

**OHIO STATE DENTAL BOARD
BOARD MEETING**

APRIL 18, 2007

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OHIO STATE DENTAL BOARD BOARD MEETING

APRIL 18, 2007

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in Room 1960, 19th Floor of The Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on April 18, 2007, beginning at 1:00 p.m. Board members present were:

Paul Vesoulis, D.D.S., President
Edward R. Hills, D.D.S., Secretary
Gregory A. McDonald, D.D.S., Vice-President
Mark T. Armstrong, D.D.S.
Berta I. Howard, D.D.S.
Lawrence B. Kaye, D.D.S.
Billie Sue Kyger, D.D.S.
Ann Naber, R.D.H.
Chad A. Readler, Esq.
Linda Staley, R.D.H.
Douglas W. Wallace, D.D.S.
Sandra L. Wise, R.D.H.
Frank A. Wright, D.M.D.

The following guests were also in attendance: Jonathan Fulkerson, Esq., Deputy Attorney General, P.R. Casey, Esq., and Jennifer Adair, Esq. Assistant Attorneys General; Michele Carr, R.D.H., M.A., Chair of the Ohio State University Department of Dental Hygiene; Nicole Lahaye, Kerry Stagg, Abigail Marsh and Ashley McKinney, dental hygiene students at the Ohio State University Department of Dental Hygiene; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Frank R. Recker, Esq., of Frank R. Recker and Associates, LCA, Paul LaFayette, Esq. of Reminger and Reminger; Lili Reitz, Esq., Executive Director, Michael Flugge and Kathy Carson, Dental Board Enforcement Officers, Janet Martina and Malynda Franks, Executive Secretaries of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Vesoulis extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:12 p.m. He requested all members and guests sign the attendance roster.

INTRODUCTION OF NEW BOARD MEMBER

Dr. Vesoulis introduced the Board's newest member, Dr. Lawrence Kaye. He stated that Dr. Kaye is a periodontist from Akron Ohio and welcomed him to the Board.

EXECUTIVE SESSION

Motion by Dr. Armstrong, second by Dr. McDonald, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action, pursuant to ORC 121.22(G)(1) to discuss issues involving personnel, and pursuant to ORC 121.22(G)(5) to discuss matters which must be kept confidential under state or federal law.

Roll call vote.

Motion carried unanimously.

Dr. Vesoulis invited Ms. Reitz, Mr. Fulkerson, Mr. Casey, and Ms. Adair to attend the executive session.

OPEN SESSION

The Board resumed open session at 2:30 p.m. Dr. Vesoulis approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

INTRODUCTION OF BOARD MEMBERS

Dr. Vesoulis took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Toledo. He then introduced the other Board members: Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Dr. Gregory McDonald, the Board Vice-President, a general dentist from Springboro, Dr. Mark Armstrong, a general dentist from Troy, Dr. Larry Kaye, a periodontist from Akron, Dr. Berta Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Ms. Linda Staley, a dental hygienist from Lima, Ms. Ann

Naber, a dental hygienist from Bellbrook, Dr. Greg Wallace, an oral and maxillofacial surgeon from Fairfield, Ms. Sandra Wise, a dental hygienist from Fremont, Dr. Franklin D. Wright, a general dentist from Cincinnati, and Mr. Chad Readler, an attorney and the Board's public member from Columbus.

REVIEW OF THE MARCH BOARD MEETING MINUTES

The Board reviewed the minutes of the March 14, 2007 Board meeting.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the March 14, 2007 Board meeting minutes as presented.

Motion carried.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF LORELIE E. BOROWY, R.D.H.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Lorelie E. Borowy, R.D.H. that was filed by Hearing Examiner, Sharon W. Murphy, RN, Esq., on February 16, 2007.

Dr. Hills then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Lorelie E. Borowy, R.D.H.

Roll call:

- Dr. Armstrong – Yes
- Dr. Hills – Yes
- Dr. Howard – Yes
- Dr. Kaye – Yes
- Dr. Kyger - Yes
- Ms. Leshner - Yes
- Dr. McDonald - Yes
- Ms. Naber – Yes
- Mr. Readler – Yes
- Dr. Vesoulis – Yes
- Dr. Wallace - Yes
- Ms. Wise – Yes
- Dr. Wright - Yes

Dr. Hills then proceeded by asking 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. Armstrong – Yes
 Dr. Hills – Yes
 Dr. Howard – Yes
 Dr. Kaye – Yes
 Dr. Kyger - Yes
 Ms. Leshner - Yes
 Dr. McDonald - Yes
 Ms. Naber – Yes
 Mr. Readler – Yes
 Dr. Vesoulis – Yes
 Dr. Wallace - Yes
 Ms. Wise – Yes
 Dr. Wright - Yes

The original Order, Report and Recommendation and any objections shall be maintained in the exhibits section of this journal.

Dr. Hills then stated that the Board's minutes would serve as the official record of the proceedings. He then asked if Ms. Borowy and/or her attorney were present. Noting that Ms. Borowy was not in attendance, Dr. Hills moved on to the next Report and Recommendation.

REPORT AND RECOMMENDATION IN THE MATTER OF JEFFREY A. KURTZ, D.D.S.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Jeffrey A. Kurtz, D.D.S. that was filed by Hearing Examiner, Sharon W. Murphy, RH, Esq., on March 20, 2007.

