

**OREGON BOARD OF DENTISTRY  
MINUTES  
June 28, 2002**

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

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

**ALSO PRESENT:** Lori Lindley, 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.

**Strategic Planning**

The Board engaged in discussions of its strategic plan, the need for a six-year plan for the budget process, its expectations and desired outcomes. Notes of the discussion will be disseminated to the members, written comment and thoughts for further development will be returned to Ms. Bones for compilation. It was agreed that the first two hours of the August meeting would be devoted to finalizing this plan.

**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**

Licenses appeared in Executive Session pursuant to their Consent Orders in case numbers 1999-0197, 2001-0006, 1994-0021 and 2001-0076.

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

**Dr. Johnson left the meeting and did not return.**

## **NEW BUSINESS**

### **ASSOCIATION REPORTS**

#### **Oregon Dental Association**

Ms. Myers said that the ODA had received a Notice of Proposed Rulemaking from the Health Division regarding proposed changes in the x-ray operator training requirements. She also said that the ODA is pleased that the Health Division has again approved the DANB Radiation Health and Safety Examination.

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

Ms. Ironside said that she has just returned from the annual conference of the American Dental Hygiene Association and that Oregon will be one of the states included in a survey of dental hygienists. She said that the ODHA is working on the survey of dentists and dental hygienists that it agreed to conduct regarding any changes practitioners would like to see in allowed procedures for dental hygienists or dental assistants.

### **COMMITTEE AND LIAISON REPORTS**

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

Ms. Lee said that she was Chief Anesthesia examiner at the June 19-23 Dental Hygiene exams at OHSU. She said it was the smallest anesthesia exam ever given with only three candidates.

Ms. Young said that she attended a WREB Dental Hygiene Anesthesia Exam Committee meeting in Phoenix, AZ, June 19 and 20. She was an examiner at Rio Salado Community College in Phoenix, AZ May 10-13, and at the University of New Mexico in Albuquerque May 31 – June 2.

Dr. Johnson served as an examiner at the dental examinations conducted at the University of Texas, Houston, May 9 – 12.

Dr. McCully served as an examiner at the dental examinations conducted at the University of Texas, San Antonio. May 17-20.

#### **Standing Committee and Liaison Reports**

- Dental Summit Meeting

Dr. Martin reported that the quarterly Dental Summit Meeting of the Board, Oregon Dental Association and School of Dentistry was held at the School of Dentistry on May 15, 2002. Issues discussed involved the new Clinic Management Software installed at the school, the October ADA accreditation site visit, a review of the plans for a new dental school building at the North Macadam site, change in the Orthodontics program from 24 months to 32 months, 2003 legislative issues, the Board's recent action regarding the controversy over dental amalgam, and a discussion of the Board's statutory requirement to investigate all complaints received. Dr. Martin said that this last discussion resulted in a recommendation by Ms. Bones that the Board propose a project for the reduction of complaints. The project would involve the professional associations, the Board, School of Dentistry and malpractice carriers. The primary effort would be to educate students, licensees and faculty of the dental and dental hygiene programs about the types of issues the Board sees as problems in a major "prevention" effort. The Board agreed that this would be a worthwhile project and within the goals the Board has identified as priority issues.

- **Ownership Workgroup**  
Dr. Short reported that the workgroup has had several meetings and most of the Board's issues have been addressed. It is hoped that a draft report will be available in October.
- **ODA Pain Management Taskforce** – Ms. Bones reported that the last meeting of the ODA Pain Management Taskforce was held on June 27, 2002 at the School of Dentistry. Dr. Johnson and she had attended representing the Board. Dr. Rademacher proposed that the final recommendations of the taskforce be (1) to gain membership on the Pain Commission established by SB 1071 (1997 Legislative Session); (2) the Board and the ODA adopt a position statement on pain management for dental patients; (3) urge that in-depth pain management be included in the School of Dentistry's curriculum. The members present agreed with these recommendations. A final report will be submitted to the ODA and a resolution regarding the recommendations will be presented in the form of a Resolution at the ODA House of Delegates in September. Ms. Bones said that Dr. Johnson asked her, on his behalf, to recommend that the Board create an ad hoc committee on Pain Management (which would include TMD) to develop a recommended Board position statement. Dr. McCully moved and Dr. Kelley seconded, that the Board approve the establishment of this ad hoc committee. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Martin suggested that Dr. Johnson chair the committee. Dr. Kelley and Dr. Grant both volunteered to serve on the committee.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Budget Status**

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

### **Board and Staff speaking engagements**

Dr. Kelley spoke to the Lane County Periodontal Study Club in Eugene on May 17.

