

**OREGON BOARD OF DENTISTRY
MINUTES
OCTOBER 21, 2022**

MEMBERS PRESENT: Jose Javier, D.D.S., President
Chip Dunn, Vice President
Alicia Riedman, R.D.H., E.P.P.
Reza Sharifi, D.M.D.
Sheena Kansal, D.D.S.
Jennifer Brixey
Terrence Clark, D.M.D.
Sharity Ludwig, R.D.H.,E.P.P.
Michelle Aldrich, D.M.D.

STAFF PRESENT: Stephen Prisby, Executive Director
Angela Smorra, D.M.D., Dental Director/ Chief Investigator
Winthrop "Bernie" Carter, D.D.S., Dental Investigator
Haley Robinson, Office Manager (portion of meeting)
Shane Rubio, Investigator (portion of meeting)
Samantha Plumlee, Examination and Licensing Manager (portion of meeting)
Ingrid Nye, Investigator (portion of the meeting)
Kathleen McNeal, Office Specialist

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Tracy Brunkhorst, ODHA, President-Elect; Alicia Michelson, DAS CFO; Emily Coates, LFO; Amy Coplen, Pacific University; Mary Harrison, Oregon Dental Assistants Association; Jill Lomax, Chemeketa Dental Assistant Program

VIA TELECONFERENCE*: Lisa Rowley, Oregon Dental Hygienist Association, Jen Lewis-Goff, ODA, Olesya Salathe, D.M.D., ODA, Sarah Kowalski, R.D.H., OHA, Ginny Jorgensen, Lauren Malone, OAGD, Vesna Hopkins, Lynn Murray, Matthew Sinnott

*This list is not exhaustive, as it was not possible to verify all participants on the teleconference.

Call to Order: The meeting was called to order by the President at 8:09 a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

President Jose Javier, D.D.S. welcomed everyone to the meeting and had the Board Members, Lori Lindley, and Stephen Prisby introduce themselves.

Approval of Minutes

Dr. Sharifi moved and Mr. Dunn seconded that the Board approve the minutes from the August 19, 2022 Board Meeting as presented. The motion passed unanimously.

ASSOCIATION REPORTS

Oregon Dental Association (ODA)

Dr. Olesya Salathe reported the ODA is gearing up for the 2023 legislative session. The ODA continues to focus on expanding, supporting and creating a more diverse Workforce. The ODA is hosting an event in Ashland on November 5th with CE offerings.

Oregon Dental Hygienists' Association (ODHA)

Tracy Brunkhorst, R.D.H. presented information about the Oregon Dental Hygiene Conference November 11-12. CE courses will be available. The 70th anniversary show will feature a display highlighting past ODHA presidents.

Oregon Dental Assistants Association (ODAA)

Mary Harrison announced the ODAA is gearing up for their annual meeting on November 29th. This will be a Zoom Meeting where dental assisting rules will be discussed.

COMMITTEE AND LIAISON REPORTS

An Agenda for the November 16, 2022 Licensing, Standards and Competency Committee Meeting was posted. The Rules Oversight Committee is planning to meet on January 11, 2023.

EXECUTIVE DIRECTOR'S REPORT

Board and Staff Updates

It was noted that the Board is adjusting to their new assigned state emails and laptops.

OBD 2023-2025 Budget - Fee Memo & Current Budget Report

A memo was presented with information and detail on a possible fee increase added to OBD 2023 -2025 Budget. Also attached was the budget report for the 2021 – 2023 Biennium. This report, which is from July 1, 2021 through August 31, 2022 showed revenue of \$2,161,745.69 and expenditures of \$1,978,721.17. There was much discussion with Mr. Prisby inviting input from Board members, Association members, LFO and DAS representatives.

Mr. Dunn moved and Dr. Sharifi seconded that the Board support a fee increase. The motion passed unanimously.

Customer Service Survey

The legislatively mandated survey results from July 1, 2021 – September 30, 2022 were presented. The results of the survey showed that the OBD continues to receive positive ratings from the majority of those that submit a survey.

Board and Staff Speaking Engagements

Samantha Plumlee and Ingrid Nye gave a Licensing application virtual presentation to the graduating dental hygiene students at PCC on August 22, 2022.

Mr. Prisby gave a Board Updates presentation with Dr. Reza Sharifi to a Dental Study Club in Portland on September 8, 2022.

Dental Hygiene License Renewal

The renewal period started on July 26th and ended September 30th. At the time of compiling this report Mr. Prisby did not have the final numbers to report on. Those renewal numbers will be included in the December Board Meeting packet.

FY 2022 Annual Performance Progress Report

The OBD's FY 2022 Annual Performance Progress Report, which was submitted to the Legislative Fiscal Office before the due date, was shared. Most state agencies are required to complete this report annually.

