

**Ohio State Dental Board
Board Meeting
April 23, 2003**

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**Ohio State Dental Board
Board Meeting
April 23, 2003**

M I N U T E S

The Ohio State Dental Board (Board) met in room 2921, 29th Floor of James A. Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio on Wednesday, April 23, 2003, beginning at 1:00 p.m. Board members present were:

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

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Keith Kerns, Esq., and Dennis Burns, D.D.S. of the *Ohio Dental Association* (ODA); Linda Hewetson, R.D.H. and Denise Bowers, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA); Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Thomas Smith, Dental Board Enforcement Officer, Jayne A. Rasmussen, Licensure Coordinator, Malynda Franks, Executive Secretary and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:20 p.m.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 2:40 p.m., the Board resumed open session. Dr. Hills approved the agenda for the evening as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

Ms. Reitz took a moment to explain the new format for the agendas. She stated that all possible agenda items were now listed on every agenda with asterisks indicating those items wherein there were no items for consideration. She informed the Board members that their copies of the agenda had shaded areas indicating those agenda items requiring discussion or decision.

REVIEW OF THE MARCH 2003 BOARD MEETING MINUTES

The Board reviewed the minutes of the March 19 and 20, 2003 Board meeting.

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve the March 2003 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

LICENSURE REPORT

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

Motion by Dr. Lightfoot, second by Dr. Awadalla, to approve the licensure report for the following dental and dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination and for the following dental assistant radiographer licenses issued by certification or the Dental Assisting National Board (DANB) examination:

Dental

Joseph A. Curtin, D.D.S.
Christopher P. Martinez, D.D.S.
Kristina S. Martinez, D.D.S.
Reid M. Wenger, D.D.S.
Marc A. Zechel, D.D.S.

Kathleen M. Bennett, D.D.S.
Leo A. Massaro, D.D.S.
Joanne L. Prasad, D.D.S.
Lance T. Vernon, D.D.S.
Shane M. Wellington, D.D.S.

Dental Hygiene

Kimberly S. Cassidy, R.D.H.
Jodi E. Griffith, R.D.H.

Kelli M. Stahler, R.D.H.
Donann Hedderman, R.D.H.

Dental Assistant Radiographer

Dilyana Angelova
Sharon M. Austin
Tonya L. Baker
Lori A. Barth
Sandra J. Boston
Jennifer B. Briggs
Marci L. Brown
Sheree L. Brown
Tonya A. Byrd
Teresa S. day
Elizabeth E. Eckel
Melissa A. Ferber
Joy L. Fike
Ann V. Gormley
Autumn M. Hilminiak
Jennifer L. Kennedy
Beth A. Kilgore
Vicki R. Klaiss
Heather M. Lowe
Jill R. Mandzak
Nicole D. Marks
Jessica L. Massie
Sandra K. McBride-Tackett
Sylvia J. Mgbaraho
Susan M. Nelson
Pamela J. Oflesbee
Stephanie L. O'Millian
Kathryn I. Orban
Barbara A. Richards
Christina J. Rill
Kristin A. Rountree
Jennifer A. Sanzo
Kathleen M. Schreiber

Michelle A. Streber
Amanda R. Taylor
Michele M. Vicek
Kimberly D. Watterson
Tina M. Wilson
Gretchen L. Barne
Katherine J. Bilby
Carissa D. Boeser
Vesta Daniel
Charlotte A. Fisher
Janine L. Gilbert
Cecilia L. Greer
Emily L. Hartley
Deborah K. Harwood
Shannon S. Hennis
Mina N. Hite
Jennifer A. Kreten
Trent W. Lauer
Danielle M. Lawson
Amanda E. McKinnon
Marilu Metzler
Melanie L. Ott
Sarah J. Popplewell
Rosemary E. Quinones
Sharon K. Sample
Jill A. Achnatterly
Angela K. Six
Jessica A. Steuerwald
Joanne M. Abbate
Angela M. Adams
Rhonda A. Beaver
Joyce Boyd
Debra J. Button

Lori B. DeSalvo
Kristin M. Dunnivan
Rebecca G. Fontanarosa
Robert C. Johnson
Holly J. Keiser
Kathryn T. Lanza
Michelle M. Machabee
Kristen M. Nutter
Debra A. Odum
Cheryl A. Pallaye
Krystal M. Pekarski
Becky A. Pirkheim

Beth A. Seidenright
Amanda K. Shaul
Lorie A. Stegner
Brandy D. Stoneburner
Saida L. Suarez
Pathporn S. