

**OREGON BOARD OF DENTISTRY  
MINUTES  
AUGUST 25, 2023**

MEMBERS PRESENT: Chip Dunn, President  
Jennifer Brixey, Vice President  
Alicia Riedman, R.D.H., E.P.P.  
Sheena Kansal, D.D.S.  
Aarati Kalluri, D.D.S.  
Jose Javier, D.D.S.  
Terrence Clark, D.M.D.  
Michelle Aldrich, D.M.D.  
Sharity Ludwig, R.D.H., E.P.P. – Present via Zoom

STAFF PRESENT: Stephen Prisby, Executive Director  
Angela Smorra, D.M.D., Dental Director/ Chief Investigator  
Winthrop “Bernie” Carter, D.D.S., Dental Investigator  
Haley Robinson, Office Manager  
Samantha Plumlee, Examination and Licensing Manager  
Ingrid Nye, Investigator  
Kathleen McNeal, Office Specialist

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT  
IN PERSON & VIA  
TELECONFERENCE\*: Mary Harrison, Oregon Dental Assistants Association (ODAA);  
Barry Taylor, D.M.D., Oregon Dental Association (ODA); Jill Lomax,  
Oregon Dental Assistants Association (ODAA); Olesya Salathe,  
D.M.D., Oregon Dental Association (ODA); Julie Spaniel, D.D.S.,  
Oregon Dental Association (ODA); Tim Goldfarb, TFME, OWP;  
Tracy Brunkhorst, R.D.H., E.P.P., Oregon Dental Hygienist  
Association (ODHA); Aaron White, Dental Assistant National Board,  
(DANB); Tony Garcia, Dental Assistant National Board, (DANB);  
Amy Coplen, R.D.H., E.P.P.; Emily Coates, Legislative Fiscal Office  
(LFO); Jessica Dusek; Karen Capuano; Lisa Rowley, Oregon Dental  
Hygienist Association (ODHA); Sabrina Riggs; Matthew Sinnott;  
Sara Kowalski, Oregon Health Authority Oral Health Program (OHA)

\*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 8:02 a.m. at the Board office;  
1500 SW 1<sup>st</sup> Ave., Suite 770, Portland, Oregon.

President Chip Dunn welcomed everyone to the meeting and had the Board Members, Lori Lindley,  
and Stephen Prisby introduce themselves.

## **NEW BUSINESS**

### **Approval of Minutes**

Dr. Javier moved and Ms. Riedman seconded that the Board approve the minutes from the June 16, 2023 Board Meeting as amended. The motion passed unanimously.

## **ASSOCIATION REPORTS**

### **Oregon Dental Association (ODA)**

Dr. Olesya Salathe reported that the ODA is looking forward to working on the Dental Assistant Workforce Shortage Advisory Committee (DAWSAC). The ODA is holding a virtual House of Delegates on September 23<sup>rd</sup>. This year's Regional Meeting will be November 4<sup>th</sup> in Florence, Oregon. CE courses will be available.

### **Oregon Dental Hygienists' Association (ODHA)**

Tracy Bruckhorst shared that the Oregon Dental Hygienists' Association has been working on their fall conference which will feature CE courses and social events.

### **Oregon Dental Assistants Association (ODAA)**

Mary Harrison noted that the Oregon Dental Assistants Association has been meeting with the Oregon Dental Laboratory Association and the Oregon Dental Hygienists Association. The ODAA is updating their website. The ODAA is working with ADEC on a four handed demonstration video. Mary also recommended a webinar from the American Dental Educators Association at [www.adea.org/elearn](http://www.adea.org/elearn)

## **COMMITTEE AND LIAISON REPORTS**

President Dunn gave a summary of the well-attended July 12, 2023 Licensing, Standards and Competency Committee Meeting. All rule changes were recommended to the Rules and Oversight committee for further review excluding a few. Rule 818-021-XXXX regarding active-duty military members, was tabled, awaiting new information from the Department of Justice on how to proceed. The committee recommended Rules 818-042-0050 and 818-042-0060 regarding dental assistants and radiographic proficiency be left as presented. All committee recommendations were unanimous except for the rules pertaining to local anesthesia for dental assistants.

