

**OREGON BOARD OF DENTISTRY
MINUTES
June 1, 2012**

MEMBERS PRESENT: Patricia Parker, D.M.D., President
Brandon Schwindt, D.M.D., Vice-President
Mary Davidson, M.P.H., R.D.H.
Julie Ann Smith, D.D.S., M.D.
David Smyth, B.S., M.S.
Darren Huddleston, D.M.D.
Jill Mason, M.P.H., R.D.H.
Norman Magnuson, D.D.S.
Alton Harvey, Sr.

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)
Michelle Lawrence, D.M.D., Consultant (portion of meeting)
Rodney Nichols, D.D.S., Consultant (portion of meeting)
Lisa Warwick, Office Specialist (portion of meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Lynn Ironside, RDH, ODHA; Beryl Fletcher, ODA; Sheri Billetter, ODAA, April Love, DDS; Eli Schwarz, DMD, PhD, OHSU; Judd Larson, DDS; Heidi Jo Grubbs, RDH, ODHA; Pamela Lynch, RDH, ODHA; Dana Shipley, RDH, ODHA; Lisa Rowley, RDH, Pacific University; Gregg Smith.

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

Ms. Mason moved and Dr. Magnuson seconded that the minutes of the April 6, 2012 Board meeting be approved as amended. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

ELI SCHWARZ, K.O.D., D.D.S., M.P.H., Ph.D., Professor & Chair of Community Dentistry, School of Dentistry, Oregon Health & Science University

Ms. Mason stated that Dr. Schwarz is in attendance due to a lively discussion at the recent Dental Hygiene Committee meeting regarding continuing education as is it relates to dental public health and expanded practice permit holders. Dr. Schwarz is to present information regarding the content of Dental Public Health Practice courses and how they are different from Practice Management as well as the variety of subjects that they encompass.

Dr. Schwarz stated that the definition of dental public health today is, '*the science and art of preventing and controlling dental diseases and promoting dental health*'. He added that although it's one of the smallest specialties it is also one of the broadest in its reach as it establishes its science and its evidence from using multiple disciplines in science both from inside dentistry as well as outside. One example is how patient communication in the realm of psychology, public health and practice administration components of the course brings in a lot of science from business administration. Dr. Schwarz stated that this highlights how many realms come together into the specialty of public health. He continued saying that OHSU teaches a course in Public Health that includes a range of courses taught as part of 'dental public health' throughout the four years spent at OHSU's program. First and second year students are introduced to the concepts of public health dentistry and preventative dentistry.

Year One Students: Public Health and Preventative Dentistry course covers basic concepts and general public health. Dr. Schwarz stated that they took their guidance from an important report published by the Institute of Medicine. Three core components of public health today are Assessment, Policy Development and Assurance. Dental students are told that it's comparable to what they will be doing in a dental practice. They will be tested and assessed on the forms of examining, performing community assessments, and making proper diagnosis. In Assurance they will carry out treatment, monitoring and surveillance. The students will recognize the terms when they start working and make the connection that the public health dentistry is still within the realm of dentistry, it just looks a little different moving from the patient in the chair to the community. Also discussed are patients vs. population, oral disease prevention concepts and oral health disparities. This is where the subject matter delves into concepts such as social determinants, sociology, what differences in population groups mean in terms of dental programs, insurance issues, risk assessment, population statistics and inter-professional community health partnerships. The literature is discussed as well as models of administering and financing dental care services. Dr. Schwarz stated that the financial aspect was an especially important topic in Oregon, as Oregon is in the forefront of health care transformation in this country. OHSU believes that students need to be aware of the system that they work in and the components of that system, including alternative models of care. The first year of dental studies gives them a fairly full view of what it is like to work as a dentist.

Year Two Students and beyond: Dr. Schwarz stated that students go much further into social determinates of dental disease and use a variety of different methodologies to talk about health promotion, patient communication and cultural competence. He added that there were also courses the second year regarding health related behaviors, including addictions and the underlying causes of addiction. Dr. Schwarz stated that he was also leaving examples of the Practice Administration course for the Board's review which is at the end of the curriculum in the third and fourth years. It focuses on more practical issues in terms of how to run a practice, various legal requirements and other information so the students get a comprehensive view of legal issues with regard to both the community and society in general as well as running an independent dental practice.

