

**OREGON BOARD OF DENTISTRY  
MINUTES  
September 25, 2009**

MEMBERS PRESENT: Jill Mason, M.P.H., R.D.H., President  
Norman Magnuson, D.D.S., Vice President  
Melissa Grant, D.M.D.  
Darren S. Huddleston, D.M.D.  
David Smyth, B.S., M.S.  
Mary Davidson, R.D.H., LAP  
Jonna E. Hongo, D.M.D.

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

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

VISITORS PRESENT: Vickie Woodward, R.D.H., ODHA; Lynn Ironside, R.D.H., ODHA;  
Teri Barichello, D.M.D., ODA; Beryl Fletcher, ODA; Douglas Matz,  
D.M.D., AGD.

**Call to Order:** The meeting was called to order by the President at 7:47 a.m. at the Board office; 1600 SW 4<sup>th</sup> Ave., Suite 770, Portland, Oregon.

**NEW BUSINESS**

**MINUTES**

Dr. Hongo moved and Ms. Davidson seconded that the minutes of the July 24, 2009 Board meeting be approved as amended. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**ASSOCIATION REPORTS**

**Oregon Dental Association**

Dr. Barichello stated the ODA held elections at their House of Delegates meeting and that Dr. Greg Jones from Hermiston will be the new Board Liaison. Mr. Braatz added that Dr. Rick Asai is the new president of the ODA.

**Oregon Dental Hygienists' Association**

The ODHA had nothing to report.

**Oregon Dental Assistants Association**

No one from the Dental Assistants Association was present.

## **COMMITTEE AND LIAISON REPORTS**

### **WREB Liaison Report**

Dr. Magnuson had nothing to report. Ms. Davidson said the hygiene portion of the electronic scoring is progressing well and they are still on time. Ms. Davidson added that the new electronic scoring system will be called HESS for the Hygiene program and DESS for the dental program.

### **AADE Liaison Report**

Ms. Mason had nothing to report for AADE but added that she would have a full report at the next meeting.

### **ADEX Liaison Report**

Dr. Huddleston said there was nothing to report but that there was an upcoming meeting in November. Ms. Mason added that the Hygiene Committee was trying to come up with a piece for the testing in the ADHLEX hygiene exam as well.

### **Anesthesia Committee Meeting Report**

Dr. Kleinstub stated that the Anesthesia Committee meeting met Wednesday, September 23, 2009 to more closely align the Board's rules with the current ADA guidelines. There was also a bit of tweaking that needed to be done to correct some errors with the rules and current practices. He stated that the draft will be sent to the Rules Committee for final assessment and review by the AAG for approval. Mr. Braatz stated that it is a goal to hold a rules hearing in the spring.

### **Administrative Workgroup Meeting**

Ms. Mason stated that the Administrative Workgroup met September 24, 2009 to review Mr. Braatz's annual performance review.

### **Committee Meeting Dates**

There were no committee meeting dates set.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Budget Status Report**

Mr. Braatz stated that he had not received a budget report for September but he could report that the OBD was solvent and all bills have been paid. He added that he would update the Board at a later date, once the reports are received.

### **Customer Service Survey Report**

Mr. Braatz stated that he had included the State Legislatively Mandated Customer Service Survey results for the period of July 1, 2009 through August 31, 2009. He stated that the OBD continues to receive positive comments from the majority of those that return the survey.

### **Board and Staff Speaking Engagements**

Friday, September 1, 2009 – Mr. Braatz made a presentation to the Oregon Dental Association House of Delegates meeting in Redmond. There were approximately 100 people in attendance.

Wednesday, September 16, 2009 – Mr. Braatz made a presentation to the Multnomah Dental Society in Milwaukie.

### **New Board Member Appointment**

Mr. Braatz notified the Board that Governor Theodore R. Kulongoski had appointed Brandon J. Schwindt, D.M.D., of Portland, to the seat of retiring Board member Dr. Melissa Grant. He added that Dr. Schwindt is a pediatric dentist and will hold the specialty seat on the Board. His Senate Committee Confirmation Appointment will be held September 29, 2009 and it is expected that he will be confirmed by the Oregon Senate on October 1, 2009. He stated that staff has planned an orientation session for Dr. Schwindt in late October, as he is expected to attend the November 20, 2009 Board Meeting. There has been no notice of the additional public member.

### **State Office Closure/Furlough Day**

Mr. Braatz announced to the Board that state government will be expected to have ten mandatory unpaid closure dates between September 1, 2009 and June 30, 2011. OBD employees will in addition to the 10 mandatory unpaid closure days, be required to take an additional two to four days of furlough, based on their salary range, during that time. Mr. Braatz stated that most state agencies have set furlough dates that their agencies must close, but the OBD has many meeting dates on Fridays and we asked that we be allowed to take "floating" dates. Staff members will take their 12-14 days that work best for their individual schedules.

