

**OREGON BOARD OF DENTISTRY
MINUTES
MARCH 21, 2003**

MEMBERS PRESENT: Jean Martin, DDS, MPH, President
 Ronald Short, DMD, Vice President
 Melissa Grant, DMD
 Kenneth Johnson, DMD
 Eugene Kelley, DMD
 Linda Lee, RDH, MBA
 George McCully, DMD
 Ellen Young, RDH, BS

STAFF PRESENT: Jo Ann Bones, Executive Director
 Paul Kleinstub, DDS, MS, Dental Director/Chief Investigator
 Daryll Ross, Investigator
 Harvey Wayson, Investigator

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

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.

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.

REVIEW OF NEW COMPLAINTS, COMPLETED INVESTIGATIONS, PREVIOUS CASES REQUIRING BOARD ACTION, AND LICENSURE APPLICATION ISSUES
The Board reviewed summaries of new complaints and reviewed completed investigation reports and related investigatory materials.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES
Licensees appeared in Executive Session pursuant to their Consent Orders in case numbers 2003-0023, 1995-0034, 1999-0058, and 2003-0064.

OPEN SESSION: The Board returned to Open Session.

RECOGNITION

Dr. Martin presented a card to Ms. Lee in recognition of her recently earned MBA.

Dr. Martin presented a plaque to Dr. Kelley in recognition of his eight years on the Board. She said that Dr. Kelley has crafted some landmark anesthesia rules and has done a great deal to protect the public. Dr. Kelley thanked the Board. Dr. Martin said that Dr. Kelley will continue to assist with Board projects. She also announced the new Board member will be Dr. Rodney Nichols, pending Senate Confirmation. Dr. Nichols is

an Oral and Maxillofacial Surgeon, who has served and will continue to serve on the Anesthesia Committee. He currently practices in Milwaukie, Oregon.

Dr. Short presented a plaque to Dr. Martin in recognition of her completed term as President of the Board. Dr. Martin said that it had been a pleasure.

NEW BUSINESS

ASSOCIATION REPORTS

Oregon Dental Association

Janet Peterson, DMD, said she had some comments to make on the myriad of bills coming out. She said that HB 3508, which moves the regulation of x-ray operator training requirements for dental offices from the Health Division to the Oregon Board of Dentistry has been printed. A copy of the bill was provided for Board review. She said that no hearing is scheduled yet, but should be shortly. She also said that the ODA opposes SB 270, which exempts dentists who are state employees from discipline by the Board, and asked the Board to confirm its opposition. Dr. Martin confirmed that the Board does oppose SB 270. Dr. Peterson also said that the ODA supports HB 5026, the Board's budget bill.

Dr. Peterson said that the ODA would like to ask the Board to take a neutral position with regard to HB 2240 and the issue of minority non-dentist ownership of dental practices. She said the ODA opposes allowing corporations to own parts of dental practices. She said the ODA also opposes the change that would allow dental hygienists to supervise dental assistants. She said that she was aware this issue stems from an attempt to clean up language regarding LAP Dental Hygienists, and feels that simply specifying that only LAP Dental Hygienists may supervise Dental Assistants would satisfy the ODA.

Dr. Martin provided some background information on ownership issues. She said that in August 2002, the Board discussed and reached consensus about certain ownership issues, including ownership of dental practices by non-profit organizations and government entities that help improve access to care. Additionally, the Board felt that provisions should be made for the orderly transition of a dental practice upon the death or disability of an owner dentist. Dr. Martin said that the Board did not oppose minority, non-dentist ownership, from the standpoint of protection of the public. Dr. Martin asked if the Board felt any changes to their position need to be made at this time. Dr. McCully pointed out that the Board did have some concerns about ownership by non-dentists. Dr. Martin agreed but said that there was agreement that minority interest in general did not present a problem for the Board. She said that the Board did not come to any kind of consensus about what percentage should or should not be allowed. The Board agreed to maintain the position adopted in August 2002.

