

OHIO STATE DENTAL BOARD
Board Meeting
December 12th and 13th, 2001

M I N U T E S

CALL TO ORDER.....	1
EXECUTIVE SESSION.....	1
Open Session.....	2
REVIEW OF THE SEPTEMBER 2001 BOARD MEETING MINUTES.....	2
REVIEW OF LICENSE APPLICATION(S).....	2
Regional Board Dental Application(s).....	2
Regional Board Dental Hygiene Application(s).....	3
Limited Teaching Application(s).....	4
Dental Assistant Radiographer Application(s).....	4
Criteria Approval Interview(s).....	7
Stephanie A. Keister, R.D.H.	7
Sherry Senters Durso, D.D.S.....	8
Terence J. Michaels, D.D.S.....	8
Reinstatement Interview(s).....	9
Charlene G. Harris, R.D.H.....	9
Laura M. Marks, R.D.H.....	9
Tamara M. Peters, R.D.H.....	10
Jennifer L. Wellinghoff, R.D.H.....	10
Teresa M. Wagner, R.D.H.....	11
Robin Schroeder Cizmar, R.D.H.....	11
Shelly Jo Wetherill, R.D.H.....	12
Executive Session.....	12
Open Session.....	13
ENFORCEMENT REPORT.....	14
Report And Recommendation(s).....	14
N. Stephen Wilson, D.D.S.....	14
James M. McGovern, Esq., Attorney for N. Stephen Wilson, D.D.S.....	16
Robert Angell, Esq., Assistant Attorney General.....	17
Executive Session.....	18
Open Session.....	19
Decision in the Matter of N. Stephen Wilson, D.D.S.....	19
John F. Zak, D.D.S.....	22
David M. Levine, Esq., Attorney for John F. Zak, D.D.S.....	24
Robert Angell, Esq., Assistant Attorney General.....	25
Executive Session.....	27
Open Session.....	27

Decision in the Matter of John F. Zak, D.D.S.....	27
ADJOURN	28
MEETING RESUMED	29
CALL TO ORDER.....	29
ENFORCEMENT REPORT.....	29
Enforcement Update.....	29
Review Of Proposed Consent Agreement(s).....	31
James E. Butler, D.D.S.....	31
Christopher A. Holland, D.D.S.....	32
Dawn Marie Moran, Dental Assistant Radiographer	32
Allison J. Sams, R.D.H.	33
Jan G. Stollings, D.D.S.	33
Review Of Proposed Voluntary Retirement(s).....	33
John Michailides, D.D.S.....	34
Review Of Proposed Notice(s) Of Opportunity For Hearing	34
Anthony D. Dinozzi, D.D.S.	34
Leroy M. Gottlieb, D.D.S.....	35
Philip D. Miller, D.D.S.....	35
Personal Appearance(s)	36
R. Scott Bacon, D.D.S.....	36
Executive Session	36
Open Session.....	36
Paul R. Barnes, D.D.S.....	37
Richard J. Schoonmaker, D.D.S.....	38
Executive Session	38
Open Session.....	38
Douglas W. Sullivan, R.D.H.....	39
Cases Wherin Notice(s) Of Opportunity Were Issued And No Hearing Was Requested.....	40
Bryan K. Philip, D.D.S.....	40
Executive Session	43
Open Session.....	43
Decision in the Matter of Bryan K. Philip, D.D.S.....	43
ANESTHESIA COMMITTEE REPORT.....	44
Review Of Temporary Anesthesia And Conscious Sedation Privileges.....	44
Review Of Anesthesia Permit Application(s).....	45
Review Of Conscious Sedation Permit Application(s)	45
COMMUNICATIONS COMMITTEE REPORT	46
EDUCATION COMMITTEE REPORT.....	46
Review Of Dental Hygiene Medical Emergency Recognition Course Application(s).....	47
Review Of Biennial Continuing Education Sponsor Application(s).....	47

Review Of Biennial Continuing Education Sponsor Application(s).....	48
Permanent Continuing Education Sponsor Considerations.....	48
Review Of Biennial Continuing Education Sponsor Renewal Application(s)	49
Review Of Special Request(s).....	51
LAW AND RULES REVIEW COMMITTEE REPORT.....	52
TREATMENT CENTER APPROVAL COMMITTEE REPORT.....	55
WAIVER COMMITTEE REPORT	55
LAW AND RULES REVIEW COMMITTEE REPORT (Continued).....	55
POLICY COMMITTEE REPORT	56
SECRETARY'S EXPENSE REPORT	56
OFFICE EXPENSE REPORT	56
EXECUTIVE DIRECTOR'S REPORT.....	57
Introduction Of New Executive Secretary	57
Quality Intervention Program (QUIP).....	57
American Association Of Dental Administrators	58
New York Society Of Forensic Dentists	58
CORRESPONDENCE	58
ANYTHING FOR THE GOOD OF THE BOARD.....	59
Nerb Steering Committee Meeting.....	59
License Applications	59
National Board Dental Hygiene Examination	60
ADJOURN	60
APPENDIX A.....	61

OHIO STATE DENTAL BOARD
Board Meeting
December 12th and 13th, 2001

M I N U T E S

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 December 12th, 2001 beginning at 3:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President
William J. Lightfoot, D.D.S., Secretary
Eleanore Awadalla, D.D.S.
Scott Borgemenke
T. Michael Murphy, D.D.S.
Lynda L. Sabat, R.D.H.

The following guests were also in attendance: Sherry Pkorny, Esq., Mary Crawford, Esq., and Robert Angell, 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. of the *Ohio Dental Hygienists' Association* (ODHA), Lili C. Reitz, Esq., Executive Director, Donald G. Goodman, Assistant Director, Jayne A. Rasmussen, Licensing Coordinator, Malynda Franks, Executive Secretary, and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and called the meeting to order at 3:15 p.m.

EXECUTIVE SESSION

Motion by Mr. Borgemenke, second by Dr. Awadalla, 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 imminent or pending court action.

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Reitz, Mr. Goodman, Ms. Crawford, Mr. Angell, and Ms. Pkorny to attend the executive session.

OPEN SESSION

At 4:30 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 extenuating circumstances.

REVIEW OF THE SEPTEMBER 2001 BOARD MEETING MINUTES

The Board reviewed the minutes of the September 12th, 2001 Board meeting.

Motion by Mr. Borgemenke, second by Ms. Sabat, to approve the September, 2001 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

REGIONAL BOARD DENTAL APPLICATION(S)

The following persons applied for dental licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Dr. Sherman L. Allen
Dr. Jui Ramesh Bhagwat
Dr. Brian Richard Rockey
Dr. Heather Dawn Rorison

Dr. Sean Michael Simon
Dr. Mona E. Skaff
Dr. William Z. Spatz
Dr. Shanetta Lynn Sutton

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these eight (8) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

The following persons applied for dental hygiene licenses, based upon successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Ms. Janice D. Alberts
Ms. Julie A. Bishop
Ms. Sharon L. Fenton
Ms. Erika M. Koup

Ms. Linda S. Lohm
Ms. Lauren H. Mai
Ms. Emily J. Tippens
Ms. April S. Wyatt

Motion by Dr. Lightfoot, second by Mr. Borgemenke, to approve these eight (8) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

LIMITED TEACHING APPLICATION(S)

The Board reviewed the limited teaching application of Dr. Mary A. Baechle, a 1998 graduate of the *University of Texas*. Dr. Baechle has been appointed to the faculty of *The Ohio State University College of Dentistry*, Primary Care Section.

Motion by Mr. Borgemenke, second by Dr. Lightfoot, to approve Dr. Baechle's application for a limited teaching license.

Roll call vote.

Motion carried unanimously.

DENTAL ASSISTANT RADIOGRAPHER APPLICATION(S)

The Board executive office reviewed the applications for the dental assistant radiographer licenses, and all applicants were found to have submitted satisfactory proof of certification for the *Dental Assisting National Board*, or the *Ohio Commission on Dental Assistant Certification*, or licensure or certification from a similar state board. A list of candidates follows:

Brandi L. Addis
Marcie L. Ammon
Dhurata Arapi
Melissa A. Athey
Holly A. Atterbury
Trudi L. Bahen
Bridgette D. Bailey
Marie A. Ball
Tammy J. Balzer
Heather M. Beck
Elizabeth A. Benson
Gabrielle V. Beyer
Rhian E. Billiter
Laura E. Boggs

Rebekah S. Bower
Jennifer P. Brady
Bridgette B. Brandon
Dorothy G. Brewer
Mary S. Brown
Tamara T. Brown
Donna P. Buffington
Patti A. Carey
Charlene Casto
Helen J. Cochran
Jennifer M. Cole
Kandy A. Conkel
Linda D. Cook
Diane R. Corwin

April A. Cox
Jody L. Creamer
Shawn M. Crosby
Naomi R. Crowe
Julie Y. Cullins
Jenna L. Cummings
Tari L. Davis
Laurie A. Decatur
Lora A. Decot
Karen S. DiGenova
Amanda L. Dohar
Crystal S. Donley
Tracy A. Dornon
Jessica A. Dosztal
Lisa M. Dunn
Lori M. Dyke
Vicki S. Dyson
Angela M. Eddleblute
Brandi M. Eldridge
Sandy Eler
Sheryl E. Elson
Rebecca D. Ewers
Kathy Fire-Baranovich
Marcie J. Fogel
Maggie B. Forbes
Alana M. Foster
Rachel N. Frazier
Kristine J. Galloway
Gerdalinde Gatmaitan
Dayna L. Gelske
Bobbie L. Girvin
Tiffany R. Glass
Heidi L. Goode
Connie S. Goodnite
Pamela A. Grau