### **House Bill 3204 Oregon Law Chapter 582 (2009 Laws)**

HB 3204 made some significant changes to the process by which a Dental Hygienist can become eligible to receive a Limited Access Permit (LAP). It requires the Board to either promulgate some additional rules or develop some policies. Specifically, the OBD needs to make decisions on the following:

ORS 680.200 (1)(A)(ii) Completed 40 hours of courses in a formal, post-secondary educational program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency and approved by the board; or

The previous law listed the course areas that were acceptable; the new law does not, so the OBD has to give some direction as to what those 40 hours of course work should be. This could be done by policy or by an Administrative Rule. OBD staff needs to know how you want to proceed.

ORS 680.200 (1)(B) Completed a course of study approved by the board that includes at least 500 hours of dental hygiene practice on patients described in ORS 680.205 while under the direct supervision of a member of the faculty of a dental program or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency. Practice hours from before and after graduation from the dental hygiene program may be combined to meet the requirement of this subparagraph.

This is a new pathway that was developed and the Board needs to determine what makes up those 500 hours and how many can be before graduation and how many after graduation.

Mr. Braatz stated that the OBD has a few options in what should make up the 500 hours. The OBD could choose to make a policy; again promulgate Administrative Rules; or like the OBD did for the Restorative Functions, develop a template. The OBD needs to decide whether to send this to one of the current OBD Committees; create a special OBD Committee; or like was done for the Restorative Functions, have a task force work on the initial process.

Both of these changes become effective January 1, 2010, so the Board needs to begin work very soon. It is clear that without these issues being decided, no one will know if they are eligible on January 1, 2010. Mr. Braatz stated he was not sure if everything had to be in place on that day, but it should be soon after that date.

Ms. Mason moved and Ms. Davidson seconded that the Board schedule a joint committee venture between the Dental Hygiene Committee and the Rules Committee to speed up the process. The rule changes will take effect January 1, 2010 and it needs to be determined if it's a template, policy or rule change. A tentative date of November 19 was suggested.

### **Review and Discussion on Standard Protocol or Failure to Comply with Continuing Education, Medical Emergencies and Anesthesia Life Support Requirements.**

Mr. Braatz stated that following the Evaluators' Meeting, OBD staff put together a document for the Board to discuss regarding the development of new Standard Protocols on issues that have recently been appearing in investigative cases. The Protocols are included for the Board's review and input towards modification or implementation as needed.

Dr. Huddleston stated that he would like to see a timeline added to the Protocol. Mr. Braatz said that for most cases, by the time the Board reviews the case, the individual will have completed the missing CE. Dr. Grant stated the concept is good but she believes that the idea of issuing a Notice was too harsh. Mr. Braatz stated that if the rest of the Board agrees with that idea, then the Board should eliminate CE because we are spending a lot of time enforcing a rule that might not be needed. Dr. Huddleston stated that he felt CE was very important. Dr. Magnuson stated that it's the fact that they lied on their renewal that was the problem; they had the opportunity to tell the truth and didn't. Dr. Hongo stated that she saw the Protocols as a way to shake up Licensees to understanding that CE is important. Dr. Grant stated that we should add the option of a Letter of Concern all the way up to a Notice of Proposed Disciplinary Action for each scenario to allow for flexibility. Dr. Magnuson added that the rationale of cases would have to be very specific as to explain why we are doing what we are doing for that individual. Dr. Hongo stated that we are here to enforce rules, if we have a rule we need to enforce it and we need to have set limits; if we don't then the Board isn't doing its job.

Mr. Braatz stated that we don't have to have an approval today, that we can rewrite it and bring it back to the Board in November.

### **Newsletter**

Mr. Braatz stated that he was aware that the OBD Newsletter was late, but due to some timely information about recent legislative changes that should be discussed in the newsletter, we have decided to hold off on publishing it immediately. Mr. Braatz added that the newsletter should go out sometime in early October.