Dr. Hills then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Jeffrey A. Kurtz, D.D.S.

Roll call: Dr. Armstrong – Yes
 Dr. Hills – Yes
 Dr. Howard – Yes
 Dr. Kaye – Yes
 Dr. Kyger - Yes

Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber - Yes
Mr. Readler - Yes
Dr. Vesoulis - Yes
Dr. Wallace - Yes
Ms. Wise - Yes
Dr. Wright - Yes

Dr. Hills then asked whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Jeffrey A. Kurtz, D.D.S.?

Roll call: Dr. Armstrong - Yes
Dr. Hills - Yes
Dr. Howard - Yes
Dr. Kaye - Yes
Dr. Kyger - Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber - Yes
Mr. Readler - Yes
Dr. Vesoulis - Yes
Dr. Wallace - Yes
Ms. Wise - Yes
Dr. Wright - Yes

Dr. Hills then proceeded by asking 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. Armstrong - Yes
Dr. Hills - Yes
Dr. Howard - Yes
Dr. Kaye - Yes
Dr. Kyger - Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber - Yes
Mr. Readler - Yes
Dr. Vesoulis - Yes
Dr. Wallace - Yes
Ms. Wise - Yes
Dr. Wright - Yes

The original Order, Report and Recommendation and any objections shall be maintained in the exhibits section of this journal.

Dr. Hills then stated that the Board's minutes would serve as the official record of the proceedings. He then asked if Dr. Kurtz and/or his attorney were present. Dr. Kurtz indicated that he was in attendance and would be representing himself in this matter.

JEFFREY A. KURTZ, D.D.S.

Dr. Kurtz began by stating that approximately three (3) years ago the Board had performed an investigation and determined that the standard of care regarding periodontal treatment of Patient #1 had not been met. He stated that at that time he had entered into the Quality Intervention Program (QUIP) with the understanding that the Board would be evaluating any new periodontal patient files. He stated the QUIP Panel subsequently recommended 40 hours of remedial education in addition to the continued review of new periodontal cases. Dr. Kurtz argued to the Board that he was not given the opportunity for a hearing in regards to the QUIP Panels decision and that in light of the cost of the remedial education he decided to let his case be heard before the Board via the administrative hearing process.

Dr. Kurtz stated that immediate patient treatment should not be precluded by the patient's lack of follow-up care. He said that during the hearing the Board's expert witness stated that he [Dr. Kurtz] provided substandard care in regards to a pregnant patient. Dr. Kurtz stated that it was his opinion that to have taken x-rays or prescribed antibiotics on the patient without her physician's approval would have been contraindicated.

Continuing on, Dr. Kurtz reiterated that he had originally felt that he would get a fair hearing once the QUIP panel had not allowed him a "hearing" with regards to their decision. However, he stated that the State's expert witness, Dr. Jividen is a periodontist and has no experience as a general dentist in private practice. Dr. Kurtz stated that often times there is insufficient time to perform periodontal charting during a limited exam under emergency conditions and this procedure can be performed at a subsequent appointment once the emergency procedure has been performed.

Concluding, Dr. Kurtz stated that he agrees that all patients should receive complete exams that include periodontal charting. He indicated that all patients, not in emergency situations, that are seen for general care are given complete exams and informed of their periodontal options. Dr. Kurtz stated that he felt that a hearing before the Board would have been fair and equitable and not resulting in the Hearing Officer's recommended order of suspension and over 80 hours of continuing education. He commented that he has provided over 30 years of incident free care to his patients.

JONATHAN FULKERSON, ESQ., DEPUTY ATTORNEY GENERAL

Jonathan Fulkerson, Esq., Deputy Attorney General representing the Board in this case, began by stating that Dr. Kurtz is correct in that he was not permitted a hearing via QUIP. He stated that there was no point to a hearing in that the whole premise of the QUIP program is that the licensee's skills in a particular area of dentistry are found to be deficient and that by entering into the program the licensee admits to the deficiency and agrees to educational remediation as recommended by the QUIP Panel. Mr. Fulkerson explained further that entering into and successfully completing the QUIP program allows for a licensee to remediate in clinical areas without further action for substandard care by the Board. He stated that the QUIP process is an honorable resolution to a Board investigation that allows the licensee to continue in their business, profession, and care of the public without formal action by the Board. He reminded the Board that not all cases investigated by the Board are availed this opportunity, but rather only those that are in the best interest in both protection of the public and the licensee.

Continuing on, Mr. Fulkerson stated that the evidence presented in this case indicated substandard care, specifically that if Dr. Kurtz performed limited examinations that information must be part of the patients' permanent record. He stated that this was not a case of an expert being overly critical of the care provided by a general dentist.

Mr. Fulkerson concluded by stating that this was a case where the patient treatment was found to be below the standard of care, that the Hearing Officer's recommendation is fair and encouraged the Board to find the Counts as noted in Dr. Kurtz' Notice of Opportunity to be true.

EXECUTIVE SESSION

Motion by Dr. McDonald, second by Dr. Kyger, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) to deliberate and consider the charges and report and recommendations filed in the matters of Lorelie E. Borowy, R.D.H. and Jeffrey A. Kurtz, D.D.S.