Dr. Schwarz summarized by stating that when we think of continuing education when teaching such a program: public health dentistry continuing education courses can extend to nearly any of the content having to do with dental public health. It frequently reflects the very broad range that dental public health encompasses. Dr Schwarz left a detailed syllabus from OHSU for the Board to review stating that although no clear cut answer may be evident as to where exactly the subjects covered fit into the guidelines, the courses taught are relevant in updating and maintaining knowledge of what's current in dental public health today.

The Board thanked Dr. Schwarz for his presentation.

ASSOCIATION REPORTS

Oregon Dental Association

Nothing to report

Oregon Dental Hygienists' Association

Nothing to report

Oregon Dental Assistants Association

Nothing to report

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Magnuson stated that there was a WREB Board meeting about a month ago and that this was the first year of the new organizational structure. Topics at the meeting included:

- Remediation requirements for students – especially hygiene exam students. Currently the requirements are not clear as to what happens if a hygiene candidate doesn't pass the exam after three attempts. It's currently very clear for dental candidates.
- Exam Security – all exams in the country are having issues with cheating. WREB is adding security to try and avoid this.
- The director of CSW, which is the company that provides a large portion of the written exam and is owned by CRDTS, SRTA & WREB, has quit. Dr. Magnuson stated that they are working to get a replacement hired as well as working on updating the exam, reviewing content, adding new questions, and also reviewing the relevance of questions to current curriculum.
- The summer WREB meeting has always been held in conjunction with Western Conference of Dental Examiners and Dental School Deans. This is the last time that will be occurring as the Western Conference is moving to January.

AADB Liaison Report

Ms. Mason had nothing to report.

ADEX Liaison Report

Nothing to Report

NERB

Dr. Parker stated that there is an upcoming meeting. Mr. Braatz stated that it was a Steering Committee Meeting and that Dr. Hongo, Dr. Parker and Ms. Davidson would all be attending. He added that he had included the new committee report from NERB and stated that a good number of Oregon Board members had been appointed to standing committees.

Licensing Standards and Competency Committee Meeting Report

Dr. Parker stated there was a meeting May 17. Restorative Functions of Dental Hygienists and Dental Assistants and posterior composite restorations were discussed. Dr. Parker stated that the Licensing, Standards and Competency Committee recommended that the Board send both OAR June 1, 2012

Board Meeting

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818-035-0072 and OAR 818-042-0095 to Rules Oversight Committee for consideration of the addition of posterior composite restorations to restorative hygienists and restorative assistants.

OAR 818-035-0072 & OAR 818-042-0095

Mr. Harvey moved and Ms. Mason seconded that the Board refer both OAR 818-035-0072 and OAR 818-042-0095 to the Rules Committee to allow for placement of posterior composites for dental hygienists and assistants as presented. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Mr. Harvey, and Dr. Smith voting aye. Dr. Schwindt was opposed.

Dental Hygiene Committee Meeting Report

Ms. Mason stated that the Dental Hygiene Committee met May 21. There were two items requested to be sent to the Rules Oversight Committee. There was an update regarding the pilot project program under SB 738. The Survey required by the Board is in process, and ODHA asked to submit questions for the survey. Mr. Braatz had agreed indicating that due to timing, Board staff would need the questions by the end of June. Ms. Mason stated that there was also a discussion regarding public health dentistry and that there was a motion to have an expert in dental public health make a presentation to the Board clarifying what exactly dental public health is; Dr. Schwarz fulfilled that presentation request with his presentation earlier in the morning.

OAR 818-042-0090 – Additional functions of EFDAs

Ms. Mason stated that the Dental Hygiene Committee recommended the Board send OAR 818-042-0090 to the Rules Oversight Committee to allow for the addition of hygienists to the list of who can supervise EFDA assistants placing sealants. Dr. Schwindt moved and Mr. Harvey seconded that the Board send OAR 818-042-0090 to the Rules Oversight Committee as presented. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

OAR 818-035-0020 - Authorization to Practice

Ms. Mason stated that in the OAR, the definition of hygiene duties includes root planing but it was not included in the 'Authorization to Practice' as a procedure for dental hygiene. This rules change is meant to clarify the duties and functions of dental hygienists. She concluded that the Dental Hygiene Committee recommend the Board send OAR 818-035-0020 – Authorization to practice to the Rules Oversight Committee as presented. Dr. Smith moved and Dr. Schwindt seconded that the Board move OAR 818-035-0020 to the Rules Oversight Committee as presented. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Committee Meeting Dates

