OREGON BOARD OF DENTISTRY
MINUTES
August 23, 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, 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.

Strategic Planning

Dr. Martin said that she wanted the Board to continue its discussion of the Board's Strategic Plan, which was started at the June 28 meeting. She said that the notes from the June meeting had been circulated and the Six-Year Plan has been distributed as Draft # Three. She said that many of the outcomes that the Board had identified had been incorporated into the agency budget document under "Agency Initiatives" and asked that the Board review these two documents for any further modification. Ms. Lee asked if the two documents could be combined. Dr. Martin said that it would be done. Dr. Martin said that one specific issue she wanted the Board to address in preparation for the Legislative Session and in line with the Board's identified goals was to review what the Board sees as needing to be changed (if anything) regarding ownership of dental practices; i.e., are there things that need to be in the statute that aren't there? Dr. McCully said that one of the issues that is frustrating is seeing cases where a patient has been seen for years at the same multi-practitioner clinic and there are problems with the care provided but no one dentist can be identified as having done anything wrong. There is no way in these situations for the Board to discipline the group practice. Dr. Grant and Ms. Lee stated that the law needs to address the issue of requiring that one dentist be identified as the "primary dentist in charge" so that the Board and the patient know who is responsible for the over care of the patient. The Board discussed the concept of regulating dental practices. It was agreed that this might be more than the Board can or would want to deal with. As long as there is an identified "dentist in charge" there should be reasonable accountability for patient care. It was pointed out that there is already language regarding this under 679.020(4) regarding dental clinics operated by labor organizations. Dr.

Martin asked if the Board had a concern, in the context of the Board's Mission to protect patient care, about the minority ownership of dental practices by non-licensees. Both Dr. Kelley and Ms. Young said that they felt that a 49% ownership by a non-licensee might produce an undue influence on a dentist but that they would be comfortable with a lesser percentage – perhaps 25%. Dr. Short said that all licensees need to be responsible for patient care issues and that he does not believe that any minority percentage amount should make a difference as long as it is less than 51%. Ms. Lee said that the focus needs to be on licensees being responsible for patient care not on tax advantages or who operates a dental practice. The Board consensus was that the Board had no issue with the concept of minority ownership in principle. The Board also confirmed its continued support of the Board's position in 2000 regarding changes needed to the statute regarding ownership: 1. Government entities should be authorized to own and operate a dental clinic. 2. Quasi-governmental entities (such as OHSU) should be authorized to own and operate a dental clinic. 3. Non-profit groups should be allowed to own and operate dental clinics. And 4. Provision should be made for the orderly transition of a dental practice when the owner dentist becomes disabled or dies.

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 1993-0183, 1994-0193, 1999-0064, 2001-0111, 1999-0174 and 1999-0058.

OPEN SESSION: The Board returned to Open Session.

NEW BUSINESS

ASSOCIATION REPORTS

Oregon Dental Association

Dr. Mark Jensen reported that the Ownership Taskforce is working hard on developing legislation that will address the issue of ownership of dental practices. He said the Taskforce feels strongly that they will have a mutually agreed upon final product before the Legislature convenes in January. Dr. Jensen said that the ODA is looking forward to supporting the Board's legislative package at the next Legislative session. He said that the ODA receives a lot of telephone calls asking about what courses qualify for meeting the Board's required C.E. He said there is a lot of confusion about what will meet the requirement that courses are "directly related to clinical patient care." He requested that the Board provide clarification on this issue. Ms. Fletcher added that courses that are being questioned are related to HIPAA, coding, OSHA courses and practice management.

Dr. Jensen congratulated Dr. McCully on his recognition as Dentist of the Year by the Oregon Academy of General Dentistry. He then introduced Dr. Jan Peterson as the next ODA Vice President who will be attending Board meetings as ODA liaison.

Oregon Dental Hygienists' Association
Ms. Ironside said the ODHA had no report.