Lacy J. Green
Jane A. Hahn
Autumn R. Harris
Shana S. Harris
Denise R. Hartman
Laura J. Hawkins
Mindy R. Henderson
Summer M. Hesson
Michele R. Hiser
Jill A. Hoffmann
Brittany A. Holder
Sandy L. Holewinski
Patsy M. Horton
Cherise N. Hysell
Zamira Jani
Dawn M. Jones
Juli K. Kahlig
Marlene R. Kipfer
Dawn L. Kiser
Brandy L. Korman
Janet M. Krasovec
Elizabeth A. Lawhorne
Terry L. Ley
Ragen M. Liddell
Balinda S. Lowe Blair
Kathy J. Lowrey
Colleen M. Malecki
Karol A. Mamajek
Stephanie J. Martin
Jennifer L. Martindale
Melanie K. Mastic
Deborah A. May
Tomeka J. McMillan
Brandy L. McMillim
Carrie L. Mews

Kristin K. Miceli	Kathy Sekulovski
Erin C. Moran	Brandie A. Selz
Linda L. Morris	Loujeana M. Short
Amy J. Mowrer	Krista D. Shultz
Brooke A. Newark	Valerie L. Smith
Mary P. Norris	Shannon L. Smith
Lisa G. Overpeck	Nancy S. Snyder
Nannette R. Owens	Jaime D. Solano
Molly S. Pagan	Colleen N. Spisak
Bertina M. Palmieri	Lynn M. Strong
Lori A. Patton	Shannon G. Stryker
Melanie A. Patton	Mary M. Taberner
Kristine A. Pawlowski	Robin K. Tehan
Kathreena M. Petri	Felicia J. Thompson
Rhonda J. Piper	Jill M. Tilton
Angela B. Post	Rebecca L. Townsend
Martha D. Postlethwaite	Deborah J. Ulliman
Kelly A. Pritt	Amy J. Umbacher
April L. Pustoy	Lynn D. Vogel
Dillie J. Randall	Katie L. Walker
Smitha M. Reddy	Amy M. Watson
Tamara L. Reeves	Leslie J. Waxman
Renee R. Rivera	Jayne M. Webb
Stacy L. Rohick	Melanie L. Westman
Karen R. Rohrbough	Nancy J. Whitacre
April S. Roland	Lisa A. Winner
Melinda Romire	Stacie M. Withrow
Markietta L. Ross	Cinnamon D. Woodfork
Tiffany L. Rowland	Sharisse M. Yirga
Marjorie A. Santee	Barbara J. Youmell
Elizabeth C. Schindel	Mary J. Zornes-McCloud
Gretal L. Schlauch	

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve these one hundred sixty-one (161) dental assistant radiographer applications.

Roll call vote.

Motion carried unanimously.

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland and the President of the Ohio State Dental Board. He then introduced the other Board members: Dr. William J. Lightfoot, the Board Secretary, an orthodontist from Columbus, Dr. Eleanore Awadalla, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Ms. Lynda Sabat, the Board's dental hygienist member from Brecksville, and Mr. Scott Borgemenke, the public member of the Board.

CRITERIA APPROVAL INTERVIEW(S)

Stephanie A. Keister, R.D.H.

Dr. Hills called the first applicant for interview, Stephanie A. Keister, R.D.H. Ms. Keister is a 1998 graduate of *West Liberty State College* in South Carolina, took and passed the *Southern Regional Testing Agency, Inc.* (SRTA) examination upon graduation, and has been licensed and practicing since that time. Ms. Keister stated that she was relocating to Ohio and wishes to obtain her license as she has a job opportunity with Drs. Fano and Rosetti. She informed the Board that she is currently certified in CPR and has obtained the required number of continuing education hours.

When asked by the Board, Ms. Keister explained that she had administered local anesthesia in South Carolina but was aware that this duty was not permitted in Ohio. She explained that the coursework and testing given by South Carolina to allow her to administer local anesthesia were difficult.

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

Roll call vote.

Motion carried unanimously.

Sherry Senters Durso, D.D.S.

The Board interviews continued with Sherry Senters Durso, D.D.S., a 1994 graduate of the *University of Kentucky* and completed a general practice residency at the *University of Tennessee, Knoxville* in 1996. She currently holds licensure in the state of Kentucky, but has retired licenses in Tennessee and New York. Dr. Durso took and passed the SRTA examination in 1994 and now wishes to obtain licensure in Ohio. Dr. Durso explained that she lives on the southern shore of the Ohio River in Kentucky, however, she has an employment opportunity at a Community Action Center in Ohio and wishes to pursue the opportunity.

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

Roll call vote.

Motion carried unanimously.

Terence J. Michaels, D.D.S.

The final applicant for criteria approval interview was Terence J. Michaels, D.D.S., a 1996 graduate of *Creighton University*. Dr. Michaels took and passed the *Central Regional Dental Testing Service (CRDTS)* examination in 1996 and has been licensed and practicing in Illinois since that time. Dr. Michaels explained that he works for Dental Care Partners in Illinois and is being transferred to the Toledo area. Therefore, he stated that he wishes to obtain his Ohio dental license.

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

Roll call vote.

Motion carried unanimously.

REINSTATEMENT INTERVIEW(S)

Charlene G. Harris, R.D.H.

The first applicant for reinstatement interview with the Board was Charlene G. Harris, R.D.H., a dental hygienist who placed her license in retirement in 1997 and has not practiced since that time. Ms. Harris explained that she has practiced dental hygiene for more than 20 years prior to retiring her license and going into real estate. She stated that since her husband retired she has obtained a position at the front desk for a dental office in Cincinnati. Ms. Harris stated that she wishes to reinstate her dental hygiene license in order to fill in as a substitute whenever the full-time dental hygienist is off sick or on vacation. She informed the Board that she is currently certified in CPR and has obtained the required number of continuing education hours for reinstatement.

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

Roll call vote.

Motion carried unanimously.

Laura M. Marks, R.D.H.

Laura M. Marks, R.D.H. was the next applicant for reinstatement interview. Ms. Marks placed her license in retirement in 1999 after practicing for more than 15 years. She explained to the Board that she had moved to Chicago in December 1998 and has been practicing in Illinois since that time. She stated that her husband has been relocated to Ohio, therefore she wishes to reinstate her license at this time.

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

Roll call vote.

Motion carried unanimously.

Tamara M. Peters, R.D.H.

The next applicant for reinstatement interview was Tamara M. Peters, R.D.H. who retired her license in 1997 to relocate to Bucharest Romania with her husband who is a minister. She stated that they have recently relocated back to Ohio and she now wishes to reinstate her license in order to obtain employment in the Newark area. Ms. Peters is currently certified in CPR and has obtained the required number of continuing education hours.

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

Roll call vote.

Motion carried unanimously.

Jennifer L. Wellinghoff, R.D.H.

Jennifer L. Wellinghoff, R.D.H. was the next applicant for interview. Ms. Wellinghoff retired her dental hygiene license in 1995 and has not practiced since that time. She stated that she is in the process of obtaining a divorce and is seeking to reinstate her license in anticipation of having to return to work. Ms. Wellinghoff informed the Board that she had recently taken the dental hygiene refresher course offered at *The Ohio State University* (OSU). However, she stated that with all of the changes in dental hygiene she felt that she would probably take another class or watch another dental hygienist practice before she would consider going back to active practice. Ms. Wellinghoff also informed the Board that she will not consider returning to practice until she has completed the third Hepatitis B inoculation.

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

Roll call vote.

Motion carried unanimously.

Teresa M. Wagner, R.D.H.

Dr. Hills then called the next applicant for reinstatement interview, Teresa M. Wagner, R.D.H. Ms. Wagner informed the Board that she has been a stay-at-home mom for the past 12 years but did not retire her license until 1995. She stated that she had also taken the dental hygiene refresher course at OSU in anticipation of reinstating her license. Ms. Wagner is currently certified in CPR and has obtained the required continuing education hours for reinstatement.

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

Roll call vote.

Motion carried unanimously.

Robin Schroeder Cizmar, R.D.H.

Robin Schroeder Cizmar, R.D.H., was the next applicant for reinstatement interview. Ms. Cizmar's license was suspended for failure to renew on January 1, 1998. However, she has continued to practice dental hygiene since that time. Ms. Cizmar explained to the Board that she had thought that she held a current license until recently when she contacted the Board and found out that her license had been suspended for failure to renew in 1998. She stated that she is a single parent who has moved several times over the past few years and that it was possible that she had not received the renewal application due to this fact.

Upon questioning by the Board, Ms. Cizmar indicated that she had been in contact with Ms. Rasmussen of the Dental Board office three to four (3-4) weeks ago and that she had contacted her employer regarding the suspended status of her license. She stated that her employer informed her that she would handle this problem and therefore she continued to practice on a suspended license until now. Board members questioned whether she knew that it was illegal to practice on a suspended license. Ms. Cizmar commented that as a single mother she works very hard to receive a paycheck and additionally, she was focused on the patients without regard to the legal ramifications.

Dr. Murphy stated that one should never practice in the state of Ohio without a currently active license. Ms. Cizmar stated that she had counseled with her employer with regards to this situation, however, she stated that her employer had not ever told her not to practice. Dr. Lightfoot informed Ms. Cizmar that her time working with a suspended license has also put her employer dentist at risk in that the dentist knowingly permitted her to practice without a current license.

Dr. Hills suggested that the Board table a decision regarding Ms. Cizmar's license until after interviewing the final applicant for reinstatement. He stated that the Board members could then go into executive session to discuss this matter.

Shelly Jo Wetherill, R.D.H.