No Dates to Report

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report

Mr. Braatz stated that he had attached the latest budget reports for the 2011-2013 Biennium and that the report, which is from July 1, 2011 through April 30, 2012, shows revenue of \$1,167,994.99 and expenditures of \$1,030,936.65. The Budget appears to be performing as expected. He added that with many licensing examinations being held later this year than in previous years, the OBD

has not seen the normal number of new applications: and that the Board staff will monitor this throughout the end of summer.

Customer Service Survey Report

Mr. Braatz stated that he had attached a chart which shows the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2011 through May 14, 2012. The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys.

Board and Staff Speaking Engagements

Thursday, April 12, 2012 - Dental Director/Chief Investigator Dr. Paul Kleinstub and Mr. Braatz made three presentations at the Oregon Dental Conference: "Recordkeeping from the Board's Perspective," "Ask the Board" and "DBIC Risk Management".

Thursday, April 26, 2012 - Licensing Manager Teresa Haynes and Mr. Braatz made a presentation to the graduating dental students at OHSU's School of Dentistry.

Friday, May 4, 2012 - Dental Director/Chief Investigator, Dr. Paul Kleinstub, Licensing Manager Teresa Haynes, Board member Jill Mason and Mr. Braatz made a presentation to the ODHA EPP Conference in Eugene.

Monday, May 14, 2012 – Mr. Braatz made a presentation to the graduating dental assistant students at Portland Community College.

Friday, May 18, 2012 - Licensing Manager Teresa Haynes and Mr. Braatz made a presentation to the graduating dental hygiene students at Lane Community College in Eugene.

Friday, May 18, 2012 - Licensing Manager Teresa Haynes and Mr. Braatz made a presentation to the graduating dental hygiene students at Portland Community College.

Wednesday, May 23, 2012 - Licensing Manager Teresa Haynes and Mr. Braatz made a presentation to the graduating dental hygiene students at Mt. Hood Community College.

Minutes and Newsletter Disciplinary Information

Mr. Braatz stated that he was bringing the subject of naming disciplined licensees back to the Board for consideration, as requested at the April Board meeting. Mr. Braatz stated that he was asking the Board to revisit the issue regarding what disciplinary information should be reported in the Board Newsletter. In approximately 1989, the OBD stopped publishing the names of licensees that had been disciplined by the Board and just used the phrase, "a doctor or a licensee entered into a Consent Order regarding..." Starting in 1999, the case numbers were listed and that has continued through today. Mr. Braatz clarified that almost all of the other Health Care Regulatory Boards in Oregon, if they have a newsletter, list the names of the licensees along with a synopsis of the cases as well. Most dental boards in the United States also list the names of the licensees. He added that he believed it was time that the OBD develop the same process and as we see more and more efforts by groups to make all levels of government more transparent, the OBD needs to move forward.

Mr. Braatz explained that another issue has to do with the minutes for the Board meetings. He reiterated that most of the motions that are made following the executive session, list a case number if the cases are closed for No Violation, No Further Action or if a Letter of Concern is

issued. Some of the motions include when the OBD decides to issue a Notice of Proposed Disciplinary Action and may or may not offer the licensee a Consent Order. Mr. Braatz stated that most of the Health Care Regulatory Boards list the actual name, if in fact the motion did pass.

Dr. Magnuson moved and Dr. Schwindt seconded that the Board put the disciplined licensees' names in the newsletter. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Dr. Magnuson moved and Dr. Smith seconded that the Board adjust the minutes to list names in them. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Mr. Braatz asked the Board to begin using names today in public session voting.

Newsletter

Mr. Braatz reported that the next newsletter is due out this fall.

Oregon Temporary Volunteer License Form Review

Mr. Braatz presented the Board with the new Temporary Volunteer License Form for their review.