Dental assistants performing local anesthesia was discussed, with input from the Oregon Dental Association (ODA), the Oregon Dental Assistants Association (ODAA). It was recommended that DAWSAC look into the local anesthesia rules and training, gather information and send back to the Licensing, Standards and Competency Committee for further review.

Dr. Clark moved and Dr. Kansal seconded that the Board move the rules from the Licensing, Standards and Competency Committee to the Rules Oversight Committee, with the exception of the local anesthesia for dental assistants' rules. The motion passed unanimously.

A Dental Assistant Workforce Shortage Advisory Committee (DAWSAC) memo outlining its formation was discussed by Director Prisky.

Dr. Kalluri moved and Ms Brixey seconded that the Board implement the Dental Assistant Workforce Shortage Advisory Committee per the memo as presented. The motion passed unanimously.

After more discussion, Dr. Clark and Dr. Kalluri volunteered to Co-Chair the new DAWSAC. The first DAWSAC meeting will take place October 27, 2023 at 8 am, prior to the October OBD Board Meeting.

A report on the ADEX Meeting on July 21, 2023 was provided by Dr. Patricia Parker.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Board Member & Staff Updates**

Mr. Prisby announced that the recruitment for the open investigator position yielded over 40 applicants and the OBD recently offered the top candidate the position. Mr. Prisby updated the Board on the recruitment. The OBD had also been understaffed the last 4 weeks with one staff member out for personal reasons. Mr. Prisby appreciated all who engage with the Board for their patience as we are currently operating at 75% of our regular staff level.

### **OBD Budget Status Report**

Mr. Prisby reported the budget report for the 2021 - 2023 Biennium. This report, which is from July 1, 2021 through June 30, 2023, showed revenue of \$3,485,225.82 and expenditures of \$3,620,701.31. The final FY 2023 reports had not been reconciled yet but they usually do not change much besides some final misc expenses. The results for both revenue & expenses were in line with what was budgeted for the two year period.

### **OBD 2023-2025 Budget**

Mr. Prisby reported that the Legislature approved the OBD 2023 - 2025 Budget and the Governor signed off on it on July 18, 2023. The final legislatively adopted budget documents were recently made available and compiled into the final OBD 2023-2025 legislatively adopted budget and it was posted on the OBD Website. Mr. Prisby made note below of the unique Policy Option Packages (POP) incorporated into the OBD budget beyond the typical budget adjustments made when finalizing the state enterprise-wide budget.

Package 100: Dental Therapy Fees Implementation. This is a revenue only package that increases revenue for the board by \$30,000 Other Funds. House Bill 2528, from the 2021 Legislative Session, authorized the board to issue a new dental therapy license, which was implemented with a corresponding license fee, effective July 2022. This package includes the revenue garnered from the new licensee base and fees.

Package 200: Oregon Wellness Program. This package increases Services and Supplies by \$80,000 Other Funds to establish funding and support for the inclusion of OBD into the Oregon Wellness Program. The program is designed to provide confidential urgent mental health services to active clinical providers who self-refer.

Package 801: LFO Analyst Adjustments. This package includes several revenue and expenditure adjustments totaling an Other Funds expenditure limitation increase of \$46,024 and a reduction of 0.38 FTE. The expenditure adjustments include the elimination of one vacant Business Operations Manager 2 (1.00 FTE) position, establishes funding for one previously unbudgeted Health Care Investigator (1.00 FTE), and reduces one Health Care Investigator from 1.00 FTE to 0.50 FTE beginning on January 1, 2024 (a reduction of 0.38 FTE in the 2023-25 biennium). The package also increases Other Funds expenditure limitation by \$84,065 to outsource Dental Assistant Certifications to the Dental Assistant National Board (DANB); and includes an increase of \$123,255 of Other Funds revenue received from DANB for Dental Assistant Certifications; and an increase of \$365,150 Other Funds revenue for a fee increase across all fee types, effective July 1, 2023, to help support Package 200 and allow for the board to maintain an ending balance equivalent to three months of operating funds.