## **UNFINISHED BUSINESS**

### **RULES**

#### **818-001-0000 Notice of Proposed Rule Making**

Dr. Magnuson moved and Dr. Hongo seconded that the Board amend OAR 818-001-0000 Notice of Proposed Rule Making, to update the correct names of some entities and to delete entities who

receive Notices of Proposed Rule Making. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-001-0087 - Fees**

Dr. Hongo moved and Dr. Magnuson seconded that the Board amend OAR 818-001-0087 Fees, to publish the correct fees for applicants and licensees that were recently adopted by the Oregon Legislature and signed into law by the Governor. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-001-0087(T) – Fees**

Dr. Magnuson moved and Dr. Hongo seconded that the Board repeal temporary OAR 818-001-0087(T), which was adopted by the Board so the collection of fees could begin July 1, 2009 and will no longer be needed after the new amendments added to 818-001-0087 are effective November 1, 2009. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-001-0090 Board Member Compensation**

Dr. Huddleston moved and Dr. Magnuson seconded that the Board adopt OAR 818-001-0090 Board Member Compensation, which allows the Oregon Board of Dentistry to set by rule the compensation for Board members, in addition to the current Oregon Statute on Board member compensation that was recently adopted by the Oregon Legislature and signed by the Governor. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-012-0030 – Unprofessional Conduct**

Ms. Davidson moved and Dr. Hongo seconded that the Board amend OAR 818-012-0030 Unprofessional Conduct, to correct a typographical error that occurred when amending the rule previously. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-021-0012 – Specialties Recognized**

Dr. Hongo moved and Mr. Smyth seconded that the Board amend OAR 818-021-0012 Specialties Recognized, to update the title of a dental specialty that is defined by the American Dental Association. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-021-0025 – Application for License to Practice Dental Hygiene Without Further Examination**

Ms. Davidson moved and Dr. Hongo seconded that the Board amend OAR 818-021-0025 Application for License to Practice Dental Hygiene Without Further Examination, which would allow a dental hygienist to count the teaching of clinical dental hygiene toward the 3,500 hour requirement for Licensure Without Further Examination. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-021-0050 – Community Health Experience for Dental and Dental Hygiene Students**

Dr. Hongo moved and Ms. Davidson seconded that the Board amend OAR 818-021-0050, Community Health Experience for Dental and Dental Hygiene Students, to allow any Dental Hygiene student to participate in clinical studies as a result of a new law removing the word “full-time” adopted by the Oregon Legislature and signed into law by the Governor. The motion

passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-021-0060 – Continuing Education - Dentists**

Dr. Magnuson moved and Dr. Hongo seconded that the Board amend OAR 818-021-0060, Continuing Education - Dentists, to update the current name of an examination listed in the rule. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-021-0070 – Continuing Education – Dental Hygienists**

Ms. Davidson moved and Dr. Hongo seconded that the Board amend OAR 818-021-0070 Continuing Education – Dental Hygienists, to implement the changes regarding continuing education for Limited Access Permit Dental Hygienists that are a result of a new law adopted by the Oregon Legislature and signed into law by the Governor. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-035-0010 - Definitions**

Dr. Hongo moved and Ms. Davidson seconded that the Board amend OAR 818-035-0010 Definitions, to remove language that is considered not current by the Dental and Dental Hygiene community. The motion passed with Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye. Dr. Magnuson was opposed.

**818-035-0030 – Additional Functions of Dental Hygienists**

Dr. Magnuson moved and Ms. Davidson seconded that the Board amend OAR 818-035-0030 Additional Functions of Dental Hygienists, to clarify the prescription authority for dental hygienists. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-035-0100 – Record Keeping**

Dr. Hongo moved and Ms. Davidson seconded that the Board amend OAR 818-035-0100 Record Keeping, to remove the requirement that certain procedures be documented in a patient's file as a result of a new law adopted by the Oregon Legislature and signed into law by the Governor. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-035-0080 – Continuing Education**

Ms. Davidson moved and Dr. Hongo seconded that the Board repeal OAR 818-035-0080 Continuing Education, as a result of a new law adopted by the Oregon Legislature and signed into law by the Governor. The provision regarding continuing education for Limited Access Permit Dental Hygienists has been placed in another section of the Dental Hygiene Rules. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-035-0090 – First Renewal**

Dr. Hongo moved and Ms. Davidson seconded that the Board repeal OAR 818-035-0090 First Renewal, as the result of a new law adopted by the Oregon Legislature and signed into law by the Governor. The provision regarding continuing education for the first renewal of Limited Access Permits has been placed in another section of the Dental Hygiene Rules. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-042-0070 – Expanded Function Dental Assistants (EFDA)**

Dr. Magnuson moved and Dr. Hongo seconded that the Board amend OAR 818-042-0070 Expanded Function Dental Assistants, to allow Expanded Function Dental Assistants to perform all aspects of teeth whitening procedures. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**818-042-0080 – Certification – Expanded Function Dental Assistant (EFDA)**

Dr. Magnuson moved and Dr. Huddleston seconded that the Board amend OAR 818-042-0080 Certification – Expanded Function Dental Assistant to add a provision for certification of Expanded Function Dental Assistants regarding teeth whitening procedures. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**CORRESPONDENCE**

**The Board received a letter from Jim Hales, D.D.S.**

He would like to encourage the use of Botox and dermal fillers by general dentists. Ms. Davidson and Dr. Huddleston stated that they would like to review the issue once again at the November Board meeting. Mr. Braatz stated that he would respond to Dr. Hales that the Board would be discussing this issue at the November Board Meeting

**The Board received a letter from Carolyn Muckerheide, D.D.S.**

Dr. Muckerheide sent information to the Board regarding Formocresol. The Board directed Mr. Braatz to respond to Dr. Muckerheide by reminding her that OSHA is a federal regulation and that we have no control over what they require, but do support maintaining compliance with OSHA regulations.

