

**Ohio State Dental Board
Board Meeting
January 7, 2004**

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**Ohio State Dental Board
Board Meeting
January 7, 2004**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, January 7, 2004, beginning at 1:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President
Eleanore Awadalla, D.D.S., Secretary
Mark Landes, Esq.
Gregory A. McDonald, D.D.S.
T. Michael Murphy, D.D.S.
Lynda L. Sabat, R.D.H.
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the Ohio Dental Association (ODA); Linda Hewetson, R.D.H., Denise Bowers, R.D.H., Ann Nabor, R.D.H., and Jacolynn Fischer, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Jayne A. Rasmussen, Licensure Coordinator, Larry Powell and Kathy Carson, Dental Board Enforcement Officers, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:10 p.m.

EXECUTIVE SESSION

Motion by Ms. Sabat, second by Dr. Murphy, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action.

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Reitz, Mr. Everhart, Ms. Crawford, and Ms. Hockenberry to attend the executive session.

OPEN SESSION

At 2:22 p.m., the Board resumed open session. Dr. Hills approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

REVIEW OF THE DECEMBER 2003 BOARD MEETING MINUTES

The Board reviewed the minutes of the December 3, 2003 Board meeting.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the December 3, 2003 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Rasmussen, Licensure Coordinator, had prepared a report of the licenses issued since the November 2003 meeting, for Board member review. Dr. Hills then requested the Board's vote of approval for the Licensure Report.

Motion by Dr. Vesoulis, second by Dr. Murphy, to approve the licensure report for the following dental and dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination, and for the following dental assistant radiographer licenses issued by; acceptable certification or licensure in another state, certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC), or successful completion of the DANB Radiation, Health and Safety examination:

DENTAL

*Jgavin M. Aaron, D.D.S.
Shariq Baqai, D.D.S.
Douglas W. Brower, D.D.S.
Sang Yoon Lee, D.D.S.*

*Richard W. Linn, D.D.S.
Aaron S. Lundner, D.D.S.
Joseph D. Michelakis, D.D.S.*

DENTAL HYGIENE

*Melissa F. Dickenson, R.D.H.
Beth A. Edgington, R.D.H.*

Ellen J. Weisel, R.D.H
.

DENTAL ASSISTANT RADIOGRAPHER

*April M. Anderson
Cahterin M. Barcus
Rugh Z. Binegar
Daphney T. Brenner
Katrina D. Burgess
Caylyn N. Cable
Vicky L. Christy
Ashley R. Cook*

*Barbara J. Davis
Muriah A. Emery
Glenda S. Feasel
Stephanie L. Flanagan-Colletti
Misty L. Fortney
Christina D. Hankins
Julie A. Hanna
Amy E. Hatton*

Melissa J. Hoffman
Shannon R. Kehrt
Jennifer L. Koss
Charles E. Mardis
Heidi M. Newman
Barbara E. Nichols
Angela M. Pippin
Rebecca J. Porter
Erica M. Powers
Pauline A. Raczor
Melissa Ritchey
Lori L. Schramm

Candice L. Sealey
Doreen H. Sismour
Lisa D. Storer
Shannon K. Stroupe
Janie M. Azzepanski
Shelley L. Vencill
Kimberly A. Wenzinger
Alex G. Whiting
Sharin A. Wisnewski-Shirgott
Debra L. Young

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

The following persons applied for dental licenses, based on successful completion of a regional board examination and NERB Dental Simulated Clinical Examination (DSCE), National Board examination, and the Ohio examination on the statute and regulations:

Jonathan J. Eaton, D.D.S.

Motion by Dr. McDonald, second by Dr. Vesoulis, to approve Dr. Eaton's regional board dental license application.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

Dr. Hills noted that there were no new regional board dental hygiene applications for review at this time.

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES

The Board reviewed the license application of Dr. Tamal Dimachki a 1996 graduate of Damascus University Dental School. Dr. Dimachki has completed a general dentistry residency from the University of Rochester, has taken and passed the National Board examination, NorthEast Regional Board (NERB) examination, and the Ohio examination on statute and regulations.

Motion by Ms. Sabat, second by Dr. McDonald, to grant Dr. Dimachki a license to practice dentistry in the state of Ohio as a graduate of an unaccredited dental college located outside the United States.

Roll call vote.

Motion carried unanimously.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

Dr. Hills noted that there were no limited resident's license applications for review at this time.

LIMITED TEACHING LICENSE APPLICATION(S)

Dr. Hills noted that there were no limited teaching license applications for review at this time.

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

Dr. Hills noted that there were no limited continuing education license applications for review at this time.

DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION

Dr. Hills noted that there were no license applications for dentists with a specialty designation for review at this time.

DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)

Dr. Hills noted that there were no dental assistant radiographer license applications for review at this time.

INTRODUCTION OF BOARD MEMBERS

Dr. Hills took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Cleveland. He then introduced the other Board members: Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Dr. Gregory McDonald, a general dentist from Springboro, Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville, and Mr. Mark Landes, an attorney and the Board's public member from Gahanna.

CRITERIA APPROVAL LICENSE APPLICATION(S)

CHERYL K. BERGSTROM, R.D.H.

Cheryl K. Bergstrom, R.D.H. was the only applicant for criteria approval interview. Ms. Bergstrom is a 1997 graduate of the Amarillo College in Texas and is currently licensed in the states of Colorado and Washington. Ms. Bergstrom informed the Board that her husband is originally from Orville, Ohio and wishes to obtain her dental hygiene license in Ohio in order to practice. She stated that she is currently certified in CPR and has obtained the required twelve (12) hours of continuing education for reinstatement.

Upon questioning by the Board, Ms. Bergstrom explained that she had been taught local anesthesia in Texas and at the University of Colorado. She stated that the training was performed over several weekends rather than as a full semester course. Ms. Bergstrom went on to explain that while in Colorado she had practiced in a group practice and did not practice independently although she was permitted by Colorado law to practice independent of the dentist.

Motion by Ms. Sabat, second by Dr. Awadalla, to approve Ms. Bergstrom's criteria approval application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT LICENSE APPLICATION(S)

VALERIE D. MARTONE, D.D.S.

Valerie D. Martone, D.D.S. was the first applicant for reinstatement interview. Dr. Martone's license to practice dentistry was suspended for failure to renew in January 2001. She contacted the Board executive office upon discovering that her license was not current and ceased practicing at that time. Since that time she has served a two (2) week suspension and now wishes to reinstate her license.

Upon questioning by the Board, Dr. Martone stated that she had not realized that her license had lapsed and therefore, had continued practicing in her Ohio practice one (1) day per week until she found out that her license had lapsed for failure to renew. She stated that she had cancelled her patients, ceased practicing and served a two (2) week suspension at that time. Dr. Martone stated that she could not explain how she had inadvertently not submitted a change of address to the Board. She explained that this was the second move since 2000 and that she had notified the Board of the first move to Pennsylvania but not the second.

Dr. Awadalla asked if Dr. Martone had renewed her license to practice in Pennsylvania during this same time. Dr. Martone indicated that she had renewed her Pennsylvania license but had not thought about the renewal of her Ohio license.

Dr. Hills suggested that the Board table consideration of reinstatement of Dr. Martone's license to practice dentistry at this time.

KIMBERLY K. KEENE, R.D.H.

The next applicant for reinstatement interview was Kimberly K. Keene, R.D.H. Ms. Keene's license to practice dental hygiene was suspended for failure to renew in December 2001. Ms. Keene informed the Board that she had not practiced dental hygiene since June, 2000 as her husband had been transferred to Indiana and she had also taken time away from practice to take care of an ailing parent. She stated that she is now ready to return to the active practice of dental hygiene

and wishes to reinstate her license. Ms. Keene stated that she is currently certified in CPR and has obtained the required twelve (12) hours of continuing education for reinstatement.

Motion by Dr. Murphy, second by Mr. Landes, to approve Ms. Keene's reinstatement application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

DIXIE L. MERRILL, R.D.H.

Dixie L. Merrill, R.D.H. was the final applicant for reinstatement interview. Ms. Merrill retired her license in December 2001. Ms. Merrill explained that she had practice dental hygiene for 43 years and had been married to her husband, a licensed dentist in Ohio, for 23 years. She stated that they had sold his dental practice approximately four (4) years ago but had stayed on for another year prior to retiring. Ms. Merrill informed the Board that the current owner has a thriving practice and has offered her a dental hygiene position. She stated that due to the stock market and the fact that she misses practicing and the patients, she now wishes to reinstate her license. Ms. Merrill informed the Board that she is currently certified in CPR and has obtained the required twelve (12) hours of continuing education for reinstatement.

Motion by Ms. Sabat, second by Dr. McDonald, to approve Ms. Merrill's reinstatement application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

Executive Session

Motion by Mr. Landes, second by Dr. Murphy, to move the Board into executive session pursuant to Ohio Revised Code section 121.22(G)(1) to deliberate and consider the matter of licensee Valerie D. Martone, D.D.S.

Roll call vote

Motion carried unanimously.