Roll call vote.

Motion carried unanimously.

OPEN SESSION

The Board resumed open session at 2:51 p.m.

Dr. Hills stated, "Let the record reflect that I was not present during executive session and did not participate in deliberations in these matters. Therefore, I will abstain from final vote"

DECISION IN THE MATTER OF LORELIE E. BOROWY, R.D.H.

Dr. Hills questioned, "Is there a motion concerning the Hearing Examiner's Report and Recommendation?"

Motion by Dr. Vesoulis, second by Dr. McDonald, to find all Counts of the Notice of Opportunity to be true and to adopt the Hearing Examiner's recommended Order as follows:

Is hereby ORDERED:

1. *The license of LORELIE E. BOROWY, RDH to practice dental hygiene in the state of Ohio is SUSPENDED for a minimum period of thirty (30) days. During the period of suspension, Ms. Borowy may not perform dental hygiene duties or otherwise treat patients.*
2. *The BOARD shall not consider REINSTATEMENT of MS. BOROWY'S license to practice dental hygiene unless and until all the following requirements are met:*
 - a. *MS. BOROWY shall submit an application for reinstatement accompanied by the appropriate fees.*
 - b. *MS. BOROWY shall take and pass the jurisprudence examination at the office of the Board. Such examination shall be a closed book examination.*
 - c. *In the event that MS. BOROWY has not been engaged in the active practice of dental hygiene for a period of more than three years prior to her application for reinstatement, the Board may exercise its discretion to require additional evidence of her fitness to resume practice.*
3. *Upon reinstatement, MS. BOROWY'S license to practice dental hygiene shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of at least four (4) years:*
 - a. *MS. BOROWY shall fully cooperate with Board investigators in future investigations, inspections and evaluations*

- b. MS. BOROWY shall submit quarterly declarations under penalty of Board discipline stating that she is in compliance with the terms of this Order.*
- c. MS. BOROWY shall obey all federal, state and local laws, and all rules governing the practice of dental hygiene in Ohio.*
- d. MS. BOROWY shall automatically submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Education and CPR certification necessary for renewal for the next two biennial periods. This documentation shall be due in the Board office by November 30th of the odd-numbered year prior to submitting her application for renewal of her dental hygiene license.*
- e. Before the end of the first year of probation, or as otherwise approved by the Board, MS. BOROWY shall successfully complete twenty hours of continuing education in dental ethics. These hours shall be approved in advance by the Board Secretary. These hours are in addition to the twelve (12) hours required for licensure renewal.*
- f. MS. BOROWY shall provide documentation acceptable to the Board of her current CPR certification.*

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

Roll call vote: Dr. Armstrong – Yes
Dr. Hills – Abstain
Dr. Howard – Yes
Dr. Kaye – Yes
Dr. Kyger - Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Mr. Readler – Yes
Dr. Vesoulis – Yes
Dr. Wallace - Yes
Ms. Wise – Yes
Dr. Wright - Yes

Motion carried.

DECISION IN THE MATTER OF JEFFREY A. KURTZ, D.D.S.

Dr. Hills questioned, "Is there a motion concerning the Hearing Examiner's Report and Recommendation?"

Motion by Dr. Vesoulis, second by Dr. McDonald, to find all Counts of the Notice of Opportunity to be true and that the Hearing Examiner's order be amended as follows:

It is hereby ORDERED:

1. *The license of JEFFREY A. KURTZ, DDS to practice dental hygiene in the state of Ohio is SUSPENDED for a minimum period of thirty (30) days.*
 - a. *DR. KURTZ may not perform dentistry or dental hygiene duties or otherwise treat patients during the period of active suspension.*
 - b. *A receptionist may answer the phones with "Dr. Kurtz's Office", or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*
 - c. *DR. KURTZ may not receive any income either from a legal or a beneficial interest in the dental practice during the period of active suspension.*
2. *The BOARD shall not consider REINSTATEMENT of DR. KURTZ's license to practice dentistry unless and until he submits a written request to the Board Secretary for reinstatement.*

Upon reinstatement, DR. KURTZ'S license to practice dentistry shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of three (3) years:

- a. *DR. KURTZ shall fully cooperate with Board investigators in future investigations, inspections and evaluations*
- b. *DR. KURTZ shall submit quarterly declarations under penalty of Board discipline stating that he is in compliance with the terms of this Order.*
- c. *DR. KURTZ shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*
- d. *DR. KURTZ shall submit documentation satisfactory to the Board that he has completed sixty (60) hours of continuing education to be completed by December 31, 2007, as follows:*
 - *30 hours in periodontics*

- *30 hours in diagnosis and treatment planning*
 - e. *These hours shall be pre-approved by the Board Secretary , and shall be in addition to the forty (40) hours required for licensure renewal.*
 - f. *For the first year of probation, DR. KURTZ shall submit copies of his appointment schedule and dental records, complete with patient names; examinations and screening performed, including radiographs; diagnoses; procedures performed; and treatment plan. Dr. Kurtz shall certify that all such documents are complete and accurate. Documents submitted under this paragraph are “medical records” as defined in Section 149.43(A)(3), Ohio Revised Code, and shall not be subject to public disclosure.*
 - g. *Dr. Kurtz shall ensure that the documents are forwarded to the Board on a quarterly basis and are received in the Board’s offices no later than the due date for Dr. Kurtz’s quarterly declaration.*
 - h. *Within thirty days of the effective date of this Order, DR. KURTZ shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Kurtz shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.*
3. *Within thirty days of the effective date of this Order, DR. KURTZ shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Kurtz shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Kurtz shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.*

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

Dr. Vesoulis stated that the changes made by the Board with respect to continuing education and terms of suspension are more consistent with the findings as set forth in the Report and Recommendation.

