

**OREGON BOARD OF DENTISTRY
Special Teleconference Minutes
September 5, 2013**

MEMBERS PRESENT: Jonna E. Hongo, D.M.D., President
VIA PHONE: Brandon Schwindt, D.M.D., Vice-President
Todd Beck, D.M.D.
Mary Davidson, M.P.H., R.D.H.
Alton Harvey, Sr.
Norman Magnuson, D.D.S.
James Morris
Patricia Parker, D.M.D.
Matt Tripp, R.D.H.

STAFF PRESENT: Patrick D. Braatz, Executive Director
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator
Michelle Lawrence, D.M.D., Consultant
Stephen Prisby, Office Manager
Harvey Wayson, Investigator

ALSO PRESENT VIA PHONE: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: None

Call to Order: The meeting was called to order by the President at 12:00 p.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

COMMITTEE AND LIAISON REPORTS

Rules Oversight Committee Report

Dr. Schwindt stated that the Rules Oversight Committee met August 22, 2013 and recommended that the Board send the Rules as presented below to a public rulemaking hearing as presented.

OAR 818-012-0005 – Scope of Practice

Mr. Harvey moved and Mr. Morris seconded that the Board send OAR 818-012-0005 forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

OAR 818-012-0040 (4) Infection Control Guidelines

Dr. Magnuson moved and Dr. Beck seconded that the Board send OAR 818-012-0040 (4) forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

OAR 818-013-0001 (16)-(23) Definitions

Dr. Parker moved and Dr. Magnuson seconded that the Board send OAR 818-013-0001 (16)-(23) forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

OAR 818-013-0005 – Participation in Health Professionals’ Service Program

Dr. Magnuson moved and Ms. Davidson seconded that the Board send OAR 818-013-0005 forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

OAR 818-026-0060 (1)(c)(A) – Moderate Sedation Permit

Dr. Beck moved and Mr. Harvey seconded that the Board send OAR 818-026-0060 (1)(c)(A) forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

OAR 818-042-0060 (2)(c) – Certification - Radiologic Proficiency

Mr. Tripp moved and Dr. Parker seconded that the Board send OAR 818-042-0060 (2)(c) forward to a public rulemaking hearing as presented. The motion passed with Dr. Schwindt, Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

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.

COMPLETED CASES

Dr. Schwindt recused himself from the following cases and left the conference call at 12:10 p.m.

ANGLE, DARYLL L., D.D.S. 2012-0147 & 2013-0035

Dr. Magnuson moved and Mr. Harvey seconded that the Board combine cases 2012-0147 and 2013-0035, with cases 2011-0184, 2012-0031, and 2012-0172, to issue a Second Amended Notice of Proposed Disciplinary Action, and to offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded; make a restitution payment to patient CK’s parent MK in the amount of \$3919.98; make a restitution payment to patient MS’s parent TS in the amount of \$3500.00; upon case completion, and prior to de-banding any current patient, submit the next 20 active cases for review by a Board approved orthodontist within a period of two years from the effective date of the Order, at a cost to be borne by the Licensee; monthly submission of spore testing results for a period of one year from the effective date of the Order; complete three hours of Board approved continuing education in the area of record keeping within six months of the effective date of the Order; and pay a civil penalty in the amount of \$25,000.00 per Board protocols. The motion passed with Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

RODRIGUEZ, ROBERT L. JR., D.M.D. 2009-0275

Dr. Beck moved and Mr. Harvey seconded that the Board issue a Final Order incorporating a reprimand, three hours of Board approved continuing education in record keeping to be completed

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in six months, three hours of Board approved continuing education in dental risk management to be completed in six months, and reimburse the Board \$7,197.23 for the costs of the disciplinary proceedings within 90 days of the effective date of the Order. The motion passed with Dr. Beck, Ms. Davidson, Mr. Harvey, Dr. Magnuson, Mr. Morris, Dr. Parker and Mr. Tripp voting aye.

ADJOURNMENT

The meeting was adjourned at 12:40 p.m.

Approved by the Board October 18, 2013.

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Jonna A. Hongo, D.M.D.
President