

**OREGON BOARD OF DENTISTRY
MINUTES
FEBRUARY 19, 2021**

MEMBERS PRESENT: Yadira Martinez, R.D.H., President

MEMBERS PRESENT
VIA TELECONFERENCE: Alicia Riedman, R.D.H., Vice-President
Gary Underhill, D.M.D.
Jose Javier, D.D.S.
Reza Sharifi, D.M.D.
Chip Dunn
Hai Pham, D.M.D.

STAFF PRESENT: Stephen Prisby, Executive Director
Daniel Blickenstaff, D.D.S., Dental Director/ Chief Investigator (portion of meeting)
Winthrop "Bernie" Carter, D.D.S., Dental Investigator
Haley Robinson, Office Manager (portion of meeting)
Shane Rubio, Investigator (portion of meeting)
Samantha VandeBerg, Office Specialist (portion of meeting)
Ingrid Nye, Examination and Licensing Manager (portion of the meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT
VIA TELECONFERENCE*: Jen Lewis-Goff, Oregon Dental Association; Phillip Marucha, D.M.D.; Lisa Rowley, R.D.H., ODHA; Mary Harrison, Oregon Dental Assistants Association (ODAA)

*This list is not exhaustive, as it was not possible to verify all participants on the teleconference.

Call to Order: The meeting was called to order by the President at 8:01 a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

Board Members Jennifer Brixey and Dr. Amy B. Fine did not attend the meeting.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(2)(f), (h) and (L); ORS 676.165; ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential investigatory materials and investigatory information, and to consult with counsel

OPEN SESSION: The Board returned to Open Session at 12:30 p.m.

President Yadira Martinez, RDH welcome everyone to the meeting and had the Board Members, Lori Lindley and Stephen Prisby introduce themselves.

NEW BUSINESS

Approval of Minutes

Dr. Pham moved and Dr. Javier seconded that the Board approve the minutes from the December 18, 2020 Board Meeting as presented. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Board Member & Staff Updates

Mr. Prisby reported on a number of Board updates. Dr. Hai Pham has indicated he will not seek a second term on the OBD, and his term is set to expire on April 2, 2021. We appreciate and thank Dr. Pham for his service and support over the last four years. His experience and clinical knowledge has been very valuable in OBD discussions and decisions.

Alicia Riedman's term is set to expire on April 30, 2021 and she has applied to serve another term. Chip Dunn's term is set to expire on April 2, 2021, and Mr. Dunn has indicated he will apply to serve another term as well. We appreciate their willingness to volunteer for four more years with the OBD.

Dr. Aarati Kalluri is on the Governor's list of board member appointments to go forward on Feb 23rd to a Senate committee, one step closer to joining the Board. She will need to be confirmed by the full Senate after the committee meeting. Her term is tentatively scheduled to begin on March 1 (if confirmed by then), and we will work out the details of her new board member orientation in the next few weeks. Dr. Kalluri is joining the Board due to the board opening created when Dr. Todd Beck resigned in August 2020.

Dr. Daniel Blickenstaff, Dental Director & Chief Investigator will be retiring from the OBD this spring with his last day on April 1, 2021. We previously recognized Dr. Blickenstaff for his service and will send him off appropriately on his last day.

All Board openings have been publicized through our email blasts, in our newsletter, on state employment website (for staff position) and on our website. The OBD thanks all interested candidates that have applied for these openings. The dental investigator candidate interview process is moving along and I will have an update at this meeting.

OBD Budget Status Report

Mr. Prisby presented the budget report for the 2019 - 2021 Biennium. This report, which is from July 1, 2019 through December 31, 2020, shows revenue of \$2,776,851.24 and expenditures of \$2,449,877.96.

Customer Service Survey

Mr. Prisby presented the legislatively mandated survey results from July 1, 2020 – January 31, 2021. The results of the survey show that the OBD continues to receive positive ratings from the majority of those that submit a survey.

Board Member and Staff Speaking Engagements

Ingrid Nye gave a virtual License Application Presentation to the graduating Dental Hygiene Students at OIT in Klamath Falls on Wednesday, February 3, 2021.

2021 Dental License Renewal

Mr. Prisby provided an update to the Board that the new database and interface to renew licenses was being tested and finalized at the time of this report.