OPEN SESSION

The Board resumed open session at 2:37 p.m. Dr. Hills informed Dr. Martone that the Board's Assistant Attorney General, Mary Crawford, Esq., was preparing a consent agreement for her consideration. He stated that this matter would be tabled until later in the meeting.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATION(S)

Dr. Hills noted that there were no Report and Recommendations for consideration at this time.

PERSONAL APPEARANCE(S)

DAVID BECKMAN, D.D.S.

Mr. Everhart explained that a brief summary regarding the matter of David Beckman was supplied in the Board notebooks. He stated that Dr. Beckman has been charged criminally in the Cuyahoga County Clerk of Courts with fifteen (15) felonies related to his drug use.

Dr. Beckman explained that these charges were not new charges with regards to the terms of his consent agreement, but rather as a result of his impairment and previous drug use. He stated that he had entered a plea on Monday of that same week with regards to these charges.

Dr. Beckman stated that this was his second appearance before the Board since his treatment in September. He stated that he has been participating in aftercare and that along with his family's support he has been doing very well. Dr. Beckman informed the Board that he finds the aftercare and caduceus very rewarding. With regards to his practice, Dr. Beckman stated that he has been able to retain his staff although his biggest difficulty has been in finding an associate.

He stated that members of his community are anxious for his return, but if he returns to practice he would like to return part-time for now.

Mr. Everhart pointed out that Dr. Beckman has been in compliance with the terms of his consent agreement from the beginning and that he is filing for treatment in lieu of a conviction with regards to the charges by Cuyahoga County Clerk of Courts.

Motion by Dr. Awadalla, second by Dr. McDonald, to reinstate the license of David Beckman, D.D.S. pursuant to the terms of his consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

Dr. Beckman thanked the Board and expressed that from his perspective, if not for the consent agreement and the Board's intervention he would not have the close relationship he now has with his family and community.

DANIEL A. GLICK, D.D.S.

Mr. Everhart explained that Dr. Glick was here before the Board at their request for his second appearance since he signed his consent agreement in November 2003. Upon questioning by the Board, Dr. Glick stated that the extra month of suspension had allowed him the chance to focus more on his treatment and recovery. He stated that in addition to his aftercare and caduceus meetings he had taken the month of December to attend to year end business with his practice and some personal issues. Dr. Glick told the Board that if they considered reinstatement of his license he would ease back into practice and eventually build back up to working full-time.

Motion by Dr. Murphy, second by Ms. Sabat, to reinstate the license of Daniel A. Glick, D.D.S. pursuant to the terms of his consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

REVIEW OF CASES WHEREIN NOTICE(S) OF OPPORTUNITY WERE ISSUED AND NO HEARING WAS REQUESTED

ALEXANDER J. VIGH, D.D.S.

Dr. Hills turned the meeting over to Dr. Awadalla to conduct the evidentiary reviews. Dr. Awadalla then stated for the record:

“This is an evidentiary review in the matter of Alexander J. Vigh, D.D.S., pursuant to Chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the Administrative Hearing that would have occurred if Dr. Vigh had requested a hearing. The Board’s minutes will serve as the official record of this proceeding.”

Dr. Awadalla asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing.

Ms. Hockenberry said yes and called Larry Powell, Dental Board Enforcement Officer, to give testimony in this matter. Dr. Awadalla asked Mr. Powell to raise his right hand and said:

“Do you swear that the testimony you are about to give will be the truth so help you God?”

Mr. Powell said yes and upon questioning by Ms. Hockenberry described his duties as a Dental Board Enforcement Officer charged with enforcement of the Dental Practice Act. He stated that he had been with the Board for twelve (12) years and that he had been the investigator in this case.

Mr. Powell identified State’s Exhibit 1 as a copy of the computer record maintained on file in the Dental Board offices for Dr. Vigh. He stated that the record indicates that Dr. Vigh’s license to practice is currently suspended for prior disciplinary action. Mr. Powell clarified that Dr. Vigh had been charged with five (5) counts of infection control violations in July 2003, at which time he signed a consent agreement with the Board wherein he agreed to a suspension of his license for 30 days.

Continuing on, Mr. Powell explained that State’s Exhibit 2 was a copy of the Notice of Appearance submitted on November 26, 2003 by Rebecca Hockenberry,

Esq. on behalf of the Board. He stated that State's Exhibit 3 was the Notice of Opportunity for Hearing (Notice) sent to Dr. Vigh on November 5, 2003; the last page of the exhibit had a copy of the signed certified mail receipt. Mr. Powell explained that the Notice charged Dr. Vigh with three (3) counts of violation of his consent agreement.