**The Board received a letter from Ben Sutter, D.M.D.**

Dr. Sutter would like clarification of use of Etch by an EFDA assistant. Dr. Kleinstub stated that he believed this rule would have to be rewritten due to inconsistency. Mr. Braatz stated that he would respond to Dr. Sutter stating that this request would be sent to the Rules Committee for review.

**OTHER BUSINESS**

**ODS College of Dental Sciences/OIT: La Grande – Hygiene Restorative CE Course Approval**

Dr. Hongo moved and Dr. Huddleston seconded that the Board approve the dental hygiene continuing education course as presented. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**Soft Reline Course Approval**

Dr. Magnuson moved and Dr. Hongo seconded that the Board approve the soft reline course as presented. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

### **Articles and News of Interest (no action necessary)**

- ❖ CITA News, Volume 5, August 2009
- ❖ State Legislative Report, September 2009
- ❖ The Dental Digest, Mississippi State Board of Dental Examiners, Volume 14, July 09
- ❖ The Dental Forum, NC State Board of Dental Examiners, Summer 2009

**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**

Licensee appeared pursuant to their Consent Order in case number **2007-0071**.

### **LICENSING ISSUES**

**OPEN SESSION:** The Board returned to Open Session.

### **CONSENT AGENDA**

**2010-0034, 2010-0013 and 2010-0002** Dr. Magnuson move and Dr. Hongo seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

### **COMPLETED CASES**

**2009-0194, 2009-0162, 2009-0186, 2009-0199, 2009-0176, 2009-0180 2009-0210 and 2009-0185** Dr. Magnuson moved and Dr. Grant seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action per the Board recommendations. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0151** Mr. Smyth moved and Dr. Hongo seconded that the Board issue a Letter of Concern addressing the need to include the assessment of the patient's risk for caries based on a multitude of factors, only one of which are radiographic images when diagnosing the need for dental care. Although not required, the Board strongly recommends the Licensee take continuing education courses emphasizing the diagnosis and treatment planning of dental caries. The motion passed with Dr. Magnuson, Dr. Grant, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye. Dr. Huddleston was opposed

**2009-0020** Ms. Davidson moved and Mr. Smyth seconded that the Board with regard to Respondent #1: issue a Letter of Concern addressing the need to conduct a full examination, including a periodontal assessment, prior to providing elective surgical services in support of prosthodontic care and to never allow a patient to dictate inappropriate care. With regard to Respondent # 2: issue a Letter of Concern addressing the need to conduct a full examination, including a periodontal assessment, as well as having a comprehensive treatment plan for the entire mouth prior to providing prosthodontic care. In addition, the Licensee is reminded to never allow a patient to dictate inappropriate care. The motion passed with Dr. Magnuson, Dr. Grant, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye. Dr. Huddleston recused himself.

**2009-0171** Dr. Grant moved and Dr. Huddleston seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that when pathology is evident on radiographs, every effort is made to diagnose the presence of the pathology and then inform the patient and document the presence of the pathology in the patient records; and remind the Licensee that advertisements for specific products reflect that a license from a manufacturer is in no way issued or endorsed by the Oregon Board of Dentistry. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth and Ms. Davidson voting aye. Dr. Hongo recused herself.

