

**OREGON BOARD OF DENTISTRY
MINUTES
May 3, 2002**

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

STAFF PRESENT: Jo Ann Bones, Executive Director
Larry Burnett, DDS, Investigator/Consultant
Paul Kleinstub, DDS, Dental Director/Chief Investigator
Jerry McNerney, DMD, Investigator/Consultant
Daryll Ross, Investigator
Harvey Wayson, Investigator

ALSO PRESENT: Lori Lindley, 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.

Approval of Agenda: The agenda was reviewed and approved with two additions.

Dr. Martin welcomed Mr. Swart as the new Public Member on the Board. Mr. Swart told the Board that he is a native Oregonian raised in Enterprise, which is in the northeastern corner of the State. He is Editor of the Wallowa County Chieftain, which was purchased by his grandparents in 1941. He said he is very interested in access to health care especially in the rural sections of the State and looks forward to his term on the Board of Dentistry.

Ms. Bones told the Board that long-time Board employee Jeannette Nelson died on April 30 after several months on medical leave. She said that Mr. Wayson and Mr. Ross would be leaving the meeting to attend the funeral with other staff members. They will rejoin the meeting upon their return.

Board members signed wall certificates.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.660(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 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 1995-0034, 2001-0195, 2001-0111, 1999-0058, 1985-0023, and 1994-0193. The applicant in case 2001-0250 appeared before the Board for an interview with applicant's counsel present via conference phone.

OPEN SESSION: The Board returned to Open Session.

Dr. Martin welcomed senior dental hygiene students from OHSU who were present to observe the Board meeting.

Dr. Martin advised those present that after Association Reports, the meeting agenda would be re-arranged slightly and the Board would go into Executive Session briefly to discuss examination procedures and materials after which the Board would return to Open session.

NEW BUSINESS

ASSOCIATION REPORTS

Oregon Dental Association

Ms. Fletcher reported that the officers of the ODA are attending the ODA meeting at Sunriver and are unable to attend this Board meeting. Dr. McCully thanked the ODA for providing a courtesy table for the Board at the Oregon Dental Conference. He said that the Board representatives were able to answer a lot of questions and distributed a lot of printed material. He said the Board's presence seemed to be well received and hopes that this can be a permanent arrangement for future ODC meetings. Ms. Fletcher said that she would share the information with ODA officers and leadership.

Oregon Dental Hygienists' Association

No representatives of the ODHA were present, however, Ms. Young said that Ms. Ironside had requested that she report that the ODHA officers are at a meeting in Florence and unable to attend this Board meeting.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.660(1)(f) and 192.501(4) to discuss the conduct, procedures, administration, grading and evaluation of the Board's dental specialty examinations with Dr. Clayton Stearns, chair of the workgroup looking at this issue.

OPEN SESSION: The Board returned to Open Session and the audience was welcomed back into the room.

COMMITTEE AND LIAISON REPORTS

WREB Examiner and Committee Reports

Ms. Young said that she served as an examiner at a CRDTS Dental Hygiene examination at Southern Illinois University at Carbondale.

Dr. McCully participated as an examiner at the WREB dental exam in April at the University of Colorado in Denver.

Ms. Lee said that she was Chief examiner at the April dental hygiene anesthesia exam at Lane Community College in Eugene.

Dr. Johnson said the WREB Operative Committee met in Phoenix recently and discussed the proposal to eliminate the indirect gold restoration procedure from future dental exams. He said that he suggested that the candidate be given the choice of performing two of the three procedures. This is a very controversial issue. He said proposal of the Operative Committee now goes to the Exam Review Committee and then to the Board of Directors.