COMMITTEE AND LIAISON REPORTS
WREB Examiner and Committee Reports

- Board of Directors Meeting and Dental Exam Review Committee
  Dr. Johnson reported that he attended the Dental Exam Review Committee meetings July 17 and the WREB Board of Directors meeting July 18 in Park City, Utah. He said that WREB, CRDTS and SRTA continue to collaborate and work toward one common clinical exam sometime in the future. He also reported that the Board of Directors voted to change the 2003 dental exam to give candidates the option of performing any two out of three restorations. The candidates must choose among a posterior composite, amalgam or cast gold restoration. Dr. Johnson also said that he has noticed the importance of continuity for the person who represents the Board on the WREB Board of Directors and the Dental Exam Review Committee.

- Dental Hygiene Exam Review Committee
  Ms. Lee reported that she attended the WREB Dental Hygiene Exam Review Committee meeting on July 17 in Park City. She said that the ERC spends a lot of time fine-tuning the exams and reviewing post-op care issues. She mentioned the WREB proposal to raise the pass rate from 70% to 75% and that the ERC approved this proposal. Ms. Lee explained that this is not a matter of making the exam more difficult, instead it is a weighting issue—adjusting the point alignment, which will not affect the pass rate.

- Examiner Reports - none

Standing Committee and Liaison Reports

- There were no committee reports.

- Western Conference of Dental Examiners and Dental School Deans
  Ms. Bones reported that she attended the Western Conference in Park City, July 19 – 21. The theme of the conference was "The role of the patient in clinical education and dental testing." She said it was a very good conference with presentations from dental schools, examining boards, State boards, AADE and the American Dental Student Association. The consensus of the meeting was dental and dental hygiene education and examination for licensure still needs to use patients. Ms. Bones said that if anyone is interested, the meeting materials are in her office. Next year's conference will be July 18-20 in New Mexico.

EXECUTIVE DIRECTOR'S REPORT
Budget Status
A budget status report, including expenses paid and revenue received through June 2002, was provided for Board review. Ms. Bones said that this report, showing end of the first fiscal year, puts the Board budget in a good position with 51% of projected revenues received and 48% of approved budget spent.

Board and Staff speaking engagements-none

2003 Board Meeting Dates
The Board approved the following dates for 2003 Board meetings:

January 31
March 21
May 23
July 25
September 19, and
November 21

Website
The Licensee Lookup function is active on the website.

Workload Report
Ms. Bones presented workload statistics for licenses issued, investigations opened, cases closed and case outcomes.

CORRESPONDENCE
Nevadans for Oral Health Care Coalition, Shari Peterson, CDA, RDH, M.Ed. requesting information regarding self-regulation of dental hygienists. Board members indicated that the writer of this letter does not understand that Oregon does not have self-regulation for dental hygienists. Ms. Bones said that this had been explained to Ms. Peterson but that she had requested that the letter be presented to the Board. The Board instructed that Ms. Bones reiterate to the writer the Board's regulations regarding Limited Access Permits.

Oregon Department of Justice regarding Emergency Management Assistance Compact. Ms. Lindley explained that the Emergency Management Assistance Compact allows a professional licensed in one State to practice in another State that is a member of the Emergency Management Assistance Compact to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting state may prescribe by executive order or otherwise.

Glen M. Shimshak, DMD regarding the issue of dental hygienists providing care to patients who have received both a single agent oral sedative and nitrous oxide sedation. Staff was directed to inform Dr. Shimshak that a only dentist holding a Class II anesthesia permit may perform procedures on patients receiving both an oral sedative and nitrous oxide. After some discussion, Dr. Kelley said that this and other anesthesia related issues need to be addressed by the Anesthesia Committee.

American Dental Association, Linda Kittelson, MS, RN, Manager, Dentist Well Being Programs providing information about constituent dental society dentist assistance programs.

Dental Assisting National Board, Inc., Cynthia Durley, MEd, MBA, Executive Director, regarding DANB's "2001 Salary Survey of DANB-Certified Assistants" and Executive Summary.