OBD SB 5511 Presentation and Documentation

Mr. Prisby presented the materials from the Joint Committee On Ways and Means Subcommittee On Education from his presentation on February 3, 2021.

2021 Legislation being tracked

Mr. Prisby presented some reference materials on legislation and a report of 2021 legislation he is tracking for the OBD.

OBD Strategic Planning Preparation

Mr. Prisby discussed strategic planning survey results for Board Members to review. The Board discussed next steps to advance work on the Board's next strategic plan to replace the 2017-2020 edition.

AADA & AADB 2021 Mid - Year Meetings

The American Association of Dental Administrators (AADA) and the American Association of Dental Boards (AADB) 2021 Mid-Year Meetings will both be held virtually this year. Mr. Prisby presented the meeting agendas and there will be a report back to the Board in April on them.

Statewide Diversity, Equity & Inclusion Conference Summary

This past October, the 2020 Statewide Diversity, Equity, & Inclusion Conference was held virtually, and welcomed a record number of state employees to the annual professional development event with all OBD staff members participating. Mr. Prisby presented the Conference Planning Committee post-event executive report. This report was developed to provide department leadership a snapshot of our planning efforts, successes and lessons learned, attendee feedback, and a breakdown of conference expenses.

Workday Payroll Project

The Payroll and Time Tracking replacement project officially kicked off on January 13, 2021. In 2019 Oregon state government made a leap forward in modernizing legacy IT systems with the rollout of Workday – our HR information system. The next major step is to replace the over 30-year old payroll system (Oregon Statewide Payroll Application--OSPA) by moving to Workday payroll and time tracking. Workday will replace our time tracking system (ePayroll) and leave accrual system, and everyone in state government will begin using Workday for time tracking and payroll starting July 1, 2022.

ASSOCIATION REPORTS

Oregon Dental Association (ODA)

Jen Lewis-Goff reported that the ODA is working hard to ensure that every dental provider in the state has access to the covid-19 vaccine. The ODA partnered with OHSU to provide a dental vaccination clinic to 1,100 metro-area professionals. They are also working with local health departments all over the state to ensure that all providers have access. She reported that the ODA has a great deal of information and resources on their website for any providers seeking information on getting access to the vaccine. The 2021 Oregon Dental Conference will be held in

February 19, 2021

Board Meeting

Page 3 of 11

a virtual format this year, with live events happening April 8-10, and on-demand offerings through April 15. She reported that over 700 dental professionals have already registered for this year's conference.

Oregon Dental Hygienists' Association

Lisa Rowley reported the ODHA partnered with the ODA & other stakeholders to send a letter to Governor Kate Brown urging her to increase access to the COVID-19 vaccine for dental providers. The ODHA appreciates the work that the ODA has done to advocate for dental providers to have access to the COVID-19 vaccine.

In their February 2021 newsletter, the ODHA clarified that the Oregon Board of Dentistry does not have the legal authority to allow dental hygienists in Oregon to administer the COVID-19 vaccine, and that this would need to be done as an executive order from the Governor. The American Dental Hygienists' Association (ADHA) has launched an Advocacy Alert asking dental hygienists across the country to contact their state governors and urge them to grant dental hygienists the authority to administer the COVID-19 vaccines.

The ODHA is supporting House Bill 2528, House Bill 2627 and House Bill 2969 during the 2021 Oregon Legislative Session.

Oregon Dental Assistants Association

Mary Harrison reported that the ODAA is happy with the OBD and does not feel at this time that it is necessary for them to add anything to their rules regarding the proposed ADAA mandatory infection control CE requirement.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Nothing to report at this time.

AADB Liaison Report

Ms. Martinez reported that the mid-year meeting will take place on February 26-28, 2021.

ADEX Liaison Report

Nothing to report at this time.

CDCA Liaison Report

Nothing to report at this time.

UNFINISHED BUSINESS & RULES

Request for revision of vaccine course

OHSU School of Dentistry CE department would like to request the board's consideration for a slight revision of the currently approved Dental Based Immunization Training program. They have received feedback from great deal of dentists who are only looking to administer vaccine in a volunteering manner, and not seeking to go through the full immunization training program. With the evolution of the COVID-19 vaccine availability, along with an increase of dentists inquiring about the current training, they have an updated process we are seeking approval for.

Dr. Underhill moved and Dr. Javier seconded that the Board approve the requested revisions to OHSU's vaccination course as presented. The motion passed unanimously.