**2009-0181** Mr. Smyth moved and Dr. Huddleston seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that medical histories are carefully reviewed with the patient and updated prior to treating any patient. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0237** Dr. Huddleston moved and Ms. Davidson seconded that the Board vote to issue a strongly worded Letter of Concern reminding the Licensee that it is their responsibility to respond to requests for information from the Board in a timely manner and further, that the Licensee is to keep an accurate detailed record of their continuing education requirements. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0173** Ms. Davidson moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that all the requirements for maintaining a Class 1 Permit and providing nitrous oxide sedation to patients are met in a timely manner and that when there is pathology evident on radiographs, the pathology is documented; that the records reflect that the patient was informed of the pathology; and that future treatment options are documented. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0192** Dr. Hongo moved and Ms. Davidson seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that all treatment that is provided is documented in the patient records; that when treatment is provided, the treatment is dated; and that every effort is made to complete the continuing education requirements for re-licensure in a timely manner and be accurate in any statements submitted to the Board. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0234** Dr. Grant moved and Mr. Smyth seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee agrees to be reprimanded. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0177** Mr. Smyth moved and Dr. Magnuson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that the requirements for maintaining a Class 1 (nitrous oxide) Permit are met on a continuing basis. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0175** Dr. Huddleston moved and Dr. Hongo seconded that the Board, with regard to Respondent #1, issue a Letter of Concern addressing the need to fully document that patients have been informed of their periodontal status and that non-treatment of this condition can result in tooth loss. This needs to take place at the initial new patient exam as well as at each subsequent recall examination. PARQ or its equivalent must be documented each time a treatment plan is developed to assure the Licensee has obtained an informed consent for the proposed treatment. In addition, advise the Licensee to be more diligent in evaluating the radiographic findings of the panoramic x-ray taken to avoid overlooking pathology. With regard to Respondent #2, close the matter with a finding of No Violation. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2010-0026** Ms. Davidson moved and Dr. Grant seconded that the Board move to allow the Licensee to enter the Board's Diversion Program and close the case with No Further Action. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0072, 2009-0061, 2009-0080, 2009-0089 and 2009-0041** Dr. Hongo moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand; in the event that the Licensee renews or reinstates his Oregon dental license, the dental license will be suspended until he completes a three hour Board approved course on record keeping and an eight hour Board approved course in the subject of diagnosing and treatment planning fixed prosthodontic care; and following reactivation of his dental license, the Licensee shall provide 40 hours of pro bono dental care for citizens of the State of Oregon at a Board approved location within six months. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0170** Dr. Grant moved and Mr. Smyth seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that all the requirements for maintaining a Class 1 Permit and providing nitrous oxide sedation to patients are met in a timely manner. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0166** Mr. Smyth moved and Ms. Davidson seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when treatment complications are evident on radiographs, the treatment complications are documented in the patient records; when treatment is provided, a dental justification is documented; and that all treatment that is provided is documented in the patient records. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0183** Dr. Huddleston moved and Dr. Hongo 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 records; that a dental justification is documented when prescribing medication; that all treatment provided to a patient is documented in the patient records; and that only persons with radiology certification are allowed to expose films. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0201** Ms. Davidson moved and Dr. Huddleston 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 the continuing education hours for the 2006-2008 licensing period within three months of the effective date of the Consent Order. The makeup continuing education hours will be in addition to the CE required for the 2008-2010 licensing period. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0188** Dr. Hongo moved and Ms. Davidson 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 is documented in the patient records; that when there is pathology evident on radiographs, the diagnosis is documented in the patient records; that a dental justification is documented prior to providing treatment, that all treatment that is provided is documented in the patient records; and that the continuing education requirements for re-licensure are met in a timely manner. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0115** Dr. Grant moved and Dr. Magnuson seconded that the Board issue the Licensee a Letter of Concern addressing the need to document that informed consent has been obtained prior to treating patients, and to document a diagnosis or dental justification for all care provided. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0193** Mr. Smyth moved and Dr. Hongo seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when treatment complications are evident on post-treatment radiographs, the patient is informed and the complications are documented in the patient records. The motion passed with Dr. Magnuson, Dr. Grant, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye. Dr. Huddleston was opposed.

**2009-0174** 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 informed consent is obtained prior to providing treatment, PARQ or its equivalent is documented in the patient records; that a dental justification is documented when providing treatment or prescribing medication; and that when treatment complications occur, every effort is made to provide the patient with a clear understanding of the repercussions of the event. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth and Ms. Davidson voting aye. Dr. Hongo recused herself.

**2009-0108** Ms. Davidson moved and Dr. Hongo seconded that the Board close the matter with a strongly worded Letter of Concern addressing the issue of ensuring that there are adequate radiographs available prior to providing any treatment to a patient. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

#### **PREVIOUS CASES REQUIRING BOARD ACTION**

**2009-0138** Dr. Hongo moved and Ms. Davidson seconded the Board issue a Notice of Proposed Disciplinary Action and reinstate the Licensee's dental license providing the Licensee agrees to a Consent Order incorporating a reprimand; \$5,000 civil penalty to be paid within 60 days; 40 hours of Board approved community service to be completed within four months of the effective date of this Order; an additional 40 hours of community service to be completed within ten months of the