Standing Committee and Liaison Reports

- 2002-2003 Standing Committees -- Dr. Martin said that she had talked to all of the Board members about assignments to various committees for the coming year and the list of committees is provided in the Board notebook.
- AADE Liaison – Dr. Martin said that Dr. Johnson has expressed some concern about the value of the Board's continued participation in AADE. Ms. Bones asked if she could speak to this. Dr. Johnson said he would welcome her thoughts. Ms. Bones said that the AADE is the only national organization that represents licensure Boards for dentistry and dental hygiene to the ADA. The AADE elects representatives from its members to the ADA Council on Dental Accreditation and the AADE's Executive Director represents dental licensing agencies at meetings of the Executive Committee of the National Practitioner's Data Bank. She said that she feels membership, while expensive, the Board's participation is important for the level of representation on a national level that is obtained. The Board thanked Ms. Bones for her comments.
- Ownership Workgroup – Dr. Short reported that the workgroup has had several meetings to discuss proposed changes to the law. The last meeting was on April 18 at the ODA. He said that there is consensus on some issues but there is still a lot of work to do. The group will meet again on May 23.

EXECUTIVE DIRECTOR'S REPORT

Budget Status

A budget status report, including expenses paid and revenue received through March 2002, was provided for Board review.

ADA, AADE AND AADA Meetings

The Executive Director attended three meetings in Chicago, IL March 16 – 19, 2002. A report was submitted for Board member review.

Radiologic Proficiency Training Requirements

Ms. Bones reported that in April she and Ms. Haynes attended a meeting with representatives of the Department of Human Services, Health Services (formerly the Health Division) regarding requirements for training of dental assistants to become certified to take x-rays in dental offices. The agency proposes to amend its radiation use and safety-training requirement for dental assistants from 40 hours to 30 hours and to allow students in approved programs to take x-rays (push the button) under direct supervision. They also plan to review any on-line radiation training programs to determine if the courses meet the agency's curriculum requirements. They hope that this will aid dentists and dental assistants in rural areas in obtaining the required training in a more timely and effective manner.

Dr. McCully said that this proposal is not satisfactory and that the Board should continue to seek authority to regulate the taking of x-rays in dental offices. ODA representative Beryl Fletcher also expressed that the ODA would not support the Board withdrawing its legislative concept. Dr. Martin said that the Board had not contemplated withdrawing its legislative concept.

Board and Staff Speaking Engagements

Ms. Bones reported that the Board had a courtesy table at the Oregon Dental Association annual session April 15 and 16. Dr. McCully, Ms. Hudson, Dr. Kleinstub and Ms. Haynes “staffed” the table during these two days, answered questions and distributed hundreds of copies of the Dental Practice Act and various flyers and brochures to dentists, dental hygienists and dental assistants in attendance. Ms. Young distributed some of these materials to dental hygienists that attended a separate meeting at the Double Tree that was held at the same time as the ODA conference.

Dr. Kelley is scheduled to speak to the Lane County Periodontal Study Club in Eugene on May 17.

Dr. Kleinstub is scheduled to speak to the senior dental hygiene students at OHSU on May 8, dental hygiene students at Portland Community College on May 10, and the dental hygiene students at Mt. Hood Community College on May 29.

Future Board-related Conferences

Ms. Bones said that there are several upcoming conferences scheduled and the Board should decide who would represent the Board at these meetings.

- Western Conference of Dental School Deans and Examiners
July 18 - 21 Park City, Utah
(The WREB Board of Directors and dental and dental hygiene exam review committees will meet immediately prior to the Western Conference at the same location)
- American Association of Dental Administrators (AADA)
October 14 – 16 New Orleans, LA
- American Association of Dental Examiners (AADE)
October 17 – 18 New Orleans, LA
- AADE Board Attorneys’ Roundtable
October 17 – 18 New Orleans, LA

Dr. Johnson moved and Ms. Young seconded that the Board authorize Ms. Bones to attend the AADA and AADE meetings; Ms. Lindley to attend the AADE Board Attorney’s Roundtable; and Board appointed AADE Liaisons to attend the AADE annual meeting. Ms. Bones said that she would like for Ms. Lindley to attend at least a portion of the AADA meeting if possible. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

Dr. Johnson said that he would check his calendar to see if he could attend the Western Conference of Dental Examiners and Dental School Deans after the WREB Board of Directors meeting.