Dr. Martin asked the Board to discuss HB 2240, which would allow dental assistants to be supervised by dental hygienists by changing the definition of dental hygienist, removing the portion that reads, "under the supervision of a dentist." She said that the ODA has requested that the Board consider changing the language in HB 2240. The ODA feels that allowing dental hygienists to supervise dental assistants would lead to increased liability for the employing dentists, and, further, that not all dental hygienists are qualified to supervise all dental assistants. Ms. Bones provided some background information. She said that the ODA introduced Dash 1 amendments to HB 2240, and that these would be addressed in a worksession scheduled on the morning of Monday,

March 24, 2003. She said Dr. Kleinstub and Ms. Lindley testified on HB 2240 February 10, 2003. The ODA supported all but these two issues, and the Chair asked the ODA and the OBD to go back and negotiate something all parties could agree to. Mr. Cosgrove of the ODHA was not available, however, Ms. Lindley, Dr. Short, Dr. Kleinstub, Ms. Myers, and Ms. Bones tried at that time to work out some language that would be agreeable to all parties. However, when the ODHA saw the proposed language, they said they did not support any changes to the bill. Attempts to schedule subsequent meetings failed, and the ODA initiated the amendments to the bill, which will be discussed at Monday morning's worksession. Ms. Bones provided a summary of points of controversy for Board review. After some discussion, it was determined that the ODA's amendments did not address the statutory conflicts between the Dental Hygiene and LAP definitions. Ms. Fletcher explained that the omission was not intentional and would be addressed in Monday's worksession. Dr. Peterson said that the ODA is willing to support allowing LAP dental hygienists to supervise dental assistants, but does not support allowing all dental hygienists to supervise all dental assistants. She said the ODA especially foresees problems arising in managed care settings, and worries that administrators will move all supervision of dental assistants to dental hygienists. The ODA finds this especially problematic in the specialties of Oral Surgery and Orthodontics, because there are dental assistants who are certified in these specialties who may have more experience in those areas than do dental hygienists. Ms. Lee said that it was hard to imagine the standard of care being lowered by allowing dental hygienists to supervise dental assistants. Dana Lillie, RDH, said that a change in the rule would especially help dental hygienists when the doctor is out of the office for an extended period. Dr. McCully, while emphasizing his feeling that the Board should not support or oppose any legislation, said that he personally opposes the ODA's amendments. He pointed out that the dentist, as employer, would not likely hire or allow an unqualified dental hygienist to supervise dental assistants.

Ms. Young moved, and Ms. Lee seconded, that the Board reaffirm its original position in support of the HB 2240 proposal to change the definition of a dental assistant. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, and Ms. Young voting aye. Dr. McCully voted no.

Dr. Martin said the next piece of HB 2240 requiring discussion is the proposed change to the definition of a dental hygienist. After some discussion, it was determined that removing the phrase, "under the supervision of a dentist," does not change the requirement that a dentist authorize treatment. The proposed change would resolve a statutory conflict with the provisions regarding the unsupervised practice of dental hygiene by LAP dental hygienists.

Ms. Lee moved, and Ms. Young seconded, that the Board maintain its position of support of the HB 2240 proposal to change the definition of a dental hygienist. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, and Ms. Young voting aye. Dr. McCully voted no.

Oregon Dental Hygienists Association

Lynn Ironside, RDH, introduced new ODHA president Marilyn Chew, RDH.

COMMITTEE AND LIAISON REPORTS

WREB Examiner and Committee Reports

- Dr. McCully will be an examiner for the WREB Dental Examination at Baylor College of Dentistry in Dallas, Texas, April 25-28, 2003, and at the University of Texas in Houston, May 15-18, 2003.
- Ms. Lee will be Chief Examiner for the WREB Anesthesia Exam at Lane Community College in Eugene, Oregon, April 12-13, 2003.
- Ms. Young will be an examiner for the WREB Dental Hygiene Exam at Salt Lake Community College in Salt Lake City, Utah, May 8-11, 2003.

Standing Committee and Liaison Reports

- Dental Hygiene Committee
The Dental Hygiene Committee met on February 7, 2003. A draft copy of the minutes was provided for Board review. Ms. Lee said the Committee had come to a consensus to recommend the following coursework be included as appropriate training and continuing education for LAP dental hygienists:
 - Prevention
 - Behavior Management
 - Nutrition
 - Public Health

Ms. Bones said that under ORS 680.200(d), the Board may approve any coursework that is not included in the list specified by statute.