Mr. Powell explained that he had visited Dr. Vigh at his office on October 7, 2003 and that when he walked into Dr. Vigh's office there were patients in the waiting room, the receptionist was answering the phone and scheduling appointments. Mr. Powell stated that he had the opportunity to speak with Dr. Vigh and that he was very hostile and verbally abusive towards Mr. Powell and his questions. Mr. Powell informed the Board that he had explained to Dr. Vigh that he was in violation of the terms of this consent agreement since the Board office had not received a written reinstatement request or proof of the required additional continuing education (CE) that was stipulated in the terms of his consent agreement. Mr. Powell stated that Dr. Vigh indicated that he had served twenty-eight (28) days of this thirty (30) day suspension and that he did not have time to obtain CE. Mr. Powell stated that Dr. Vigh admitted that he had begun practicing on Monday August 18, 2004 immediately following his 28 day suspension.

Mr. Powell informed the members that he had then served Dr. Vigh with the subpoena and that Dr. Vigh instructed his receptionist to supply Mr. Powell with the information requested in the subpoena.

Mr. Powell identified State's Exhibit 4 as a copy of Dr. Vigh's June 16, 2003 consent agreement with the Board. He stated that Dr. Vigh had agreed to serve a thirty (30) day suspension of which he served twenty-eight (28) days. Mr. Powell also stated that Dr. Vigh was to make a written request to the Board for reinstatement and obtain twenty-one (21) hours of continuing education; seven (7) in dental ethics and fourteen (14) in infection control, and take and pass a jurisprudence examination on the law and rules governing dentistry in Ohio. Mr. Powell stated that Dr. Vigh had not completed these requirements to date.

Upon questioning by Ms. Hockenberry, Mr. Powell confirmed that pages 8-10 of State's Exhibit 4 were copies of the January 21, 2003 Notice of Opportunity for Hearing delineating the five (5) infection control charges. Mr. Powell also indicated that he had the opportunity to review Dr. Vigh's appointment book and based on the documentation Dr. Vigh was practicing as of August 18, 2003.

Mr. Powell stated that he had made a subsequent visit to Dr. Vigh's office to obtain patient records in order to compare them with the appointment book. He

stated that again Dr. Vigh appeared hostile but despite the hostility he was cooperative. Mr. Powell reviewed State's Exhibits 6 through 13 as patient records wherein treatment was rendered while Dr. Vigh's license to practice dentistry was suspended.

Continuing on, Mr. Powell identified State's Exhibit 14 as a subpoena indicating receipt on October 31, 2003 for medical records from the Ohio Department of Job and Family Services for claim submissions and payments made to Dr. Vigh from July 15, 2003 to present. Mr. Powell stated that on at least 2 occasions, Dr. Vigh submitted and received payment from Medicaid for treatment rendered to patients while his license was suspended.

Ms. Hockenberry moved into evidence State's Exhibit's 1-14 inclusive and requested that State's Exhibits 5-14 be sealed under record due to patient confidentiality. Dr. Awadalla admitted the Exhibits into evidence.

Dr. McDonald asked if Dr. Vigh was still practicing. Mr. Powell said yes.

Dr. Murphy stated that Dr. Vigh sounded like a very angry individual and asked if it had been suggested that Dr. Vigh retire permanently. Mr. Powell indicated that he had mentioned retirement in his discussions with Dr. Vigh, however, Mr. Powell indicated that Dr. Vigh refused.

In conclusion, Ms. Hockenberry stated that Dr. Vigh has shown repeated and blatant disregard for the Board's consent agreement of June 16, 2003. Further, she stated that Dr. Vigh has expressed his discontent with following the laws and not requesting reinstatement and returning to practice on August 18, 2003. She then requested that the Board permanently revoke Dr. Vigh's license to practice dentistry in the state of Ohio based on these repeated violations.

Executive Session

Motion by Mr. Landes, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code section 121.22(G)(1) to deliberate and consider the matter of licensee Alexander J. Vigh, D.D.S.

Roll call vote

Motion carried unanimously.

OPEN SESSION

The Board returned to open session at 2:50 p.m. Dr. Awadalla then stated:

“Let the record reflect that I, Dr. Eleanore Awadalla was the secretary in this matter, and therefore I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.”

DECISION IN THE MATTER OF ALEXANDER J. VIGH, D.D.S.

Motion by Mr. Landes, second by Dr. Murphy, that it is hereby ORDERED:

The license of Alexander J. Vigh, D.D.S. to practice dentistry in the state of Ohio is permanently REVOKED.

This ORDER shall become effective immediately upon receipt of this ORDER.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

RAYMOND J. HAAG, D.D.S.