LICENSURE AND EXAMINATION

Ratification of Licenses Issued

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

Dental Hygienists

H4458	Lorrie J. Roalstad, R.D.H.	June 28, 2002
H4459	Anthony J. Lewis, R.D.H.	June 28, 2002
H4460	Angel M. Waddill,R.D.H.	July 3, 2002
H4461	Laurie M. Leal, R.D.H.	July 3, 2002
H4462	Julie A. Parsons, R.D.H.	July 3, 2002
H4463	Sandra R. Curren, R.D.H.	July 3, 2002
H4464	Maryann R. Boss, R.D.H.	July 3, 2002
H4465	Ericka M. Siewert, R.D.H.	July 3, 2002
H4466	Connie M. Fullmer, R.D.H.	July 3, 2002
H4467	Ann M. Engelstad, R.D.H.	July 3, 2002
H4468	Kelsey L. Nathman, R.D.H.	July 3, 2002
H4469	Karen L. Burnett, R.D.H.	July 5, 2002
H4470	Tonya R. Hendrix, R.D.H.	July 5, 2002
H4471	Cristina L. Deleon, R.D.H.	July 5, 2002
H4472	Angela L. Schaffner, R.D.H.	July 5, 2002
H4473	Barbara M. Cook, R.D.H.	July 8, 2002
H4474	Allison N. Dodge, R.D.H.	July 8, 2002
H4475	Jena M. Gardner, R.D.H.	July 8, 2002
H4476	Yvette J. Butler, R.D.H.	July 8, 2002
H4477	Molly M. Philbrook, R.D.H.	July 8, 2002
H4478	Shelia A. Saltmarsh, R.D.H.	July 8, 2002
H4479	Jillyn H. Haddock, R.D.H.	July 8, 2002
H4480	Carol L. Guerin, R.D.H.	July 8, 2002
H4481	Diane R. Victoria, R.D.H.	July 8, 2002
H4482	Rachel K. Shull, R.D.H.	July 9, 2002
H4483	Kent T. Christensen, R.D.H.	July 9, 2002
H4484	Patrick A. Berger, R.D.H.	July 9, 2002
H4485	Jennifer C. Leeper, R.D.H.	July 10, 2002
H4486	Christie B. Schlesinger, R.D.H.	July 11, 2002
H4487	Deanne S. Feller, R.D.H.	July 11, 2002
H4488	Lyubov Bazyuk, R.D.H.	July 11, 2002
H4489	Laurie J. Gipson, R.D.H.	July 12, 2002
H4490	Mary H. Preston, R.D.H.	July 12, 2002
H4491	Christina Figueroa, R.D.H.	July 12, 2002
H4492	Arlene M. Rogers, R.D.H.	July 12, 2002
H4493	Gilann D. Bourne, R.D.H.	July 12, 2002
H4494	Winnie Alcover, R.D.H.	July 16, 2002
H4495	Diep H. Nguyen, R.D.H.	July 16, 2002
H4496	Madeline J. Moline, R.D.H.	July 16, 2002
H4497	Rachele R. Ripp, R.D.H.	July 16, 2002
H4498	Lilliane M. Wright, R.D.H.	July 16, 2002