Dr. Hills then called the final applicant for reinstatement interview, Shelly Jo Wetherill, R.D.H. Ms. Wetherill's dental hygiene license was suspended for failure to renew since January 1, 1994. She has continued to practice since that time until she became aware of the suspended status of her license on December 4th, 2001. Ms. Wetherill explained to the Board that she had been working on a suspended license just as Ms. Cizmar with the exception that she quit working as soon as she found out the status of her dental hygiene license. She stated that she had explained the situation to her employer and that since that time she has been working in the office as a dental assistant. Ms. Wetherill explained that she had moved and mailed an address change to the Dental Board office. However, she indicated that when she contacted the Board office she became aware that the zip code was wrong in her permanent file and that could have been the reason she had not received her biennial renewal application for 1995-1996. Ms. Wetherill informed the Board members that she had not practiced dental hygiene from 1994 through 1998 as she had been a stay-at-home mom, but that when she returned to work in December 1998 it had not occurred to her that her license might be suspended.

When questioned by the Board, Ms. Wetherill indicated that she had stopped practicing immediately once she had contacted the Board and was told by Ms. Rasmussen the status of her dental hygiene license.

Executive Session

Motion by Mr. Borgemenke, 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 matters of Robin Schroeder Cizmar, R.D.H. and Shelly Jo Wetherill, R.D.H.

Roll call vote.

Motion carried unanimously.

Open Session

At 5:30 p.m., the Board resumed open session.

Dr. Hills informed Ms. Cizmar and Ms. Wetherill that the Board had considered both situations and was prepared to offer them consent agreements. He indicated that they could review the consent agreements prior to the Board decision.

Ms. Wetherill indicated that she had read the proposed consent agreement and was prepared to sign the document.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the proposed consent agreement and reinstate Ms. Wetherill's license to practice dental hygiene in the state of Ohio, subject to the terms and conditions set forth in the consent agreement.

Dr. Awadalla indicated that subject to the consent agreement, Ms. Wetherill's dental hygiene license was suspended for two (2) weeks. However, Dr. Awadalla informed Ms. Wetherill that the Board would consider the time that she had not been practicing since December 4th to be included within the two (2) week suspension. Therefore, Dr. Awadalla indicated that Ms. Wetherill would be permitted to return to active practice on Tuesday, December 18th, 2001. Ms. Wetherill indicated that she understood all the terms of the agreement and accepted them.

Roll call vote.

Motion carried unanimously.

Motion by Ms. Sabat, second by Dr. Awadalla, to approve the proposed consent agreement and reinstate Ms. Cizmar's license to practice dental hygiene in the state of Ohio subject to the terms and conditions of the consent agreement.

Dr. Awadalla inquired as to whether Ms. Cizmar understood that her dental hygiene license was suspended for forty-five (45) days and that she would not be permitted to return to the practice of dental hygiene until January 27th, 2002. Ms. Cizmar indicated that she understood and felt that the terms of the consent agreement were equitable. She apologized and explained that she still did not understand the oversight on her part.

Dr. Murphy informed Ms. Cizmar that the Board's decision was based on concern that she had not stopped practicing dental hygiene once she knew the suspended status of her license. Additionally, Dr. Murphy indicated that the Board was concerned that Ms. Cizmar had not understood that her dental hygiene license was ultimately her responsibility, and that they were disturbed by the fact that she only now just realized the seriousness of the situation.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATION(S)

N. Stephen Wilson, D.D.S.

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of N. Stephen Wilson, D.D.S. that was filed by Christopher B. McNeil, Hearing Examiner on July 2nd, 2001.

Dr. Lightfoot proceeded by asking whether each member of the Board has read the Hearing Examiner's Report and Recommendation in the matter of N. Stephen Wilson, D.D.S.?

Roll call: Dr. Awadalla – Yes
Mr. Borgemenke – Absent
Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes

Dr. Lightfoot asked whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter?

Roll call: Dr. Awadalla – Yes
Mr. Borgemenke – Absent
Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes

Dr. Lightfoot asked whether each member of the Board had read any Objections to the Report and Recommendation if any had been filed in the matter of N. Stephen Wilson, D.D.S.?

Roll call: Dr. Awadalla – Yes
Mr. Borgemenke – Absent
Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes

Dr. Lightfoot asked if Dr. Wilson was present. Dr. Wilson confirmed that he was present. Dr. Lightfoot asked if his attorney, James M. McGovern, Esq., was also present. Mr. McGovern indicated that he was also present.

Noting that Mr. Borgemenke had returned to the meeting, Dr. Lightfoot asked whether he had read the Hearing Examiner's Report and Recommendation in the matter of N. Stephen Wilson, D.D.S. Mr. Borgemenke confirmed that he had.

Dr. Lightfoot then asked Mr. Borgemenke if he had the record, including the transcript, available to refer to when necessary in reviewing this matter. Mr. Borgemenke agreed that he had.

Dr. Lightfoot then asked Mr. Borgemenke if he had read any Objections to the Report and Recommendation if any had been filed in the matter of N. Stephen Wilson, D.D.S., to which Mr. Borgemenke confirmed that he had.

Dr. Lightfoot asked Dr. Wilson and Mr. McGovern to come forward and informed Dr. Wilson and Mr. McGovern that there was no court reporter present and that the Board Minutes would serve as the official record of the proceedings. There were no objections.

Dr. Lightfoot stated for the record:

You have been granted five (5) minutes to address the Board, and the Assistant Attorney General will be given the opportunity to respond. Your remarks should be related to the Hearing Officer's Findings of Fact, Conclusions and Proposed Order in this matter. Please be advised that the Board will only consider the evidence presented in the administrative hearing in this matter, therefore, there will be no questions from the Board members. Also, any materials forwarded to the Board members after the hearing record was closed cannot be considered in the Board's deliberations.

Dr. Lightfoot instructed them to proceed.

James M. McGovern, Esq., Attorney for N. Stephen Wilson, D.D.S.

Mr. McGovern began by stating that he wished that the Board members had been at the hearing to observe as he feels that the Hearing Examiner presents a rosy version of the State's case. However, Mr. McGovern stated that even in looking at the evidence from the Hearing Examiner's views, the record does not in any way support the revocation of Dr. Wilson's license to practice dentistry.

Mr. McGovern stated that he hoped that each of the Board members had the opportunity to evaluate the record and most importantly the radiographs in this case. He stated that the issue with the radiographs is critical to his objections with regards to due process violations during the hearing. He stated that based upon the charges

this hearing was not so much about a standard of care issue as rather a record keeping concern. Mr. McGovern made a motion that the Board dismiss the case based on what he felt was inappropriate chain of custody of the evidence as handled by the Board Investigator, Larry Mansfield.

Mr. McGovern then moved on to what he referred to as a “battle of experts” in the Hearing Officers report. He stated that with regards to the two (2) expert witnesses, the State’s expert, Dr. William Meyers of *The Ohio State University College of Dentistry* is not Board certified in endodontics and only holds a half-time faculty appointment at the University, whereas, Dr. Wilson’s expert witness, Dr. Andre Mickel, is Board certified in endodontics. Mr. McGovern stated that while the Board’s expert witness related the views of optimal standard of care, Dr. Mickel’s presented more realistic viewpoints in what is expected in everyday practice.

Dr. Lightfoot requested Mr. McGovern to conclude his statements at this time.

Mr. McGovern acknowledged that Dr. Wilson should have kept better records. However, Mr. McGovern questioned whether inadequate record keeping was indicative of a violation of the standard of care. Mr. McGovern indicated that it was not, in his opinion. He then reminded the Board that this was Dr. Wilson’s first time before the Board and that five (5) of the eight (8) patients in question were Dr. Foster’s patients and that Dr. Wilson had only been covering for Dr. Foster at the time of treatment.

Mr. McGovern informed the Board that Dr. Wilson was in attendance to answer any questions that they might have regarding this case. Dr. Lightfoot informed Mr. McGovern and Dr. Wilson that this was not a question and answer session.

Robert Angell, Esq., Assistant Attorney General

Mr. Angell began by stating that with respect to the issue of no notice and due process violations, the Hearing Examiner noted that the Board’s Notice of Opportunity for Hearing letter was in compliance with Ohio Revised Code Section 119.07.

Mr. Angell informed the Board that Dr. Wilson had testified that it was his practice to always make required radiographs, and therefore if radiographs were missing, then they must have been misplaced, and if they were misplaced, then the

State must have misplaced them. Mr. Angell stated that this statement was supposition upon supposition. Mr. Angell reasoned this because Dr. Wilson had no recollection of making all the radiographs in each case. Additionally, he stated that Dr. Wilson's expert witness, Dr. Mickel, having no direct knowledge of whether Dr. Wilson had taken all the radiographs, merely assumed that the radiographs must have been taken because he could not understand why they would not have been taken. Mr. Angell stated that Dr. Wilson was unable to overcome the rebuttal testimony regarding the chain of custody because there was no evidence of tampering with the files or loss of radiographs. Therefore, he stated that there is no basis for dismissing this case on due process grounds.

Continuing on, Mr. Angell explained that Dr. Meyers, as the State's expert witness, had been quite specific with regards to what the standard of care requires. By contrast, Mr. Angell explained that Dr. Mickel seemed unwilling to identify anything as part of the standard of care or to concede that anyone other than the treating dentist is competent to evaluate the standard of care. Mr. Angell pointed out to the Board members that at times, Dr. Mickel contradicted his own testimony with regards to the ideal shape of a root canal.