Dr. Awadalla stated for the record:

“This is an evidentiary review in the matter of Raymond J. Haag, D.D.S., pursuant to Chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the Administrative Hearing that would have occurred if Dr. Haag had requested a hearing. The Board’s minutes will serve as the official record of this proceeding.”

Dr. Awadalla asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing.

Ms. Hockenberry said yes and called Kathy Carson, Dental Board Enforcement Officer, to give testimony in this matter. Dr. Awadalla asked Ms. Carson to raise her right hand and said:

“Do you swear that the testimony you are about to give will be the truth so help you God?”

Ms. Carson said yes and upon questioning by Ms. Hockenberry described her duties as a Dental Board Enforcement Officer charged with enforcement of the Dental Practice Act. She stated that she had been with the Board for eight (8) years and two (2) months of which she has spent the past four (4) years in this capacity. She indicated that she had been the investigator in this case.

Ms. Carson identified State’s Exhibit 1 as a copy of the computer record maintained on file in the Dental Board offices for Dr. Haag. She stated that the record indicates that Dr. Haag’s license to practice was originally issued on August 7, 2002 and that there are no prior Board actions indicated.

Continuing on, Ms. Carson explained that State’s Exhibit 2 was a copy of the Notice of Opportunity for Hearing (Notice) sent to Dr. Haag on November 5, 2003; the last page of the exhibit had a copy of the signed certified mail receipt. Ms. Carson explained that the Notice charged Dr. Haag with one (1) count infection control violation and one (1) count of substandard care violation. Ms. Carson explained that State’s Exhibit 3 was a copy of the Notice of Appearance submitted on November 31, 2003 by Rebecca Hockenberry, Esq. on behalf of the Dental Board.

Ms. Carson then identified State’s Exhibit 4 as a copy of Patient #1’s records wherein it indicates that a temporary crown was placed on tooth #18. She stated that in a complete review of the record it had been determined that tooth #18 was never permanently sealed. She stated that on page 6 of State’s Exhibit 4, it indicates the placement of a bridge for teeth 3-6.

Upon questioning by Ms. Hockenberry, Ms. Carson confirmed that pages 5-9 of State’s Exhibit 5 were photos of Patient #1 by Dr. Hammond prior to treatment by Dr. Haag. Ms. Carson stated that she had interviewed Patient #1 and had determined that she would like to have the bridge redone as there is twice

the amount of space between teeth 6 and 7 and a bulbousness that was not present prior to the procedures performed by Dr. Haag.

Ms. Carson stated that Dr. Haag admitted to her and Assistant Director Michael Everhart, that he does not always wear gloves when cementing temporary crowns. Further investigation revealed that he also does not wear gloves when cementing retainers, adjusting dentures, and permanently cementing crowns and bridges. She stated that Patient #1 indicated that Dr. Haag obtained consent from the patient to not wear gloves if he washes his hands real good.

Ms. Carson stated that State's Exhibit 6 was a copy of the report submitted by the Expert Witness in this case, James E. Metz, D.D.S. She stated that the report from Dr. Metz stated that the fixed partial and crown were below the standard of care for the profession, that there were gross open margins, overextensions, and that this work was esthetically unacceptable.

Ms. Hockenberry moved into evidence State's Exhibit's 1-6 inclusive and requested that State's Exhibits 4-6 be sealed under record due to patient confidentiality. Dr. Awadalla admitted the Exhibits into evidence.

In conclusion, Ms. Hockenberry stated that the documentation submitted clearly indicates that Dr. Haag is not wearing gloves when he performs restorative procedures and that the crown on tooth 18 along with the bridge on teeth 3-6 is below the standard of care for the profession.

Executive Session

Motion by Mr. Landes, second by Dr. Vesoulis, to move the Board into executive session pursuant to Ohio Revised Code section 121.22(G)(1) to deliberate and consider the matter of licensee Raymond J. Haag, D.D.S.

Roll call vote

Motion carried unanimously.

OPEN SESSION

The Board returned to open session at 4:02 p.m. Dr. Awadalla then stated:

“Let the record reflect that I, Dr. Eleanore Awadalla was the secretary in this matter, and therefore I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.”