CORRESPONDENCE

American Dental Association, Glenn Oliver, Manager of Test Administration regarding National Board Dental Examinations July 15-16, 2002 at OHSU.

American Dental Association, Cheryl Parker, Manager, Allied Dental Program Reviews regarding site visits at Portland Community College and Chemeketa Community College.

American Dental Association, Dr. Deron Ohtani, Chairman, Council on Dental Education and Licensure regarding proposed changes to ADA Policies *Guidelines for Licensure and Specialty Licensure*.

Western Regional Examining Board, Linda Paul, Executive Director regarding administrators' meeting in conjunction with Western Conference of Dental Examiners and Dental School Deans.

Western Regional Examining Board, Linda Paul, Executive Director regarding Board of Directors meeting July 18, Dental Hygiene Exam Review Committee Meeting, Dental Exam Review Committee Meeting July 17, 2002, in Park City, Utah preceding the Western Conference of Dental School Deans and Examiners.

Separate letters from Tom Kennedy, Steve Henwood, Caroline Skinner, Esther Gross and Mary Ann Newell regarding the Board's March 8, 2002 action rescinding its policy regarding dental amalgam.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4438	Amy L. McDonald, R.D.H.	02/25/2002
H4439	Holli A. Gurney, R.D.H.	02/26/2002
H4440	Diem T. Nguyen, R.D.H.	03/15/2002
H4441	Kathi A. Major, R.D.H.	03/28/2002
H4442	Andrea L. Sipes, R.D.H.	04/03/2002
H4443	Alison J. Johnson, R.D.H.	04/19/2002
H4444	Maria T. Williams, R.D.H.	04/19/2002
H4445	Cindy Hong-Engelhard, R.D.H.	04/19/2002
H4446	Sally L. Hauser, R.D.H.	04/19/2002

Dentists

D8046	Liuning Yu, D.D.S.	02/26/2002
D8047	Virginia L. McMillan, D.D.S.	02/27/2002
D8048	Richard E. Sipes, D.D.S.	03/19/2002
D8049	Adam Ho, D.D.S.	03/19/2002
D8050	Michael L. Gold, D.M.D.	03/21/2002
D8051	Angela L. Blizzard, D.M.D.	03/27/2002
D8052	James R. Mularczyk, D.D.S.	03/28/2002
D8053	Margaret Giruc, D.D.S.	03/28/2002
D8054	Steven Wan, D.D.S.	03/28/2002
D8055	Delon K. Gilbert, D.D.S.	04/03/2002
D8056	Daniel M. Meyers, D.D.S.	04/12/2002
D8057	James W. Toothaker, D.D.S.	04/19/2002
D8058	Kenneth J. Huff, D.D.S.	04/19/2002
D8059	Ashley A. Ewen, D.M.D.	04/19/2002

OTHER BUSINESS

Articles and News of Interest (No Action Necessary)

- Oregon Health Forum, "Poison in Your Mouth," March 2002
- ADA, State Legislative Report, March 2002
- ADA, State Legislative Report, April 2002
- Arkansas State Board of Dental Examiners, Newsletter, February 2002
- Nebraska Board of Dentistry, Newsletter, February 2002
- Idaho State Board of Dentistry, News, Winter 2002
- Oregon Board of Medical Examiners, Report, Winter/Spring 2002

Issues and Concerns

- Retreat – Dr. Martin said that over the past several months the Board has identified several issues that should be dealt with in a planning session and asked members to identify a date for a retreat. Being unable to identify a date mutually agreeable to all members, Dr. Martin said that the first two hours of the June Board meeting would be devoted to strategic planning.
- Performance Measures – Dr. Martin said that due to the passage of HB 3358 by the 2001 Legislative Assembly, agencies are required to utilize performance measures to work toward achievement of identified missions, goals and objectives. The identified performance measures and targets are to be included in the agency's budget document. To this end, she said that she, Ms. Hudson and Ms. Lee had met with Ms. Bones to begin initial discussion of this requirement. The workgroup identified five items related to agency goals that could be used to tie the Board's performance to its strategic plan and recommended adoption of the measures. Dr. Short moved and Dr. Kelley seconded that the Board adopt the five measures as follows:

Performance Measure Target: Publish and distribute a newsletter two times per year to all licensees and post on the website.