October Cybersecurity Awareness Month

Mr. Prisby noted that Governor Kate Brown has proclaimed October 2022 to be Cybersecurity Awareness Month, encouraging all Oregonians to learn about cybersecurity and put that knowledge into practice in their homes, schools, workplaces, and businesses. In support of the Governor's proclamation, Enterprise Information Services Cyber Security Services (CSS) works toward the following objectives:

- Improve the security culture of the enterprise.
- Reduce cybersecurity risk by increasing awareness of cybersecurity.
- Reduce human vulnerabilities that could result in a breach of confidentiality, integrity, and availability of state information assets, thereby increasing the overall security posture of the state.

HPSP - Year 12 Reports

The 12th Annual HPSP Reports were included for review.

DANB Workforce Forum Summary

Mr. Prisby attached a summary report from July 14, 2022 DANB meeting in which he participated.

Legislative Days - Meeting

The meeting agenda and OBD Presentation that Mr. Prisby gave on September 21st was provided.

AADA & AADB Annual Meetings & AADB West Caucus Agenda

The agenda for The American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB) annual meetings, held in Asheville, NC October 6 – 9, 2022 were included. Lori Lindley led the Attorneys' Roundtable presentation yet again. Mr. Prisby attended both meetings and led the AADA Meeting as AADA President. He also served as the AADB West Caucus Chair and attached that meeting agenda.

UNFINISHED BUSINESS AND RULES

New Pain Management Requirements FAQs were shared, highlighting the changes brought about by HB 2078. Dentists are required to complete one hour of pain management CE every renewal cycle.

CORRESPONDENCE

A memo from the OBD to Governor Kate Brown regarding OBD's involvement in litigation regarding specialty advertising statute and rules was included. The American Academy of Implant Dentistry (AAID) sued the Board and Mr. Prisby in his official capacity, regarding perceived restrictions on advertising as a specialist. The DOJ settled the matter on behalf of the OBD. As part of the settlement agreement: the OBD is recommending that Governor Brown add repealing ORS 679.546 to the 2023 Legislative Agenda.

OTHER ISSUES

Oregon Health Authority is requesting Legislative Concept (LC) 438 that would remove the sunset date for the OHA Dental Pilot Project Program.

Haley Robinson reported that the Tribal State Government-to-Government Annual Summit was a success and provided valuable insight into the challenges and successes that the tribes face.

NEWSLETTERS & ARTICLES OF INTEREST

ADA HPI - Dental Workforce Shortages - Webinar Slides were included.

A memo from Sarah Kowalski announced that the Dental Therapy (DHAT) program at Skagit Valley College in Washington was granted initial accreditation by the Commission on Dental Accreditation (CODA). This brought up discussion among board members as to the different educational opportunities for dental therapists. Mr. Prisby pointed out the importance of the collaborative agreement that sanction or proscribe DT duties depending on the DT's capabilities and training.

The Council of State Governments released a draft of Dentist and Dental Hygiene Licensure Compact. This brought up discussion of the pros and cons of the compact and how it would affect Oregon licensees.

The ADEA analysis of the results of the 2022 survey of US dental school seniors was included for review.

California Senate Bill SB 501 affects anesthesia rule changes for pediatrics. Dr. Sharifi offered commentary and said the Anesthesia Committee might review it.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(2)(f), (h) and (L); 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

OPEN SESSION: The Board returned to Open Session at 1:14 pm.

CONSENT AGENDA

2023-0021, 2023-0016, 2023-0026, 2023-0020, 2023-0024, 2022-0144, 2023-0028, 2023-0025, 2023-0017, 2023-0038, 2023-0035, 2022-0145, 2022-0146, 2023-0019, 2022-0147, 2023-0023

Mr. Dunn moved and Dr. Sharifi seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

COMPLETED CASES

2022-0134, 2023-0003, 2022-0105, 2022-0112, 2022-0150, 2023-0022, 2023-0012, 2023-0001, 2022-0148, 2023-0046, 2022-0126, 2022-0120

Mr. Dunn moved and Dr. Sharifi seconded that the Board close the matters with a finding of No Further Action or No Violation. The motion passed unanimously.

Bae, Sam Seoho, D.D.S.; 2022-0117

Ms. Brixey moved and Dr. Sharifi seconded that the Board issue a Notice of Proposed Disciplinary Action and offer licensee a Consent Order in which the Licensee would agree to be reprimanded, and to pay a \$2,000.00 civil penalty. The motion passed unanimously.

2022-0142

Dr. Sharifi moved and Mr. Dunn seconded to close the matter with a strongly worded Letter of Concern reminding Licensee to assure he responds within 10 days to the board's written request for information, and he completes all required continuing education. The licensee will need to complete the balance of the 20.5 hours of continuing education for the licensure period April 1, 2020 to March 31, 2022, in addition to the 40 hours of continuing education required for licensure period April 1, 2022, to March 31, 2024. The motion passed unanimously.

2022-0135

Ms. Ludwig moved and Dr. Sharifi seconded to close the matter with a Letter of Concern reminding Licensee to carefully review all CE requirements prior to each renewal to ensure that all required CE has been completed in compliance with the DPA as written at time of renewal, and to ensure biological monitoring testing is completed each week that patients are scheduled. The motion passed unanimously.

2023-0027

Dr. Kansal moved and Dr. Sharifi seconded to close the matter with a Letter of Concern reminding Licensee to assure she respond within 10 days to the board's written request for information. The motion passed unanimously.