Dr. Short spoke to the Klamath Dental Society on June 4. Approximately 30 people were present.

Dr. Johnson spoke to approximately 150 physicians in Corvallis at their weekly C.E. meeting on June 7.

### **Western Conference of Dental Examiners and Dental School Deans**

Board representation at this meeting was approved at the May 3, 2002 meeting. Since no Board member was available to attend this conference in Park City, Utah, July 19 – 21, Board President, Jean Martin, DDS, approved the Executive Director's attendance at this meeting. Board ratification of this out of state travel is required by DAS and agency policy. Ms. Young moved and Ms. Lee seconded that the Board ratify the President's approval of this travel for the Executive Director. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **2003 Board Meeting Dates**

A calendar for 2003 with proposed Board meeting dates was submitted for Board member review. The proposed dates maintain the current eight-week schedule for meetings. Board members agreed to re-visit this issue at the next meeting.

### **2003 Legislative Concepts**

Ms. Bones reported that both of the Board's legislative concepts have been approved by the Governor's office and forwarded to Legislative Counsel for drafting.

### **2003-2005 Budget**

The Board's budget request for the '03-'05 biennium (July 1, 2003 – June 30, 2005) must be submitted to the Department of Administrative Services by August 1, 2002. Since there is no Board meeting scheduled until late July and some of the needed budget information will not be available until mid-July, Ms. Bones recommended that the Board authorize the Budget/Legislative Workgroup (President, Vice President and Immediate Past President) to work with the Executive Director in the development of the budget request and approve the budget for submittal in order to meet the required deadline. The budget would be provided to the full Board for ratification at its August 23 meeting. Dr. McCully suggested that the draft be submitted to all Board members via e-mail for comment prior to the workgroup meeting. Ms. Bones said that she would do this.

### **Website**

A User Survey has been added to the website. All survey responses are delivered to the Executive Director's e-mail inbox. Copies will be saved and reviewed with the Communications Committee.

The Licensee Lookup function is expected to be available on the website in the next few weeks.

Usage of the website has increased significantly. During May 2002 there were over 35,000 "hits" on various pages of the website. For the same period in 2001, there were 9,070 "hits." (The Board's website was implemented in April 2000.)

### **Newsletter**

The June 2002 Board Newsletter will be mailed by the end of the month. All licensees with an Oregon address will also receive a copy of the Dental Practice Act with statute changes through the 2001 legislative session and rules effective through April 2002.

### **DANB**

DANB expects to have certified Dental Assistants listed on its website by mid-June.

DANB's psychometrician met in Portland with Department of Human Services, Health Services, and Radiation Protection Services (DHS) to review DANB Radiation Health and Safety (RHS) examination. The X-Ray Program Manager for Radiation Protection Services, Robert Ropcinski, reviewed the RHS examination and determined that it satisfies DHS' requirements for testing. The Board expressed its appreciation that DHS had once again approved the DANB RHS examination.

### **X-Ray Operator Training**

Ms. Bones said that notice of proposed rulemaking has been received from DHS regarding proposed changes to its rules regarding the training requirements for operators of X-ray equipment. A hearing on the proposed rule changes is scheduled for July 24, 2002. The Board agreed that its position would be to express thanks to DHS for listening to the Board and the dental industry's concerns, but that it feels strongly that the Board of Dentistry should regulate the training of x-ray equipment operators in dental offices and the Board will continue in pursuit of this legislative change.

## **HIPAA**

Ms. Bones said that Dr. Martin had asked that the Board receive a briefing on the Board's role in the HIPAA regulations. Ms. Bones said that she had attended training on this issue provided by the Department of Justice and presented the Board with a summary from the HIPAA regulations that explained the Board's status under the Federal regulations and the rules under which the Board remains entitled as a Health Oversight Authority and as a Law Enforcement Agency, to receive identifiable personal medical information from covered entities without the covered entity being required to obtain the consent or authorization of the patient.

## **CORRESPONDENCE**

**American Dental Association, Rosemary Monehen, MS, Manager, Predoctoral Dental Education, Commission on Dental Education** regarding accreditation site visit at OHSU, School of Dentistry. Dr. Martin said that Dr. Turner feels it is very important that the Board participate in this site visit and has requested the Board's participation. Dr. McCully and Dr. Short expressed interest in being nominated.