Performance Measure Target: Conduct education and information sessions for 10% of licensees and 50% of Oregon dental and dental hygiene senior students.

Performance Measure Target: Audit 15% of licensees each year for compliance with continuing education requirements.

Performance Measure Target: Complaints submitted to the Board will be investigated and appropriate action determined (Board action) within six months.

Performance Measure Target: Licenses will be issued or renewed within 14 days of receipt of the fee and the required application/renewal package.

The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

- Investigative process and timelines – Dr. Martin said that the discussion involving performance measures also raised questions about the efficiency of the complaint handling process and asked the Board to think about whether there are better ways to

deal with the workload that would help process the work effectively while still being fair and thorough.

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OPEN SESSION: The Board returned to Open Session

ENFORCEMENT

CONSENT AGENDA

2002-0199, 2002-0156, 2002-0192, 2002-0188 Dr. McCully moved and Dr. Kelley seconded that these cases be closed per the recommendations. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

COMPLETED CASES

2002-0116, 2002-0108, 2002-0081, 2001-0030, 2002-0082, 2001-0029, 2000-0265, 2001-0047, 2001-0055, 2002-0022, 2002-0115, 2002-0102, 2002-0099, 2002-0131, 2002-0090, 2002-0064 Dr. Short moved and Dr. Kelley seconded these cases be closed with a finding of no violation of the Dental Practice Act or no further action, per the recommendations. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2000-0071 Dr. Kelley moved and Ms. Young 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 a reprimand, a civil penalty in the amount of \$3,000.00, three hours of continuing education in record keeping within six months, and 30 hours of community service within six months, per the standard protocols. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0088 Ms. Young 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 be placed on probation for a period not to exceed 5 years, and pay a civil penalty in the amount of \$5,000.00 within 60 days from the effective date of the Consent Order. Licensee shall surrender his Drug Enforcement Administration registration within 15 days of the effective date of the Order and shall not reapply for a Drug Enforcement Administration registration without the Board's permission. Licensee shall successfully complete 3 hours of Board pre-approved continuing education in the area of record keeping within one year of the effective date of the Consent Order, and the Licensee's privilege to practice dentistry in the state of Oregon would be suspended for 14 consecutive days to be completed within 90 days from the effective date of the Consent Order, per the standard protocols. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0074 Dr. Grant moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern to the doctor reminding the Licensee that he must adhere to the requirements of OAR 818-012-0010 regarding record keeping of controlled substances. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0065 Ms. Lee moved and Ms. Young 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 civil penalty in the amount of \$1,000.00, and to complete the 40 hours of Board approved continuing education required for the licensing period that ended March 31, 2000 within three months from the effective date of this Order. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0068 Dr. Short moved and Dr. Johnson seconded close the matter with a Letter of Concern too the doctor addressing the issue of attempting to provide treatment when better treatment is available from those with special skills and also stressing the importance of seeking consultation with peers or those with special skills before undertaking complex procedures. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