effective date of this Order; a requirement that the Licensee practice dentistry in a group setting for a period of five years; a requirement that the Licensee provide a copy of this Order to those other dentists in the group practice; for a period of five years from the effective date of this Order, a prohibition against reinstatement of the Licensee's DEA registration; and the standard protocols to support the Licensee's recovery and protect the public, including no unilateral access to any controlled drugs in the dental office. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2007-0180** Dr. Grant moved and Dr. Hongo seconded that the Board vote to withdraw the recommendation of April 25, 2008 to offer the Licensee a Consent Order in which the Licensee agrees to be reprimanded; pay \$3,813.00 in restitution; pay a civil penalty in the amount of \$5,000.00; and successfully complete 3 hours of Board pre-approved, continuing education in the area of Records Keeping; and now offer the Licensee a Consent Order in which the Licensee agrees to be reprimanded. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0096** Mr. Smyth moved and Dr. Hongo seconded the Board issue an Order of Dismissal withdrawing the Notice of Proposed Disciplinary Action issued 8/7/09, and to provide a Letter of Concern reminding the Licensee to insure that when completing the licensing renewal, and signing the certification, that all information is true and accurate. The Letter will notify the Licensee that, beginning 1/1/10, the Board will institute a protocol whereby it will issue a Notice of Proposed Disciplinary Action if license renewal forms contain information that is false. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**2009-0200** Dr. Huddleston moved and Ms. Davidson seconded that the Board vote to re-affirm its previous decision of July 23, 2009. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

## LICENSURE AND EXAMINATION

### Ratification of Licenses Issued

Mr. Smyth moved, and Ms. Davidson seconded that licenses issued be ratified as published. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

### Dental Hygienists

H5629	MIRANDA DUNCAN, R.D.H.	7/16/2009
H5630	AMANDA L BARON, R.D.H.	7/16/2009
H5631	AMBER B SCHAUFLE, R.D.H.	7/16/2009
H5632	JENNIFER KATHLEEN CRAIG, R.D.H.	7/16/2009
H5633	JOHN MATTHEW TRIPP, R.D.H.	7/16/2009
H5634	KIRA MELAN, R.D.H.	7/16/2009
H5635	WHITNEY B MACHADO-CHING, R.D.H.	7/16/2009

H5636	KYRA N MORE, R.D.H.	7/16/2009
H5637	SAYAKA CHUJO, R.D.H.	7/20/2009
H5638	BRITNI COFFIELD, R.D.H.	7/20/2009
H5639	RAMONA A COOK, R.D.H.	7/20/2009
H5640	KAREN M WARD, R.D.H.	7/20/2009
H5641	JESSICA A GIVENS, R.D.H.	7/20/2009
H5642	AUDREY B MILAM, R.D.H.	7/20/2009
H5643	LINDSAY M CAMPBELL, R.D.H.	7/20/2009
H5644	KATYA CARRICK, R.D.H.	7/20/2009
H5645	ERIN M COOPER, R.D.H.	7/21/2009
H5646	QUAYANNA M KANE, R.D.H.	7/21/2009
H5647	JENNIFER D HARMAN, R.D.H.	7/21/2009
H5648	REBECCA A BAKER, R.D.H.	7/21/2009
H5649	ALISON C BALCOM, R.D.H.	7/28/2009
H5650	DANIEL C WHITE, R.D.H.	7/28/2009
H5651	FRANCES K HARTZELL, R.D.H.	7/28/2009
H5652	HEATHER THOMAS, R.D.H.	7/28/2009
H5653	ROSE C SUPAN, R.D.H.	7/28/2009
H5654	ASHLEY A PARKER, R.D.H.	7/28/2009
H5655	TYLER B LESCO, R.D.H.	7/28/2009
H5656	LINDSAY DANIELLE SANDERS, R.D.H.	7/28/2009
H5657	EMILY L WILLIS, R.D.H.	7/28/2009
H5658	SANDRA M O'KEEFE, R.D.H.	7/30/2009
H5659	NICOLE H PEGUES, R.D.H.	7/30/2009
H5660	JENNIFER A HILL, R.D.H.	7/30/2009
H5661	WINDY R WATERS, R.D.H.	7/30/2009
H5662	JENNIFER L ADAMO, R.D.H.	8/5/2009
H5663	KALI C HINRICHS, R.D.H.	8/4/2009
H5664	AIMEE M WALLACK, R.D.H.	8/5/2009
H5665	HEIDI L WICKHAM, R.D.H.	8/5/2009
H5666	SANDRA F NEWELL, R.D.H.	8/5/2009
H5667	JEANETTE M STEWART, R.D.H.	8/5/2009
H5668	BRITTNEY J WOLTHUIS, R.D.H.	8/5/2009
H5669	MARTHA J HARTLEY, R.D.H.	8/5/2009
H5670	MELISSA A LADD, R.D.H.	8/6/2009
H5671	REBECCA S ABBATE, R.D.H.	8/7/2009
H5672	SHEREE N LORIMOR, R.D.H.	8/11/2009
H5673	MARY CATHERINE IRENE LYONS, R.D.H.	8/11/2009
H5674	JESSICA S CHRISTENSEN, R.D.H.	8/12/2009
H5675	YELENA SVINTSITSKIY, R.D.H.	8/12/2009
H5676	APRIL SHANNON MADISON, R.D.H.	8/18/2009
H5677	LINDY K STOCKWELL, R.D.H.	8/18/2009