Mr. Angell stated that with regards to Patient #3, tooth 30, Dr. Wilson was charged with a standard of care violation for failing to make required radiographs. He stated that Dr. Mickel offered an opinion on the treatment of the tooth. Mr. Angell stated that Dr. Mickel stated in testimony that he was unsure as to the basis that someone would determine that this particular case was below the standard of care since there was no final radiograph upon which to adequately evaluate the case. Mr. Angell stated that the violation of the standard of care was not the treatment of the tooth but rather the issue of not having a final radiograph.

Mr. Angell concluded that this is all a part of the standard of care, radiographs included.

Dr. Lightfoot then stated that this concluded these discussions and called for a motion for the Board to go into executive session.

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)(1) to deliberate and

consider the charges in the report and recommendation filed in the matter of N. Stephen Wilson, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Hills and Dr. Lightfoot did not attend the executive session.

Open Session

At 6:15 p.m., the Board resumed open session.

Decision in the Matter of N. Stephen Wilson, D.D.S.

Dr. Lightfoot stated:

Let the record reflect that I 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. Additionally, Dr. Hills was not present during executive session and did not participate in the deliberations and therefore he too, will abstain from the final vote.

Dr. Lightfoot then questioned:

Is there a motion regarding Dr. Wilson's request to dismiss the charges in this matter?

Motion by Dr. Awadalla, second by Dr. Murphy, to deny the motion to dismiss the charges against Dr. Wilson.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Abstain
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes

Ms. Sabat – Yes

Motion carried.

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Dr. Awadalla, second by Dr. Murphy, that count #1 of the charges in the notice of opportunity for hearing is found to be true and that count #2 of the charges is found to be not true.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Abstain
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Motion by Dr. Awadalla, second by Dr. Murphy, to reject the Hearing Examiner's Recommended Order in the matter of N. Stephen Wilson, D.D.S.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Abstain
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Motion by Dr. Awadalla, second by Ms. Sabat, that it is hereby Ordered:

- 1. The license of N. Stephen Wilson, D.D.S. to practice dentistry in the state of Ohio is subject to the following probationary terms:**
 - a. Dr. Wilson shall not practice endodontics unless and until he satisfactorily completes forty (40) hours of continuing education approved in advance by the Board Secretary in the area of endodontics. These hours shall be hands-on and clinical in nature, and these hours shall be in addition to the continuing education hours necessary for renewal.**
 - b. Dr. Wilson shall immediately refer all endodontic patients to other practitioners for continued care and treatment.**
- 2. Once Dr. Wilson demonstrates satisfactory completion of the required continuing education hours, his license will be fully restored.**

This Order shall become effective immediately upon the date of mailing of this Order.

Discussion followed wherein Dr. Awadalla stated that she believed that the issues in this case involved endodontic treatment provided by Dr. Wilson, not other dentistry issues. Therefore, she stated that she did not believe that a recommendation for revocation was appropriate or fair. She stated that the Board members looked at the radiographs and she agreed that Dr. Wilson needed work in this area, that he needed to work on his record keeping and x-rays, and that he also needed to improve his endodontic skills. Dr. Awadalla stated that she recommended that Dr. Wilson simply refer endodontic cases if he is not sure about a specific endodontic procedure's result.

Ms. Sabat reiterated that the Board did consider the radiographs when rendering a decision in this matter.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Abstain

Dr. Lightfoot – Abstain
Dr. Murphy – Yes
Ms. Sabat – Yes

Motion carried.

Dr. Lightfoot stated that this matter was now concluded and that the Board would next review the Report and Recommendation in the matter of John F. Zak, D.D.S.

John F. Zak, D.D.S.

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of John F. Zak, D.D.S. that was filed by Christopher B. McNeil, Esq., Hearing Examiner on August 30th, 2001.

Dr. Lightfoot proceeded by asking whether each member of the Board has read the Hearing Examiner's Report and Recommendation in the matter of John F. Zak, D.D.S.?

Roll call: Dr. Awadalla – Yes
Mr. Borgemenke – Yes
Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes

Dr. Lightfoot asked whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter?

Roll call: Dr. Awadalla – Yes
Mr. Borgemenke – Yes
Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes

Dr. Lightfoot asked whether each member of the Board had read any Objections to the Report and Recommendation if any had been filed in the matter of John F. Zak, D.D.S.?

Roll call: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Dr. Lightfoot then stated:

A motion has been filed by the State asking that the Board reconsider the Hearing Examiner's decision to not include as evidence information which allegedly proves that Dr. Zak was permitting Dr. Diamantis to practice dentistry as a specialty. Dr. Diamantis does not have an Ohio Dental License. This would address counts 1-28, which currently are recommended for dismissal by the Hearing Examiner since no evidence was permitted on this issue.

The basis for the Hearing Examiner not allowing this information was noted in his decision and explained in the Report and Recommendation. Basically he took the position that because the criminal court dismissed a single charge of practicing dentistry without a license, that the State was prohibited from pursuing similar charges in the administrative action against Dr. Zak.

Dr. Zak, in response, filed a motion in opposition to the State's motion, and asked that counts 1-28 be dismissed.

The Board can do one of the following:

1. Grant the State's request and remand the matter to have the evidence heard and admitted by the Hearing Examiner before the Board rules on the case.

2. Grant the State's request and have the Evidence presented to the full Board for consideration prior to ruling on the case.
3. Grant the Respondent's request to dismiss charges 1-28.

Dr. Lightfoot asked if Dr. Zak was in attendance. Dr. Zak indicated that he was present. Dr. Lightfoot then asked if his attorney, David M. Levine, Esq., was also present. Mr. Levine indicated that he was in attendance also.

Dr. Lightfoot asked them to come forward and informed Dr. Zak and Mr. Levine that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. There were no objections.

Dr. Lightfoot stated for the record:

You have been granted five (5) minutes to address the Board, and the Assistant Attorney General will be given the opportunity to respond. Your remarks should be related to the Hearing Officer's Findings of Fact, Conclusions and Proposed Order in this matter. Please be advised that the Board will only consider the evidence presented in the administrative hearing in this matter, therefore, there will be no questions from the Board members. Also, any materials forwarded to the Board members after the hearing record was closed cannot be considered in the Board's deliberations.

Dr. Lightfoot instructed them to proceed.

David M. Levine, Esq., Attorney for John F. Zak, D.D.S.

Mr. Levine stated that he was here before the Board today to amplify on the Objections to the Hearing Examiner's Report and Recommendation, to support the motion to dismiss, and to offer a possible settlement. He stated that this case has a long history beginning four (4) years ago with the criminal prosecution of Dr. Diamantis. He stated that the original lawsuit had been dismissed due to the statutory exception of a physician practicing dentistry as a specialty. Mr. Levine commented that incidentally, Dr. Diamantis completed an oral and maxillofacial residency and holds a dental degree but is not licensed as a dentist in the state of Ohio.

Mr. Levine stated that once that lawsuit was dismissed the Board shifted its' sights to Dr. Zak's private billing and insurance practices as he was an associate of Dr. Diamantis' at that time. He stated that he still holds the contention that there was no evidence to reasonably conclude misrepresentation by Dr. Zak. Mr. Levine countered that rather there was direct evidence to the contrary. He stated that there was no evidence to conclude that Dr. Zak had been involved in the billing processes or that he engaged in material deception. Furthermore, Mr. Levine stated that there was no evidence presented with the intent to deceive. He stated, therefore, that the statute must be construed narrowly and against the Board.

Mr. Levine stated that this case can and should be resolved between the parties. He informed the Board that he has prepared a proposal should the Board be inclined to discuss it. Dr. Lightfoot asked Mr. Levine to conclude his remarks.

Mr. Levine stated that it is the Board's responsibility to protect the public, however, this is not an issue of patient care or where harm had been done to a patient. He stated that therefore, they were requesting counts 1-28 be dismissed. He stated that Dr. Zak has made restitution to the insurance company, agreed not to bill any further, and voluntarily completed continuing education in billing practices. He reminded the Board that this issue is not a question of care and they would like to keep this from being reported to the National Practitioner's Databank.

Robert Angell, Esq., Assistant Attorney General

Mr. Angell began by stating that the Hearing Examiner ruled prior to the hearing that the Board could not hear evidence of permitting unlicensed practice against Dr. Zak because of the outcome of the criminal proceedings against Dr. Diamantis. He stated that there are two (2) bases for the Board to overrule the Hearing Examiner.

Mr. Angell stated that the first basis is set forth in his response to Dr. Zak's motion which states that in an administrative statute, such as the Dental Practice Act, which specifically allows criminal, civil and administrative remedies for the same acts, a dismissal of criminal charges does not bar either subsequent civil or administrative remedies. Therefore, he stated that even if it had been Dr. Zak and not Dr. Diamantis who was charged criminally, the Board is not barred by res judicata from proceeding administratively against Dr. Zak on the permitting counts.

Mr. Angell stated that the second basis has to do with fundamental fairness and was noted by the Hearing Examiner in his report. He stated that if the Board was denied access to subpoenaed records by the acts of Drs. Zak and Diamantis, and those records might have made a difference in the criminal case then the Board would be justified in overruling the Hearing Examiner and remanding the case to hear evidence on the permitting counts. Mr. Angell stated that both bases support overruling the Hearing Examiner.

Mr. Angell stated that the first basis establishes a legal threshold which Dr. Zak cannot overcome. He stated that the parties in the criminal case and the administrative action are different. He explained that the charged conduct is not the same: practicing dentistry without a license in the criminal case, as opposed to permitting unlicensed practice in this proceeding.

Continuing on, Mr. Angell stated that the burden of proof is not the same in the criminal case and in this proceeding; beyond reasonable doubt as opposed to preponderance of evidence. He stated that the remedy sought is not the same, nor is it even sought against the same person. Mr. Angell stated that under these circumstances, the case law from the U.S. Supreme Court down to the Ohio common pleas courts is clear and consistent: administrative proceedings cannot be barred under any theory or res judicata or collateral estoppel. He stated that he believe that this authority demonstrates that the Hearing Examiner got the legal issue wrong.

