

**OREGON BOARD OF DENTISTRY
MINUTES
MARCH 12, 2004**

MEMBERS PRESENT: Ronald C. Short, D.M.D., President
George A. McCully, D.M.D., Vice President
Melissa G. Grant, D.M.D.
Linda Lee, R.D.H., M.B.A.
Jean A. Martin, D.D.S., M.P.H., (portion of the meeting)
Rodney S. Nichols, D.M.D.

EXCUSED: Kenneth R. Johnson, D.M.D.
Ellen M. Potts, B.S., R.D.H.

STAFF PRESENT: Patrick D. Braatz, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Daryll Ross, Investigator
Harvey Wayson, Investigator
Jerry McNerney, D.M.D., Consultant (portion of meeting)
Thomas Waugh, D.M.D., Consultant (portion of meeting)
Sharon Ingram, Executive Assistant (portion of meeting)

ALSO PRESENT: Lori Lindley, Esq., Assistant Attorney General

VISITORS PRESENT: Beryl Fletcher, Representing ODA; Lynn Ironside, R.D.H.,
Representing ODHA; Vickie Woodward, R.D.H., Representing
ODHA; Gary Allen, D.M.D., Willamette Dental Group; Weston
Heringer, Jr., D.M.D., Vice-President ODA

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

NEW BUSINESS

MINUTES

Dr. McCully moved, and Dr. Nichols seconded, that the minutes of the January 23, 2004 Board meeting be approved as published. The motion passed with Dr. McCully, Dr. Grant, Dr. Nichols, Ms. Lee and Dr. Short voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

Beryl Fletcher reported on the upcoming ODA conference that will be held April 1 – 3 at the Oregon Convention Center.

Oregon Dental Hygienists' Association

Lynn Ironside of the ODHA said that there was nothing to report.

Oregon Dental Assistants Association

No Report

COMMITTEE AND LIAISON REPORTS

Communications Committee

The Communications Committee met on Friday, February 27, 2004.

The Committee reviewed the Web site comments that have been received and were informed that all state agencies will be migrating to a new state Web page. This will allow agencies to make their own changes to the Web site.

The Committee reviewed the question that is currently asked on renewals regarding continuing education and suggested some new language be placed on the forms to clarify the question.

The Committee reviewed the current format for the Board Newsletter and suggested that discipline notices as well as some cases, like letters of concern, could be summarized and placed in the newsletter as a teaching tool.

The Committee felt that the Board should take a more active role in the fluoride debate and suggested that the Board take a proactive response with a policy statement and a press conference to be held at the appropriate time during the next year.

Licensing, Standards and Competency Committee

The Licensing, Standards and Competency Committee met on Thursday, March 4, 2004.

The Committee heard an update regarding the "Mentoring Program" from Dr. Barry Taylor. One of the issues that was holding up the further development of a mentoring program in Oregon was the liability issue. DBIC has gone on record that any dentists who are insured through DBIC and participate in a Mentoring Program established by the OBD would be covered for liability. Dr. Taylor hopes to have a final proposal to present to the Board at the May 14, 2004 Board Meeting.

The Committee reviewed the upcoming issue of electronic records and asked staff to contact vendors at the ODA Conference so that a future meeting roundtable could be held with the Committee and the Board to discuss the software capabilities, with security being a primary concern of the Board.

The Committee reviewed a request from Dr. April Love regarding the ability to apply volunteer time in clinical dental practice to count toward the CE requirement.

Dr. McCully moved, and Dr. Nichols seconded to send the proposal to the Rules Committee for further review and possible development of adding this proposal to the Board's Rules. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

EXECUTIVE DIRECTOR'S REPORT

Budget Report

A report showing expenditures and revenue through January 31, 2004 was provided for Board review. Mr. Braatz said it appeared that revenues and expenditures were on track.

Board and Staff Speaking Engagements

Mr. Braatz made a report to the ODA Board of Trustees on February 8 regarding the activities of the OBD over the past year and items that the Board will be looking at in 2004.

Mr. Braatz said he and Dental Director Paul Kleinstub made a presentation on February 18 to the Senior Dental Students at OHSU.

Mr. Braatz made a presentation on March 1 to the Tri-County Orthodontics Study Club.

Oregon's Oral Health Summit Final Report

The Board reviewed the report along with an invitation for the Executive Director or a member of the Board to serve as a member of the Department of Human Services Oral Health Advisory Board. The Board felt that Mr. Braatz should attend those meetings and should review the agenda with Board members to see if there are agenda items that a Board member may have expertise in and would be willing to attend when those items are discussed.