H5678	KELLY J WHEELER, R.D.H.	8/18/2009
H5679	KRISTIN M STAUBER, R.D.H.	8/19/2009
H5680	APRIL H TOVAR, R.D.H.	8/19/2009
H5681	CALLIE J MILES, R.D.H.	8/24/2009
H5682	WENDY KAY CLARK, R.D.H.	8/24/2009
H5683	KATHLEEN M VIOLA, R.D.H.	8/25/2009
H5684	JAMI J WOLDEN, R.D.H.	8/25/2009
H5685	DEBBIE FLORES, R.D.H.	8/25/2009
H5686	JODI L HERBERT, R.D.H.	8/25/2009
H5687	JASMINE DUENAS, R.D.H.	8/25/2009
H5688	BREANNA J CAUFIELD, R.D.H.	8/25/2009
H5689	LESLIE L COMBS, R.D.H.	8/25/2009
H5690	ALISON D DANIEL, R.D.H.	8/25/2009
H5691	STACIA L HOGAN, R.D.H.	8/25/2009
H5692	JESSICA A SCRUGGS, R.D.H.	8/25/2009
H5693	HEATHER PETRA MINUS HOLMES, R.D.H.	8/25/2009
H5694	KELSEY ANN BELLMORE, R.D.H.	8/26/2009
H5695	KATHRYN K NGUYEN, R.D.H.	8/26/2009
H5696	CARIE L PAGAN, R.D.H.	8/26/2009
H5697	AMBER N BOWEN, R.D.H.	8/26/2009
H5698	AMY L REYNDERS, R.D.H.	8/26/2009
H5699	APRIL M HEMMETER, R.D.H.	8/26/2009
H5700	TARA C PFEIFER, R.D.H.	8/26/2009
H5701	ALYNN J VIENOT, R.D.H.	8/26/2009
H5702	MINDY LEA HENDERSON, R.D.H.	8/26/2009
H5703	SUMMER LI KELLY, R.D.H.	8/31/2009
H5704	DANIELLE J ASKEW, R.D.H.	8/31/2009
H5705	MIRANDA E SCHMIDT, R.D.H.	9/1/2009
H5706	AMY M ANNALA, R.D.H.	9/1/2009
H5707	NICOLE M EGAN, R.D.H.	9/14/2009
H5708	AUDREY R JOHNSON, R.D.H.	9/14/2009
H5709	DIANA A DROVORUB, R.D.H.	9/14/2009
H5710	JEFFREY S CALLANS, R.D.H.	9/14/2009
H5711	SHADI KHOSRAVI, R.D.H.	9/14/2009
H5712	SHAKIBA SAFARI, R.D.H.	9/14/2009
H5713	QUYNH-ANH NGUYEN, R.D.H.	9/14/2009
H5714	CRYSTAL M CHADWELL, R.D.H.	9/14/2009

### Dentists

D9300	HOSSEIN SAADATMANDI, D.M.D.	7/16/2009
D9301	CAMERON N CLARK, D.M.D.	7/16/2009
D9302	MICHAEL J COLES, D.M.D.	7/16/2009
D9303	NATHAN W SHIRES, D.M.D.	7/16/2009
D9304	JOHN M GALLUCCI, D.M.D.	7/16/2009
D9305	AMY B FINE, D.M.D.	7/16/2009
D9306	MINDY ANN BROWN, D.M.D.	7/16/2009
D9307	CHRISTINA BLATCHFORD, D.M.D.	7/16/2009
D9308	LUKE T BARSALOU, D.M.D.	7/16/2009
D9309	BRIAN V GILMORE, D.D.S.	7/16/2009
D9310	KHUYEN T NGUYEN, D.M.D.	7/16/2009
D9311	MICHAEL S HARPER, D.M.D.	7/16/2009
D9312	JOHN-DAVID MILLER, D.D.S.	7/16/2009
D9313	KAREN F LOVATO, D.D.S.	7/16/2009
D9314	JULIA V SAVINA, D.D.S.	7/16/2009
D9315	VINH C NGUYEN-PHUOC, D.M.D.	7/16/2009
D9316	MELANIE JANELLE GRANT, D.M.D.	7/16/2009
D9317	LINDSEY J GAULKE, D.M.D.	7/16/2009
D9318	BENJAMIN J DRIVER, D.M.D.	7/16/2009
D9319	CHARLES U HARTMAN, D.M.D.	7/20/2009
D9320	MIRIAM BEHPOUR, D.M.D.	7/20/2009
D9321	CHRISTOPHER KIRK ADAMS, D.D.S.	7/21/2009
D9322	JUSTIN L COCHELL, D.M.D.	7/21/2009
D9323	SAMUEL J GREENSTEIN, D.M.D.	7/21/2009
D9324	SUNNY L DRAKE, D.M.D.	7/21/2009
D9325	MARVIN JAMES STROHSCHHEIN, D.D.S.	7/28/2009
D9326	RYAN P LEMERT, D.M.D.	7/28/2009
D9327	JARED C FRISBIE-TEEL, D.D.S.	7/28/2009
D9328	KYLE C SMITH, D.M.D.	7/28/2009
D9329	SIAVASH EFTEKHARI, D.M.D.	7/28/2009
D9330	JAMES R MORELLI, D.D.S.	7/30/2009
D9331	MICHAEL M BLISS, D.M.D.	7/30/2009
D9332	JUNGHEE J PAK, D.D.S.	8/5/2009
D9333	JOHANN S HOCHSTRASSER, D.D.S.	8/5/2009
D9334	GRADY D SHAVER, D.M.D.	8/6/2009
D9335	TRAVIS L AGEY, D.M.D.	8/6/2009
D9336	ALLISON J DANIELS, D.M.D.	8/6/2009
D9337	NATALIA MAKAROVA, D.M.D.	8/7/2009
D9338	SCOTT A WALKER, D.D.S.	8/10/2009

