James Kim requested that the Board reconsider its position on this matter.

After review of Dr. Kim's request, the Board confirmed its previous position on this matter and instructed that the Executive Director so advise Dr. Kim.

## **OTHER BUSINESS**

### **Articles and News of Interest (No Action Necessary)**

- FDA Consumer Update: Dental Amalgams (dated 2/11/2002)
- ADA, "State Legislative Report," December/January 2002
- ADA, "State Legislative Report," February 2002

- Western Regional Examining Board newsletter, January 2002
- Tennessee Board of Dentistry, Newsletter, Winter 2002
- ADA, CERP Provider Newsletter, December 2001
- "Oral Health in America, " The Oral Health America National Grading Project 2001-2002

### **Issues and Concerns**

Ms. Lee said that Dr. McCully had raised the issue of revoting on cases already decided by the Board. Ms. Lee said that she has some problems with this when a Board member wants to change their vote on any particular case when no new information is presented. She said that the problems for staff would involve knowing when the case vote is "final" and the confusion that could arise with several different votes over time. After discussion of the pros and cons the Board agreed that, unless new information is presented, the original Board vote would stand.

### **MINUTES**

Ms. Hudson moved and Dr. Martin seconded that the Minutes of the January 18, 2002 regular meeting be approved as printed. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

Dr. McCully moved and Dr. Martin seconded that the Minutes of the January 25, 2002 emergency meeting be approved as printed. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **ELECTION OF OFFICERS FOR 2002-2003**

Ms. Young moved and Ms. Hudson seconded that Dr. Martin be elected President for the term April 2002 through March 2003. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

Dr. Kelley moved and Ms. Young seconded that Dr. Short be elected Vice President for the term April 2002 through March 2003. The motion passed with Dr. Grant, Ms. Hudson, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Martin, Dr. McCully, Dr. Short and Ms. Young voting aye.

### **ACKNOWLEDGMENTS**

Ms. Lee presented Mr. Mussel with a certificate of appreciation for his service to the Board during the past 15 years.

Ms. Lee thanked the Board members for their support during the past year. Dr. Martin presented Ms. Lee with a certificate of appreciation for her year as President.

Ms. Lee thanked Kris Hudson for her eight years as the Public Member on the Board and presented her with a certificate of appreciation.

**ADJOURNMENT**

The meeting was adjourned at 4:00 p.m.

Approved by the Board May 3, 2002

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Jean Martin, DDS, MPH  
President