Further, Mr. Angell stated that it is the State's position that "intentional misrepresentation" and "material deception" are distinct from one another and that a licensee can violate either or both clauses in the same case. He stated that he believes that the relevant court decisions and the Hearing Examiner's reasoning in prior cases on this issue support that position. Regardless, Mr. Angell stated that the Hearing Examiner agreed that the evidence proved both intentional misrepresentation and material deception in this case.

Mr. Angell stated that the documentation reflects, and Dr. Zak conceded, that services performed by Dr. Diamantis were billed in Dr. Zak's name and payments were received in Dr. Zak's name. He stated that Dr. Zak claimed ignorance of how billing was done in his office during the relevant time period and disavowed any knowledge of, or responsibility for, accurate billing. Mr. Angell stated that Dr. Zak blamed billing misrepresentations on unnamed employees, but made no attempt to corroborate his testimony by presenting any employees as witnesses. He stated that in several cases, errors with respect to the treatment rendered were corrected on insurance billings. However, there was no evidence that any error with respect to the

provider of services was ever corrected, despite the fact that the patient charts billing records clearly indicate Dr. Diamantis performed services billed in Dr. Zak's name.

In conclusion, Mr. Angell stated that the testimony of the insurance company representatives established ample motive for Dr. Zak to misrepresent the true identity of the provider of the services. He stated that it was clear that representing Dr. Zak as the provider would result in faster reimbursements and higher reimbursement amounts. Mr. Angell concluded that in some cases, there would have been no reimbursement at all if Dr. Diamantis had been reported as the provider.

Dr. Lightfoot then stated that this concluded these discussions and called for a motion for the Board to go into executive session.

Executive Session

Motion by Dr. Murphy, second by Dr. Lightfoot, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the charges in the report and recommendation filed in the matter of John F. Zak, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Lightfoot did not attend the executive session.

Open Session

At 6:59 p.m., the Board resumed open session.

Decision in the Matter of John F. Zak, D.D.S.

Dr. Lightfoot stated:

Let the record reflect that I 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.

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Dr. Awadalla, second by Dr. Murphy, to remand the matter to the Hearing Examiner for the taking of evidence on Counts 1-28, and on the remaining counts 11-39 as necessary as it pertains to the issue of permitting the unlicensed practice of dentistry as set forth in the notice of opportunity for hearing, and to table the consideration and discussions of all remaining issues.

Discussion followed wherein Dr. Awadalla stated that the Board was concerned that the allegations in counts 1-28 were not considered in the Canton Municipal Court. She stated that the Board felt they needed to know the Hearing Examiner's determination on these counts in order to make a determination on this issue.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Dr. Lightfoot stated that this matter was now concluded. Dr. Hills then tabled the rest of the agenda until the next day.

ADJOURN

Motion by Ms. Sabat, second by Dr. Murphy, to adjourn the meeting until Thursday, December 13th, 2001, at 9:00 a.m.

Roll call vote.

Motion carried unanimously.

MEETING RESUMED

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 December 13TH, 2001 beginning at 9:00 a.m. Board members present were:

Edward R. Hills, D.D.S., President
William J. Lightfoot, D.D.S., Secretary
Eleanore Awadalla, D.D.S.
Scott Borgemenke
T. Michael Murphy, D.D.S.
Lynda L. Sabat, R.D.H.

The following guests were also in attendance: Mary Crawford, Esq. and Robert Angell, Esq., Assistant Attorneys General, Keith Kerns, Esq. and Stacy Wendt of the *Ohio Dental Association* (ODA), Connie Clark, R.D.H. and Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Lili C. Reitz, Esq., Executive Director, Donald G. Goodman, Assistant Director, Kim Gandee, Enforcement Secretary, Malynda Franks, Executive Secretary, and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and called the meeting to order at 9:15 a.m. He stated that the Board would continue the agenda from the pervious day beginning with the Enforcement Report.

ENFORCEMENT REPORT

ENFORCEMENT UPDATE

Mr. Goodman reported that there were seven (7) cases pending hearings and currently two (2) cases under appeal. He stated that there was one (1) case pending

the Hearing Examiners Report and Recommendation and currently sixteen (16) licensees under suspension.

Mr. Goodman indicated that there were sixty-four (64) cases listed that had been investigated and reviewed by the Board Secretary and were now 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. Goodman reviewed the cases to be closed with the Board.

The following cases are to be closed:

00-87-056	01-25-159	01-25-284	01-25-345
00-18-530	01-70-178	01-21-269	01-71-362
00-18-625	01-25-181	01-57-312	01-23-360
01-52-003	01-72-191	01-02-290	01-57-359
01-18-044	01-77-189	01-51-328	01-31-346
01-77-071	01-18-198	01-31-316	01-25-356
01-18-074	01-17-202	01-31-315	01-14-371
01-26-077	01-20-228	01-57-313	01-12-386
01-18-070	01-31-262	01-55-308	01-19-449
01-18-115	01-46-270	01-31-307	01-25-088
01-18-122	01-18-272	01-57-306	99-25-145
01-43-130	01-25-255	01-31-303	99-25-076
01-25-138	01-18-273	01-30-299	99-25-357
01-18-137	01-18-274	01-29-309	99-25-375
01-25-140	01-88-276	01-80-292	99-25-031
01-25-163	01-02-281	01-57-314	00-25-397

Prior to a 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 – No
Mr. Borgemenke – No
Dr. Hills – No
Dr. Lightfoot – No
Dr. Murphy – No
Ms. Sabat – No

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

Motion by Mr. Borgemenke, second by Dr. Awadalla, to approve the enforcement report and close the above sixty-four (64) cases.

Roll call vote: Dr. Awadalla – Yes
Mr. Borgemenke – Yes
Dr. Hills – Yes
Dr. Lightfoot – Abstain
Dr. Murphy – Yes
Ms. Sabat – Yes

Motion carried.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed five (5) Proposed Consent Agreement(s).

James E. Butler, D.D.S.

Motion by Dr. Awadalla, second by Mr. Borgemenke, to approve the proposed consent agreement for James E. Butler, D.D.S., license number 30-01-7925.

Roll call vote: Dr. Awadalla – Yes
Mr. Borgemenke – Yes
Dr. Hills – Yes

Dr. Lightfoot – Abstain
Dr. Murphy – Yes
Ms. Sabat – Yes

Motion carried.

Christopher A. Holland, D.D.S.

Motion by Dr. Awadalla, second by Mr. Borgemenke, to approve the proposed consent agreement for Christopher A. Holland, D.D.S., license number 30-02-0678.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Dawn Marie Moran, Dental Assistant Radiographer

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the proposed consent agreement for Dawn Marie Moran, Dental Assistant Radiographer, license number 51-00-4934.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Allison J. Sams, R.D.H.

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the proposed consent agreement for Allison J. Sams, R.D.H., license number 31-00-7276.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Jan G. Stollings, D.D.S.

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the proposed consent agreement for Jan G. Stollings, D.D.S., license number 30-01-7497.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

The Board reviewed one (1) Proposed Voluntary Retirement(s).

John Michailides, D.D.S.

Motion by Dr. Awadalla, second by Mr. Borgemenke, to approve the voluntary retirement for John Michailides, D.D.S., license number 30-01-2064.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed three (3) Notice(s) of Opportunity for Hearing. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes.

Anthony D. Dinozzi, D.D.S.

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Anthony D. Dinozzi, D.D.S., license number 30-02-1092, case number 00-113-571.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Leroy M. Gottlieb, D.D.S.

Motion by Ms. Sabat, second by Mr. Borgemenke, to approve the notice of opportunity for hearing and forward it to Leroy M. Gottlieb, D.D.S., license number 30-01-6750, case number 99-12-185.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Philip D. Miller, D.D.S.

Motion by Ms. Sabat, second by Mr. Borgemenke, to approve the notice of opportunity for hearing and forward it to Philip D. Miller, D.D.S., license number 30-01-6098, case number 99-25-337.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

PERSONAL APPEARANCE(S)

R. Scott Bacon, D.D.S.

Dr. Bacon appeared before the Board to request reinstatement of his license to practice dentistry. Upon questioning by the Board, Dr. Bacon stated that his attorney had provided the appropriate documentation since the September meeting. He stated that Caduceus meetings were in the works. However, Dr. Bacon stated that in the meantime he was attending four (4) meetings per week as per GlenBeigh's requirements. He stated that the Caduceus meeting would be one and a half hours away for him but that at that time he would be attending three (3) meetings per week along with the Caduceus. Currently, he stated that he attends the four (4) meetings along with his aftercare for a total of five (5) meetings per week.

Executive Session

Motion by Mr. Borgemenke, 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 R. Scott Bacon, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 9:36 a.m. Dr. Hills requested Mr. Smith and Mr. Angell to attend the executive session.

Open Session

At 9:42 a.m., the Board resumed open session.

Motion by Dr. Awadalla, second by Ms. Sabat, to reinstate the license of R. Scott Bacon, D.D.S. subject to the restrictions/conditions set forth in the April 30th, 2001 amended consent agreement.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Paul R. Barnes, D.D.S.

Dr. Barnes appeared before the Board to request modification of his current consent agreement. Specifically, he was requesting prescribing privileges. Upon questioning by the Board, Dr. Barnes indicated that he was not requesting his Conscious Sedation Permit, only prescribing privileges. He stated that he felt that he had been getting along amazingly well, however, twice he had to consult with other dentists for patient prescriptions. He stated that he had been managing by being more selective of the cases that he takes on. Dr. Barnes stated that he is seeking the privileges in order to have the option available. He also indicated that he was still seeing Dr. Bowermaster and at this point would continue to see him indefinitely.