Dr. McCully moved, and Dr. Kelley seconded, that the Board approve coursework in Prevention, Behavior Management, Nutrition, and Public Health for LAP dental hygienist continuing education, as well as for initial certification. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

Committee and Liaison Assignments

Dr. Short reviewed current Committee and Liaison Assignments and asked for Board input. An updated Committee list will be provided at the next meeting.

EXECUTIVE DIRECTOR'S REPORT

Budget Report

A report showing expenditures and revenue through January 2003 was provided for Board review. Ms. Bones said that revenues and expenditures are on track.

Board and Staff Speaking Engagements

Ms. Bones said there had been no Board or staff speaking engagements.

Budget Reductions and Cost-Avoidance Measures

Ms. Bones said the Governor has asked all state agencies, regardless of funding source, to implement reductions and cost-avoidance measures. Mandated budget reductions include a 3% reduction of salaries for management employees over salary range 24, a freeze on all state employee salaries through June 2005 with no special merit or step increases, and no paid meals for employees who are not on over-night travel status. Cost-avoidance measures include limitations on in- and out-of-state travel, no purchases of new memberships, subscriptions or furniture, no color printing, and no agency sponsored statewide meetings or conferences.

2003 Legislative Session

Ms. Bones said that initial hearings for HB 5026, the agency budget, and HB 2240, the Board's housekeeping and minor program changes, took place on February 10, 2003. Worksessions had not yet been scheduled.

A legislative report was provided for Board review. Ms. Bones also provided additional information on HB 3508, which would move the regulation of X-ray machine operators within the practice of dentistry from the Department of Human Services to the Oregon Board of Dentistry. She pointed out some other bills that might impact the Board.

- House Bill 3332 would significantly impact the Board. It would require that healthcare providers provide patient records within three days of a request and also prescribes what can be charged. If the bill passes, the Board will need to change its rules and alert providers to the new requirements.
- Senate Bill 681 prescribes a consent form to be used prior to any procedure or treatment that uses dental materials containing mercury.
- Senate Bill 373, which was intended for the Board of Nursing, has a significant impact on all Boards. Current statutes require that Boards complete investigations in 120 days, however, 30-day extensions may be granted for just cause. Currently the Board has the power to delegate that authority, and the OBD has delegated that authority to its Executive Director. The bill, if passed into law, would require that in order to obtain a 30-day extension, the Board would have to petition the Circuit Court in the county where the Respondent resides. This would be a significant cost to the Board. Further, if no disposition is determined within 180 days, the case is automatically closed. Finally, all cases would be closed within one year, regardless of disposition or status. Ms. Bones has sent a letter to the bill's sponsors explaining its ramifications.
- Ms. Bones said the Board has been asked by the Board of Pharmacy to express a position on Senate Bill 630, which would require the Board of Pharmacy to establish and maintain a database to monitor the dispensing of controlled substances. The system would be statewide and would track prescriptions issued by provider, patient, and prescription type. Ms. Bones said there is currently no proposed funding mechanism, but that start-up grants are available through the U.S. Bureau of Justice. The Board expressed support of the concept.

Some additional bills were presented for Board review:

- House Bill 2931 would abolish any position in an executive department (such as the Board) that is vacant for four months.
- Senate Bill 606 would allow dentists to administer local anesthesia for purposes of hair removal in the lip area performed by a licensed electrologist.
- Senate Bill 835 would prohibit a regulatory body from disclosing personally identifiable information—such as addresses, phone numbers, and email addresses, if a Licensee objects.
- House Bill 2522 would create a task force to study Boards.
- House Bill 2773 creates the crime of strangulation, which is defined, in part, as blocking the nose or mouth of another person. Ms. Bones said there had been some concern this would prohibit the use of Hand-Over-Mouth technique, but talked to Rep. Prozanski, a sponsor of the bill, who said that dentistry would be included in the exclusions for legitimate medical procedures.
- There are two bills that would require Other Fund reversion to the General Fund. House Bill 3038 would require three percent of the ending balance of other fund monies of state agencies to be transferred to the General Fund at the end of odd-numbered years. House Bill 3041 would require ten percent.