Roll call vote: Dr. Armstrong – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kaye – Abstain
Dr. Kyger - Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Mr. Readler – Yes
Dr. Vesoulis – Yes
Dr. Wallace - Yes
Ms. Wise – Yes
Dr. Wright - Yes

Motion carried.

PERSONAL APPEARANCE(S)

MICHAEL KINCAID, D.D.S.

The Board interviewed Dr. Michael Kincaid who had recently completed a 28-day inpatient program at GlenBeigh Hospital in March 2007.

Dr. Kincaid began by thanking the Board for allowing him to appear before them and asking that a special “thank you” be forwarded to Investigators Mike Flugge and Kathy Carson for all their assistance. He stated that his fast descent into substance addiction had been unbelievable. He stated that now he has been substance free for ninety (90) days he could see the vicious circle he had created in using opiates.

Upon questioning by the Board, Dr. Kincaid explained that he has been helping his wife around the house with their 16-month old baby. He informed the Board that he is not working anywhere but is helping out being a homemaker. Dr. Kincaid stated that he has two (2) dentists contracted on an hourly basis to perform emergency treatment only in his practice.

When Dr. Armstrong inquired as to what was Dr. Kincaid’s trigger regarding his substance abuse, Dr. Kincaid stated that it was his own failure to cope with the birth of his child and having to lose sleep getting up in the middle of the night for feedings, etc. He stated that he felt in control of the situation and that his ego would not allow him to admit failure. Dr. Kincaid said that he had originally taken the hydrocodone to give him

the initial boost but soon determined that if he quit using that he could not keep up to the same energy levels.

Continuing on, Dr. Kincaid stated that now that he has completed the program he realizes that once you get into substance abuse problems, you cannot get out without help. He stated that he spent 34 years relying on himself and that the insanity of the disease, which is beyond initial understanding, is that you must rely on others to help you through the difficult times.

Dr. Kincaid said that he understands that everyone has problems that they have to deal with and it was not his intention to become addicted. He stated that the intent was to be better and to be there for his family and now he realizes that this was not the avenue to take. Dr. Kincaid stated that he is now able to ask for help when he needs it and has a support system in place that he now knows has always been there for him. He stated that the mechanisms are all in place for him and that relapsing is not an option. He stated that he did not plan to become addicted, did not plan to be here, and that there is nothing in it for him now.

Dr. Vesoulis spoke for the Board in stating that Dr. Kincaid was on the right path. He stated that the Board has concerns regarding a possible relapse and would like to see him continue with his caduceus and Alcoholics Anonymous/Narcotics Anonymous meetings. Dr. Vesoulis then invited Dr. Kincaid to return for a subsequent interview at the May 2007 meeting of the Board.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed eight (8) proposed consent agreements. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

DISCIPLINARY

DENISE M. BRILL, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Vesoulis, second by Dr. Kyger, to approve the proposed consent agreement for Denise M. Brill, Dental Assistant Radiographer, case number 07-18-01371.

Motion carried

DIANE L. HUFFMAN-ROMANELLI, R.D.H.

Motion by Dr. Vesoulis, second by Ms. Naber, to approve the proposed consent agreement for Diane L. Huffman-Romanelli, R.D.H., license number 31-006956, case number 06-89-0817.

Motion carried.

KAROLYN K. HUNTER, R.D.H.

Motion by Dr. Kyger, second by Ms. Wise, to approve the proposed consent agreement for Karolyn K. Hunter, R.D.H., license number 31-005579, case number 06-29-0819.

Motion carried.

DAWN LISTO, R.D.H.

Motion by Dr. Vesoulis, second by Ms. Staley, to approve the proposed consent agreement for Dawn Listo, R.D.H., license number 31-006268, case number 07-39-0049.

Motion carried.

STEPHANIE E. RAMER, R.D.H.

Motion by Dr. Armstrong, second by Dr. Vesoulis, to approve the proposed consent agreement for Stephanie E. Ramer, R.D.H., license number 31-006353, case number 06-78-0439.

Motion carried.

KELLY M. SARLEY, R.D.H.

Motion by Dr. Wallace, second by Ms. Staley, to approve the proposed consent agreement for Kelly M. Sarley, R.D.H., license number 30-011767, case numbers 06-31-0403.

Motion carried.

MADONNA J. WALKER, R.D.H.

Motion by Dr. McDonald, second by Dr. Vesoulis, to approve the proposed consent agreement for Madonna J. Walker, R.D.H., license number 31-010205, case number 07-78-0153.

Motion carried.