### **Customer Service Survey**

Mr. Prisby attached the legislatively mandated survey results for FY 2023, July 1, 2022 – June 30, 2023. The results of the survey showed that the OBD continued to receive positive ratings from the majority of those that submitted a survey.

### **Staff Speaking Engagements**

Mr. Prisby shared that Dr. Angela Smorra presented “OBD Update and Jurisprudence” to the Dental Hygiene students at Portland Community College in Portland on Friday, June 9, 2023.

Samantha Plumlee gave a License Application virtual presentation to the graduating Dental Hygiene Students at Portland Community College in Portland on Monday, August 14, 2023.

### **Dental Hygiene License Renewal**

Mr. Prisby reported that the dental hygiene license renewal period started on August 1, 2023 (to coincide with the new fee increases) and it was progressing well. A reminder that audits of Continuing Education were planned to be conducted after the renewal period closed, as it did for the dentists who renewed their licenses earlier in the year.

### **Agency Head Financial Transactions Report July 1, 2022 – June 30, 2023**

Mr. Prisby reminded that the Board Policy requires that at least annually the entire Board review agency head financial transactions for the last Fiscal Year and that acceptance of the report be recorded in the minutes. Mr. Prisby requested that the Board review and if there are no objections, approve the report, which followed the close of the recent fiscal year. Mr. Prisby was happy to answer any questions regarding the report.

Ms. Riedman moved and Dr. Javier seconded that the Board approve the agency head financial transactions for fiscal year 2023 as presented. The motion passed unanimously.

### **TriMet 2023-2024 Contract**

Mr. Prisby requested that the Board ratified entering into a contract with TriMet, which would allow the OBD to provide transportation passes for employees that were eligible to receive such passes for transportation to and from work.

Dr. Kalluri moved and Dr. Aldrich seconded that the Board approve the TriMet annual contract as presented. The motion passed unanimously.

### **OBD Draft DEI Plan**

Mr. Prisby presented the Draft DEI plan which was reviewed and discussed by the Board at the June Board meeting and for review at the meeting for additional feedback and input.

Dr. Javier moved and Dr. Kalluri seconded that the Board move to approve the DEI plan as presented. The motion passed unanimously.

### **OBD 2022 -2025 Strategic Plan – Summary of Work**

Mr. Prisby provided a brief summary of work completed on the priorities in the OBD strategic plan.

### **Board Best Practices Self-Assessment & Score Card**

Mr. Prisby reported as a part of the legislatively approved Performance Measures, the Board needed to complete the attached Best Practices Self-Assessment Score Card so that it

could be included as a part of the FY 2023 annual progress report. Mr. Prisby would provide the report at the October Board Meeting.

Dr. Javier moved and Dr. Kansal seconded that the Board agree the best practice self-assessment scorecard reflects the work the Board has been doing on each point. The motion passed unanimously.

### **2023 Legislative Session**

Mr. Prisby attached bills that passed and had some impact the OBD and/or its licensees.

### **American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB) Annual Meetings**

Mr. Prisby reported that both annual meetings would be in Los Angeles, Ca, between Oct 18 - 21, 2023. The preliminary agenda for the AADB meeting was attached for review. President Dunn was planning on attending the AADB Meeting. Lori Lindley would once again lead the Attorney's Roundtable at the meeting as well. The AADB was considering revising their bylaws and a draft of the proposed changes was included. Mr. Prisby would like to attend the AADA Meeting and asked for the Board to approve his travel. Mr. Prisby stated he was an Officer of the AADA, and served as the Immediate Past President.

Dr. Kansal moved and Dr. Clark seconded that the Board approve Director Prisby to travel to and attend the AADA Annual Meeting in Los Angeles, CA in October 2023. The motion passed unanimously.

