

**OREGON BOARD OF DENTISTRY
MINUTES
January 4, 2008**

MEMBERS PRESENT: David Smyth, B.S., M.S., President
Darren S. Huddleston, D.M.D., Vice President
Ronald C. Short, D.M.D.
Rodney S. Nichols, D.M.D.
Melissa G. Grant, D.M.D.
Jill Mason, M.P.H., R.D.H.
Norman Magnuson, D.D.S.
Mary Davidson, R.D.H., LAP
Patrica A. Parker, D.M.D.

STAFF PRESENT: Patrick D. Braatz, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Daryll Ross, Investigator (portion of meeting)
Harvey Wayson, Investigator (portion of meeting)
Andrew Moschogianis, D.D.S., Consultant (portion of meeting)

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

VISITORS PRESENT: Gary Allen, D.M.D., Willamette Dental; Peter Lubisich IV, D.M.D., OAPD; Denise Dallmann, N.D., Apollo College; Beryl Fletcher, ODA; Fred Bremner, D.M.D., ODA; Rickland Asai, D.M.D., Carolyn Muckerdheide, D.D.S., OAPD; Lisa Rowley, R.D.H., Pacific University; Lynn Ironside; R.D.H., ODHA; Vickie Woodward, R.D.H., ODHA.

Call to Order: The meeting was called to order by the President at 7:30 a.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Dr. Grant moved and Dr. Parker seconded that the minutes of the November 9, 2007 Board meeting be approved as amended. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

ASSOCIATION REPORTS

Oregon Dental Association

ODA had nothing to report.

Oregon Dental Hygienists' Association

ODHA had nothing to report.

Oregon Dental Assistants Association

No one from the ODAA was present.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Short stated that he and Dr. Magnuson would be leaving for the WREB Board of Directors meeting in Phoenix shortly after the Board meeting and that they would make a full report to the Board at the February meeting.

ADEX Liaison Report

Dr. Short and Ms. Mason had nothing to report.

AADE Liaison Report

Dr. Short stated that the AADE Guidelines for Unprofessional Conduct on Sexual Boundaries were included for the Board to review. Dr. Short added that these guidelines were published as a guide for states that may not already have rules in place.

Committee Meeting Dates

No committee meeting dates were set.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz attached the budget reports for the 2007-2009 Biennium for the Board to review. He stated that this report, which is from July 1, 2007 through October 31, 2007, shows revenue of \$329,569.21 and expenditures of \$303,859.80. Mr. Braatz stated that the budget is performing as expected.

Customer Service Survey Report

Mr. Braatz attached a chart showing the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2007 through November 30, 2007. The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys. A booklet containing all the written comments submitted on survey forms are available for Board members to review.

Board and Staff Speaking Engagements

Friday, December 7, 2007 - Dr. Kleinstub and Mr. Braatz made a presentation as part of the DBIC Risk Management Program for the Multnomah County Dental Society at the Oregon Convention Center in Portland. There were approximately 375 people in attendance.

Friday, December 14, 2007 – Mr. Braatz made a presentation as part of the DBIC Risk Management Program for the Central Oregon Dental Society at Eagle Crest in Redmond. There were approximately 200 people in attendance.

AADE, AADA & National Dental Examiner's Advisory Forum

Mr. Braatz requested the Board to authorize the attendance of Dr. Short, Ms. Mason, himself and Senior Assistant Attorney General Lori Lindley, to attend the Mid-Year Meetings of the AADA & AADE respectively, to be held in Chicago, March 9-11, 2008. Dr. Magnuson moved and Dr. Nichols seconded that the Board authorize Mr. Braatz, Dr. Short, Ms. Mason and the Board's Senior AAG, Ms. Lindley, to attend the AADE, AADA and National Dental Examiner's Advisory Forum. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2007 Annual Performance Progress Report

Mr. Braatz attached copies of the Board's 2007 Annual Performance report that was submitted to the Oregon Progress Board, as required. Once again the Board has met or exceeded the 2007 Performance Goals that were established.