Semi-Autonomous Boards Proposal

Mr. Braatz reported that at a recent meeting of the Small Agency Heads a discussion was held by the Department of Administrative Services of the possibility that during the next Legislative Session a Bill may be introduced that would make all Boards like the OBD Semi-Autonomous. More discussion will be held and Mr. Braatz will inform the Board if such a proposal goes forward.

ODA Annual Conference

Mr. Braatz reported that the ODA will hold their Annual Conference on April 1-3 in Portland.

The OBD will have an exhibit table and Mr. Braatz invited Board members to sign up for times that they would be available at the booth, along with OBD staff, to answer questions about the OBD.

Oregon Board of Pharmacy Prescription Monitoring Program

Mr. Braatz reviewed the proposed legislation that will be introduced by the Oregon Board of Pharmacy regarding a Pharmacy Prescription Monitoring Program in the next session of the Legislature. The Board had several questions and asked if the Executive Director of the Oregon Board of Pharmacy could attend the May 14 Board Meeting to answer those questions. Mr. Braatz will arrange his appearance.

Rules Hearing

Mr. Braatz reported that the date for the Rules Hearing on the proposed rule changes that the Board is promulgating will be Thursday, May 13, 2004 at 7:00 p.m. at OHSU room 220-225.

Newsletter

Mr. Braatz reported that the Board's newsletter was published and mailed in February. A number of positive letters and telephone calls have been received regarding the most recent newsletter.

UNFINISHED BUSINESS

COMMITTEE MEETING DATES

Due to the upcoming election of officers, the new committees have not been set up and it was felt that there would not need to be any committee meetings until after the May 14 Board Meeting.

CORRESPONDENCE

The Board received a letter from the American Dental Association regarding the discontinuance of the OHSU Dental Hygiene Program and that the accreditation has ended at this time. No action necessary.

The Board received a letter from the American Association of Oral and Maxillofacial Surgeons regarding the AAOMS Position on Enteral and/or Combination Inhalation-Enteral Conscious Sedation. No action necessary.

The Board received a letter from Gail R. Shibley, Administrator-Office of Public Health Systems regarding comments made at a legislative hearing. No action necessary.

Other Issues

The Board moved to the end of the meeting the election of officers for 2004-2005.

Articles and News of Interest (no action necessary)

- ADA, State Legislative Report, February 2004
- AADE, The Bulletin, Spring 2004
- WREB, Newsletter, Winter 2004
- Minnesota Board of Dentistry, Board of Dentistry Updates, Winter 2004
- Kansas Dental Board, Newsletter, January 2004
- Tennessee Board of Dentistry, Newsletter, Fall 2003

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (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 investigatory materials and investigatory information, and to consult with counsel.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES

Licenses appeared pursuant to their Consent Orders in case numbers 2001-0120 and 2003-00023.

OPEN SESSION: The Board returned to Open Session at 1:49 p.m. and Dr. Martin joined the Board meeting by teleconference.

Note: Case 2004-0068 was incorrectly listed as 2003-0068 when the Minutes were approved.

COMPLETED CASES

2004-0115, Dr. McCully moved, and Dr. Grant seconded with regard to Respondent #1, to close the matter with a Letter of Concern that reminds the Licensee that she is ultimately responsible for supervising employees in the practice, and with regard to Respondent #2 to close the matter with a Letter of Concern that reminds her of responsibility to be truthful with regard to matters under investigation by the Board. The motion passed with Dr. Grant, Dr. Martin, Dr. Nichols, Ms. Lee and Dr. Short voting aye. Dr. McCully voted no.

The Board returned to Executive Session at 1:50 p.m. and Dr. Martin was excused from the meeting.

The Board returned to open session at 2:00 p.m.