2000-0173 Dr. Johnson moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern addressing the issues of insuring that informed consent material includes potential adverse outcomes and risks, and that diagnostic measurements are documented. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0079 Dr. McCully moved and Ms. Young 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 civil penalty in the amount of \$5,000.00, to complete 17 hours of Board approved continuing education in pharmacology and three hours of continuing education in record keeping, and to be placed on probation for a period of two years from the date the Consent Order is signed. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0151 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 a reprimand, to pay a civil penalty in the amount of \$1,000.00, and to take and pass the Board's Jurisprudence Examination within 60 days of the effective date of the Consent Order. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0077 Ms. Young moved and Dr. Kelley seconded that the Board close this matter with a Letter of Concern to the Licensee addressing the issues of ensuring that diagnoses are documented prior to initiating treatment, that the use of local anesthetic is documented, that when doing periodontal pocket probing the findings are documented on a probing chart, that the names of restorative materials used are documented, and that all treatment that is provided is documented. Also send the Complainant a letter explaining that although there was an unfortunate loss of teeth due to advanced periodontal disease following a long course of care by the Licensee however the Board's review of the documentation indicated that attempts to solicit patient cooperation in her periodontal health were unsuccessful. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0259 Dr. Grant 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 complete three hours of Board approved continuing education in record keeping within one year of the effective date of the Order, to pay a civil penalty in the amount of

\$5,000.00, agree to not order, store, or dispense controlled substances from the licensee's office for a period of three years, and to utilize triplicate prescription pads for all prescriptions written, per the standard protocols. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0024 Ms. Lee moved and Ms. Young seconded that the Board include the allegations in this matter in the Notice of Proposed License Revocation issued by the Board following the September 21, 2001 meeting in cases 1990-0114, 1990-0124, 1990-095, 1990-0225, 1991-0037, 1991-0173, 1993-0174, and 1995-0151. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0048 Dr. Johnson moved and Ms. Young seconded that the Board incorporate this matter with case numbers 2000-0189, 2000-0191 and 2000-0227 currently being handled by Board counsel. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0020 Ms. Swart moved and Ms. Young 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 take three hours of continuing education in record keeping. The motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Kelley voted no. Dr. McCully abstained.

2000-0268 Dr. McCully moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern to the dentist reminding the dentist that, effective with July 2000 rule changes, continuing education in practice management is limited to four hours per licensure period. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0097 Dr. Kelley moved and Ms. Young 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 make a \$2,000.00 payment to the patient to cover the repair to teeth #8 and 9 and revision of the associated gingival soft tissues. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0071 Ms. Young 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 pay a civil penalty in the amount of \$1,000.00, and to complete the 40 hours of Board approved continuing education required for the licensure period that ended March 31, 2000 within three months of the date of the Consent Order; and to perform 20 hours of unremunerated community service in the form of direct dental patient care within six months of the effective date of the Order. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0107 Dr. Grant moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern to the doctor addressing the issue of ensuring that the Licensee document the amount and dosage of medications prescribed, diagnoses prior to providing treatment, and also that PARQ or its equivalent when obtaining informed consent. Also, send the Complainant a letter explaining that although the Board had concerns about some aspects of the chart documentation, the treatment that was received and the endodontic therapy that had to be redone did not warrant disciplinary action. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0242 Ms. Lee moved and Ms. Young seconded that the Board close the matter with a Letter of Concern to the Licensee reminding the Licensee that all Licensees of the Board are obligated to review, understand, and be in compliance with the Board's rules and statutes that address supervision, authorization, and scope of practice of all licensees. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0049 Dr. Kelley moved and Dr. Johnson seconded that the Board issue a Notice of Proposed License Revocation and open an OBD complaint into the possible unlicensed practice of dentistry by the dentist/hygienist. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0095 Ms. Young moved and Dr. McCully 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 eight hours of Board approved, hands-on continuing education in crown and bridge and three hours of continuing education in record keeping. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0003 Dr. Grant moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern to the dentist addressing the issues of ensuring that treatment records accurately detail treatment that was provided. Also, to send the Complainant a letter explaining that although TMJ symptoms arose during the course of treatment by the Licensee, there was no evidence that the treatment provided was the sole and direct cause of the development of the TMJ problem, and the Board did not feel that disciplinary action was warranted. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0075 Ms. Lee moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern to the Licensee addressing the issue of ensuring that treatment, radiographs, diagnoses, prescriptions and 'PARQ' are accurately documents in patient records. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0149 Ms. Swart moved and Ms. Lee 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 civil penalty in the amount of \$1,000.00, to complete 20 hours of community service in the form of unremunerated direct patient dental hygiene patient care within six months, per the standard protocols; and to take a three hour course in record keeping. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