DAVID M. BARON, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. McDonald, second by Ms. Staley, to approve the proposed consent agreement for David M. Baron, Dental Assistant Radiographer, license number 51-015699, case number 07-22-0106.

Motion carried.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed two (2) Notices of Opportunity for Hearing. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

DAVID R. BECKMAN, D.D.S.

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed notice of opportunity for hearing and forward it to David R. Beckman, D.D.S., license number 30-018940, and case number 03-18-1370.

Motion carried.

RICHARD LAPP, D.D.S.

Motion by Ms. Staley, second by Dr. Wallace, to approve the proposed notice of opportunity for hearing and forward it to Richard Lapp, D.D.S., license number 30-011423, and case number 06-60-0804.

Motion carried.

ENFORCEMENT UPDATE

Ms. Reitz informed the Board that there were twenty-three (23) cases pending hearings, of which all have been assigned for hearing. She stated that we still have seven (7) cases under appeal, three (3) cases pending the Hearing Officers Report and Recommendation, and after today the Board has only one (1) case pending Board determination. Ms. Reitz stated that there are currently twenty-four (24) licensees under suspension. She informed the Board members that no new cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting and we now have only five (5) cases pending QUIP.

Ms. Reitz informed the Board that seventy-four (74) cases have been investigated and reviewed by the Board Secretary and are 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,..." Ms. Reitz reviewed the cases to be closed with the Board.

The following cases are recommended to be closed:

03-77-1280	Standard Of Care	06-18-0237	Standard Of Care
04-18-0586	Impairment	06-52-0239	Advertising
05-31-0122	Standard Of Care	06-77-0257	Standard Of Care
05-28-0234	Standard Of Care	06-39-0406	Standard Of Care
05-48-0356	Records Hostage	06-18-0415	Standard Of Care
05-57-0501	Standard Of Care	06-51-0494	Records
05-75-0580	CE Audit	06-48-0534	CE/CPR
05-31-1119	Radiographer Renewal	06-02-0577	Infection Control
05-18-0022	Infection Control	06-15-0600	Standard Of Care
06-18-0051	Fraud	06-18-0626	Standard Of Care
06-25-0055	Standard Of Care	06-54-0606	Abandonment
06-77-0088	Standard Of Care	06-87-0620	Standard Of Care
06-78-0085	Advertising	06-43-0623	Standard Of Care
06-25-0095	Standard Of Care	06-48-0608	Fraud & Records
06-31-0124	Standard Of Care/ Misrepresentation, Prescribing	06-18-0605	Standard Of Care
06-02-0143	Advertising	06-45-0649	Advertising
06-18-0158	Infection Control	06-25-0638	Standard Of Care
06-25-0252	Standard Of Care	06-18-0632	Standard Of Care
		06-48-0027	Records
		06-51-0665	Standard Of Care

06-25-0688	Standard Of Care	07-57-0020	Standard Of Care,
06-71-0685	Advertising		Dentures
06-57-0735	Advertising	07-77-0026	Impairment
06-75-0740	Standard Of Care	07-47-0047	CE/CPR
06-57-0725	Standard Of Care	07-31-0030	Standard Of Care
06-31-0736	Permitting	07-57-0019	Fraud
06-25-0764	Standard Of Care- Dentures	07-25-0063	Infection Control
06-83-0794	Standard Of Care/Excessive & Unnecessary	07-31-0064	Infection Control
06-50-0803	Standard Of Care	07-22-0062	Permitting
06-18-0815	CE/CPR	07-25-0061	Standard Of Care
06-31-0818	CE/CPR	07-52-0031	Standard Of Care/Dentures
07-43-0011	Advertising	07-57-0079	Permitting
07-57-0013	Advertising/ Standard Of Care; Excessive Diagnosis	07-57-0083	Standard Of Care/Diagnosing
07-66-0014	Standard Of Care	07-23-0070	Infection Control
07-31-0004	Advertising	07-31-0087	Advertising
07-52-0006	Conviction	07-29-0074	Infection Control
07-31-0010	Fraud In Applying For License	07-47-0115	Advertising
		07-47-0119	Infection Control
		07-25-0122	Fraud
		07-57-0142	Practicing W/O Certificate

Prior to the vote to close the above listed cases, Dr. Vesoulis 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. Armstrong – No
- Dr. Hills - Abstain
- Dr. Kaye – No
- Dr. Howard – No
- Dr. Kyger – No
- Dr. McDonald - No
- Ms. Naber – No
- Mr. Readler – No
- Ms. Staley - No
- Dr. Vesoulis - No
- Dr. Wallace – No
- Ms. Wise – No
- Dr. Wright - No

Dr. Vesoulis then called for a motion to close the cases.

Motion by Dr. Wright, second by Ms. Naber, to close the above seventy-four (74) cases.

Motion carried.

NEW BOARD OFFICER POSITION; VICE-SECRETARY

Ms. Reitz then petitioned the Board to consider the creation of a new officer position; Vice-Secretary. She stated that with increased caseload and increased size of the Board itself, the review of cases has become a much larger task. She stated that the Ohio Medical Board currently utilizes a Vice-Secretary position and that it works well for them. She stated that if the Board agreed she would update the Board's Governance guidelines to reflect the new officer position.