Board Policy Adoption

Mr. Braatz stated that as a result of the passage of Senate Bill 583 Chapter 759 (2007 Laws) the Board is required to adopt a policy and have a plan in place to ensure that personal identifiable information kept by the OBD is secure and that if a security breach would occur, provide for appropriate steps to notify those individuals of a security breach. Mr. Braatz attached a draft policy that he proposed to the Board for adoption, to bring us into compliance with Senate Bill 583 Chapter 759 (2007 Laws). Dr. Short moved and Ms. Mason seconded that the Board adopt the policy on Senate Bill 583 Chapter 759 as Board Policy. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

Senate Bill 704 Chapter 517 (2007 Laws)

Mr. Braatz stated that a problem had arisen regarding Senate Bill 704 Chapter 517 (2007 Laws). The bill requires dentists who place or remove dental materials containing mercury to have amalgam separators installed in their offices. The compromise bill that was passed was to provide for an exemption to the requirement until January 1, 2011 for those dentists who follow the guidelines of the ODA Best Management Practices of Dental Wastes Program. Final language in the law has posed problems with the implementation, intent and spirit of the law. The language "special district" does not give the authority to all waste water municipalities who manage wastes coming from dental offices to issue certificates. A very small number of special districts exist in the state and very few dental offices are located in those areas.

Mr. Braatz stated that this was never the intent or the spirit of the law; however, it is currently the law in Oregon. He stated that this could mean that hundreds of dentists who have not installed amalgam separators could be in violation of the Oregon Law and if a complaint would be filed, the OBD would have to investigate that complaint.

Additionally, many dental offices may have difficulty installing a separator due to space and building constraints. With the short time period for implementation and installation, no leeway had been given to address these issues or to allow appropriate time for dentists to obtain building permits for the plumbing and electrical reconfigurations necessary to install the separators. The ODA is working to try to correct this problem during the February 2008 Session of the Oregon Legislature. In the meantime, Mr. Braatz proposed that the Board adopt a statement and have the statement placed on the OBD Web site regarding this issue. Dr. Huddleston moved and Dr. Grant seconded that the Board adopt the proposed statement. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr.

Magnuson, Ms. Davidson and Dr. Parker voting aye.

Dental Assisting Restorative Course Curriculum

Mr. Braatz stated that since the Board has adopted rules that became effective November 30, 2007 which allow Dental Assistants to place limited restorations, the Board needed to adopt a Course Curriculum Template. Mr. Braatz stated that attached was the Dental Hygiene Course Curriculum Template that was previously adopted by the Board and that the Board could revise the Dental Hygiene course template to reflect dental assistants or the Board could refer the matter to the Licensing, Standards and Competency Committee with direction to develop a dental assisting course curriculum template and recommend it back to the Board for review and adoption. Dr. Short moved and Dr. Parker seconded that the Board approve the Dental Assistant Restorative Curriculum Template. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

Oregon Health Forum

Mr. Braatz reported that Drs. Short, Parker and Nichols and Ms. Mason and Ms. Davidson, along with Dr. Kleinstub and himself attended this breakfast forum. He stated that Board members may want to report to the Board their reaction or comments from their attendance. Mr. Braatz also added that he thought it was a good to have a strong Board showing at the meeting. Dr. Short stated that although access to care is a problem it is not a problem that will be solved overnight and that although it's great to draw attention to the problem, some of the money going into all of the meeting might be better spent going into programs to help increase access. Ms. Mason thought it was good to have a broader format to speak in and Ms. Davidson stated that it was also nice to know what was going on in other departments and different things are going on in public health.

Board Strategic Planning Meeting Update

Mr. Braatz attached an updated summary of the results of the Board Strategic Planning Session for the Board to review.

Newsletter

Mr. Braatz stated that the Newsletter had been completed and would be mailed and will be posted to our Web site shortly.

UNFINISHED BUSINESS

CORRESPONDENCE

The Board received a letter from Zeno W. St. Cyr II, M.P.H., NERB

Mr. St. Cyr thanked Mr. Braatz for his presentation at this year's Educational Conference.