1999-0157 Dr. Johnson moved and Ms. Young seconded that the Board rescind its vote of 02/09/01 to issue a Notice of Proposed Disciplinary Action in this case pending further investigation. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

2002-0112 Dr. McCully moved and Mr. Swart seconded that the Board reject the Licensee's proposed Consent Order to resolve this matter and offer the Licensee a Consent Order in which

the Licensee would agree to be reprimanded and to pay a civil penalty in the amount of \$4,000.00.

Dr. Johnson moved and Dr. Kelley seconded to amend the motion to increase the civil penalty amount of \$7,500.00 (the amount in the Board's original proposed Consent Order). The motion to amend passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Mr. Swart and Ms. Young voting aye. Dr. McCully and Dr. Short voted no.

The amended motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, and Ms. Young voting aye. Dr. McCully, Dr. Short and Mr. Swart voted no.

1997-0145 and 1996-0153 Dr. Kelley moved and Dr. McCully seconded that the Board close these matters with no further action and issue an Order dismissing the case and withdrawing the Notice of Proposed Disciplinary Action dated 8/30/00 as the issues of concern to the Board have been resolved. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

1994-0021 Ms. Lee moved and Dr. Grant seconded that the Board deny the Licensee's request to amend Licensee's Consent Order to allow Licensee to prescribe narcotics and advise the Licensee that adequate non-narcotic analgesic medications are available. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0046 and 2002-0020 The Board tabled Licensee's request to the June 28, 2002 meeting.

LICENSING ISSUES

2002-0181 Dr. Grant moved and Dr. Kelley seconded that the Board close this matter and issue a dental license to the applicant. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0067 Ms. Lee 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 pay a civil penalty in the amount of \$500.00, to complete ten hours of community service in the form of unremunerated direct patient dental care, and probation until 9/30/05, during which time Licensee will submit documentation verifying and completion of all continuing education for the license periods 10/1/01 to 9/30/03 and 10/1/03 to 9/30/05. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Mr. Swart and Ms. Young voting aye. Dr. Short voted no. Dr. McCully abstained.

2001-0250 Mr. Swart moved and Dr. Kelley seconded that the Board close this matter and grant a dental hygiene license to the applicant upon completion of all requirements for licensure. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2000-0260 Ms. Young moved and Dr. Kelley seconded that this matter be tabled definitely until the next meeting. The motion failed with Ms. Young, Dr. Johnson and Dr. Kelley voting aye. Dr. McCully, Dr. Grant and Ms. Lee voted no. Dr. Short and Mr. Swart abstained.

On advice of counsel, the Board moved to **Executive Session** pursuant to ORS 192.660(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 materials and investigatory information.

The Board returned to **Open Session**.

Ms. Young moved and Dr. McCully seconded that the Board close this matter and reactivate the dental license. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, and Ms. Young voting aye. Dr. Johnson, Dr. Short and Mr. Swart abstained.

2002-0201 Dr. Johnson moved and Dr. Kelley seconded that this matter be tabled definitely until the next meeting. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee and Mr. Swart voting aye. Dr. McCully, Dr. Short and Ms. Young voted no.

MINUTES

Dr. McCully moved and Ms. Young seconded that the Minutes of the March 8, 2002 regular meeting be approved as submitted. The motion passed with Dr. Grant, Dr. Johnson, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

ADJOURNMENT

The meeting was adjourned at 5:30 p.m.

Approved by the Board June 28, 2002

Jean Martin, DDS, MPH
President