### **Newsletter**

Mr. Prisby highlighted the summer OBD Newsletter in Tab 8 of the board meeting packet and noted that it is available on the OBD website. Mr. Prisby thanked all that contributed and especially to our graphic artists, Kathleen McNeal and Haley Robinson, along with Alicia Riedman, RDH for her review of it.

### **UNFINISHED BUSINESS AND RULES**

A memo regarding the established agreement and formalization of the Oregon Wellness Program for all Licensees was presented. Tim Goldfarb, OWP representative spoke about the relationship between the OWP and OBD. He also shared the reasons for it and how important it is as a resource for healthcare providers.

Dr. Clark moved and Dr. Javier seconded that the Board approve the OBD entering into the MOA with the TFME for the Oregon Wellness Program. The motion passed unanimously.

The SOS filings made effective July 1, 2023 were presented along with SOS filing for the temporary fee rule 818-001-0087 and a memo recommending a virtual public rulemaking hearing to begin the steps for making the temporary rule permanent.

Dr. Aldrich moved and Ms. Riedman seconded that the Board move OAR 818-001-0087 Fee rule forward to a public rulemaking hearing on October 4, 2023. The motion passed unanimously.

A memo regarding the review and approval of the amended OBD-DANB agreement was presented.

Dr. Kalluri moved and Dr. Javier seconded that the Board approve the DANB agreement for the biennium through 2025 as presented. The motion passed unanimously.

### **CORRESPONDENCE**

Dr. Kalluri moved and Dr. Javier seconded that the Board approve Paula Hendrix, R.D.H. as a test examiner for CRDTS. The motion passed unanimously.

A letter from the American Academy of Dental Sleep Medicine was highlighted and discussed.

Communication from ODHA and ODA regarding questions on the OBD license application and renewal forms regarding mental health and substance abuse was presented.

Dr. Clark moved and Dr. Javier seconded that the Board move the questions brought up about mental health and substance abuse verbiage on licensee applications and renewals to the Licensing, Standards and Competency Committee for review. The motion passed unanimously.

### **OTHER**

Dental Pilot Project 100 Closing Report Letter and Advisory Committee Conclusion was highlighted. Sarah Kowalski, M.S., R.D.H. reported that all participants of DPP 100 are now licensed Dental Therapists and treating patients in Oregon. A final report is expected in November. Also Dental Pilot Project 300 sunsets in 2025 with an estimated 30 individuals trained as Dental Therapists. The next step will be CODA accredited training for Dental Therapy candidates.

**The Board will meet in Executive Session pursuant to ORS 192.345(4); ORS 192.660(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 materials and investigatory information, and to consult with counsel. The Board will also meet in Executive Session pursuant to ORS 192.660(2)(i), to conduct the annual review and performance evaluation of the Executive Director. No final action will be taken in Executive Session.**

**OPEN SESSION:** The Board returned to Open Session at 1:24 pm

### **CONSENT AGENDA**

**2023-0213, 2024-0005, 2023-0206, 2024-0007, 2023-0202, 2023-0204, 2024-0001, 2023-0210, 2024-0008, 2023-0212**

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

### **COMPLETED CASES**

**2023-0168, 2023-0200**

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

**BINDER, ARI, D.M.D. 2023-0143**

Dr. Kansal moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand; refund and restitution in the amount of \$9,469.00 by single payment, in the form of a cashier's, bank, or official check made payable to JW and delivered to the Board within 120 days of the effective date of the Order; take 4 hours of CE on effective time management in the busy dental practice within 60 days of the effective date of the Order; and take and pass the Dental Jurisprudence Test within 30 days of the date of the effective date of the Order. The motion passed unanimously.

**2023-0086**

Dr. Clark moved and Ms. Riedman seconded that the Board close the matter with a finding of No Violation. The motion passed except Dr. Javier recused.

**2023-0193**

Dr. Aldrich moved and Ms. Riedman seconded that the Board close the matter with a finding of No Violation. The motion passed except Dr. Kalluri recused.