Ms. Crawford clarified that even with the reinstatement of prescribing privileges, Dr. Barnes would still be subject to the probationary terms of his consent agreement.

Motion by Dr. Awadalla, second by Ms. Sabat, to reinstate Dr. Barnes' prescription privileges for Schedule III and IV medicaments only.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Dr. Hills informed Dr. Barnes that reinstatement of his conscious sedation permit would require a request and another interview at a later date.

Richard J. Schoonmaker, D.D.S.

Upon questioning by the Board, Dr. Schoonmaker commented that he had been before the Board a few times but was now requesting modification of the terms of his consent agreement and was seeking guidance from the Board. Specifically, he hoped to obtain prescribing privileges.

Executive Session

Motion by Mr. Borgemenke, 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 Richard J. Schoonmaker, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 9:51 a.m. Dr. Hills requested Mr. Smith and Mr. Angell to attend the executive session.

Open Session

At 10:01 a.m., the Board resumed open session.

Dr. Murphy inquired as to whether Dr. Schoonmaker had decided to go ahead with his association with Dr. Patterson. Dr. Schoonmaker informed the Board that since Dr. Patterson was unable to obtain his anesthesia permit he had elected not to practice. He then stated that Dr. Davis comes into his office one (1) day per month to help out. When questioned as to whether he felt ready to resume the responsibility of prescribing, Dr. Schoonmaker stated that he felt ready.

Motion by Dr. Awadalla, second by Dr. Murphy, to permit Dr. Schoonmaker the ability to prescribe, but not order or dispense controlled substances.

Discussion followed wherein Board members clarified that Dr. Schoonmaker would still not be permitted to order or dispense any controlled substances. Dr. Schoonmaker indicated that he understood.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

Douglas W. Sullivan, R.D.H.

Mr. Sullivan was appearing before the Board to request reinstatement of his dental hygiene license. Upon questioning by the Board, Mr. Sullivan explained that he was attending Clermont Recovery Center and that at first it was not working for him but now that they have placed him on a sliding payment schedule things were working out for him. He stated that he had signed a consent agreement in April, 2001 and was not eligible for reinstatement until he had completed treatment and participation in Alcoholics Anonymous (AA).

Mr. Borgemenke inquired as to an incident in September. Mr. Sullivan explained to the Board that he had suffered a relapse and attributed it to the fact that he had not had a sponsor at that time and had not realized the importance of such. He informed the Board that it was not the same after his treatment in GlenBeigh and attendance to AA meetings. He stated that he had been immediately remorseful.

Mr. Sullivan informed the Board that he now has a sponsor who helps him whenever he even thinks about picking up a beer. He stated that he is now in outpatient care, attending AA meetings three (3) times a week, and is working as a dental assistant at Family Dental Care.

Motion by Dr. Awadalla, second by Mr. Borgemenke, to reinstate the license of Douglas W. Sullivan R.D.H. subject to the probationary terms and conditions set forth in the April 19th, 2001 consent agreement.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

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

Bryan K. Philip, D.D.S.

Dr. Lightfoot stated for the record:

This is an evidentiary review in the matter of **Bryan K. Philip, 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. Philip had requested a hearing. The Board's minutes will serve as the record of this proceeding.

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

Ms. Crawford said yes and called Kathy Phillips, Board Enforcement Officer, to give testimony in this matter. Dr. Lightfoot asked Ms. Phillips 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. Phillips said yes. Upon questioning by Ms. Crawford, Ms. Phillips identified herself as a Dental Board Enforcement Officer and described her duties, which include infection control evaluations. Ms. Crawford then asked Ms. Phillips to identify State's Exhibit #1. Ms. Phillips did so, stating that it was the Notice of Opportunity that was issued to Dr. Bryan Philip on August 6, 2001 and on the last page of the exhibit was signed as received. Ms. Crawford asked Ms. Phillips if Dr. Philip had requested a hearing in this matter. Ms. Phillips indicated that he had not.

Ms. Crawford asked Ms. Phillips to identify State's Exhibit #3. Ms. Phillips identified it as Dr. Philip's written response to the Board with respect to the five (5) counts enumerated in the Notice of Opportunity for hearing that had been issued.

Ms. Crawford returned Ms. Phillips' attention to State's Exhibit #1 and asked her if she checked for heat sterilization of instruments when performing this infection control evaluation. Ms. Phillips indicated that she had and was informed by the dental assistant that heat sterilization was performed on the instruments once a week and that the high-speed handpieces, contra-angles, nose cones and air-water syringe tips were wiped down with a disinfecting solution between patients. Ms. Crawford inquired as to whether Dr. Philip was around when the dental assistant informed Ms. Phillips of the disinfecting procedures. Ms. Phillips stated that Dr. Philip had been there and had not contradicted the dental assistant.

Ms. Crawford asked Ms. Phillips as to whether she had checked the sterilization process of the burs. Ms. Phillips stated that in her inspection of the burs she noted that in looking through the packages she could see debris still on the burs. Ms. Crawford inquired whether Dr. Philip addressed the improperly sterilized burs in his letter to the Board (State's Exhibit #3). Ms. Phillips stated that Dr. Philip had disagreed with her assessment of the improperly sterilized burs and accepted no responsibility for it. Ms. Phillips stated that Dr. Philip had not voiced an opinion when she performed the infection control evaluation and had signed the back of her evaluation sheet once she had discussed the violations with him. She stated that Dr. Philip had been informed of the violations on June 25th, 2001 and that he had not disagreed with the findings at that time.

Ms. Crawford inquired whether the dental assistant held a license to take x-rays. Ms. Phillips stated that at the time of the inspection, neither Dr. Phillip nor the dental assistant could provide her proof of licensure as a radiographer. However, Ms.

Phillips indicated that the dental assistant has obtained the license subsequent to her inspection.

When questioned about Hepatitis B inoculations, Ms. Phillips stated that two (2) of Dr. Phillip's employees could not provide the documentation on site. However, she stated that they have since provided the Board executive office with copies of the documentation.

Ms. Crawford's final question was about protective eyewear. Ms. Phillips stated that the dental assistant had informed her that Dr. Philip wore normal glasses without protective side shields along with a mask. She stated that the dental assistants all wore appropriate protective eyewear. Dr. Murphy inquired as to where Dr. Phillip was during this conversation. Ms. Phillips informed the Board that Dr. Phillip had been standing in the doorway during the entire conversation.

Ms. Crawford indicated that she had no further questions for this witness. There being no further questions from the Board, Dr. Hills thanked Ms. Phillips for her information in this matter.

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

Ms. Crawford said yes and called Donald G. Goodman, Assistant Director, to give testimony in this matter. Dr. Lightfoot asked Mr. Goodman 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. Goodman said yes. Upon questioning by Ms. Crawford, Mr. Goodman identified himself as the Assistant Director to the Board and described his duties. Ms. Crawford then asked Mr. Goodman if he had spoken with Dr. Philip about this matter. Mr. Goodman stated that he had spoken with Dr. Philip. Ms. Crawford inquired as to whether Dr. Philip had requested a hearing in this matter. Mr. Goodman stated that Dr. Philip stated that he did not want a hearing in this matter.

Ms. Crawford indicated that she had no more questions of this witness and requested that the Board accept into evidence State's Exhibits #1 through #3. Dr. Lightfoot accepted the State's Exhibits into evidence.

Executive Session

Motion by Dr. Murphy, 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 charges filed in the matter of licensee Bryan K. Philip, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 10:17 a.m. Dr. Lightfoot did not attend the executive session.

Open Session

The Board resumed open session at 10:32 a.m.

Decision in the Matter of Bryan K. Philip, D.D.S.

Motion by Dr. Awadalla, second by Ms. Sabat, that it is hereby ORDERED:

- 1. The license of BRYAN K. PHILIP, D.D.S. to practice dentistry in the state of Ohio is SUSPENDED for an indefinite period of time, but not less than fourteen (14) days.***
- 2. Once reinstated, DR. PHILIP's license shall be subject to the following PROBATIONARY terms for a period of one (1) year:***
 - A. DR. PHILIP shall fully cooperate in the BOARD's inspections and/or evaluations of his dental office, which shall occur as often as the BOARD deems necessary to ensure compliance with the Dental Practice Act, Chapter 4715 of the Ohio Revised Code.***

- B. DR. PHILIP shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.**
- C. DR. PHILIP shall complete at least seven (7) hours of continuing education in Dental Infection Control, approved in advance by the Board Secretary, and submit documentation of such to the Board 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.**

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

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes

Motion carried.

ANESTHESIA COMMITTEE REPORT

REVIEW OF TEMPORARY ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES

Dr. Awadalla stated that the following individuals have submitted applications for Anesthesia/Conscious Sedation Permits. She explained that the applications were reviewed by the *Anesthesia Committee* and are recommended for approval of temporary privileges:

Dr. Homa Amini – Columbus, Ohio
Dr. Raymond Bonomo – Cincinnati, Ohio

Motion by Dr. Awadalla, second by Dr. Lightfoot, to approve temporary anesthesia/conscious sedation privileges for Dr. Amini and Dr. Bonomo.

Roll call vote.

Motion carried unanimously.