AADA & AADB

Mr. Braatz stated that Ms. Lindley, Ms. Mason and Dr. Parker will be attending the AADB meeting upon his authorization but that he needed the Board's approval to attend himself. Ms. Davidson moved and Ms. Mason seconded that the Board send Mr. Braatz to the AADB/AADA conference. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

UNFINISHED BUSINESS

RULES

818-035-0066 – Additional Population of Expanded Practice Permit holders

Dr. Smith asked that if this wasn't passed that the rules and laws would stay more open. Mr. Braatz stated yes but that it would limit some current permit holders who had previously been approved by location vs. a population of people. Ms. Mason stated she believed that the Board still has the ability to declare those locations as underserved. Mr. Braatz stated that the problem was that no one could, as of yet, provide a definition of underserved. Ms. Lindley asked that if someone is not in one of those listed people in the law but lives in an underserved area, will an EPP be able to serve those people. Mr. Braatz stated yes and it was clarified that if anyone lived in that area, no matter income, that area was considered underserved and that person could see an EPP hygienist. Mr. Braatz stated that it's the reason he's asked for a definition to be decided so we could have some guidance on how to focus the rule. Dr. Magnuson stated that he didn't feel it was a business decision but rather a care issue and that cleaning isn't the access problem, it's an 'issue without pain' problem. He stated that cleanings will not solve the access to care problem because ultimately it is a funding problem. Dr. Smith stated that using dental HPSA as guidance would be good because it takes the Board out of the process. She felt it would open up dental care. Mr. Braatz stated that the legislature intentionally did not include everyone for a reason and that the Board could be potentially going against legislative intent. Dr. Huddleston asked who isn't covered under HPSA and how difficult would it be for people to get an additional population to be

approved, if possible by staff, to shorten the wait time to get those new locations approved. Mr. Braatz said it could happen.

Dr. Schwindt moved and Dr. Magnuson seconded that the Board adopt 818-035-0066 as published. Ms. Mason moved and Dr. Smith seconded to amend the motion to adopt without subs 1, 3, 4, and 5 which would leave in Sub 2, which increases the income limit up to 200% of federal poverty level. The amendment passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye. Dr. Magnuson was opposed.

Dr. Smith moved and Ms. Davidson seconded that the Rules Committee consider adding the definition of HPSA to 818-035-0066 in an upcoming meeting. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-012-0005 – Scope of Practice

Dr. Huddleston stated that Oregon is a progressive state and that he believes the proper use of botulinum type A and dermal fillers with proper training and follow-up be allowed by dentists.

Dr. Schwindt wondered if we could add a ‘therapeutic’ function for well-trained individuals, to allow dentists to do this for dental justification. Ms. Lindley stated that once it is decided it’s within the scope of dentistry, then the Board may define what the appropriate uses are.

Dr. Magnuson stated he’d rather see a rule added that allows for use by individuals with appropriate training and with use for treatment involving dental justification. Dr. Magnuson asked Dr. Schwindt why that had been excluded from the proposed rules. Dr. Schwindt, as Chair of the Rules Oversight committee, stated that it was incredibly difficult during rules committee to hammer out when it was and wasn’t ok to use botulinum type A and other fillers. It was too open and vague and they couldn’t come up with what a ‘dental justification’ was. Ms. Mason stated that it was not something taught in an undergraduate dental program and that maybe it should be considered as an additional permit vs. part of a dental license. Dr. Smith concurred that it wasn’t taught in a general undergraduate program, but it was taught in oral surgery specialty. She also stated that the line between general dentistry and ‘crow’s feet’ was going to be very blurry and if it wasn’t clarified there could be issues. Dr. Huddleston stated that not everything is taught in dental schools, such as invisalign or implant but that doesn’t mean we don’t allow dentists to do those procedures. It means we required education to be able to do it. He added that he does believe that this is something that should be allowed but with appropriate education. Dr. Schwindt stated that we should have standards. Ms. Mason stated that she believes that if we did decide to do this that it should be because we can do it safely and in a way to protect the public. Dr. Magnuson moved and Dr. Schwindt seconded that the Board adopt 818-012-0005 as published. The motion failed with Mr. Smyth, Dr. Huddleston, Dr. Magnuson, Ms. Davidson, and Mr. Harvey voting no. Ms. Mason, Dr. Schwindt, Dr. Smith voted aye.

Dr. Magnuson stated he wanted to send this back to Rules Committee to be hammered out to allow for use of botulinum type A with clear education guidelines, what kind of courses are available and research regulations from other states. Dr. Schwindt stated that there would be a Rules Committee meeting soon.