Motion by Dr. McDonald, second by Dr. Kyger, to create a new Vice-Secretary officer position.

Dr. Hills took a moment to explain that this would assist the Board Secretary in handling the investigative caseload more efficiently. Ms. Nabor requested clarification that there would now be four (4) Board Officers instead of three (3). Dr. Wright requested that a Board member could not hold the two (2) offices, Secretary and Vice-Secretary, concurrently.

Dr. Wright then called the question.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the March 2007 meeting, for Board member review.

DENTAL

Motion by Dr. McDonald, second by Dr. Kyger, to approve the licensure report for the following dental licenses issued by North East Regional Board, Inc. (NERB) examination:

Jeremy J. Borsky
Carl R. Choi
Nadine Ghreiwati
Juan R Gonzalez
Dong-II Kim
Sarah A. Mahmoud
Alena MH Martens
Rachel E. Matthews
Chad R. Matthews
Jennifer FM McCarthy

Brian M. Meister
Chimere Okezie
Gabriel A. Russo
Joseph A. Sowinski
Brian C Weaver
Larry K. Wells
Jeffrey R. Wessel
Thomas E. Woods
Tera M. Zrinyi

Motion carried.

DENTAL HYGIENE

Motion by Ms. Wise, second by Ms. Naber, to approve the licensure report for the following dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination:

Cheryl L. Cross
Stacy M. Pifer

Rebecca S. Thompson

Motion carried.

DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Ms. Naber, to approve the licensure report for the following dental assistant radiographer licenses issued by: acceptable certification or licensure in another state, certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC), or successful completion of the Board-approved Radiography course:

Daniella Abdelmassih
Shanice Abrams
Anna Adams
Phoebe Adams
Stephanie Aloe
Aprilyn Amendolea
Kellie Armstrong
Stacie Aultman
Janet Baker

Natalie Balishin
Deidra Ball
David Baron
Erin Beale
Rachel Beale
Sarah Belcher
Kimberly Bleeke
Billi Brickner
Tracy Caffee

Heather Cagey
Shaun-Ta Campbell
Mercedes Casillas
Angela Clark
Michelle Cleland
Albany Colon
Juanita Colvard
Carrie Costanzo
Kimberley Covey
Kasaundra Cross
Holly Cueno
Sally David
Desiree Davis
Kip Davis
Terri Davis
Sherri Depinet
Angela Donovan
Molly Dunn
Sara Durbin
Alyssa Eiselt
Valerie Flores
Erin Floyd
Celestine Fomby
Christina Franchi
Jamie Friedlander
Mandalyn Fullmer
Leah Gibson
Lisa Giles
Laura Griggs
Pamela Grove
Christine Hager
Nicole Hardway
Valarie Harvey
Amy Hoose
Brittany Hoover
Mayon Hubbard
Amanda Hunt
Amy Hypes
Linda Igel
Rebecca Iwema
Marilyn Johnson
Mary Jones
Tenelle Jones

Julie Kaufholz
Jessica Kellogg
Denise Kessell
Gloria Knapp
Sophia Konias
Susan Krebs
Jean Lawarre
Megan Lenahan
Denise Lester
Kristi Logue
Amanda Loughton
Angela Lozada
Tricia Lumbrezer
Tanya Maxfield
Sandi Mccullough
Annie Mcfarland
Cristal Mcgill
Susan Mckinniss
Suzana Merritt
Brittney Metzger
Laura Miller
Gloria Mitchell
Bonnie Moore
Kerriann Morriello
Marybeth Muha
Sarah Mullins
Rebecca Myers
Tammy Nichols
Mircea Olteanu
Bernadette Oreilly
Paula Pace
Paula Paselk
Erica Payne
Erica Pennachio
Heather Perkins
Lorie Peterson
Dana Petras
Linda Petrone
Malika Porter
Tiffany Priest
Jessica Ray
Tanya Reber
Kara Reynolds

Angela Ribaric	Jennifer Thomas
Trina Rinehart	Sylvia Toles
Suzan Rinn	Julie Tolliver
Elizabeth Rood	Holly Totten
Kimberly Sambor	Christen Troyer
Sidra Sanchez	Terri Tyndall
Donna Scott	Sophela Valdez
Stephanie Sebring	Andrea Vance
Angela Settles	Alexis Varner
Courtney Shaw	Ashlee Visniski
Lisa Sizemore	Victoria Visoky
Lyndsay Small	Tami Weilnau
Cassandra Smith	Dawn Wendell
Roberta Stechsulte	Candi Werstler
Katherine Steinbrink	Latea Wheeler
Natasha Stepney	Rhonda Whitfield
Eileen Stevenson	Shaylan Wilkes
Janell Stewart	Davitta Williams
Michelle Stone	Micah Windsor
Melissa Sutton	Shari Wright
Toni Svec	Jennifer Zestermann

Motion carried.

LIMITED RESIDENT

Motion by Dr. McDonald, second by Dr. Kyger, to approve the licensure report for the following limited resident licenses issued to participate in residency programs:

Oday H. Alhalasa	Nathan C. Springer
Yazan B. Al-Madani	Geoffrey A. Wan
Aruna Krishnamurthi	
Syed-Mahmoudreza Modareszadeh- Esfahani	

Motion carried.