DECISION IN THE MATTER OF RAYMOND J. HAAG, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, that Counts 1 and 2 of the Notice of Opportunity for Hearing are found to be true.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Motion by Dr. Murphy, second by Dr. Vesoulis, that it is hereby ORDERED:

1. *The license of Raymond J. Haag, D.D.S. to practice dentistry in the state of Ohio is SUSPENDED for a period of fourteen (14) days.*
 - A. *No one in the dental office may perform dentistry or dental hygiene duties or otherwise treat patients during the period of suspension.*
 - B. *A receptionist may answer the phones with “Dr. Haag’s Office”, or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*
 - C. *Dr. Haag may not receive any income either from a legal or a beneficial interest in the dental practice during the period of suspension.*
2. *Once reinstated, Dr. Haag’s license to practice dentistry shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of three (3) years:*

- A. *Dr. Haag shall obtain forty (40) hours of continuing education in crown and bridge and treatment planning, approved in advance by the Board Secretary. Dr. Haag shall notify the Board of completion of these hours within three (3) months of the effective date of this Order. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.*
- B. *Dr. Haag shall obtain fifteen (15) hours of continuing education in dental ethics and treatment planning, approved in advance by the Board Secretary. Dr. Haag shall notify the Board of completion of these hours within six (6) months of the effective date of this Order. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.*
- C. *Dr. Haag shall submit quarterly declarations under penalty of Board discipline stating that he is in compliance with the terms of this Order.*
- D. *Dr. Haag shall obey all federal, state, and local laws, and all rules governing the practice of dentistry in Ohio.*
- E. *Dr. Haag shall cooperate with the Board should records be requested for inspection by the Board as deemed necessary by the Board.*

This ORDER shall become effective thirty (30) days from the date of mailing of this ORDER.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Dr. Awadalla stated that this concluded the Evidentiary Hearings and turned the meeting back over to Dr. Hills.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed six (6) proposed consent agreements.

VALERIE D. MARTONE, D.D.S.

Ms. Crawford explained that the first consent agreement for consideration was not supplied in the Board notebooks, since it was drafted just previously during the meeting. She stated that in addition to the standard language, such as auditing for continuing education for the next 2 bienniums, the consent agreement required pro bono services to be performed by Dr. Martone.

Motion by Dr. Murphy, second by Dr. Awadalla, to approve the proposed consent agreement for Valerie D. Martone, D.D.S., license number 30-01-9492.

Roll call vote.

Motion carried unanimously.

JOHN C. BLAND, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for John C. Bland, D.D.S., license number 30-01-4822.

Roll call vote.

Motion carried unanimously.

GEORGE A. LANGO, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for George A. Lango, D.D.S., license number 30-01-3522.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes

Dr. Vesoulis - Yes

Motion carried.

RICHARD LAPP, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Richard Lapp, D.D.S., license number 30-01-1423.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

THOMAS W. MOORHEAD, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the proposed consent agreement for Thomas W. Moorhead, D.D.S., license number 30-01-2717.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

EDWARD N. ROBERTSON, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Edward N. Robertson, D.D.S., license number 30-01-7465.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

Dr. Hills noted that there were no proposed voluntary retirements for review at this time.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed one (1) Notice of Opportunity for Hearing. The name of the individual/licensee was not included in the documents reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes.

SUSAN L. PROVINCE, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Susan L. Province, D.D.S., license number 30-02-0902 , case number 03-78-174.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

ENFORCEMENT UPDATE

Mr. Everhart informed the Board that there were currently five (5) cases listed as pending hearings of which four (4) have been scheduled for hearings. He stated that there were currently five (5) cases under appeal and indicated that there were nineteen (19) licensees currently under suspension. Mr. Everhart stated that there had been eight (8) cases that had been investigated and reviewed by the Board Secretary and recommended to be closed.

Due to the requirement in Chapter 4715.03(D) of the Ohio Revised Code, that "The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members,..." Mr. Everhart reviewed the cases to be closed with the Board.

The following cases are to be closed:

02-51-651	98-11-078	03-25-1489
03-25-1318	03-25-118	03-25-1530
03-24-1336	03-25-1324	

Prior to the vote to close the above listed cases, Dr. Hills inquired as to whether any of the Board members had any personal knowledge that the cases that were being voted on today involve either themselves or a personal friend.

Roll call: Dr. Awadalla - Abstain
 Dr. Hills - No
 Mr. Landes - No
 Dr. McDonald - No
 Dr. Murphy - No
 Ms. Sabat - No
 Dr. Vesoulis - No

Dr. Hills then called for a motion to close the cases and approve the enforcement report.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the enforcement report and close the above sixty-five (65) cases.

Roll call vote: Dr. Awadalla - Abstain
 Dr. Hills - Yes

Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Dr. Hills thanked Mr. Everhart for the Enforcement Report.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES

Dr. Murphy stated that there were no applications for review for provisional privileges for Anesthesia permits.