CORRESPONDENCE

Requests for Dental Hygienists to administer vaccines – Melissa Turner, R.D.H.; Pamela Lynch, R.D.H.; Laura Crosby, R.D.H.

Lori Lindley reported on behalf of the OBD that the Board does not have statutory authority to grant permission for dental hygienists to administer vaccines under their dental hygiene license, however, a dental hygienist working under the supervision of a medical doctor could administer vaccines.

American Dental Assistants' Association (ADAA) mandatory infection control education

The OBD received notification from the ADAA that they intend to implement mandatory infection control education for the oral healthcare team, to include a requirement that ALL dental assistants have a minimum of 12 hours of CODA, ADA CERP, or AGD PACE-approved didactic and four hours of clinical education in infection control, including performance evaluation. The Board does not have jurisdiction over dental assistants and did not make a motion.

OTHER ISSUES

Strategic Planning Survey Responses

Mr. Prisby provided a summary of the responses the OBD received from the strategic planning survey. Since two new Board members will join the OBD in the spring, Mr. Prisby suggested that the Board wait until June to start the work when a committee meeting could potentially take place in-person. There was general discussion and this was agreed to by the Board.

OSHA – Question to the Board regarding medical history evaluation

The Board received correspondence from OSHA asking for clarification on whether or not a dentist is able to interpret a medical history evaluation to determine if someone can safely be fit-tested to wear an N95 respirator mask.

The Board discussed the matter, and determined that dentists are able to review these types of medical evaluations. No motion was made.

ARTICLES AND NEWS (Informational Only)

- January 2021 HPSP Newsletter
- OHA Dental Director Recruitment

President Martinez recognized and thanked Dr. Hai Pham for his four years of service on the Board as his term is ending in early April and this is his last OBD Board meeting. She virtually presented a certificate to him, which Board staff will mail to Dr. Pham.

CONSENT AGENDA

2021-0083, 2021-0079, 2021-0091, 2021-0057, 2021-0085, 2021-0089, 2021-0084, 2021-0096

Ms. Riedman moved and Dr. Sharifi seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

COMPLETED CASES

2021-0072, 2021-0055, 2021-0040, 2021-0041, 2021-0063, 2021-0077, 2021-0011, 2021-0082, 2021-0060

Ms. Riedman moved and Mr. Dunn seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

2021-0061

Ms. Riedman moved and Mr. Dunn seconded that the Board close the matter with a finding of No Violation or No Further Action. The motion passed unanimously. The motion passed with Ms. Martinez, Ms. Riedman, Mr. Dunn, Dr. Sharifi, Dr. Pham, and Dr. Underhill voting aye. Dr. Javier recused.

2021-0065

Dr. Underhill moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that biological monitoring is completed on a weekly basis. The motion passed with Ms. Martinez, Ms. Riedman, Mr. Dunn, Dr. Sharifi, Dr. Pham, and Dr. Underhill voting aye. Dr. Javier recused.

2021-0058

Dr. Sharifi moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern reminding Licensee to test his autoclave with a biological monitoring system on a weekly basis. The motion passed unanimously.

2021-0094

Mr. Dunn moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all CE is completed within the required time frame. The motion passed unanimously.

2021-0036

Dr. Pham moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to take a radiographic image when there is a question as to how much, or if any, tooth structure remains after performing a tooth extraction, to assure that he follows up on referrals of his patients to specialists, and assure that the instruments he uses have been sterilized in an autoclave that is tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

2020-0196

Dr. Sharifi moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee it is not recommended to use 4% local anesthetic when administering inferior alveolar blocks. In regards to nerve deficits, paresthesia and hypoesthesias, it is recommended to refer patients to a nerve specialist and/or neurologist in a timely manner. The motion passed unanimously.

2021-0064

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all of his autoclaves are tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

FELLER, JONATHAN M., D.D.S.; 2021-0071

Dr. Javier moved and Mr. Dunn seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$3,000.00 civil penalty to be paid within 60 days, complete six hours of Board approved continuing education in infection control within 60 days, complete three hours of Board approved continuing education in record keeping within 30 days, complete 56 hours of Board approved continuing education in the placement of endossious implants within one year, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and for a period of one year from the effective date of the Order, submit results of weekly testing of his heat sterilizing devices with a biologic monitoring system on a weekly basis, and to direct staff to open a complaint against the dentist who placed the implant in the area of tooth #19. The motion passed unanimously.