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

Motion by Dr. McDonald, second by Dr. Kyger, to approve the licensure report for the following limited continuing education licenses to participate in a Board-approved practicum:

Dan R. Robinson
Kenneth R. Troutman
Marty J. Saltzman

Robert J. Wallace
Henry L. Harbert

Motion carried.

CORONAL POLISHING

Motion by Dr. McDonald, second by Dr. Kyger, to approve the licensure report for the following coronal polishing certificates issued by: certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of the requirements necessary to obtain certification:

Asta Saporkute
Mary L. Stegler

Christyl L. Wilhelm

Motion carried.

REINSTATEMENT APPLICATION(S)

Motion by Ms. Staley, second by Ms. Naber, to approve the licensure report for the following person who applied for a dental hygiene license, based on successful completion of a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Jewelie R. Ifft

Motion carried.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES

Dr. Wallace stated that the following individuals have applied for Anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privileges:

Dr. Carl Choi – pending completion of residency program

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

Dr. Wallace stated that the following individuals have applied for Conscious Sedation permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privileges:

Dr. Eeman Dajani – *Oral sedation for children 12 years or younger* (pending completion of PALS)

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

Dr. Wallace stated that the following individuals have applied for Anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications, evaluations were completed and the applicants are recommended to receive permits:

Dr. Monte Masonbrink
Dr. Daron Praetzel
Dr. Larry Tabatchnick

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Wallace stated that the following individuals have applied for Conscious Sedation permits. He explained that the Anesthesia Committee has reviewed the applications, evaluations were completed and the applicants are recommended to receive permits:

Dr. Erick Chamblee – *Intravenous*
Dr. Andrew Whitaker – *Intravenous*

Motion by Dr. McDonald, second by Ms. Staley, to accept the Anesthesia Committee recommendations and approve the above applicants to receive privileges and permits.

Motion carried.

COMMUNICATIONS COMMITTEE REPORT

SPRING NEWSLETTER

Ms. Reitz stated that the draft of the spring newsletter had been submitted to State Printing for quotation and bid award. She then asked Ms. Franks for an update.

Ms. Franks stated that she had received notice from State Printing that morning that the project had completed the bidding process and has been awarded. She stated that the next step is to submit the mailing list and approve the proof. She stated that the projected ship date was approximately two to three (2-3) weeks.

EDUCATION COMMITTEE REPORT

Dr. Howard took a moment to inform the Board that the Education Committee had worked diligently during their meeting to complete their review of all the applications and requests. She especially wanted to recognize the dental hygiene members of the committee for their thorough and conscientious work on the local anesthesia applications that the Board has been receiving for review and consideration.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Dr. Howard stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2006-2007 and have been recommended for approval by the Education Committee:

Dental Care Partners, Inc.

The Institute for Advanced Dental Education, LLC

REVIEW OF REQUIRED EDUCATION COURSE(S)

Dr. Howard stated that the following organizations have submitted requests for approval of training curriculums for the Dental Hygienist Local Anesthesia Course. Dr. Howard stated that the following courses have been reviewed and are recommended for approval by the Education Committee:

DENTAL HYGIENIST LOCAL ANESTHESIA TRAINING COURSE(S)

WITHIN AN ADA COMMISSION ON DENTAL ACCREDITATION APPROVED DENTAL HYGIENE PROGRAM OR AN EDUCATIONAL

***INSTITUTION ACCREDITED BY THE HIGHER LEARNING COMMISSION OF
THE NORTH CENTRAL ASSOCIATION OF COLLEGES AND SCHOOLS***

Apollo College

- DH 235: "Pain Management"

Cuyahoga Community College

- DENT 2200: "Local Anesthesia and Pain Management"

Lakeland Community College

- DNHY 2005: "Pain Management for Dental Hygienists"

DENTAL HYGIENIST LOCAL ANESTHESIA TRAINING COURSE(S)

PROVIDED AS A CONTINUING EDUCATION COURSE

Cuyahoga Community College

- DENT 2200: "Local Anesthesia and Pain Management"

Lakeland Community College

- DNHY 2005: "Pain Management for Dental Hygienists"

Sacramento City College

- "Administration of Local Anesthesia and Nitrous Oxide"

DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Dr. Howard informed the Board that the following sponsor has submitted an application for the dental assistant radiographer initial training course. She stated that the Education Committee has reviewed the course, determined that it fulfills all the necessary requirements, and has recommended the following for approval:

Ohio Institute of Health Careers –
"Dental Radiology"

REVIEW OF MANDATORY CONTINUING EDUCATION COURSE(S)

ANESTHESIA AND CONSCIOUS SEDATION PERMIT RENEWAL COURSE(S)

Dr. Howard stated that the following organization has submitted a request for approval of an anesthesia permit renewal course. Dr. Howard stated that the following course has been reviewed and is recommended for approval by the Education Committee:

Ohio Society of Oral & Maxillofacial Surgeons
- "Complications During Office-based Anesthesia: Hearts, Lungs and Airways"

Sunbury Seminars, Inc.
- "Current Concepts in Office Anesthesia 2007"

SUBSTANCE ABUSE COURSE(S)