H4499	Katie L. Murdock, R.D.H.	July 16, 2002
H4500	Melanie A. Landstra, R.D.H.	July 16, 2002
H4501	Jennifer E. Hockema, R.D.H.	July 16, 2002
H4502	Dion M. Hayes, R.D.H.	July 16, 2002
H4503	Heidi M. Allen, R.D.H.	July 16, 2002
H4504	Karen L. Carr, R.D.H.	July 16, 2002
H4505	Thuytien H. Nguyen, R.D.H.	July 16, 2002
H4506	Darcie C. O'Neil, R.D.H.	July 16, 2002
H4507	Darci R. smyres, R.D.H.	July 17, 2002
H4508	Lu Cinda J. Anderson, R.D.H.	July 19, 2002
H4509	Irene E. Hines, R.D.H.	July 19, 2002
H4510	Vania Helmer, R.D.H.	July 19, 2002
H4511	Sara M. Boice, R.D.H.	July 19, 2002
H4512	Holly E. Erenfeld, R.D.H.	July 19, 2002
H4513	Staci E. McFarland, R.D.H.	July 19, 2002
H4514	Deanna E. Kercher, R.D.H.	July 19, 2002
H4515	Daniele L. Larsen, R.D.H.	July 19, 2002
H4516	Janette V. Hatcher, R.D.H.	July 19, 2002
H4517	Susan R. Hatch, R.D.H.	July 23, 2002
H4518	Sara C. MCComas, R.D.H.	July 24, 2002
H4519	Ginger V. Smathers, R.D.H.	July 24, 2002
H4520	Sharon L. Roberts, R.D.H.	July 24, 2002
H4521	Karla L. Preston, R.D.H.	July 24, 2002
H4522	Cindy L. McKay, R.D.H.	July 25, 2002
H4523	Oanh H. Truong, R.D.H.	July 25, 2002
H4524	Kristi L. Hardy, R.D.H.	July 25, 2002
H4525	Rebecca M. Lawson, R.D.H.	July 25, 2002
H4526	Laura J. Ellison, R.D.H.	July 26, 2002
H4527	Jessica J. Hays, R.D.H.	July 26, 2002
H4528	Teresa A. Voreis, R.D.H.	July 30, 2002
H4529	Somchanh Vongsoury, R.D.H.	July 30, 2002
H4530	Angela R. Mazloomi R.D.H.	August 2, 2002
H4531	Katie M. Paul, R.D.H.	August 2, 2002
H4532	Rian D. Zink, R.D.H.	August 7, 2002
H4533	Andrea J. Harris, R.D.H.	August 8, 2002
H4534	Melinda E. Gotshall, R.D.H.	August 9, 2002
H4535	Heidi J. Hallmann, R.D.H.	August 9, 2002
H4536	Heather M. Claassen, R.D.H.	August 12, 2002
H4537	Cheryl L. Hastings, R.D.H.	August 13, 2002

Dentists

D8082	Yi Liu, D.D.S.	June 19, 2002
D8083	Sye-Joon Lee, D.M.D.	June 20, 2002
D8084	Raymond M. Hotz, D.D.S.	June 20, 2002
D8085	Bernardo E. Taina, D.D.S.	June 21, 2002
D8086	Jared R. Anderson, D.D.S.	June 26, 2002
D8087	Donald W. Ririe, D.D.S.	June 26, 2002
D8088	Shon D. Rooks, D.D.S.	June 26, 2002
D8089	Diane M. Witczak, D.D.S.	June 27, 2002

D8090	Keri L. Smith, D.D.S.	June 27, 2002
D8091	Jonathan S. Ludwig, D.M.D.	June 27, 2002
D8092	David R. Hiebert, D.D.S.	June 27, 2002
D8093	Kunwar Vir, D.M.D.	June 27, 2002
D8094	Todd M. Young, D.D.S.	June 27, 2002
D8095	Chung-Jae Park, D.D.S.	July 2, 2002
D8096	Manoj B. Patel, D.M.D.	July 2, 2002
D8097	Louis J. Tricerri, D.D.S.	July 2, 2002
D8098	Ryan D. Murphy, D.D.S.	July 3, 2002
D8099	Katherine L. Leech, D.D.S.	July 3, 2002
D8101	Carmela M. Barinaga, D.M.D.	July 5, 2002
D8102	William B. Whittemore, D.M.D.	July 8, 2002
D8103	Mimi Poon, D.M.D.	July 8, 2002
D8104	Jo-Anna Tan, D.D.S.	July 8, 2002
D8105	Howard F. Blessing, D.M.D.	July 8, 2002
D8106	Matthew J. Walls, D.D.S.	July 8, 2002
D8107	Joshua B. Even, D.M.D.	July 9, 2002
D8108	Wayne A. Hopper, D.M.D.	July 9, 2002
D8109	Clint E. Rau, D.D.S.	July 9, 2002
D8110	Brian J. Jacobsen, D.M.D.	July 9, 2002
D8111	Bryce R. Willcox, D.M.D.	July 9, 2002
D8112	Matthew F. Brady, D.D.S.	July 9, 2002
D8113	Linda H. Le, D.D.S.	July 12, 2002
D8114	Aaron B. Stensvad, D.M.D.	July 12, 2002
D8115	Benjamin J. Wolfe, D.M.D.	July 12, 2002
D8116	Stuart K. Parks, D.M.D.	July 12, 2002
D8117	Josephine L. Stokes, D.D.S.	July 12, 2002
D8119	Sherry D. Edwards, D.D.S.	July 16, 2002
D8120	Mark S. Moeller, D.D.S.	July 16, 2002
D8121	Matthew A. Almeida, D.M.D.	July 16, 2002
D8122	Megan L. Muth, D.M.D.	July 16, 2002
D8123	Raquel I Baranov, D.D.S.	July 16, 2002
D8124	Mary A. Yoo, D.D.S.	July 16, 2002
D8125	David A. Allen, D.D.S.	July 16, 2002
D8126	Paul Chung, D.D.S.	July 16, 2002
D8127	Timothy J. Houlihan, D.M.D.	July 19, 2002
D8128	Marcus G. Stones, D.M.D.	July 19, 2002
D8129	Tracy R. Stauffer, D.D.S.	July 19, 2002
D8130	Constance V. Mahlik, D.D.S.	July 19, 2002
D8131	Bernt E. White, D.M.D.	July 22, 2002
D8132	Drew T. Herion, D.D.S.	July 22, 2002
D8133	Leslie A. Mitchell, D.M.D.	July 22, 2002
D8134	Ryan J. Hughes, D.D.S.	July 22, 2002
D8135	Brian J. Rosenzweig, D.M.D.	July 23, 2002
D8136	Lauren L. Timmons, D.M.D.	July 23, 2002
D8137	Leonard E. Beierle, D.D.S.	July 23, 2002
D8139	Ronald C. Abaro, D.D.S.	July 24, 2002
D8140	Jason Henderson, D.M.D.	July 24, 2002
D8141	Matthew B. Chase, D.M.D.	July 24, 2002
D8142	James A. Nelson, D.D.S.	July 24, 2002