2021-0066

Dr. Sharifi moved and Dr. Javier seconded that the Board close the matter in regards to Respondent #1 with a finding of No Further Action, and in regards to Respondent #2, move to close the matter with a finding of No Violation. The motion passed unanimously.

2021-0080

Mr. Dunn moved and Dr. Pham seconded that the Board close this matter with a STRONGLY WORDED Letter of Concern reminding Licensee to assure that all CDC and OHA guidelines are followed regarding COVID-19. The motion passed unanimously.

2015-0084

Dr. Pham moved and Dr. Javier seconded that the Board close the matter with No Further Action. The motion passed unanimously.

2015-0097

Dr. Underhill moved and Mr. Dunn seconded that the Board close the matter with No Further Action. The motion passed unanimously.

2015-0150

Dr. Sharifi moved and Dr. Javier seconded that the Board close the matter with No Further Action. The motion passed unanimously.

2020-0118

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with No Further Action. The motion passed unanimously.

2018-0228

Dr. Pham moved and Ms. Riedman seconded that the Board write a letter to the Executive Director of the Geriatric Dental Group; stating that we notified them in October 2018 they were not in compliance regarding non-profit ownership. Since that time, they attempted in the Fall of 2019 to get a legislative fix through the 2020 session with the prior Representative, however it never went forward. The prior House Representative has since been replaced by a newly elected Representative. They are currently still out of compliance. The Board requests in writing within 30

days some type of documentation as to who their dental director is, listing them by name, and require that they outline their plan for following ORS 679.020(4) (A) – (I) with as much detail as possible. In addition, the Board has set a deadline for Geriatric Dental Clinic to propose legislative change to the Oregon State legislature within the next 180 days **or** sign a consent order whereby they agree to reorganize the non-profit to a dental owned clinic in compliance with ORS 679, so that it comports with the requirements of the law. The motion passed unanimously.

2020-0102

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern reminding Licensee to assure that he documents in the patient records any radiographic images taken, a diagnosis for removing and replacing endossious implants, and the strength of all local anesthetics administered, to assure that his Healthcare Provider level BLS/CPR certificate does not lapse, and to assure that he does not allow his dental assistants to work on patients without at least indirect supervision.

2021-0059

Dr. Javier moved and Dr. Sharifi seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that she conducts biological monitor testing on a weekly basis. The motion passed unanimously.

2021-0047

Dr. Sharifi moved and Dr. Javier seconded that the Board close the matter with a STRONGLY WORDED Letter of Concern reminding Licensee to document in the patient records all medications prescribed, a diagnosis or dental justification for prescribing the medications, and to insure that all dental equipment is functioning properly before starting a dental procedure. The motion passed unanimously.

2021-0070

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to document the diagnosis of periapical pathologies in the patient treatment records. The motion passed unanimously.

TRIEU, ANITA, D.M.D., 2021-0035

Dr. Pham moved and Dr. Underhill seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, and to pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days. The motion passed unanimously.

2021-0075

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all instruments that she uses have been sterilized in an autoclave that has been tested with a biologic monitoring system on a weekly basis. The motion passed unanimously.

2021-0074

Dr. Javier moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to test all of his autoclaves with a biological monitoring system on a weekly basis. The motion passed unanimously.

PREVIOUS CASES REQUIRING BOARD ACTION

ANDERSON, JAMES R., D.M.D.; 2021-0005

Dr. Sharifi moved and Dr. Javier seconded that the Board grant Licensee's late hearing request and deny Respondent #1's request and affirm the Board's December 18, 2020 decision, and refer the case to OAH for a hearing. The motion passed unanimously.

2020-0008

Dr. Pham moved and Dr. Javier seconded that the Board issue an Order of Dismissal dismissing the Second Amended Notice of Proposed Disciplinary Action dated August 26, 2020 and close the matter with No Further Action. The motion passed unanimously.

CAUBLE, DAVID A., D.M.D., 2021-0016

Mr. Dunn moved and Ms. Riedman seconded that the Board offer Licensee a Consent Order incorporating a reprimand, a \$9,000.00 civil penalty to be paid within 120 days, complete six hours of Board approved continuing education in infection control within 60 days, complete three hours of Board approved continuing education in record keeping within 30 days, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and for a period of one year from the effective date of the Order, submit results of weekly testing of his heat sterilizing devices with a biologic monitoring system on a weekly basis. The motion passed unanimously.