**American Dental Association, Dr. Deron Ohtani, Chairman, Council on Dental Education and Licensure**: *Call for Comments: Proposed Revised Definition of Prosthodontics.* The Board took no action.

**American Dental Association, Dr. Deron Ohtani, Chairman, Council on Dental Education and Licensure**: *Call for Written Comments, Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry and Pain in Dentistry, and The Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists.* Proposed revisions to language under "Definitions" in these *Guidelines* addressing the technique of repeated dosing of orally administered sedative agents in an effort to achieve a desired level of sedation. The Board took no action.

## **LICENSURE AND EXAMINATION**

### **Ratification of Licenses Issued**

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

### **Dental Hygienists**

H4447	Carol R. Plumb, R.D.H.	04/23/2002
H4448	Joan A. Kelly-Sassone, R.D.H.	04/23/2002
H4449	Pamela Oleksy, R.D.H.	05/09/2002
H4450	Lori L. Pugh, R.D.H.	05/16/2002
H4451	Alanna L. Powell, R.D.H.	05/17/2002
H4452	Lorell Efird, R.D.H.	05/17/2002
H4453	Sally J. Jones, R.D.H.	05/29/2002
H4454	Brenda L. Wallace, R.D.H.	06/04/2002
H4455	Jennifer M. Miller, R.D.H.	06/10/2002
H4456	Melinda Shank, R.D.H.	06/10/2002
H4457	Karie J. Jarvis, R.D.H.	06/13/2002

### **Dentists**

D8060	Sung S. Shyn, D.D.S.	04/23/2002
D8061	Lawrence R. Hovey, D.M.D.	05/08/2002

D8062	Thao Chu, D.D.S.	05/08/2002
D8063	Don Chen, D.D.S.	05/08/2002
D8064	Bernadette De Santos, D.D.S.	05/08/2002
D8065	Cary J. Cunningham, D.D.S.	05/08/2002
D8066	Ernest S. Alder, D.D.S.	05/09/2002
D8067	R. McKell Young, D.M.D.	05/17/2002
D8068	Bich-Ngoc T. Tran, D.M.D.	05/22/2002
D8069	Rebecca K. Morisse, D.M.D.	06/04/2002
D8070	America A. Cole, D.M.D.	06/04/2002
D8071	Daniel Radatti, D.D.S.	06/04/2002
D8072	Jabal R. Patel, D.M.D.	06/04/2002
D8073	Joey V. Helton, D.M.D.	06/04/2002
D8074	R. Kai Reynolds, D.D.S.	06/04/2002
D8075	Jeffrey D. Grim, D.D.S.	06/04/2002
D8076	John A. Wood, D.D.S.	06/06/2002
D8077	Byeong R. Kim, D.D.S.	06/10/2002
D8078	Stacy A. S. Geisler, D.D.S.	06/10/2002
D8079	Tamara S. Hald, D.D.S.	06/12/2002
D8080	Christopher S. Mehlhoff, D.D.S.	06/12/2002
D8081	Jamal A. Kussad, D.D.S.	06/17/2002

### **License and Examination Issues**

- Definition of “classroom” for purposes of Limited Access Permit training  
 Jill Mason, MPH, RDH, Associate Professor, OHSU, School of Dentistry, Dental Hygiene Program asked that the Board consider viewing of a video tape of an actual classroom presentation as equivalent to attendance in a classroom. She said that the Continuing Education Department at OHSU has adopted the practice of videotaping several of its continuing education course offerings for the purpose of providing self-study options for dental providers. Many of these courses are applicable to obtaining a Limited Access Permit and are unedited recordings of the actual course given. She said this would expand the opportunities for dental hygienists to obtain Limited Access Permits and would be especially beneficial in rural areas of the State. Ms. Lindley advised that the Board has authority to make this interpretation of the statute. The Board agreed that this would be beneficial but said that the student using this “long-distance” learning, should pass a test that covers the material. Dr. McCully moved and Ms. Young seconded, that the Board adopt as its definition of “classroom” in 680.200(1), to be video tapes, CD Rom, DVD, video conferencing (or other similar media that may be developed) of actual classroom presentations provided by Accredited programs, as long as there is an examination. This does not include audio only recordings. The motion passed unanimously with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.
- Brush Biopsy as a Dental Hygiene procedure  
 The Board received an inquiry from Debra James, President, Oregon Dental Hygiene Association, inquiring if the Brush Biopsy procedure is allowed for Dental Hygienists in Oregon. Dr. Martin recognized Dr. Gary Allen who asked to speak to this issue. Dr. Allen said that he is a pathologist and has studied this procedure extensively. He said that it is a useful and highly successful screening tool. He said it is easy to learn how to do, is reversible and the Board should allow it. Board members agreed that this would be a useful screening tool when authorized by a dentist. It was agreed that no rule change would be necessary since it is not covered in the “Prohibited” duties in the current rules.