D8143	Tricia D. Philpps, D.D.S.	July 24, 2002
D8144	Brandon T. Johnson, D.D.S.	July 24, 2002
D8145	Tiffany M. Duff, D.M.D.	July 26, 2002
D8146	Mahtab Saadatmandi, D.M.D.	July 26, 2002
D8147	Vincent J. Vu, D.D.S.	July 26, 2002
D8148	Nadia A. Winstead, D.M.D.	July 26, 2002
D8149	Lisa L. Bozzetti, D.D.S.	July 26, 2002
D8150	Dang Khoa P. Hoang, D.M.D.	July 26, 2002
D8151	James V. Anderson, D.M.D.	July 26, 2002
D8152	Errin J. Pfeifer, D.M.D.	July 31, 2002
D8153	Jack A. hemelstrand, D.M.D.	August 1, 2002
D8154	Irini M. Sahuon, D.M.D.	August 1, 2002
D8155	Heather D. Calkins, D.D.S.	August 1, 2002
D8156	Pedram Salimi, D.M.D.	August 1, 2002
D8157	Derek W. Harnish, D.D.S.	August 7, 2002
D8158	Phuong T. Nguyen, D.D.S.	August 9, 2002
D8159	William C. Edell, D.D.S.	August 9, 2002
D8160	Karlie A. Mifflin, D.D.S.	August 13, 2002

Dental Specialists

Endodontics

D8100	Tian Xia	July 5, 2002

Oral Surgery

D8138	Kevin Arce, D.M.D.	July 23, 2002

Periodontics

D8118	Bharathi Devi Myneni	July 12, 2002

License and Examination Issues

- Board-approved courses in Soft Relines

  The Board received two requests for approval of proposed courses in the application of soft relines on full dentures – one from James H. Tyack, DMD, MAGD; and one from Sheri Billetter, CDA, EFDA. After discussion of the Board's minimum standard of this course, Dr. McCully moved and Dr. Kelley seconded that the Board approve the two courses submitted. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

  Further, the Board instructed that staff could approve courses administratively as long as the proposed course is at least three hours in duration and which includes a combination of lecture, written exam, laboratory exercise and clinical experience. The following eight areas should be covered: OAR Division 42 rule regarding placement of temporary soft relines in full dentures by an EFDA, patient health history review; infection control issues; OSHA regulations; use of dental equipment and instruments;

indications/contraindications for temporary soft relines in full dentures; materials; and appropriate technique.