CONSENT AGENDA

2004-0119, 2004-0122, 2004-0126, 2004-0135, and 2004-0123 Dr. Grant moved, and Ms. Lee seconded, that these cases be closed with No Further Action, per the staff recommendations. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

COMPLETED CASES

2004-0029, 2004-0030, 2004-0055, 2004-0042 2004-0104, and 2004-0089 Dr. McCully moved, and Dr. Grant seconded, that these cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action, per the staff recommendations. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

2004-0049 Ms. Lee moved, and Dr. Nichols seconded, in the matter of case 2004-0049, issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$1,500 civil penalty, and completion of 40 hours of continuing education for the licensure period 4/1/01 to 3/31/03 within six months of the effective date of the Order. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0068 Dr. Nichols moved, and Dr. McCully seconded, that the Board with regard to Respondent #1, close the matter with a Letter of Concern, addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records, and with regard to Respondent #2, close the matter with a finding of No Violation of the Dental Practice Act. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0069 Dr. Grant moved, and Dr. McCully seconded, that the Board issue a Letter of Concern addressing the issue of ensuring that PARQ or its equivalent is documented in the patient records when informed consent is obtained and that the Board's continuing education requirement for licensure renewal is met when a license renewal application so certifies. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0113 Ms. Lee moved, and Dr. Nichols seconded, that the Board issue a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient's records and that

all treatment provided to a patient is documented in the patient's records. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0162 Dr. Nichols moved, and Ms. Lee seconded, that the Board issue a Letter of Concern addressing the following issues: 1) assure that when informed consent for treatment is obtained from a patient, PARQ or its equivalent is recorded in the record, 2) assure that a diagnosis and supporting data are clearly noted in the record prior to undertaking periodontal surgery, root canal therapy, or other treatments for specific disease processes, 3) assure that, when drugs and medications are used during treatment, they are properly documented in the patient record. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0074 Dr. Grant moved, and Dr. Nichols seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records and that when periapical pathology is evident on radiographs, the pathology is documented in the patient records. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0170 Ms. Lee moved, and Dr. Grant seconded, with respect to Respondent #1, the Board close the matter with No Further Action; with respect to Respondent #2, close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records, and that when pathology is diagnosed, the pathology is documented in the patient records. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0086 Dr. Nichols moved, and Dr. Grant seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records and that when local anesthetic is administered, it is documented in the patient record. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0094 Dr. Grant moved, and Dr. Nichols seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that a dental justification is documented when a tooth is extracted and that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient record. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0167 Ms. Lee moved, and Dr. McCully seconded, that the Board issue a Notice of Proposed Disciplinary Action. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

2003-0227 Dr. Nichols moved, and Dr. Grant seconded, that the Board issue a Notice of Proposed Disciplinary Action. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0173 Dr. McCully moved, and Dr. Nichols seconded, that the Board close the matter with No Further Action. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0036 Dr. Grant moved, and Dr. Nichols seconded, that the Board close the matter with No Further Action. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

2004-0099 Ms. Lee moved, and Dr. McCully seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that record copies are provided to persons legally entitled to those copies and that the appropriate level of CPR/BLS certification is obtained for maintenance of an anesthesia permit. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0220 Dr. Nichols moved, and Dr. Grant seconded, that the Board close the matter with a Letter of Concern addressing the following: 1) the need to record the amount and dosage of medications prescribed, as well as the diagnosis for which the medications were prescribed, and 2) the need to record a diagnosis of the patient's periodontal status in the record. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0109 Dr. Grant moved, and Dr. McCully seconded, that the Board close the matter with No Further Action. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0005 Ms. Lee moved, and Dr. Grant seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order in which he accepts a reprimand and a license restriction prohibiting him from treating patients. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2003-0065 Dr. Nichols moved, and Dr. McCully seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee an Amended Consent Order incorporating a \$1,000 civil penalty and the requirement that he complete the remaining one hour of community service within three months of the effective date of the Order. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2004-0023 Dr. Grant moved, and Dr. Nichols seconded, that the Board send a letter to the complainant that says at their meeting of January 23, 2004 the Board, consisting of six dentists, two hygienists and a public member, upon careful consideration of all the evidence presented, voted to close this matter with a finding that neither dentist violated the Oregon Dental Practice Act. No new evidence has been presented that would change the outcome of the Board's previous decision. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0120 Dr. McCully moved, and Dr. Nichols seconded, that the Board issue an Order of Dismissal to dismiss the Notice of Proposed License Suspension and that a letter be sent to the Licensee to reinforce the importance of telephonic and written communications from the Board. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2003-0216 Ms. Lee moved, and Dr. Grant seconded, that the Board's previous actions stand and send a letter of explanation to the complainant. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

2002-0203 Dr. Nichols moved, and Dr. Grant seconded, that the Board grant Applicant a restricted dental license for a period of six months, after which the Board will re-evaluate the

license, on the condition that Applicant agrees to the terms of an Amended Consent Order incorporating the provisions of the Consent Order dated 1/15/04, and adding parameters under which she will practice to include:

- Applicant will be supervised during this time by Dr. O'Shea and/or Dr. Lamia
- Applicant will only practice in a facility of La Clinica del Cariño.
- Applicant will only practice with another Oregon-licensed dentist in the clinic
- Applicant will not be responsible for independent on-call coverage during this time; other dentists will provide this service.
- All of Applicant's treatment plans, notes, and prescription orders will be reviewed and cosigned by one of the two supervising dentists.
- For a minimum of two weeks, or longer if deemed necessary by the supervising dentists, Dr. O'Shea or Dr. Lamia will examine the appropriate stages of actual dental work completed by Applicant.
- Applicant and the supervising dentists will maintain a log of procedures performed by Applicant during this period, and monthly, will provide those logs to the Board for review.

The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

1995-0034 Dr. McCully moved, and Ms. Lee seconded, that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee an Interim Consent Order in which he would agree to an immediate suspension of his dental license pending further action of the Board. If the Licensee would not agree to an immediate suspension the Board would issue an Order of Immediate License Suspension. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4739	Michele L. Messere, R.D.H.	January 20, 2004
H4740	Kevin P. Laursen, R.D.H.	January 22, 2004
H4741	Kirsten L. Hurst, R.D.H.	January 27, 2004
H4742	Sharon L. Light, R.D.H.	February 11, 2004
H4743	Susan A. Ahlberg, R.D.H.	February 11, 2004
H4744	Jeanne M. Spiegelberg, R.D.H.	February 25, 2004
H4745	Tamara Gates, R.D.H.	February 25, 2004
H4746	Ann C. Schwartz, R.D.H.	February 25, 2004

Dentists

D8373	Joseph R. Cram, D.D.S.	January 12, 2004
D8374	David Verschueren, D.M.D.	January 15, 2004
D8375	Daniel Kaylin, D.D.S.	January 20, 2004
D8376	Laurence E. Putman, D.D.S.	January 20, 2004
D8377	Chau L. Ngo, D.D.S.	January 21, 2004
D8378	Bryce D. Hanson, D.M.D.	January 26, 2004
D8379	Benjamin A. Nielsen, D.M.D.	January 26, 2004
D8381	Hussam M. Gharraph, D.D.S.	January 27, 2004
D8382	Charles S. Hurst, D.D.S.	January 27, 2004
D8384	Joseph H. Peri, D.D.S.	January 28, 2004
D8385	Luther B. Bullock, Jr., D.D.S.	January 28, 2004
D8386	Katherine J. Cutting, D.M.D.	January 28, 2004
D8387	Michael K. Obeng, D.D.S.	February 5, 2004
D8388	Felicia L. Berhman, D.D.S.	February 5, 2004
D8389	Sharon X. Wang, D.M.D.	February 9, 2004
D8390	Gergory P. Delgado, D.D.S.	February 18, 2004

Specialist

Orthodontics

D8383	Tsung-Ju Hsieh	January 28, 2004
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Specialty Examinations

- A Periodontic Specialty Examination was conducted on February 21, 2004 at OHSU School of Dentistry.

CANDIDATE PE 202 Tsung-Ju Hsieh Dr. McCully moved, and Ms. Lee seconded, that the Board accept the recommendation to fail based on the results of the examination and not issue a license to the examinee. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols, and Dr. Short voting aye.

OTHER ISSUES CONTINUED

Dr. Short thanked the members of the Board for an interesting and enjoyable year as President.

Ms. Lee, on behalf of the Board, before making nominations for the officers for the 2004-2005 year, wanted to thank Dr. Short for his service as Board President.

Election of Officers

Ms. Lee moved, and Dr. Nichols seconded, that the Board elect Dr. McCully as President and Dr. Grant as Vice-President. The motion passed with Dr. McCully, Dr. Grant, Ms. Lee, Dr. Nichols and Dr. Short voting aye.

Evaluators

Dr. Grant will be the Chief Evaluator and Dr. Nichols will be the second Evaluator. The next date for Evaluators will be April 30, 2004 at 2:00 p.m.

Announcements

The Board will hold a Rules Hearing on Thursday, May 13, 2004 at OHSU, Rooms 220/225, at 7:00 p.m.

ADJOURNMENT

The meeting was adjourned at 2:30 p.m. Dr. McCully noted that the next Board meeting would take place May 14, 2004.

Approved by the Board May 14, 2004.

George McCully, D.M.D.
President