818-021-0085 – Reinstatement of Expired License

Dr. Magnuson moved and Ms. Mason seconded that the Board amend 818-021-0085 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-026-0030 – Requirements for Anesthesia Permit

Ms. Mason moved and Ms. Davidson seconded that the Board amend 818-026-0030 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-026-0055 – Dental Hygiene and Dental Assisting Procedures Performed

Ms. Mason moved and Dr. Smith seconded that the Board amend 818-026-0055 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-035-0065 – Expanded Practice Dental Hygiene Permit

Ms. Mason moved and Mr. Harvey seconded that the Board amend 818-035-0065 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-042-0020 – Dentist and Dental Hygienist Responsibility

Ms. Mason moved and Mr. Harvey seconded that the Board amend 818-042-0020 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-042-0040 – Prohibited Acts

Dr. Smith moved and Dr. Magnuson seconded that the Board amend 818-042-0040 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

818-042-0100 – Expanded Function Orthodontic Assistant

Dr. Magnuson moved and Ms. Davidson seconded that the Board amend 818-042-0100 as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

CORRESPONDENCE

The Board received a letter from the Leadership of Oregon Academy of Pediatric Dentistry

Mr. Braatz stated that the leadership of OAPD is asking the Board to allow the ABPD exam to stand in place of the OBD required exam. Dr. Schwindt stated that he felt the ABPD served a different purpose than the OBD clinical exams. He believed the current way is the best way to go. The Board directed Mr. Braatz to thank OAPD for their letter but that the Board had no interest in changing things at the moment.

Ms. Mason moved and Dr. Smith seconded to send the issue of specialty license exams to the Licensing, Standards and Competency Committee. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

The Board received a letter from Gregory B. Jones, D.M.D., President, Oregon Dental Association

Mr. Braatz stated that since the rule had been killed by the Board earlier, in essence this has already been resolved.

The Board received a letter from Molly Nadler, Executive Director, AADB

Mr. Braatz stated that a letter from Ms. Nadler was included for the Board's review.

OTHER BUSINESS

American Dental Hygienists' Association – EPP CE Provider Request

Mr. Braatz reminded everyone that the Board was approving the CE providing organization, not the CE courses that the organization provided. He added that approved organizations can still have courses that are not going to be counted as CE for OBD purposes.

Dr. Smith moved and Mr. Harvey seconded that the Board approve the American Dental Hygienists' Association as an approved provider for Expanded Practice Permit C.E. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye

Proctor & Gamble – EPP CE Provider Request

Dr. Smith moved and Ms. Davidson seconded that the Board approve Proctor & Gamble as an approved provider for Expanded Practice Permit C.E. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye

Discussion of Dental Radiographs

Mr. Jones reported to the Board that he was not currently receiving dental care because he had a medical condition and no dentist would be willing to work on him without routine x-rays. He was consistently told that he could not be seen for anything without x-rays. He is now not receiving dental care due to this. Dr. Parker stated that if dentists follow the ADA guidelines they can make exceptions to the requirements of x-rays due to medical conditions and it sounded like his dentist was not familiar with that scenario. She also acknowledged that it seems that some dentists have stopped considering radiographs as a diagnostic tool and now consider x-rays as routine. She felt that they need to make the move back to their use as a diagnostic tool.

Public Health Continuing Education Courses

After the presentation by Dr. Schwarz earlier in the morning Mr. Braatz stated that he would have Dr. Kleinstub evaluate the information further.

Committee Appointments

Ms. Mason moved and Dr. Smith Seconded that the Board approve the committees as revised. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye

ARTICLES AND NEWS OF INTEREST (NO ACTION NECESSARY)

Nothing to Present

Dana Shipley, R.D.H., ODHA – EPP Conference

Ms. Shipely thanked the members of the Board who sat on the panel at the EPP conference. Those members included Patrick Braatz, Paul Kleinstub, Teresa Haynes and Jill Mason. She stated that there was fantastic feedback from the panel portion the Board and staff participated in.

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

Licensees appeared pursuant to their Consent Orders in case numbers **2005-0117** and **2008-0013**.