The Board received a letter from Dr. Frank Maggio, ADA

Dr. Maggio sent a letter to the Board regarding the new ADA Guidelines for Anesthesia and the use of the ADA guidelines by DOCS. He also sent a copy of the new ADA Policy for Anesthesia, Guidelines for Anesthesia by Dentists, and Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students.

The Board received a letter from Lisa Rowley, C.D.A., R.D.H., M.S., Pacific University

Ms. Rowley sent a letter to the Board asking that the Board allow Pacific University to offer a Dental Hygiene Remediation Program as required by some clinical exam boards for candidates who have failed multiple times. Mr. Braatz stated that it has been normal Board policy to approve these courses on a case-by-case basis, but for the future it would be his recommendation to allow schools to have their remediation program curriculum approved and for the program to keep the Board notified on who is currently in those remediation programs. Dr. Short moved and Dr. Nichols seconded that the Board approve the curriculum for Pacific University's Remediation Hygiene Program and to notify the Board of any new entries into their remediation program. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

OTHER BUSINESS

Articles and News of Interest (no action necessary)

- State Legislative Report, December 2007
- News & Views, Citizen Advocacy Center, Third Quarter, Vol. 19, No. 3
- CITA News, December 2007, Vol. 3

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.

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2008-0115, 2008-0114, 2008-0105, 2008-0095, 2008-0109, 2008-0086, 2008-0110, 2008-0107, and 2008-0108 Dr. Huddleston moved and Dr. Nichols seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

COMPLETED CASES

2007-0225, 2007-0131, 2008-0039, 2008-0006, 2008-0032, 2008-0054, 2008-0049, 2008-0047, 2008-0009, 2008-0040, 2007-0274, 2008-0043, 2008-0026, 2008-0017 2008-0052 2008-0042 and 2008-0019 Dr. Huddleston moved and Dr. Grant seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action per the Board recommendations. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2007-0294 Ms. Mason moved and Dr. Grant seconded that the Board close the matter with a Letter of Concern to the Licensee reminding the Licensee of the need to retain all records, including radiographs, for a period of seven years after the last contact with the patient. In addition, the Licensee needs to be made aware that the Dental Practice Act requires the Licensee to keep records of all radiographs made and that this be a portion of the patient's dental record. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Ms. Davidson and Dr. Parker voting aye. Dr. Magnuson recused himself.

2008-0064 Dr. Magnuson moved and Ms. Mason seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that dental assistants only do procedures allowed under the Board's rules, and that when prescriptions are written, a dental justification is documented. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2008-0002 Dr. Nichols moved and Dr. Grant 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 \$5,000.00 civil penalty, to complete a Board approved three hour continuing education course in record keeping, and to enroll within 30 days of the signed order and successfully complete the Board/OAGD mentoring program at Licensee's expense where the Licensee must attain an acceptable level of skill in the treatment planning for and the placement of implants. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, and Ms. Davidson voting aye. Dr. Parker recused herself.

2008-0049 Dr. Parker moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that informed consent is obtained prior to providing treatment; PARQ or its equivalent is documented in the patient records; and that when possible post treatment complications were evident, the patient is informed and there is documentation in the patient records. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2007-0317 Ms. Davidson moved and Dr. Parker seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that medical histories are reviewed for possible drug allergies before writing prescriptions. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2007-0322 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 record; that when pathology is evident on radiographs, the pathology is documented in the patient records; and that a dental justification is documented prior to initiating treatment. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2008-0007 Dr. Grant moved and Dr. Parker seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that treatment provided to patients is reasonable and follows accepted principles of fixed prosthodontics and also recommended that the Licensee not charge the patient for any treatment provided to tooth #15. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms.

Davidson and Dr. Parker voting aye.