- Request to reinstate retired license
  Dr. Donald Christie requested that the Board allow him to reinstate his dental license, which he retired July 8, 1998. Ms. Bones explained that the Board's rules require that a retired license must be reinstated within four years and there is no provision for exceptions to this rule. Dr. McCully moved and Dr. Kelley seconded that the Board deny Dr. Christie's request and advise him of the process for obtaining a new dental license. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

OTHER BUSINESS

Articles and News of Interest (No Action Necessary)

- "Street Dentists, Always Ready to Do Their Worst," New York Times, August 19, 2002
- ADA, "State Legislative Report," August 2002
- ADA, "State Legislative Report," July 2002
- "Oregonians Getting Older (And Better?)," CD Summary, Department of Human Services, July 30, 2002
- Pennsylvania State Board of Dentistry Newsletter, Summer 2002
- Ohio State Dental Board newsletter, Spring 2002
- NPDB – HIPDB Data Bank News, July 2002
- AADE, "The Bulletin," Summer 2002

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OPEN SESSION: The Board returned to Open Session

ENFORCEMENT

CONSENT AGENDA

2002-0286, 2002-0292, 2002-0256, 2002-0231, 2002-0220, 2002-0257, 2002-0260, 2002-0246, 2002-0271, 2002-0285, 2002-0291, and 2002-0261, Ms. Lee moved and Mr. Swart seconded that these cases be closed with a finding of no further action, per the recommendations. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

COMPLETED CASES

2002-0128, 2002-0175, 2002-0144, 2001-0100, 2001-0066, 2002-0103, 2002-0133, 2002-0264, 2002-0164, 2002-0110, 2002-0019, 2002-0158, 2002-0184, 2002-0182, 2002-0140, 2002-0170, 2002-0016, 2002-0152, 2002-0139, 2002-0155, 2002-0132, 2002-0120, Dr. Short moved and Ms. Young seconded the Board close these cases with no further action or a finding of no violation of the Dental Practice Act, per the recommendations. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Ms. Young was recused from case 2002-0019.

2002-0163 Mr. Swart moved and Ms. Young seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that informed consent is obtained prior to initiating treatment, that when local anesthesia is administered it is documented in the patient records, and that a diagnosis is documented prior to initiating treatment. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0165 Dr. McCully moved and Dr. Kelley seconded that the Board close this matter with a Letter of Concern addressing the issue that when prescribing a single agent sedative in conjunction with Nitrous Oxide, the licensee must hold a Class II anesthesia permit. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, and Mr. Swart voting aye. Ms. Young voted no.

2003-0001 OBD Dr. Kelley moved and Ms. Young seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that adequate radiographs are available when diagnosing pathology and planning treatment. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0166 Dr. Grant moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that every effort is made to do a thorough exam with adequate radiographs and then diagnose and treat caries when patients are planning to have orthodontic treatment started. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0157 Ms. Young moved and Ms. Lee seconded that the Board close this matter with a Letter of Concern to the Licensee addressing the need to utilize PARQ procedures in patient care. In addition, remind the Licensee that the Oregon Administrative Rules state the date and description of the examination and diagnosis are to be recorded in the patient chart. Also, strongly urge the Licensee to refund the $800.00 paid toward the previous treatment. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0153 Dr. Johnson moved and Dr. Kelley seconded that the Board close the matter against Respondent #1 with a Letter of Concern addressing the issue of ensuring that when reviewing radiographs all efforts are made to accurately diagnose pathology and that when pathology is diagnosed, the patient or the patient's guardian is informed of the pathology, informed consent is obtained for future treatment, and "PARQ" or its equivalent is documented in the patient's records. For Respondent #2, close the matter with a finding of no violation. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0143 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 and pay $9,000.00 restitution to the patient. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0191 Mr. Swart moved and Ms. Young seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, a $1,000 civil penalty and requirements to complete 80 hours of continuing education per the standard protocols. Dr. McCully moved to amend the motion to add "or in the alternative, to resign his license." The motion to amend passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Kelley abstained. The amended motion passed with Dr. Grant, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Kelley abstained.