Ms. Lindley said that there are some bills pertaining to the Hearing Officer Panel.

- Two bills that might pose a problem for the Board are House Bill 2637 and House Bill 2058. House Bill 2637 changes the burden of proof from a “preponderance of evidence” to “clear and convincing” evidence. This would raise the bar for regulatory bodies to prove their cases, which potentially increases the time and money spent on Contested Case Hearings. House Bill 2058 authorizes Hearing Officers to order depositions. Ms. Lindley explained that this bill makes Contested Case Hearings less like administrative law, which is a more informal, fact-finding process, and more like a kind of civil action. This would likely also increase of cost of proceedings for the Board.
- Ms. Lindley said that House Bill 2526, which changes the name of the Hearing Officer Panel to the Office of Administrative Hearings, changes the title of Hearing Officer to Administrative Law Judge, and makes provisions for the chief hearing officer term of office and termination, will likely pass. There is no negative impact for the Board.

CORRESPONDENCE

The Board received a letter from Molly Nadler, Executive Director, AADE, regarding the new Advocacy Relations Manual.

The Board received a letter from Johanna Duncan-Poitier, The University of the State of New York, regarding a proposed amendment to the Regulations of the Commissioner of Education. The amendment would establish requirements for a residency option pathway for dental licensure permitting a candidate to substitute successful completion of an acceptable dental residency program for the licensure examination in clinical dentistry.

The Board received a letter from Stanley B. Peck, Executive Director, American Dental Hygienists' Association, regarding a change in insurance reporting codes in dental procedures.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4582	Jackie R. Porterfield, R.D.H.	January 28, 2003
H4583	Jennifer L. Methvin, R.D.H.	January 30, 2003
H4584	Renee I. Woodworth, R.D.H.	February 10, 2003
H4585	Tanya J. Kossman, R.D.H.	February 20, 2003
H4586	Connie B. Dickinson, R.D.H.	February 25, 2003
H4587	Carol Inman, R.D.H.	March 4, 2003

Dentists

D8214	John N. Christopher, D.D.S.	January 30, 2003
D8215	Holly A. Chamberlain, D.D.S.	February 11, 2003
D8216	Sung H. Ju, D.M.D.	February 20, 2003
D8217	Brent P. Tran, D.D.S.	February 20, 2003
D8218	Todd C. Gerlach, D.D.S.	February 24, 2003
D8219	James D. Kiser, D.D.S.	February 24, 2003
D8220	Keith E. Watson, D.D.S.	February 25, 2003
D8222	Priti D. Chandran, D.M.D.	March 4, 2003
D8223	Kevin G. Smith, D.M.D.	March 4, 2003
D8224	Kristine S. Depner, D.D.S.	March 5, 2003
D8225	Fredrick C. Thompson, D.M.D.	March 6, 2003
D8226	Michael H. Day, D.M.D.	March 7, 2003

Dental Faculty

DF0013	<u>David A. Covell, D.D.S.</u>	March 10, 2003
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License and Examination Issues

- Request to Reinstate Retired License

OAR 818-021-0090 requires that before a license that has been retired is reinstated, the applicant must complete a number of steps. One of the requirements for reinstatement is that the applicant "passes any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials."

Ms. Patricia Ledford retired her dental hygiene license (H7630) on December 27, 1999. Ms. Ledford has not practiced dental hygiene in any other jurisdiction, and requests reinstatement of her dental hygiene license. All appropriate fees and paperwork have been received, and there are no negative reports in the NPDB or

HIPDB databases. Dr. McCully moved, and Dr. Kelly seconded, that Ms. Ledford's license be reinstated with no requirement for further examination. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

- Request to Reinstate Expired License

OAR 818-021-0085(4) requires that before a license that has expired for more than one year is reinstated, the applicant must complete a number of steps. One of the requirements for reinstatement is that the applicant "passes any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials."