D9339	KATHRYN A BICKLER, D.M.D.	8/11/2009
D9340	TREAVOR D FISHER, D.D.S.	8/11/2009
D9341	MONICA L SALDANA, D.D.S.	8/11/2009
D9342	VICTOR R MC KERLIE, D.M.D.	8/11/2009
D9343	MAUREEN N ASP, D.D.S.	8/18/2009
D9344	SARAH MAZAREEI, D.M.D.	8/18/2009
D9345	KEVIN K URADA, D.D.S.	8/18/2009
D9346	RYAN J BAILEY, D.D.S.	8/19/2009
D9347	MARK R STEVENSON, D.M.D.	8/19/2009
D9348	RANDY NEAL BLAIR, D.D.S.	8/24/2009
D9349	VERONICA M. M. POWERS, D.M.D.	9/1/2009
D9350	RANDY A CASTLE, D.M.D.	9/1/2009
D9351	DYLAN S SPENDAL, D.M.D.	9/1/2009

**Specialty Exam Approval**

Dr. Hongo moved and Dr. Magnuson seconded that the Board approve the Periodontic Specialty Exam results for Viet Ton That as provided. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**Request for Extension for Continuing Education – Fawn Weems, R.D.H.**

Ms. Davidson moved and Dr. Magnuson seconded that the Board grant Ms. Weems a six month extension for the completion of the continuing education requirements. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**Request for Release of Investigative File Case - #2009-0085**

Dr. Grant moved and Mr. Smyth seconded that the Board release a written summary of the investigative file for case # 2009-0085. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**Request for Written Explanation of Case Results - #2009-0140**

Dr. Grant moved and Mr. Smyth seconded that the Board release a written summary of investigative file for case #2009-0140. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

**Announcement**

No announcements

**EXECUTIVE SESSION: The Board will meet in Executive Session pursuant to ORS 192.660(2)(i), to conduct the annual review and evaluation of the Executive Director. No final action will be taken in Executive Session.**

**OPEN SESSION:** The Board returned to Open Session.

## **ADMINISTRATIVE REVIEW**

### **Review**

Dr. Magnuson moved and Ms. Davidson seconded that the Board accept Mr. Braatz's performance rating as drafted and presented by the Administrative Workgroup. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

### **Administrative Goals**

Mr. Smyth moved and Dr. Magnuson seconded to approve the goals presented for the Executive Director for the 2009-2010 year. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

### **Exceptional Performance Leave with Pay**

Dr. Huddleston moved and Ms. Davidson seconded to grant Mr. Braatz 40 hours of exceptional performance leave with pay. The Board was made aware of the Cost Reduction Directive issued by the Department of Administrative Services, effective September 1, 2009, which prohibits an employee from receiving exceptional performance leave with pay that has been granted unless that directive is withdrawn. The motion passed with Dr. Magnuson, Dr. Grant, Dr. Huddleston, Mr. Smyth, Ms. Davidson and Dr. Hongo voting aye.

## **ADJOURNMENT**

The meeting was adjourned at 12:55 p.m. Ms. Mason stated that the next Board meeting would take place November 20, 2009.

Approved by the Board November 20, 2009.

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Jill Mason, M.P.H., R.D.H.  
President