Dr. Howard stated that the following organization has submitted a request for approval of a conscious sedation permit renewal course. Dr. Howard stated that the following course has been reviewed and is recommended for approval by the Education Committee:

University of Kentucky
- "Substance Abuse for 2006"

Sunbury Seminars, Inc.
- "Abuse and Addiction in Dentistry: Provider and Patient"

REVIEW OF SPECIAL REQUEST(S)

CONTINUING EDUCATION COURSE CONSIDERATION REQUEST(S)

Dr. Howard informed the Board that the Education Committee had received a request from the Ohio Dental Association for review and consideration for dental and/or dental hygiene continuing education of the following courses:

"Maximizing Dental Performance: Part One: Nutrition"
"Maximizing Dental Performance: Part Two: Exercise"

Dr. Howard informed the Board that the Committee had the opportunity to review these courses and their content and recommends that this course be denied based on the guidelines set forth in Board statute, rule and policy.

Motion by Dr. Kyger, second by Ms. Wise, to accept the Education Committee's recommendations.

Motion carried.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Ms. Reitz informed the Board that the Treatment Center Approval Committee had not met this month. However, she stated that the Committee Chair, Dr. Hills, had requested that the Board consider approving Cornerstone of Recovery, Inc. as an approved treatment provider. She stated that outpatient care complies with the Board's recommended twenty-eight (28) day in-patient treatment.

Motion by Dr. Wallace, second by Dr. McDonald, to approve Cornerstone of Recovery, Inc. as an acceptable treatment provider for impaired licensees.

Motion carried.

WAIVER COMMITTEE REPORT

Dr. McDonald informed the Board that the Waiver Committee had reviewed a Hepatitis B Waiver Request application and recommend approval of a one (1) year waiver for Georgia Pitzen.

Motion by Ms. Staley, second by Ms. Naber, to approve the one-year hepatitis B waiver for Georgia Pitzen, Dental Assistant Radiographer, license number 51-006555.

Motion carried.

SECRETARY'S EXPENSE REPORT

Dr. Hills informed the Board that he had spent in excess of twenty (20) hours per week attending to Board business.

Motion by Dr. Wallace, second by Dr. Vesoulis, to approve the Secretary's expense report.

Motion carried.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Wallace, second by Dr. McDonald, to approve the expense report and approve payment of the March 2007 Board bills.

Motion carried.

EXECUTIVE DIRECTOR'S REPORT

STRATEGIC PLAN

Ms. Reitz informed the Board members that a copy of the Board's new Strategic Plan had been provided for their review. She stated that the document encompasses the Board Mission Statement, Vision, Strategic Objectives and Planning with regards to licensure, regulation and enforcement and administration. She indicated that there were several appendices to the document that set forth prioritization of investigations and vendor payment processing, guidelines for complaint processing and administrative management of duties and responsibilities. Ms. Reitz informed the Board that this was a work in progress as each area was implemented towards the future of the Board.

BUDGET

Ms. Reitz stated that she had recently testified to the House of Representatives with regards to the Board's budget and would again be testifying before the Senate on May 2, 2007. She recapped for the members that no additional funding had been granted for the Board excepting an increase to cover the cost of the Board's payroll.

PROPOSED LAW

Ms. Reitz informed the Board that there are some proposed changes to the law with regards to continuing education and language on dentists as first responders. She stated that she had been working with Keith Kerns, Esq. of the Ohio Dental Association regarding language to the rules in this regard in an effort to be proactive.

Dr. McDonald took a moment to thank Dr. Wright for all of his efforts and hard work regarding dentists becoming first responders in the event of a mass disaster emergency.

ANYTHING FOR THE GOOD OF THE BOARD

AGENDA ITEMS

Dr. McDonald requested the Board members to consider the addition of a new agenda item; Association Reports. He stated that he had discussed this earlier with the Education Committee and felt that giving the respective associations a brief opportunity to speak regarding current issues/events might prove beneficial to the Board's relations with the associations. He stated that the Board could consider allowing brief five (5) minute updates from each association.

ELECTION OF OFFICERS

Dr. Wright inquired as to the reasoning behind holding off the Board's election of officers until the next meeting. Ms. Reitz informed the Board members that the thought was to hold off until the new appointments by the Governor had been made.

Motion by Dr. Wright, second by Ms. Naber, to hold the election of Board officers at this time.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Wright, second by Dr. Kyger, to nominate Dr. McDonald as President, Dr. Armstrong as Vice-President, Dr. Hills as Secretary, and Dr. Vesoulis as Vice-Secretary.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Wright, second by Dr. Armstrong, to close the nominations.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Wright, second by Dr. Wallace, to accept the slate of nominations by acclamation.

Roll call vote.

Motion carried.

Congratulations were extended to the newly appointed Board Officers.

EXITING BOARD MEMBERS

Dr. Vesoulis took a moment to thank Ms. Wise for her commitment and dedication as a Board member. He stated that he would like for her to return for the next Board meeting in May in order that they may celebrate appropriately. Additionally, he stated that there was no information yet as to whether he would be re-appointed.

ADJOURN

Dr. Vesoulis adjourned the meeting at 4:05 p.m.

The next meeting will be on May 16, 2007.

Gregory A. McDonald, D.D.S.
President

Edward R. Hills, D.D.S.
Secretary