Dr. Edward Dove's license expired on March 31, 2000. Dr. Dove has been practicing dentistry in Arizona and he would like to reinstate his Oregon license. All appropriate fees and paperwork have been received, and there are no negative reports in the NPDB or HIPDB databases. Dr. McCully moved, and Dr. Kelley seconded, that Dr. Dove's license be reinstated with no requirement for further examination. The motion passed with Dr. Martin, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

OTHER BUSINESS

Articles and News of Interest (No Action Necessary)

- Minnesota Board of Dentistry, "Updates," Fall 2002
- State Legislative Report, February 2003
- AADE, "The Bulletin," Spring 2003

Election of Officers

Dr. Johnson moved, and Dr. Kelley seconded, that the Board elect Dr. Short as President. The motion passed with Dr. Martin, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye. Dr. Short did not vote.

Dr. Grant moved, and Dr. Kelley seconded, that the Board elect Dr. McCully as Vice President. The motion passed with Dr. Martin, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, and Ms. Young voting aye. Dr. McCully did not vote.

MINUTES

Dr. Kelley moved, and Dr. McCully seconded, that the Minutes of the January 31, 2003 meeting be approved as published. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young 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.**

OPEN SESSION: The Board returned to open session.

ENFORCEMENT

CONSENT AGENDA

2003-0139, 2003-0132, 2003-0157, 2003-0142, and 2003-0124 Dr. Kelley moved, and Dr. McCully seconded, that these cases be closed with a finding of No Further Action, per the Staff recommendations. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

COMPLETED CASES

2003-0003 Ms. Young moved, and Dr. Grant seconded, that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when treatment plans are presented to patients, every effort is made to clearly explain, justify and prioritize treatment needs, and furthermore, that the Board recommend the doctor complete a course in record keeping. The motion failed with Dr. Johnson, Dr. Kelley, Dr. McCully, and Dr. Short voting no. Dr. Grant, Ms. Lee and Ms. Young voted aye. Dr. McCully moved and Dr. Johnson 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 complete three hours of a Board-approved course in record keeping and at least five hours of Board-approved courses in endodontics and five hours in diagnosis and treatment planning. The motion passed with Dr. Johnson, Dr. Kelley, Dr. McCully, and Dr. Short voting aye. Dr. Grant, Ms. Lee and Ms. Young voted no.

2003-0020, 2003-0114, 2003-0069, 2003-0027, 2003-0135, 2003-0044, 2003-0005, 2002-0288, 2003-0017, 2003-0074, 2003-0148, 2003-0046, 2002-0009, 2003-0082, 2003-0280, 2003-0102, 2003-0034, 2003-0030 Dr. Short moved, and Dr. Kelley seconded, that the Board close these matters with a finding of No Violation of the Dental Practice Act or no further action, per the recommendations. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0054 Dr. McCully moved, and Dr. Johnson seconded, that the Board close the matter with No Further Action and send the Respondent a letter recommending that when preparing teeth for crowns, every effort is made to have adequate inter-occlusal clearance. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0093 Ms. Lee moved, and Ms. Young seconded, that the Board close the matter with No Further Action and send the Respondent a letter regarding the Board's present requirement to maintain documentation of continuing education requirements for re-licensure application. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0056 Dr. McCully moved, and Ms. Lee seconded, that the Board offer the Licensee a Consent Order incorporating standard protocol provisions that address recovery and protection of the public, modified to fit her circumstances. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0026 Dr. Johnson moved, and Ms. Young seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when medication is prescribed, the name, dosage, and amount are documented in the patient records. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2002-0228 Dr. Kelley moved, and Dr. Johnson seconded, that the Board do a mandatory Continuing Education audit of the next licensure cycle and close the matter with a Letter of Concern reminding the Licensee to assure that the full minimum CE requirements have been met for the next licensure period. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0149 Ms. Young moved, and Dr. Kelley seconded, that the Board offer the Licensee a Consent Order incorporating the appropriate standard protocols for a Licensee abusing alcohol, in order to protect the public and support his recovery. The Consent Order will include urinalysis testing and Board appearances. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0015 Dr. Grant moved, and Ms. Young seconded, that the Board close the matter with a Letter of Concern addressing the issues of ensuring when obtaining informed consent prior to providing treatment, PARQ or its equivalent is documented in the patient records, that all treatment provided to a patient is accurately documented in the patient records, and in addition, strongly recommend that the Licensee take a Board-approved course in record keeping. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0042 Ms. Lee moved, and Dr. Kelley seconded, that the Board close the matter with a Letter of Concern directing that the Licensee order prescription drugs only for patients of record and only within the scope of dentistry and that the Licensee be ever vigilant for those instances where individuals seek controlled drugs for illegitimate purposes. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0073 Dr. McCully moved, and Dr. Kelley 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 reimburse the patient \$875, and to attend three hours of a Board-approved course in record keeping, six hours of Board-approved continuing education in treatment planning and at least 14 hours of Board-approved hands-on continuing education in restorative dentistry. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0080 Dr. Johnson moved, and Dr. McCully seconded, that the Board close the matter with regard to Respondent #1 with a finding of No Violation. In reference 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, and that the educational requirements for maintaining an anesthesia permit are met. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0041 Dr. Kelley moved, and Dr. Johnson 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 \$5000 civil penalty, and to successfully complete an American Heart Association Pediatric Advanced Life Support course within six months of the effective date of the Order. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2002-0054 Ms. Young moved, and Dr. Grant seconded, that the Board close the matter with a finding of no violation for the Respondent, but open a case against the subsequent dentist. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2003-0031 Dr. Grant moved, and Dr. Kelley seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when pathology is evident on radiographs, the pathology is diagnosed and documented in the patient's records. The motion passed with Dr. Short, Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye. Dr. Johnson voted no.