2008-0069 Dr. Short moved and Dr. Grant seconded that the Board instruct the Licensing Manager to send the Licensee a form to allow a voluntary retirement of the hygiene license and take No Further Action. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2007-0282 Ms. Mason moved and Dr. Magnuson 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 make a restitution payment of \$7,130.00 to the patient. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2008-0085 Ms. Davidson moved and Dr. Nichols seconded that the Board close the matter with a Letter of Concern reminding the Licensee that it is the Licensee's responsibility to assure advertisements placed by Licensee are in compliance with the Board's rules on advertising. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye. Dr. Grant was opposed. Ms. Davidson moved and Dr. Short seconded that the Board further instruct staff to open case file 2008-0134 and 2008-0135 for investigation of violation of the Board's rule on advertising. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye. Dr. Grant was opposed.

2008-0022 Dr. Nichols moved and Dr. Parker 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. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2008-0035 Dr. Grant moved and Dr. Nichols seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when dental pathology is evident on radiographs, the pathology is documented in the patient records; that when treatment is provided, a dental justification is documented; that when medication is prescribed, the dosage and amount prescribed are documented; and that when providing endodontic therapy, every effort is made to identify and treat all canals. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

2007-0315 Dr. Short moved and Dr. Grant seconded that the Board grant Applicant's request, permitting Applicant to withdraw their application for an Oregon dental hygiene license, and issue an Order of Dismissal withdrawing the Notice of Proposed Denial of Application for Licensure, issued 10/11/07. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2000-0179 Ms. Mason moved and Dr. Grant seconded that the Board approve Licensee's requests. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

2006-0104 Dr. Magnuson moved and Dr. Nichols seconded that the Board move to accept Licensee's proposal. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

LICENSURE AND EXAMINATION

LICENSING ISSUES

2008-0077 Dr. Parker moved and Ms. Davidson seconded that the Board issue a Notice of Proposed Denial of Application for License. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

Ratification of Licenses Issued

Ms. Davidson moved, and Dr. Magnuson seconded, that licenses issued be ratified as published. The motion passed with Dr. Huddleston, Dr. Short, Dr. Nichols, Dr. Grant, Ms. Mason, Dr. Magnuson, Ms. Davidson and Dr. Parker voting aye.

Dental Hygienists

H5331	STEPHANIE M. SHOOBRIDGE, R.D.H.	11/8/2007
H5332	CHRISTINE A MINNICK, R.D.H.	11/9/2007
H5333	ANGELA I. WEBB, R.D.H.	11/9/2007
H5334	NANETTE R. COBBLEY, R.D.H.	11/9/2007
H5335	BRIANNA M. PETER, R.D.H.	11/15/2007
H5336	HEIDI J. FUNKE, R.D.H.	11/15/2007
H5337	SHAUNA R. LEE, R.D.H.	11/15/2007
H5338	JEANNETTE S. MANN, R.D.H.	11/15/2007
H5339	MARIE M. STOKES, R.D.H.	11/15/2007
H5340	JEANNE E. EASSON-TAKAMATSU, R.D.H.	11/15/2007
H5341	ANNIE YANG, R.D.H.	11/29/2007
H5342	KRISTINE A. SMITH, R.D.H.	12/4/2007
H5343	HOLLAN H. MCLAUGHLIN, R.D.H.	12/6/2007
H5344	REATHA A. WHITE, R.D.H.	12/6/2007

Dentists

D9038	JEREMY M. SAYRE, D.M.D.	11/9/2007
D9039	SALVATORE R. ESPOSITO, D.D.S.	11/15/2007
D9040	PETER A. BERGESON, D.D.S	11/20/2007
D9041	CHUN-HSING CHEN, D.D.S	12/6/2007
D9042	LINDA D. LOLLINI, D.D.S	12/6/2007
D9043	POONGKODI KANNAN, D.D.S.	12/6/2007
D9044	DAVID N. HAMILTON, D.D.S.	12/13/2007
D9045	WILLIAM G. LESH, D.M.D.	12/17/2007
D9046	RICHARD B. HEEMEYER, D.M.D.	12/21/2007

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 11:40 a.m. Mr. Smyth stated that the next Board meeting would take place February 29, 2008.

Approved by the Board February 29, 2008.

David Smyth, B.S., M.S.
President