



**Oregon Health Licensing Agency (OHLA)
BOARD OF DENTURE TECHNOLOGY**



10:00 am Monday, June 8, 2009
700 Summer Street N.E., Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Todd Young, Chairperson
Tad Burzynski, Vice-Chairperson
Joe Coss, Public Member
David Dahl, Denturist
Geoffrey Berg, DMD, Dentist

OTHERS PRESENT

Samantha Patnode, Policy Analyst
Trampus Schuck, Board Specialist
Kraig Bohot, Public Information Officer
Mike Simpson, Quality and Statistical Analyst
Tim Molloy, Regulatory Operations Manager

Call to Order

Todd Young, Chairperson, called the meeting of the Board of Denture Technology to order at 10:00 am on Monday, June 8, 2009, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer Street NE, Salem, Oregon.

Executive Session – ORS 192.660(2)(b)

Young convened Executive Session under ORS 192.660(2)(b) at 10:02 am for the purpose of reporting complaints or charges brought against, a public officer, employee, staff member or an individual agent. Executive Session concluded at 10:40 am.

Regular Session

Young reconvened regular session at 10:40 am. No action or recommendations were made.

I - Approval of Agenda

MOTION

Joe Coss made a motion with a second by David Dahl to approve the agenda for June 8, 2009. The motion passed unanimously.

II - Approval of Minutes

MOTION

Tad Burzynski made a motion with a second by Dahl to approve the February 2, 2009. The motion passed unanimously.

III - Reports

A. Director's Report

- 2009 Legislation

Brian DeForest, Acting Director, presented 2009 Legislation regarding HB 3232, introduced by Representative Mitch Greenlick after Governor's Office pulled the concept due to technical issues and provisions in the "Relating to Clause". DeForest stated that many of changes are house keeping measures to bring programs into uniformity with the central agency model. Such changes standardize board member terms, and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and standardize the referral of impaired practitioners to treatment programs. He stated the Democratic Caucus had questions and concerns with the provision related to the tattooing or piercing of minors as a criminal offense. They requested the bill be referred to the House Rules Committee for review. The committee will likely pass the bill with the removal of the tattoo and piercing provision. DeForest provided an overview of all amendments.

DeForest highlighted the agency's budget bill, HB 5525, and fee, bill HB 5526, which had a public hearing on April 9, 2009, in the Ways and Means Education Subcommittee. The committee scheduled a work session for later this month. The co-chairs of that committee held meetings to review the budget and answer any questions.

Samie Patnode, OHLA policy analyst, provided an overview of legislation, sponsored by Representative Mitch Greenlick, explaining how the bills could affect the board and the agency. She noted that specific bills add public members to health related boards. Patnode explained other bills introduced by Rep. Greenlick address required terms in office, improved oversight concerning impaired licensees, requirements for reporting incidence where scopes of practice may crossover, and restricting the liability of hearings and court fees to complainants.

Patnode provided an overview of the agency temporary rules effective December 1, 2008, and the proposed rules filed simultaneously. Public comment ended April 30, 2009. She stated the agency delayed filing permanent administrative rules until June 1, 2009 in order to make changes to the application requirements, specifically identification required to become an authorization holder. Patnode reported the proposed rules used the Department of Homeland Security Form I-9 as a model for identification requirements. Upon further investigation, the agency found the purpose of the Form I-9 is to verify employment eligibility rather than identity, which is not the intention of the agency. OHLA has revised the original proposed rule to model the Department of Motor Vehicle (DMV) Real ID Act requirements, put in place by the federal government in 2005. The DMV serves as an expert in the field of identification and determining its integrity.

Jim Francesconi, Attorney, submitted public testimony regarding the use of an Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security number. His concern was many people are not eligible for a Social Security number (SSN), and therefore could not qualify for certification. Patnode explained this information is for collection purposes related to Department of Justice Child Support Enforcement and Department of Revenue tax administration. Patnode stated based on public comment and the intent of the statutory authority used to collect the information, applicants must provide either an ITIN or SSN when applying for certification. Applicants are required to provide two forms of government issued identification, one being photographic.

Patnode also discussed fingerprinting and criminal history background checks. She stated parameters around these topics need to be more specific for each program. OHLA will have a more concrete plan on how to handle each issue as it comes up in the licensing process. She fielded questions regarding the procedures from the audience and explained more thoroughly the reason behind the background checks and the criteria for performing the checks.