2022-0127

Ms. Riedman moved and Dr. Sharifi seconded to close the matter with a STRONGLY WORDED Letter of Concern reminding Licensee to assure that he documents more detailed patient treatment notes regarding occlusal adjustment, documents intrapulpal tooth anatomy of root canal system specifically documenting absence or presence of tooth (root) cracks, and documents periodontal data, including probing depths, tooth mobility and presence of furcation involvement; conducts more timely referral to endodontists to minimize pain and discomfort continuing while treating the patient; and reviews and countersigns all patient treatment record notes completed by his dental assistants for accuracy and completeness. The motion passed unanimously.

2022-0139

Dr. Aldrich moved and Mr. Dunn seconded to close the matter with a Letter of Concern reminding Licensee to assure that he documents that he has given the patient, in writing, implant specifications after placing implants, and that he encourages weekly biological testing of sterilization devices wherever he is treating patients. The motion passed unanimously.

Ridley, James W., D.D.S.; 2022-0108

Dr. Clark moved and Ms. Riedman seconded to issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, pay a \$2000.00 civil penalty, take 3 hours of continuing education related to record keeping, and make a refund payment in the amount of \$3300.00 to patient JD within two months of the effective date of the Order. The motion passed unanimously.

2023-0006

Dr. Aldrich moved and Mr. Dunn seconded to close the matter with a Letter of Concern reminding Licensee to assure that he documents that he has asked the patient at the start of the appointment if he/she has had any changes in medical history since his/her last appointment, documents a comprehensive dental examination with radiographs and periodontal diagnosis, documents his objective findings, documents a diagnosis, and documents that he PARQed the patient for the proposed treatment. The motion passed unanimously.

PREVIOUS CASES REQUIRING BOARD ACTION**Barry, Anne G., D.M.D.; 2012-0158****Keck-Erickson, Nicole,; D.M.D.; 2012-0158**

Ms. Brixey moved and Dr. Sharifi seconded to accept Licensees' proposal and remove the reprimand from to record of both Licensees. The motion passed unanimously.

Jimenez, Sylvia G., D.D.S. 2021-0188

Dr. Sharifi moved and Ms. Riedman seconded to accept Licensee's proposal. The motion passed unanimously.

Licensee, 2018-0199

Dr. Sharifi moved and Dr. Kansal seconded to approve Licensee's request. The motion passed unanimously.

Licensee, 2019-0069

Dr. Kansal moved and Ms. Riedman seconded to approve Licensee's request. The motion passed unanimously.

Licensee, 2021-0033

Ms. Riedman moved and Dr. Kansal seconded to approve Licensee's request. The motion passed unanimously.

LICENSE & EXAMINATION ISSUES

An email from CDCA-WREB-CITA was posted, noting their discontinuation of administration of specialty examinations for Endodontics, Oral and Maxillofacial Surgery, Orthodontics, Pediatric Dentistry, Periodontics and Prosthodontics.

Communication was shared regarding the National Commission on Recognition of Dental Specialties and Certifying Boards approved the Specialty Examination for Limited Specialty License offered by the American Board of Orofacial Pain.

Request for Approval of Soft Reline Course – Erin Jones, EFDA

Dr. Clark moved and Ms. Riedman seconded to approve the request from Erin Jones to provide a Soft Reline Course for EFDA dental assistants. The motion passed unanimously.

Request for temporary non-resident Permit – Krishna Patel, D.M.D.

Ms. Brixey moved and Mr. Dunn seconded to ratify the issuance of temporary non-resident permit for Dr. Krishna Patel, D.M.D. The motion passed unanimously.

The final order after remand for the cases in the matter of Thomas L. Haymore, D.M.D. were recapped; OAH Case No. 2016-ABC-00152. Agency Case Nos. 2015-0056, 2015-0200, 2015-0222, 2015-0223

Mr. Dunn moved and Dr. Kansal seconded that the Board accept the Final Order After Remand dated today, in which licensee is disciplined with a reprimand, a civil penalty in the sum of \$28,750 to be paid to the Board within 90 days; a requirement to complete continuing education of 3 hours of board approved CE in record keeping within 60 days of this order, a one year probation from the effective date of this order which Licensee shall, on a quarterly basis, provide the Board with appointment book information identifying any patients under the age of six that were treated under sedation. Licensee will provide complete patient records for review; an assessment of an apportionment of the costs of this proceeding in the sum of \$37,788.52 due and payable to the Board within 180 days of this order. The motion passed unanimously.

Ms. Ludwig moved and Dr. Kansal seconded in reference to Salwan Adjaj, D.M.D., move to allow Board Staff to release all investigative material as allowed under current Laws and Statutes to DOJ to assist in an open investigation. The motion passed unanimously.

RATIFICATION OF LICENSES

Dr. Kansal moved and Dr. Sharifi seconded that the Board ratify the licenses presented in tab 16. The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 1:28 p.m. Dr. Javier stated that the next Board Meeting would take place on December 16, 2022.

/S/

Jose Javier, D.D.S.
President