2003-0055 Ms. Lee moved, and Dr. McCully seconded, that the Board close the matter with a Letter of Concern addressing the issue of ensuring that all treatment is accurately documented in the patient records and that when informed consent is obtained prior to providing treatment, PARQ is documented in the patient records. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2002-0006 Dr. McCully moved, and Dr. Kelley seconded, that the Board close the matter with a Letter of Concern addressing the issues of insuring that when informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records and that the treatment that is provided is the same as was agreed to by the patient.

PREVIOUS CASES REQUIRING BOARD ACTION

2002-0244 Dr. Johnson moved, and Dr. Kelley 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 \$1000. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2002-0143 Dr. Kelley moved, and Dr. McCully seconded, that the Board accept the Consent Order proposed by the Licensee and close the matter. The motion passed with Dr. Short, Dr. Grant, Dr. Kelley, Ms. Lee, and Ms. Young voting aye. Dr. Johnson and Dr. McCully voted no.

2002-0193 Ms. Young moved, and Dr. McCully seconded, that the Board close the matter and take No Further Action. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2001-0096 Dr. Grant moved, and Dr. McCully seconded, that the Board close the matter with a finding of No Violation for Respondent #1, Respondent #2, and Respondent #3.

The motion failed with Dr. Johnson, Dr. Kelley, Ms. Lee and Ms. Young voting no. Dr. Grant, Dr. McCully, and Dr. Short voted aye. Dr. Johnson moved and Ms. Lee seconded that the Board issue a Notice of Proposed Disciplinary action for Respondent #2 and offer the Licensee a Consent Order incorporating a restitution payment of \$4000 made to the patient per standard protocols, and for Respondent #1 and Respondent #3, close the matter with a finding of No Violation. The motion passed with Dr. Johnson, Dr. Kelley, Ms. Lee and Ms. Young voting aye. Dr. Grant, Dr. McCully, and Dr. Short voted no.

1994-0193 Ms. Lee moved, and Dr. Kelley seconded, that the Board deny the applicant's request to be granted permission to apply for a Drug Enforcement Administration registration. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

2000-0220 Dr. McCully moved, and Dr. Johnson seconded, that the Board grant the Licensee's request for an extension until May 31, 2003 to complete the 40 hours of continuing education in crown and bridge preparation. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

LICENSING ISSUES

2002-0203 Dr. Johnson moved, and Dr. Kelley seconded, that the Board issue a Notice of Proposed Denial of License to practice dentistry in the state of Oregon. The motion passed with Dr. Short, Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye.

ADJOURNMENT

The meeting was adjourned at 4:15 p.m.

Approved by the Board May 23, 2003.

Ronald C Short, DMD
President

tmc