- **Licensure Without Further Examination**  
Dr. Martin said that the Board had received a letter from Dr. Bill Edell, that she had talked with Dr. Edell concerning his situation, and agrees that his circumstance needs to be addressed by the Board. Dr. Edell has retired to Oregon from California and wants to work as a volunteer for Northwest Medical Teams. However, when Dr. Edell was originally licensed in California in 1966 that state did not recognize the National Board Examinations. The Board's current rules require that applicants for Licensure Without Further Examination have passed the National Board Examinations Parts I and II. Dr. Martin said that Ms. Bones had obtained a listing from the ADA of when various states recognized the National Board Examinations. It was not until 1973 that all but two states recognized these written exams. Dr. Martin said that she felt it is an unnecessary restriction on a practitioner who has been licensed and practiced successfully for over thirty years to not qualify for a license in Oregon for lack of taking an examination that was not recognized at the time of their original licensure. Dr. Kelley moved and Ms. Young seconded that the Board file Temporary Rules repealing that section of rules 818-021-0011 and 818-021-0025 and move this rule change to permanent rule making. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.
- **Injury Prevention and Ergonomics as C.E.**  
Dr. Martin said that Board has been asked by Dr. Valachi of Posturedontics, if a course in injury prevention and ergonomics meets the Board's requirement that continuing education be directly related to clinical patient care. Ms. Young spoke in support of this type of course as supporting a practitioner's ability to provide care. Dr. McCully stated that the Board has declared that courses taken to meet the Board's requirement must be related to the clinical care of patients and that the Board should not dilute its position. He said there is no doubt that these are good courses and valuable for practitioners to take but they can do that in addition to meeting the Board's requirements. Dr. Short moved and Dr. McCully seconded that staff be directed to respond to Dr. Valachi that the course does not meet the requirements of the Board's rules. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

## **OTHER BUSINESS**

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

- "Caementum," The Journal of the OHSU School of Dentistry Alumni Association, Spring 2002. "Alumnus of the Year 2002, Eugene O. Kelley, DMD, '59. The Board congratulated Dr. Kelley on this honor.
- "Health Care Sector Employment Initiative," A project of the Oregon Workforce Investment Board, Initial (Draft Report), May 2002
- ADA, State Legislative Report, May 2002
- ADA, State Legislative Report, June 2002
- AADE, "The Bulletin," Spring 2002
- Minnesota Board of Dentistry – Updates, Winter/Spring 2002
- Dental Board of California, News & Action Report, March 2002
- WREB newsletter, Spring 2002
- Missouri Dental Board Newsletter, May 2002
- North Carolina Board of Dental Examiners, "The Dental Forum," First Quarter 2002

- Boston Globe, Few Dentists in Mass. Face Discipline (5/26/2002); Overhaul of health boards planned (6/2/2002); and No licensee discipline in most of state's cases (6/4/2002)

**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.

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

## **ENFORCEMENT**

### **CONSENT AGENDA**

**2002-0208, 2002-0209, 2002-0238, and 2002-0225** Ms. Lee moved and Dr. Kelley seconded that these cases be closed per the recommendations. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **COMPLETED CASES**

**2002-0096, 2001-0251, 2002-0200, 2002-0221, 2000-0178, 2002-0089, 2002-0127, 2002-0141, 2001-0026, 2002-0114, 2002-0130, 2002-0148, 2002-0142, and 2002-0146**

Dr. Short moved and Dr. Kelley seconded these cases be closed with a finding of no violation of the Dental Practice Act or no further action, per the recommendations. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0098** Mr. Swart 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. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0118** Dr. Grant moved and Ms. Young seconded that the Board close this matter with a Letter of Concern to the Licensee addressing the need to utilize PARQ procedures in patient care. In addition, remind the Licensee of the appropriate usage of comprehensive oral examination, study models, complete radiographs and appropriate referrals when diagnosing and treatment planning. Also, strongly urge the Licensee to refund the Patient's \$2,500.00 paid toward the previous treatment. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0266** Dr. Kelley moved and Ms. Lee seconded that the Board close this matter and take no further action. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0113** Ms. Young 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, suspension of his dental license for 30 consecutive days to be served within six months of the effective date of the Order, pay \$1,178.00 restitution to the patient, pay \$828.00 reimbursement to the patient's insurance company, and pay a civil penalty of \$5,000.00, per the standard protocols. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short and Ms. Young voting aye. Dr. Martin, Dr. McCully and Mr. Swart voted no.