2020-0171

Dr. Javier moved and Mr. Dunn seconded that the Board issue a Notice of Dismissal, dismissing the Notice of Proposed Disciplinary action and close the matter with a Letter of Concern reminding Licensee to assure that biological monitoring devices are tested on a weekly basis. The motion passed unanimously.

HIGBEE, T.J., D.D.S., 2006-0086 & 2012-0073

Dr. Underhill moved and Dr. Javier seconded that the Board deny Licensees request to end the Interim Consent Order and issue Licensee a Notice if Proposed License Revocation. The motion passed unanimously.

2020-0014

Dr. Sharifi moved and Mr. Dunn seconded that the Board affirm their June 19, 2020 decision. The motion passed unanimously.

SWEETEN, J. COLT, D.D.S., 2021-0023

Mr. Dunn moved and Ms. Riedman seconded that the Board accept Licensee's offer, and offer Licensee a Consent Order incorporating a reprimand, a \$6,000.00 civil penalty to be paid within 360 days, complete three hours of Board approved continuing education in record keeping within 30 days, complete six hours of Board approved continuing education in infection control within 60 days, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days, and submit monthly results of the biological monitoring of his autoclave for a period of one year, of the effective date of the Order. The motion passed unanimously.

WOLFE, BENJAMIN J., D.M.D., 2021-0022

Dr. Underhill moved and Mr. Dunn seconded that the Board offer Licensee a Consent Order incorporating a reprimand, take a three hour board approved continuing education course on Record Keeping within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed with Ms. Martinez, Ms. Riedman, Mr. Dunn, Dr. Sharifi, Dr. Javier, and Dr. Underhill voting aye. Dr. Pham recused.

LICENSE & EXAMINATION ISSUES

Request for Approval of Soft Relines Course – Paul Wayne Lamoreau, D.M.D.

Dr. Javier moved and Dr. Pham seconded that the Board approve the course as presented. The motion passed unanimously.

Request for Non-Resident Permit – Sara Jamima Park, D.D.S.

Dr. Pham moved and Mr. Dunn seconded that the Board deny the non-resident permit as requested. The motion passed unanimously.

Reinstatement of Expired Dental License – Michael James Purcell, D.D.S.

Dr. Javier moved and Ms. Riedman seconded that the Board approve the reinstatement of dental license as requested. The motion passed unanimously.

Reinstatement of Expired Dental Hygiene License – Jacque’line Marie Palmer, R.D.H.

Dr. Pham moved and Ms. Riedman seconded that the Board approve the reinstatement of dental hygiene license as requested. The motion passed unanimously.

RDH Scope of Practice – myofunctional therapy and orofacial therapy

Dr. Javier moved and Ms. Riedman seconded that the Board recognize that myofunctional therapy and orofacial therapy are within a dental hygienists’ scope of practice provided they have the training and education to do so safely. The motion passed unanimously.

Extension for Volunteer Licenses to renew in 2021

Dr. Sharifi moved and Dr. Javier seconded that the Board grant an extension for those who hold volunteer licenses, and give them until December 31, 2021 to make up any missed volunteer hours. They will still need to meet their 80 hours requirement in their subsequent renewal. The motion passed unanimously.

Request for Approval of Soft Reline Course- Alyssa Kobylinsky

Dr. Javier moved and Mr. Dunn seconded that the Board approve the soft relines course as presented. The motion passed unanimously.

Request for Approval of a Local Anesthesia Course – University of New Mexico

Dr. Javier moved and Ms. Riedman seconded that the Board approve the local anesthesia course as presented. The motion passed unanimously.

Request for Board Recognition as Dental Study Group – Dental Hero

Dr. Javier moved and Ms. Riedman seconded that the Board approve the dental study group as presented. The motion passed unanimously.

RATIFICATION OF LICENSES

Dr. Javier moved and Mr. Dunn seconded that the Board ratify the licenses presented. The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 1:50 p.m. Ms. Martinez stated that the next Board Meeting would take place on April 16, 2021.

/S/

Yadira Martinez, R.D.H.
President