2002-0215 Dr. McCully moved and Mr. Swart seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that when written requests are received for copies of treatment records, the record copies are provided within 14 days of receipt of the written request. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0211 Dr. Kelley moved and Ms. Young seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that diagnoses are documented prior to extracting teeth and that "PARQ" or its equivalent is documented when obtaining informed consent. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0160 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, and to pay a civil penalty in the amount of $2,000. In addition, initiate a Board-approved mentoring relationship. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002 0124 Ms. Young 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, a civil penalty in the amount of $1,000.00, that he shall successfully complete 28 hours of Board pre-approved continuing education within 12 months of the effective date of the Order. This ordered continuing education is in addition to the continuing education required for the licensure period April 1, 2002 to March 31, 2004. The Licensee shall also perform ten hours of unremunerated community service within 90 days of the effective date of the Consent Order. The Licensee shall submit documentation of completion of the community service and shall submit documentation of completion of C.E. for the period April 1, 2002 to March 31, 2004. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0217 Dr. Johnson moved and Mr. Swart seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that radiographs are carefully evaluated for pathology when formulating treatment plans and that informed consent is obtained prior to

providing treatment and that PARQ is documented in patient records when obtaining informed consent. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0105 Ms. Lee moved and Dr. Kelley seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that the margins of newly placed restorations are checked prior to dismissing a patient, and that when treating a patient for post-treatment tooth sensitivity, the treatment is documented in the patient records. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0251 Mr. Swart 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 and to pay a $1,000.00 civil penalty. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully voted no.

2002-0145 Dr. McCully moved and Dr. Kelley seconded that the Board**,** with regard to both Respondent #1 and Respondent #2, issue each a Notice of Proposed Disciplinary Action and offer each of the Licensees a Consent Order incorporating a reprimand and 20 hours community service within 6 months of the effective date of the Consent Order, per the standard protocols. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0205 Dr. Kelley moved and Mr. Swart seconded that the Board close this matter with a strongly worded Letter of Concern regarding the issue of assuring that the required continuing education hours are met during each licensure period. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2003-0011) Dr. Grant moved and Dr. McCully seconded that the Board accept the proposal offered by the Licensee's attorney and close the matter with no further action. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0161 Ms. Young moved and Ms. Lee seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that PARQ or its equivalent is documented when informed consent is obtained, that billings accurately reflect the treatment that was provided, and that when medication is prescribed, the amount of medication prescribed is documented in the patient record. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0171 Dr. Johnson moved and Dr. Kelley seconded that, with respect to Respondent #1, the Board close the matter with a finding of no violation; and with respect to Respondent #2, close the matter with a Letter of Concern requesting that the licensee ensure that when informed consent is obtained PARQ is documented in the records and that the use of local anesthetic is documented in the patient records. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0057 Ms. Lee moved and Mr. Swart seconded that the Board close the matter with a Letter of Concern addressing the issues of ensuring that the doctor know the medication he prescribes is free from anything the patient has declared as an allergen, and that the dosage and amount of each drug prescribed be documented in the patient's records. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0111 Mr. 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 and complete three hours of Board approved continuing education in record keeping and at least 30 hours in the diagnosis and treatment of periodontal disease within one year of the effective date of the Order, in addition to the Board's required continuing education hours. The motion passed with Dr. Grant, Dr. Kelley, Dr. Johnson, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

Dr. Johnson left the meeting and did not return.

PREVIOUS CASES REQUIRING BOARD ACTION

2002-0088 Dr. McCully moved and Dr. Kelley seconded that the Board accept the Consent Order proposed by Licensee except that the Licensee would not apply for relief from the requirement to use triplicate prescription pads during the five-year probationary period. The motion failed with Dr. McCully, Dr. Grant and Dr. Kelley voting aye. Ms. Lee, Ms. Young, Dr. Short and Mr. Swart voted no. Dr. McCully moved and Ms. Lee seconded that the Board accept the Consent Order proposed by the Licensee. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