**2023-0134**

Dr. Kalluri moved and Dr. Kansal seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he documents the name and concentration of a vasoconstrictor when used with a local anesthetic; uses only one medication while performing minimal sedation procedures; documents that he gave the patient the implant placement surgery information in writing; documents that all discharge criteria have been met, and that the patient is ready for discharge after IV sedation procedures are performed. The motion passed unanimously.

**2023-0070**

Ms. Riedman moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that she documents that she has reviewed the patient's medical history for changes each dental appointment, the patient's chief complaint, the patient's radiographic findings, and PARQ the patient prior to performing procedures for the patient. The motion passed unanimously.

**2023-0137**

Dr. Javier moved and Dr. Kalluri seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he documents his radiographic findings for each image exposed; that he documents how he performs his exam for finding the fourth canal (MB2) in upper first molars and performs his exam for any internal cracks and fractures when entering the pulp chamber prior to performing root canal therapy; and to use non-opioid management of dental pain whenever possible. The motion passed unanimously.

**ROBINSON, JAMES COLBY, D.M.D. 2023-0124**

Dr. Kansal moved and Ms. Riedman seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand; a \$5000.00 civil penalty payable within 120 days of the effective date of the Order; a requirement that the licensee complete eight hours of Board approved continuing education (CE) in the area of sedation 60 days after the effective date of the Order; These eight hours will be in addition to the

40 hours of continuing education required for the licensure period April 1, 2022, to March 31, 2024. The motion passed unanimously.

### **2023-0093**

Dr. Clark moved and Dr. Aldrich seconded that the Board for respondent #1, close the matter with a Letter of Concern reminding Licensee to assure that she documents that she reviewed the patient's medical history for each appointment, noting if there have been no medical history changes, or if medical history changes have occurred, so note with appropriate follow-up; and for respondent #2, move to close the matter with a Letter of Concern reminding Licensee to assure that she documents that she reviewed the patient's medical history for each appointment, noting if there have been no medical history changes, or if medical history changes have occurred, so note with appropriate follow-up; and that weekly biological testing of sterilization devices is completed. The motion passed unanimously.

## **PREVIOUS CASES REQUIRING BOARD ACTION**

### **2023-0172**

Dr. Aldrich moved and Dr. Kansal seconded that the Board approve the disclosure of a written summary of the investigative work product. The motion passed unanimously.

### **2017-0113**

Dr. Kalluri moved and Dr. Kansal seconded that the Board direct staff to open a new investigative case to determine if the Licensee is complying with the terms of his prior consent order restrictions on his Oregon License. The motion passed unanimously.

### **2016-0138**

Ms. Riedman moved and Dr. Clark seconded that the Board affirm the Board's previous action taken on October 21, 2016. The motion passed unanimously.

## **LICENSE & EXAMINATION ISSUES**

### **Request for reinstatement of a retired license – Tamara Amich, R.D.H.**

Dr. Javier moved and Dr. Kalluri seconded that the Board approve the license reinstatement. The motion passed unanimously.

### **Request for reinstatement of a retired license – Gary Underhill, D.M.D.**

Dr. Kansal moved and Dr. Javier seconded that the Board approve the license reinstatement. The motion passed unanimously.

## **RATIFICATION OF LICENSES**

Dr. Clark moved and Ms. Brixey seconded that the Board ratify the licenses presented in tab 16. The motion passed unanimously.

### **Executive Director Performance Evaluation**

Mr. Dunn moved and Dr. Kansal seconded that the Board rate Mr. Prisby an "outstanding" on his performance review, accept his 2023-2024 goals and award him 40 hours of Exceptional Performance Recognition Leave with Pay per DAS statewide policy 60.000.10. The motion passed unanimously.



## **ADJOURNMENT**

The meeting was adjourned at 1:34 pm. Mr. Dunn stated that the next Board Meeting would take place on October 27, 2023.

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Charles 'Chip' Dunn  
President