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

Dr. Murphy stated that the following individual has applied for a Conscious Sedation permit. He explained that the application was reviewed by the Anesthesia Committee and is recommended to receive provisional privileges:

Katherine I. Raymond, D.D.S. – Conscious Sedation permit for all modalities

REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S)

Continuing on, Dr. Murphy stated that the following individual has applied for an Anesthesia permit. He explained that the application was reviewed by the Anesthesia Committee and is recommended for approval:

Brian T. Kernan, D.D.S. – Tipp City, Ohio

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Murphy stated that the following individual has applied for a Conscious Sedation permit. He explained that the application was reviewed by the Anesthesia Committee and is recommended to approval for the appropriate modality:

Shea M. Walkup, D.D.S. – Maumee, Ohio
All modalities

Motion by Dr. Murphy, second by Dr. McDonald, to approve Katherine I. Raymond, D.D.S. for receipt of provisional conscious sedation permit privileges, to approve Brian T. Kernan, D.D.S. an anesthesia permit, and to approve Shea A. Walkup, D.D.S. a conscious sedation permit for all modalities.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Murphy for the Anesthesia Committee report.

COMMUNICATIONS COMMITTEE REPORT

Ms. Reitz informed the Board members that the committee intends to work on the next biannual newsletter. She stated that there is much information that needs to be disseminated to the licensees and would like to get the next newsletter out by mid to late February.

Dr. Hills thanked Ms. Reitz for her report.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee:

Margaret Mary Bertin, CDA
Joe L. Carpenter, D.D.S.
Karl E. Hegyi, D.D.S.
Midwest Implant Institute
James M. Palermo, D.D.S., Inc.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these five (5) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Sabat stated that the following individuals/organizations have applied for renewal as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee:

Academy of Contemporary Dentistry
Associated Orthodontics, Inc.
Bass Lake Study Club
Benco Dental Company
Jackie Berkowitz, D.D.S., M.S.
Central Ohio Study Club
Cleveland Academy of Advanced Dental Education
Cleveland Society of Orthodontics
Collagenex Pharmaceuticals, Inc.

Dental Ceramics, Inc.
Doling and Associates Dental Laboratory, Inc.
Eagle Clinical Dentistry Seminars – Hudson Heidorf, D.D.S.
Heights Dental Study Club
Hillcrest Dental Study Club
Implex International
Garrett D. Kenney, D.D.S.
Gary G. Lamond, D.D.S., L.L.C.
GSC Home Study Courses
Felix A. Gen, D.D.S., M.S.
Healthtech Group – Anthony Pedela, D.D.S.
Health Studies Institute, Inc.
Haywood Consulting
Homestead Schools
Monarch Dental Associates
Naples Dental Conference
Neil Kennedy Recovery Clinic
Nixon Dental Study Club
North Coast Dental Study Club
North Coast Jaw Center
Northern Hills Dental Study Club
Imad Nouneh
The Ohio State University Orthodontic Alumni Foundation
Pfizer Consumer Healthcare
SOS Technologies
Scott Silverstein, D.D.S., M.S.
Southern Ohio Periodontal Associates, Inc.
Southwestern Ohio Dental Seminar
Sterilization Monitoring Services
Dr. Marion L. Wazney, Inc.
West Shore Dental Study Club
Western Reserve Periodontics, Inc.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these forty-one (41) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Ms. Sabat noted that there were no dental assistant radiographer initial training courses for review at this time.

REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no anesthesia continuing education courses for review at this time.

REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no conscious sedation continuing education courses for review at this time.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no substance abuse continuing education courses for review at this time.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)

Ms. Sabat noted that there were no dental hygiene medical emergency courses for review at this time.

REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)

Ms. Sabat noted that there were no requests for special needs programs for review at this time.

REVIEW OF REQUEST FOR WAIVER(S) OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had been unable to complete its agenda for the day due to the number of Biennial Sponsor applications for review and the shortened meeting times. Therefore, she stated that the rest of the Committee's original agenda has been tabled until the February meeting.

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Murphy informed the Board that the Law and Rules Review Committee had met earlier in the day and accomplished their agenda. He stated there had been discussion with regards to hand hygiene. Dr. Murphy explained that the decision was made to develop a policy regarding the use of hand sanitizers. Dr. Murphy stated that the policy would be used as a temporary measure in the interim prior to drafting of rules clarifying this issue.

Continuing on, Dr. Murphy explained that the Committee had completed its objectives for the 2003 review year including the rules addressing the issue of coronal polishing by the certified dental assistant. He stated that the Committee had come to a consensus on all of these proposed new and amended rules and those rules that are suggested to be rescinded. He stated that the draft rules which will include the final changes made today will be sent to the Board members for their review prior to the next Board meeting in February. Dr. Murphy stated that at that time if there are no additional changes by Board members, the Board will vote to initial file the rules later that same week with the Joint Committee on Agency Rule Review (JCARR). He informed the Board that once the rules were filed an Administrative Rules Hearing would be held at the Board meeting on March 17, 2004.