1994-0062 Dr. Kelley moved and Mr. Swart seconded that the Board release the Licensee from probation and close the matter. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0113 Dr. Grant moved and Mr. Swart seconded that the Board accept the Consent Order proposed by the Licensee and close the matter. The motion failed with Dr. Short and Ms. Young voting aye. Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully and Mr. Swart voted no. Dr. McCully moved and Ms. Young seconded that the Board accept the Consent Order proposed by the Licensee with the elimination of item number 2 of the Order. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2000-0103 Ms. Young moved and Dr. McCully seconded that the Board discontinue the Board's practice reviews of Licensee's patient care and release the Licensee from the indefinite probation. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

1990-0124, 1990-095, 1990-0225, 1991-0037, 1991-0173, 1993-0174, 1995-0151, and 2002-0024 Ms. Lee moved and Dr. Kelley seconded that the Board reject the Licensee's proposed Consent Order and move forward with the Contested Case Hearing. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2000-0248 Mr. Swart moved and Ms. Young seconded that the Board grant Licensee's request for a six-month extension to complete the continuing education required by the Consent Order. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2000-0262 Dr. McCully moved and Ms. Lee seconded that the Board reject the attorney's request and let stand the Notice of Proposed Disciplinary Action and the offer of a Consent Order as voted by the Board on June 28, 2002. The motion passed with Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. Grant abstained.
2002-0270 Dr. Kelley moved and Ms. Young seconded that the Board withdraw its June 28, 2002 vote to issue a Notice of Proposed Indefinite License Suspension and close the case with a determination of no further action. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0093 Dr. Grant moved and Dr. Kelley seconded that the Board grant the Licensee a six-month extension to complete the 40 hours of community service required by the Consent Order. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

1999-0242 Ms. Young moved and Dr. Kelley seconded that the Board grant the Licensee a 12-month extension to complete the continuing education requirements of the Consent Order dated September 10, 2000. Also, initiate a new investigation into the allegation that the Licensee failed to meet the continuing education requirements for the licensure period April 1, 2000 to March 31, 2002. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short, and Ms. Young voting aye. Dr. McCully and Mr. Swart voted no.

1994-0193 Ms. Lee moved and Dr. Kelley seconded that the Board grant the Licensee the authority to apply for a Class 1 (nitrous oxide) anesthesia permit. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2001-0087 Mr. Swart moved and Dr. Kelley seconded that the Board not reopen the investigation of this matter and send the Complainant a letter explaining that, although the treatment provided by the Licensee was ultimately shown to be unsuccessful, it does not appear that the Board has the authority to intercede or aid in the recovery of fees paid to the Licensee. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

2002-0020, 2002-0046, and 2002-0214 Dr. Kelley moved and Mr. Swart seconded that the Board accept the Consent Order proposed by the Licensee and close the matter. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. Short, Mr. Swart and Ms. Young voting aye. Dr. McCully abstained.

2002-0136 Dr. Grant moved and Ms. Young seconded that the Board accept the Consent Order proposed by the Licensee and close the matter. The motion passed with Dr. Grant, Dr. Kelley, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye. Ms. Lee abstained.

2002-0149 Ms. Young moved and Dr. Kelley seconded that the Board reject the Licensee's proposal and proceed with the Contested Case Hearing. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

LICENSING ISSUES

2002-0229 Ms. Lee moved and Dr. McCully seconded that the Board grant the applicant a dental license. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye

1997-0091 Dr. McCully moved and Dr. Kelley seconded that the Board allow the Respondent to administer local anesthesia during the WREB dental hygiene examination on August 30, 2002 at OHSU. The motion failed with Dr. Kelley, Dr. McCully and Dr. Short voting aye. Ms. Lee, Dr. Grant, Mr. Swart and Ms. Young voted no.

MINUTES

Ms. Young moved and Dr. Kelley seconded that the Minutes of the June 28, 2002 meeting be approved as published. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

Dr. Kelley moved and Dr. McCully seconded that the Minutes of the July 24, 2002 meeting be approved as published. The motion passed with Dr. Grant, Dr. Kelley, Ms. Lee, Dr. McCully, Dr. Short, Mr. Swart and Ms. Young voting aye.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Approved by the Board October 11, 2002

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Jean Martin, DDS, MPH
President