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

Dr. Awadalla stated that applications were submitted for Anesthesia Permits. She stated that the applications have been reviewed by the *Anesthesia Committee* and recommended approval for the following individuals:

Dr. Val Russell Boudreau, Jr. – Cincinnati, Ohio

Dr. James Mayer – Toledo, Ohio

Dr. A. Reza Miremadi – Kettering, Ohio

Motion by Dr. Awadalla, second by Dr. Lightfoot, to approve these three (3) applicants for an anesthesia permits.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Awadalla stated that the following individuals have applied for Conscious Sedation Permits. She explained that the applications were reviewed by the *Anesthesia Committee* and are recommended to receive privileges under the appropriate modality:

Dr. Ernest R. Finley – Toledo, Ohio

Oral Sedation for 12 years or younger

Dr. Gregory Fletcher – Trotwood, Ohio
Approved for all modalities

Dr. Rana L. Landseadel – East Liverpool, Ohio
Oral Sedation for 12 years or younger

Motion by Dr. Awadalla, second by Ms. Sabat, to approve these three (3) applications for receipt of conscious sedation permit privileges for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for her report.

COMMUNICATIONS COMMITTEE REPORT

Mr. Borgemenke informed the Board that he had nothing to report at this time.

Dr. Hills thanked Mr. Borgemenke.

EDUCATION COMMITTEE REPORT

Ms. Sabat informed the Board that the *Education Committee* had met the previous afternoon from 12:00 noon to 3:00 p.m. in order to process all the applications received and to discuss recommendations for the substance abuse continuing education requirement for dentists that is new this year. With respect to the substance abuse continuing education requirement for dentists, the Committee will report their recommendations to the Board at a future meeting. She stated that she wished to acknowledge and thank those Committee members who were able to attend, as well as the added assistance from attendees to the discussions.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE APPLICATION(S)

Ms. Sabat informed the Board that the following permanent sponsor has submitted an application for a dental hygiene medical emergency recognition course. She stated that the *Education Committee* has reviewed the application, determined that it fulfills all the necessary requirements, and has recommended the following course for approval:

Greater Cleveland Dental Society – Sylvia Malmacher Kramer, D.D.S.

“When to Call 911 – Medical Emergencies in the Dental Office.”

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve this application for dental hygiene medical emergency recognition course.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following organizations have applied for approval as biennial sponsors of continuing education for the 2000-2001 and have been recommended by the *Education Committee* for approval:

Central Ohio Study Club

Hillcrest Study Club

Ohio Orthodontic Study Club

Westside Columbus Dental Study Club

Motion by Ms. Sabat, second by Dr. Murphy, to approve these four (4) sponsors of continuing education for Biennial Sponsors for the years 2000-2001.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following organizations have applied for approval as biennial sponsors of continuing education for the 2002-2003 biennium and have been recommended by the *Education Committee* for approval:

Akron Periodontics & Dental Implantology
Associated Orthodontics, Inc.
Stacy Blume, D.M.D.
Dutton Dental Concepts, Inc.
David Han, D.D.S.
J.P. Consultants, Inc.
Fernando L. Martinez, D.D.S., M.S.D.
Polaris Career Center

Motion by Ms. Sabat, second by Dr. Murphy, to approve these eight (8) sponsors of continuing education for Biennial Sponsors for the years 2002-2003.

Roll call vote.

Motion carried unanimously.

PERMANENT CONTINUING EDUCATION SPONSOR CONSIDERATIONS

Ms. Sabat stated that the following organizations have been recommended for approval as Permanent Sponsors by the *Education Committee*.

American Dental Assistant's Association
American Heart Association

American Red Cross

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve the above three (3) organizations as permanent sponsors of continuing education.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Sabat stated that the following organizations have applied for approval for renewal as biennial sponsors of continuing education for the years 2002-2003 and have been recommended by the *Education Committee* for approval:

Academy for Excellence in Restorative Dentistry

Academy of Contemporary Dentistry

Base Lake Study Club

Benco Dental Co.

Biomed, Inc.

Brown, Cheryl L., RDH

Butler County Dental Care Program

Carl O. Boucher Prosthodontic Conference

Cleveland Academy For Dental Studies

Cleveland Academy of Advanced Dental Education

Cleveland Society of Orthodontists

CollaGenix Pharmaceuticals, Inc.

Columbus Institute of Cosmetic Dentistry

Conference Center at Contemporary Dental Care of Columbus, The

(Formerly James Metz, D.D.S.)

Cordray, DDS, MS, Frank E.

Delta Sigma Delta Dental Fraternity

Dental Seminars & Symposia

DK Dental Laboratory, Inc.

Doling & Associates Dental Laboratory, Inc.
Dornauer, DDS, Robert J.
Dresch Tolson Laboratories
Eagle Clinical Dentistry Seminars
East Ohio Oral & Maxillofacial Surgery
Emrich, D.D.S., Steven C.
GC America, Inc.
Gen, D.D.S., M.S., Felix A.
German Burke Kulkarni Orthodontics, Inc.
(Formerly German Burke Orthodontics, Inc.)
Green, DDS, John T.
GSC Home Study Courses
Health Studies Institute, Inc.
Healthcare Educators
Heights Dental Study Club
Home Study Educators, Inc. (HSE)
Homestead Schools, Inc.
Indiana University Orthodontic Alumni Association
Infection Control Services, Inc.
Institute for Natural Resources (INR)
LaMond, DDS, LLC, Gary
Lima Dental Academy
Mahoning Trumbull Study Club
Medical Protective Company, The
MidAmerica Orthodontic Society
Monarch Dental
Naples Dental Conference
Nixon Dental Study Club
North Coast Dental Study Club
Northcoast Endodontic Seminars
Northern Hills Dental Study Club
O.K.I. Study Club
Ohio Institute of Medical Hypnosis
Ohio Orthodontic Study Club
Ohio State University Orthodontic Alumni Foundatio

Oral & Facial Surgery Associates, Inc.
Perio Institute, Inc.
Pfizer Consumer Healthcare
Pro-Dentec
Rose, DDS, Inc., M. William
Russel W. Bunting Periodontal Study Club
Saint Barth Dental Association
Simon Dechatlet Laboratories (Dental Services Group)
Smith, DDS, MD, Brian K.
Southern Hills Dental Study Club
Southern Ohio Periodontal Associates, Inc.
Sterilization Monitoring Service
Stofer, Jr., D.D.S., Robert M.
Sullivan Schein Dental
Sunbury Seminars, Inc.
Sydlowski, DDS, Thomas P.
Toledo Periodontics - Ziad N. Tohme, D.M.D., D.Sc.
Wazney, DDS, Inc., Marion L.
Westshore Dental Study Club
Western Reserve Periodontics, Inc.
(Formerly Rosenberg, Sears, Krejci, Inc.)

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve these seventy-two (72) applicants as biennial sponsors of continuing education for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF SPECIAL REQUEST(S)

Ms. Sabat explained that the *Education Committee* had reviewed a request from Rachel Burgess of *Southern Ohio Periodontal Associates, Inc.* Ms. Burgess is requesting

the Board's approval to allow those licensees who attended their course on infection control to carry over those hours for the 2002-2003 biennium.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the Southern Ohio Periodontal Associates, Inc. request for approval to carry-over the continuing education hours in infection control provided on August 25th, 2001 for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her report. He commented that in looking over the list of seventy-two (72) biennial sponsor renewal applications, he remembered being involved in the process two (2) years ago. He stated his recollection was that it was a grueling task at that time and wished to commend Ms. Sabat and Ms. Franks for implementing changes to the application and the procedures to expedite the process.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot informed the Board that the Committee had completed its first five year rule review. He stated that he wished to thank all of the Committee members for all of the hard work they accomplished. He informed the Board that in January the Committee would start over again with its second five year review cycle.

Dr. Lightfoot then informed the Board that the Committee's completed work was supplied for their review under Tab 7 in their notebooks. He then directed the Board members to the section on Proposed New Rules. Dr. Lightfoot explained that some of these proposed new rules had not been reviewed at the Committee level, however they had been forwarded to all the members for their review. He explained that the proposed new rules regarding licensure examinations had been discussed at the Committee level at their last meeting and he, along with Ms. Reitz and Ms. Crawford had drafted language that was then forwarded to the Committee members for review.

Dr. Lightfoot went on to review the rules, explaining that proposed new rule 4715-5-01.1 "Examination requirements for initial licensure" reflected the Board's

current policy on initial licensure. He pointed out 4715-5-03 page 2, line 30, and inquired whether the Board would want to require applicants by criteria approval to pass all assessment areas of a regional examination. Discussion followed wherein it was determined that due to the minimum five years of practice prior to application, the Board would not require proof of passing all assessment areas of a regional examination for licensure by criteria approval.

Dr. Lightfoot then moved on to proposed new rule 4715-9-02.1 "Examination requirement for initial licensure renewal" for dental hygienists. He explained that this rule was different from the rule for initial dental licensure due to the fact that the dental hygiene examinations only address one (1) issue. Discussion followed wherein it was noted that there is only one part to the examination and therefore the examination requirements are different than those required for dentists. Concern was noted that there may be objections raised as to why there would be stricter limitations on dentists.

Mr. Borgemenke commented that he understood that the intent of the proposed new rules is to reflect the Board's current policy. However, he stated that he felt that by not including similar requirements for dentists as well as dental hygienists, this issue could cause problems in the future for the Board.

Dr. Burns requested clarification as to whether these newly proposed rules were reflective of the Board's current policy on initial licensure requirements. Dr. Lightfoot indicated that was the intent.

Mr. Borgemenke suggested that the Board members consider tabling the rules for vote and suggested that Dr. Lightfoot be permitted to take them back to the Committee for further consideration and review.

Ms. Crawford explained that what the Board has now is an administrative rule with respect to the dentists which incorporates Board Policy. She stated that the newly proposed rules expand the current rule to make it more specific. She informed the Board that rule was already in effect that permits the Board to enforce these licensure requirements.