B. Administrative Services Division

1) Practical Examination Forms

Patnode discussed the upcoming practical examination, scheduled for July 10, 2009. She explained the proctor notification letters have been updated to reflect parking instructions and travel reimbursements. She provided an overview of contract requirements and a list of proctors who need new contracts signed.

2) Statistical Report

Mike Simpson, OHLA program analyst, presented an overview of statistics relating to the board. Statistics included were licensing statistics, proposed and final orders, active license trends, age diversities, continuing education audit results, and Web site traffic. Simpson provided the board with the report and a copy was placed in council documents for retention.

C. Regulatory Operations Division

Tim Molloy, Regulatory Operations manager, reported enforcement activity received since the last board meeting. Molloy stated the agency had received two complaints; one was unfounded and one was settled between the denturist and the client.

Molloy reported his findings regarding whitening trays and other non-teeth replacement dental appliances being within the denturist scope of practice. Molloy stated he consulted with Jeff Dover, assistant attorney general, who noted the denturist scope of practice is specific and states the following:

Oregon Revised Statutes (ORS) 680.500 (2) "Denture" means any removable full and/or partial upper or lower prosthetic dental appliance to be worn in the human mouth to replace any missing natural teeth.

This definition would not apply to fit these types of appliances. Janet Bartel, OHLA compliance specialist, reported her findings from the Board of Dentistry; noting a denturist could prepare the tray and hand the tray to the patient to put in themselves. Patnode explained the only way to include those types of appliances into the denturist scope of practice would be to make a statutory change during legislation.

D. Program Operations Division

- Outreach and Communication

Kraig Bohot, OHLA public information officer, discussed the fitness to practice issues and requirements. He stated OHLA is collaborating with the state's criminal justice system, specifically probation and parole officers, to determine if an applicant's criminal background may pose a risk to public health and safety within the work environment. Bohot explained that currently Regulatory Operations Division works with probation and parole officers to "pre-authorize" applicants prior to their enrolling in a private career school. He noted the goal is to ensure that applicants will be "fit" to practice on the public.

Bohot provided his column for The Oregon Denturist publication, which focused on the agency and board transition, highlighting the agency's recruitment of a new director and the need for new board members. He reported the state's denturists recently celebrated the 30-year anniversary following the passage of Ballot Measure 5 in 1979, which established denture technology regulation in Oregon. Oregon is celebrating its 150th birthday, or sesquicentennial, in 2009, another major milestone that revels in the state's history while envisioning its future.

- Committees and Reports

No committee reports at this time.

IV - Items for Board Action

- Re-examination review

Cerynthia Murphy, OHLA licensing supervisor, stated a candidate has failed the written examination for a third time. In accordance with OAR 331-410-0030 if an applicant fails the written examination three times the applicant must apply to the board to receive authorization to retest. A summary of Young Seck Yang's three attempts to pass the Denture Technology written exam was provided to the board along with a recommendation from Murphy. Yang's average score for the three exams was 41%, and therefore should be required to retake 59% or 590 hours of the initial 1000 hours in practical and theory training. The board discussed Yang's request for reexamination. Board members asked if Yang was allowed to finish the exam or if the test stopped if he missed too many questions to pass. Patnode stated the test would stop if Yang missed enough questions to make it impossible to pass. Patnode stated testers are now able to complete the exam. The Board members pointed out it would be impossible to know what Yang's true score would have been if he would have been able to complete the test; therefore he should be allowed to retest and complete the exam. In the event the fourth test attempt is failed, the board could assess additional training requirements.

MOTION

Dr. Geoffrey Berg made a motion with a second by Burzynski to allow Young Seck Yang to retake and complete the denture technology written exam. The motion passed unanimously.

V - Executive Session

No executive session at this time.

VI - Other Board Business

Board members discussed the need for candidates to create custom trays onsite at the time of the practical evaluation. After review and consideration, the board agreed it was unnecessary to require candidates to make custom trays onsite at the practical examination. They stated that the final impression is the key to passing the practical examination and allowing them to bring their trays will provide more time for candidates to focus on the final impression. The board requested the candidate instruction letter be revised to reflect the changes, prior to the July 10 examination.

MOTION

Burzynski made a motion with a second by David Dahl to eliminate being required to make custom trays onsite at the practical examinations. The motion passed unanimously.

VII - Public Comment

No public comment was provided

VIII Miscellaneous

A. Board Interest File

Tad Burzynski, Vice-Chairperson, adjourned the Board of Denture Technology meeting at 12:53 pm.

Prepared by: Trampus Schuck, Board Specialist