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2012-0174, 2012-0185, 2012-0186, 2012-0163, 2012-0176, 2012-0187, 2012-0169, 2012-0174, 2012-0139, 2012-081 and 2012-0180 Ms. Davidson moved and Mr. Smyth seconded that the above referenced cases be closed with No Further Action per staff recommendations. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

COMPLETED CASES

2010-0176, 2012-0143, 2012-0015, 2012-0043, 2011-0227, 2012-0016, 2011-0107, 2012-0166, 2012-0006, 2012-0114 2012-0141, 2012-0128 and 2011-0235 Ms. Davidson moved and Mr. Smyth 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 Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye. Dr Huddleston and Dr. Schwindt recused themselves from cases 2012-0015 and 2012-0043. Dr. Parker recused herself from 2011-0227 and 2011-0235.

AN, BONGMIN D.D.S 2012-0155, 2012-0088, 2012-0122 and 2012-0127

Mr. Smyth moved and Ms. Davidson seconded that the Board accept the Consent Order in which the Licensee agreed to resign the Licensee's license to practice dentistry in Oregon and to never reapply for licensure in Oregon. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

BLODGETT, KELLY J., D.M.D 2011-0213

Mr. Harvey 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 pay a \$1,000.00 civil penalty. The motion passed with Mr. Smyth, Ms. Mason, Dr. Magnuson, Ms. Davidson, Mr. Harvey, and Dr. Smith voting aye. Dr. Huddleston and Dr. Schwindt recused themselves.

BLODGETT, KRIS M., D.M.D. 2012-0113

Dr. Smith moved and Ms. Davidson 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 to make a restitution payment to patient PL in the amount of \$2,738.00 within four months of the effective date of the Order. The motion passed with Mr. Smyth, Ms. Mason, Dr.

Magnuson, Ms. Davidson, Mr. Harvey, and Dr. Smith voting aye. Dr. Huddleston and Dr. Schwindt recused themselves.

2012-0101

Ms. Mason moved and Dr. Magnuson seconded that the Board close the matter and take no further action at this time. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0220

Dr. Schwindt moved and Dr. Smith seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that prior to providing treatment, informed consent is obtained from the patient or the patient's guardian, and the obtaining of informed consent is documented in the patient records. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2012-0082

Dr. Magnuson moved and Mr. Harvey seconded that the Board for Respondent #2, close the matter with a finding of no violation; for 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 record, and a dental justification for treatment is documented in the patient record. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

FRYE, RAYMOND L., D.M.D. 2012-0064 and 2012-0117

Dr. Magnuson moved and Dr. Smith seconded that the Board cases 2012-0064 and 2012-0117, to issue a Notice of Proposed Disciplinary Action, and to offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded, to take a three hour continuing education record keeping course approved by the Board, and to pay a \$30,000.00 civil penalty. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0221

Mr. Smyth moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that adequate radiographs are available prior to providing treatment. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

GARCIA, PETER, D.M.D. & GARCIA, ALENE, R.D.H. 2012-0150

Mr. Harvey moved and Mr. Smyth seconded that the Board with regard to Respondent #1 issue a Notice of Proposed Disciplinary Action and offer a Consent Order incorporating a reprimand, and a civil penalty in the amount of \$2,000.00; with regard to Respondent #2 issue a Notice of Proposed Disciplinary Action and offer a Consent Order incorporating a reprimand, and a civil penalty in the amount of \$2,500.00 per Board protocol. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0233

Dr. Huddleston moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when patients document sensitivities to particular medications, every effort is made to verify that medications that are administered are medications

without any potential complications for the patients. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0225

Dr. Schwindt moved and Dr. Smith seconded that the Board close the matter with a strongly worded 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 a diagnosis is documented in the records showing that there was a dental justification for providing treatment. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

HERRERA, LILIA, D.D.S. 2011-0219

Dr. Smith moved and Mr. Harvey 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 pay a civil penalty of \$2000.00. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0131

Ms. Mason moved and Dr. Smith seconded that the Board issue a strongly worded Letter of Concern reminding the licensee that referral to an appropriate practitioner or specialist should be considered whenever the welfare of a patient would be safeguarded or advanced by having recourse to those who have special skills, knowledge and experience. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2012-0013

Dr. Magnuson moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that a dental justification is documented prior to prescribing medication and providing treatment to a patient. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