Dr. Burns commented that in essence the rule as it is currently is vague and that this would be an attempt to "cement" the requirements.

Dr. Lightfoot moved on and had the Board members review proposed new rules 4715-20-04, 4715-22-01 and 4715-30-01. There were brief discussions wherein no additional changes were suggested or made to the proposed new rules.

Motion by Dr. Lightfoot, second by Dr. Murphy, to rescind Ohio Administrative Code Rules:

- 4715-5-03 "Criteria approval"; personal appearance and examination***
- 4715-9-03 "Criteria approval"; personal appearance and examination***
- 4715-12-04 Conditional license; application fee; requirements***
- 4715-12-05 Accreditation of education programs; approval of continuing education programs; application; fee' suspension; revocation***

AND TO FILE NEWLY PROPOSED RULES -

- 4715-5-01.1 Examination requirements for initial licensure***
- 4715-5-03 "Criteria approval"; personal appearance and examination***
- 4715-9-02.1 Examination requirements for initial licensure renewal***
- 4715-9-03 "Criteria approval"; personal appearance and examination***
- 4715-12-04 Application; fee' suspension; revocation***
- 4715-12-05 Continuing education requirements***
- 4715-20-04 Infection control inspections***
- 4715-22-01 Volunteer's certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons; immunity***
- 4715-30-01 Exemption for physicians and surgeons***

AND TO FILE AMENDED RULES -

- 4715-7-01 Limited resident's license***
- 4715-7-02 Limited teaching license***
- 4715-7-03 Limited resident's license; limited teaching license; limited continuing education license display***
- 4715-8-03 Standards for approval of biennial sponsors***
- 4715-9-01 Permissible practices of a dental hygienist***
- 4715-9-05 Practice when the dentist is not physically present***
- 4715-12-01 Permissible practices of dental assistant radiographer; supervision required; license to be displayed***
- 4715-12-02 Application for license; requirements; exceptions***
- 4715-12-03 License renewal***
- 4715-13-01 Name under which practice may be conducted***

- 4715-17-01** **Notice of regular and special meetings of the Ohio state dental board**
- 4715-19-01** **Personal information systems**

Roll call vote.

Motion carried unanimously.

Dr. Lightfoot informed the Board that the Committee would hold their next meeting in January, 2002 at 12:30 p.m. prior to the Board meeting.

Dr. Hills thanked Dr. Lightfoot for his report and congratulated him on guiding the Committee for the past five years through this grueling task.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Dr. Lightfoot informed the Board that the *Treatment Center Approval Committee* had no activity to report since the last Board meeting.

Dr. Hills thanked Dr. Lightfoot for his reports.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that the *Waiver Committee* had no new or renewal Hepatitis B Waiver Requests to report at this time.

Dr. Hills thanked Ms. Sabat for the *Waiver Committee* report and announced that the Board would take a five (5) minute break prior to continuing.

LAW AND RULES REVIEW COMMITTEE REPORT (Continued)

Dr. Lightfoot requested the members reconsideration of his earlier motion to initial file the newly proposed rules (Appendix A) on licensure.

Motion by Dr. Lightfoot, second by Ms. Sabat, that the Board table newly proposed rules 4715-5-01.1, 4715-5.03, 4715-9-02.1, and 4715-9.03, and that the Board reconsider its' earlier motion to rescind rules 4715-5-03 and 4715-9-03.

Roll call vote.

Motion carried unanimously.

POLICY COMMITTEE REPORT

Dr. Awadalla informed the Board members that the *Policy Committee* had provided copies of a policy for their review. However, she stated that she was requesting that this policy be tabled at this time.

Dr. Hills thanked Dr. Awadalla for her report.

SECRETARY'S EXPENSE REPORT

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

Motion by Ms. Sabat, 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 Dr. Awadalla, second by Ms. Sabat, to approve the office expense report and approve payment of the September and October Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

INTRODUCTION OF NEW EXECUTIVE SECRETARY

Ms. Reitz introduced the Board's newest employee, Kimberly Gandee. Ms. Reitz informed the Board members that Ms. Gandee is performing Ms. Rasmussen's previous position as enforcement secretary. Ms. Reitz stated that already Ms. Gandee has been a great addition to the staff as she has great skills and a terrific sense of humor.

Board members welcomed Ms. Gandee and informed her that they were happy to have her on board.

QUALITY INTERVENTION PROGRAM (QUIP)

Ms. Reitz stated that she had provided a draft copy of the purpose and statement position for the new QUality Intervention Program (QUIP) for their review. She reminded the Board members that the State Medical Board of Ohio already has a similar program in place and that the Ohio Nursing Board is in the process of developing this type of program also. Ms. Reitz stated that the legal representation section has not been completely worked out. She stated that the position description for the employee that will be responsible for the secretarial support has already been approved by the Ohio Department of Administrative Services and she hopes to get started on this program in January. She asked the Board members to provide any input regarding the QUIP program statement to her, and she would then finalize the statement and proceed with implementation.

AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS

Ms. Reitz stated that she had attended the Annual Meeting of the *American Association of Dental Administrators* (AADA) on August 23-25, 2001. She stated that she had included copies of the Minutes from the meeting for their review. Ms. Reitz informed the Board that she is now the Vice-President of the AADA but will not become the President until 2003, due to the position next of President-Elect.

NEW YORK SOCIETY OF FORENSIC DENTISTS

Ms. Reitz stated that as most of the Board members already knew, the Dental Board, with additional assistance from the *Ohio Dental Association* (ODA), has been in a combined effort to raise funds for the New York Dental Forensic Team that is involved in the ongoing work from the September 11th, 2001 attacks on the World Trade Center. She stated that she had included a copy of an E-mail that she had received from Dr. Franklin Wright, who is heading up the Ohio Dental Forensic Team has been in New York assisting in the recovery operations, in which he details some of the experience. Ms. Reitz pointed specifically to Dr. Franklin's last paragraph wherein he states that of the 350 victims that have been identified to date, the dental forensic team was part of 240 of the identifications.

Concluding, Ms. Reitz informed the Board members that they have sent close to \$47,000 in contributions to the *New York Society of Forensic Dentists* to assist in their ongoing efforts.

CORRESPONDENCE

Dr. Hills reported that there was no correspondence for the Board to consider or review at this time.

ANYTHING FOR THE GOOD OF THE BOARD

NERB STEERING COMMITTEE MEETING

Ms. Sabat informed the Board member that she had attended the November meeting of the NERB Steering Committee along with Dr. Awadalla and Dr. Weiss. She stated that she had provided copies for the Board's review of a synopsis of the meeting that she had received from Dr. Weiss.

LICENSE APPLICATIONS

Dr. Lightfoot began a brief discussion regarding granting the Board executive office the power to approve licenses based on satisfactory completion of the requirements for certain types of licensure. He informed the Board members that since the Board only meets eight (8) times a year, there are times when applicants must wait an inordinate amount of time to receive a license.

Motion by Dr. Lightfoot, second by Ms. Sabat, that the Board executive office be authorized to grant licenses to any applicant for dental licensure who has passed the North East Regional Board, Inc. (NERB) examination and has met all other requirements outlined in the Dental Practice Act.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Lightfoot, second by Dr. Murphy, that the Board executive office be authorized to grant licenses to any applicant for dental hygiene licensure who has passed the North East Regional Board, Inc. (NERB) examination and has met all other requirements outlined in the Dental Practice Act.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Hills, second by Dr. Lightfoot, that the Board executive office be authorized to grant limited teaching licenses to any applicant who has met all the requirements outlined in the Dental Practice Act.

Roll call vote.

Motion carried unanimously.

NATIONAL BOARD DENTAL HYGIENE EXAMINATION

Ms. Reitz informed the Board members that she had received a correspondence from the National Board indicating that there were examiner vacancies that needed to be filled for the 2003 Dental Hygiene examinations. She requested that any Board member who was interested could contact her for more information.

ADJOURN

Motion by Ms. Sabat, second by Dr. Murphy, to adjourn the meeting until Wednesday, January 16th, 2002, at 3:00 p.m.

Roll call vote.

Motion carried unanimously.

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

William J. Lightfoot, D.D.S.
Secretary

APPENDIX A

**Ohio State Dental Board
Board Meeting
December 12th and 13th, 2001**

Law and Rules Review Committee

- Proposed Rules To Be Rescinded:
 - 4715-12-04 Conditional license; application fee; requirements
 - 4715-12-05 Accreditation of education programs; approval of continuing education programs; application; fee' suspension; revocation

- Proposed New Rules:
 - 4715-12-04 Application; fee; suspension; revocation
 - 4715-12-05 Continuing education requirements
 - 4715-20-04 Infection control inspections
 - 4715-22-02 Volunteer's certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons; immunity
 - 4715-30-01 Exemption for physicians and surgeons

- Proposed Amended Rules:
 - 4715-7-01 Limited resident's license
 - 4715-7-02 Limited teaching license
 - 4715-7-03 Limited resident's license; limited teaching license; limited continuing education license display
 - 4715-8-03 Standards for approval of biennial sponsors
 - 4715-9-01 Permissible practices of a dental hygienist
 - 4715-9-05 Practice when the dentist is not physically present
 - 4715-12-01 Permissible practices of dental assistant radiographer; supervision required; license to be displayed
 - 4715-12-02 Application for license; requirements; exceptions
 - 4715-12-03 License renewal
 - 4715-13-02 Name under which practice may be conducted
 - 4715-17-01 Notice of regular and special meetings of the Ohio state dental board
 - 4715-19-01 Personal information systems