Dr. Hills thanked Dr. Murphy for the Law and Rules Review Committee report.

POLICY COMMITTEE REPORT

Dr. Awadalla informed the Board members that the Policy Committee would be drafting a policy regarding the use of hand sanitizers in the dental office, based on the decisions made during the Law and Rules Review Committee earlier that day.

Dr. Hills thanked Dr. Awadalla for her report.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Dr. Awadalla noted that there was nothing to report for the Treatment Center Approval Committee at this time.

Dr. Hills thanked Dr. Awadalla for her report.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that the Waiver Committee had reviewed one (1) Hepatitis B Waiver Request application and recommended approval of a one (1) year waiver based on medical reasons. The Waiver Committee recommended a waiver for the following individual:

Lisa Zawaski

Motion by Ms. Sabat, second by Dr. Murphy, to approve a Ms. Zawaski's application for a one (1) year Hepatitis B Waiver.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for the Waiver Committee report.

SECRETARY'S EXPENSE REPORT

Dr. Awadalla reported by stating that she had spent in excess of twenty (20) hours per week attending to Board business.

Motion by Dr. McDonald, second by Dr. Murphy, to approve the Secretary's expense report.

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the expense report and approve payment of the November and December, 2003 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

RENEWAL 2003 - MEMORANDUM

Ms. Reitz informed the Board that copies of a memorandum provided were in the Board notebooks that explained the difficulties, errors and remedies to correct problems regarding the recent renewal of dental and dental hygiene licenses that the Board executive office was handling. She reviewed all the problems and how they had been addressed to date and pointed out suggestions on how to avoid these problems in the future.

Discussion followed wherein Dr. Murphy suggested that the Board adopt a policy that would allow no repercussions for those licensees who made "good faith" attempts to renew their license prior to the deadline. He then suggested that no dentist should be audited two bienniums in a row and that there should be an ad hoc committee comprised of Mr. Everhart, Dr. Beckwith and himself to review the renewal process for areas to be streamlined.

Ms. Reitz informed Dr. Murphy that most of the points he made had been addressed in the memo, excepting the auditing of a licensee in repeated bienniums. She explained that if the Board was to exclude previously audited

licensees then the second biennium would not be truly random as is stipulated by statute. She then stated that a recommendation for a renewal committee had been outlined within the memorandum and thanked Dr. Murphy for volunteering his assistance in that regard.

BOARD ORIENTATION

Ms. Reitz informed the Board that there would be an orientation for the new members on January 21, 2004. She stated that she would be preparing guidelines and protocols for the new Board members to follow. Ms. Reitz explained that they would also be utilizing the Board Training manuals that covered information about the Board along with how to conduct themselves at meetings and as members of the Board in general. She stated that she was currently in the process of revising the governance guidelines to assist new Board members in their duties.

Dr. Hills thanked Ms. Reitz for her report.

CORRESPONDENCE

CONFIRMATION – EFDA PRESS CONFERENCE – REPRESENTATIVE MERLE KEARNS

Ms. Reitz informed the Board that there was a copy provided in the Board notebooks of an E-mail correspondence from Julie DiRossi of the Representative Kearns office. She stated that the correspondence was for informational purposes and it indicated that Representative Kearns had arranged a press conference regarding the upcoming legislation she intends to introduce regarding EFDA licensure.

AMERICAN DENTAL ASSOCIATION

Ms. Reitz informed the Board that there was a copy provided in the Board notebooks of a correspondence from the American Dental Association (ADA). She stated that the letter was a call for comments regarding a resolution on the definition of dental schools and colleges and whether or not the ADA should have the resolution itself. Ms. Reitz informed the Board that the ADA was requesting any comments be forwarded by March 1, 2004.

ANYTHING FOR THE GOOD OF THE BOARD

BOARD MEETING SCHEDULE

Ms. Reitz indicated that this was the second Board meeting since the decision to hold one-day Board meetings. She stated that there was still a determination to be made as to whether one-day meetings of the Board would allow the members sufficient time to complete their agendas. Ms. Reitz requested that any Board comments regarding the change to one-day meetings be directed to her for discussion.

ADJOURN

Motion by Dr. Murphy, second by Ms. Sabat, to adjourn the meeting until Wednesday, February 4th, 2004.

Motion passed by acclamation.

Edward R. Hills, D.D.S.
President

Eleanore Awadalla, D.D.S.
Secretary