**2002-0125** Dr. McCully moved and Ms. Lee seconded that the Board close this matter with a finding of no violation of the Dental Practice Act. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0262** Ms. Lee moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand and a civil penalty of \$1,000.00, per the standard protocols. The motion passed with Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Grant abstained.

**2002-0119** Dr. Grant 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 make a restitution payment to the patient in the amount of \$1,175.00 within 60 days of the effective date of the Order. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

**2002-0270** Dr. Kelley moved and Ms. Young seconded that the Board issue a Notice of Proposed Indefinite License Suspension to the Licensee. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0039** Ms. Young moved and Dr. Kelley seconded that the Board close this matter and take no further action. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Mr. Swart and Ms. Young voting aye. Dr. Short abstained.

**2002-0122** Dr. McCully moved and Dr. Kelley seconded that the Board close this matter and take no further action. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0073** Ms. Lee moved and Ms. Young seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that all treatment that is provided is documented in the patient's records and that all prescriptions have a dental justification documented. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0214** Mr. Swart moved and Ms. Lee seconded that the Board add this case to the pending discipline in cases 2002-0020 and 2002-0046 and offer the Licensee a Consent Order in which the Licensee would agree to resign his license, would agree to never reapply for licensure in the State of Oregon, and would agree to make restitution payments to patient RL in the amount of \$760.00, to patient CJ in the amount of \$3,000.00, and to patient BS in the amount of \$1,830.00 all within 90 days of the effective date of the Order. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

**2002-0136** Dr. Grant moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a restitution payment to the patient in the amount of \$2,425.00, per standard protocols. The motion passed with Dr. Grant, Dr. Kelley, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Ms. Lee abstained.

**2002-0189** Mr. Swart 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 make a restitution payment to the patient in the amount of \$6,225.00, per

standard protocols. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0059** Dr. Kelley 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 attend three hours of continuing education in record keeping and at least eight hours of continuing education in the diagnosis and treatment of periodontal disease. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **PREVIOUS CASES REQUIRING BOARD ACTION**

**1985-0023** Ms. Young moved and Dr. Kelley seconded that the Board amend the conditions of the license reinstatement and allow the Licensee to practice dentistry with male and female patients under prescribed clinical conditions and offer the Licensee a Third Amended Consent Order of License Reinstatement with Conditions of Probation incorporating the standard protocols as recommended. The motion passed with Dr. Grant, Dr. Kelley, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Ms. Lee voted no.

**2002-0001** Dr. McCully moved and Ms. Young seconded that the Board issue a Default Order denying Applicant's application for licensure. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0067** Ms. Lee moved and Dr. Kelley seconded that the Board accept Licensee's offer to resign her dental hygiene license and issue an Order of Dismissal withdrawing the Notice of Proposed Disciplinary Action issued May 13, 2002, and dismiss all proceedings based thereon. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

**2001-0184** Mr. Swart moved and Dr. Kelley seconded that the Board grant Licensee's request for release from probation. Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2001-0259** Dr. Short moved and Ms. Young seconded the Board offer the Licensee an amended Consent Order incorporating a civil penalty reduced from \$5,000 to \$1,500 but including other conditions voted by the Board on May 3, 2002. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **LICENSING ISSUES**

**2002-0180** Dr. Grant moved and Dr. Kelley seconded that the Board accept the Applicant's offer to withdraw his application for a dental license. The motion passed with Dr. Grant, Dr. Kelley, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Ms. Lee voted no.

**2002-0177** Dr. Kelley moved and Ms. Young seconded that the Board accept the Applicant's offer to withdraw his application for a dental license. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0170** Ms. Young moved and Dr. Kelley seconded that the Board issue a Notice of Proposed Denial of Application for License. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0226** Dr. McCully moved and Dr. Kelley seconded that the Board issue a dental license to the Applicant. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

**2002-0201** Ms. Lee moved and Ms. Young seconded that the Board issue a dental license to the Applicant. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **MINUTES**

Dr. McCully moved and Ms. Young seconded that the Minutes of the May 3, 2002 regular meeting be approved as corrected. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

### **ADJOURNMENT**

The meeting was adjourned at 5:00 p.m.

Approved by the Board August 23, 2002

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Jean Martin, DDS, MPH  
President