KIM, KATHY S., D.D.S. 2012-0148

Mr. Smyth moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer a Consent Order incorporating a reprimand and a civil penalty in the amount of \$2,500.00. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0218

Mr. Harvey moved and Dr. Smith 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. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

OLIVER, BRADLEY C., D.M.D. 2012-0023

Dr. Huddleston moved and Dr. Smith seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a civil penalty of \$2500.00,

restitution payment in the amount of \$15,678.00 to patient JM, and completion of 21 hours of Board approved continuing education in implantology, of which seven hours must be hands-on, within 12 months of the effect of the Order. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2011-0175

Dr. Schwindt moved and Dr. Magnuson seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when treatment is provided, the treatment is documented in the patient records, and that when there is pathology evident on radiographs, the pathology is documented and the patient or the patient's guardian is informed. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

SHAMLOO, JAMSHEED J., D.M.D. 2012-0119

Dr. Smith 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 pay a \$5,000.00 civil penalty. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

2012-0151

Ms. Mason moved and Dr. Smith seconded that the Board close the matter with a strongly worded Letter of Concern reminding the Licensee that the Licensee has a responsibility to read, understand and comply with the Dental Practice Act and all rules of the Board and more specifically what is required for licensure renewal in the future. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

STIFLE, RACHELE N., R.D.H. 2010-0085

Dr. Magnuson moved and Mr. Smyth seconded that the Board, with respect to respondent #3, offer Licensee an Amended Consent Order dismissing the Second Amended Notice of Proposed License Suspension, dated 11/4/11, providing Licensee agree to a reprimand, ten hours of community service to be completed within three months, and submission, with her license renewal applications, of documentation verifying completion of 24 hours of continuing education for the licensure periods 10/1/11 to 9/30/13 and 10/1/13 to 9/30/15. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

RAILTON, JANICE L., R.D.H. 2012-0072

Mr. Smyth moved and Dr. Smith seconded that the Board offer Licensee a re-worded Consent Order incorporating a reprimand and 40 hours of community service. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

HUSER, SHELLEY R., R.D.H. 2009-0108

Mr. Harvey moved and Mr. Davidson seconded that the Board issue and Order requiring Licensee to undergo a substance use disorder evaluation, and a mental evaluation, at a Board approved

facility within 30 days of the effective date of the Order, unless the Board grants an extension and informs Licensee in writing. Licensee shall provide the Board with the evaluation reports within seven days of receipt. The evaluations are to be at Licensee's expense. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

PAGE, STEPHEN W., D.M.D. 2002-0173, 2003-0215, 2004-0229 and 2005-0052

Dr. Huddleston moved and Mr. Harvey seconded that the Board deny Licensee's request. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

TEASDALE, RUSSELL C., D.M.D. 2012-0066

Dr. Schwindt moved and Dr. Smith seconded that the Board deny Licensee's request. The motion passed with Mr. Smyth, Dr. Huddleston, Dr. Magnuson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye. Ms. Mason and Ms. Davidson were opposed.

WALLE/KNOWLES 2010-0197

Dr. Smith moved and Dr. Schwindt seconded that the Board deny Licensee's request and offer Licensee a re-worded Consent Order incorporating a reprimand and a \$10,000.00 civil penalty; if Licensee did not accept the offer, the case should be referred to hearing. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

Mr. Smith moved, and Ms. Davidson seconded that the licenses issued be ratified as published. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Reinstatement of Expired License – A. Garcia, R.D.H

Ms. Mason moved and Dr. Magnuson seconded that the Board reinstate Ms. Garcia's license. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Radiologic Proficiency Instructor Approval

Dr. Magnuson moved and Ms. Davidson seconded that the Board approve the radiology instructor application. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Request for Release of Investigative File - Georgia

Dr. Magnuson moved and Ms. Mason seconded that the Board grant the request to release the investigative file. The motion passed with Mr. Smyth, Dr. Huddleston, Ms. Mason, Dr. Magnuson, Ms. Davidson, Dr. Schwindt, Mr. Harvey, and Dr. Smith voting aye.

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 2:44 p.m. Dr. Parker stated that the next Board meeting would take place August 3, 2012.

Approved by the Board August 3, 2012.

_____/S/
Patricia A. Parker, D.M.D.
President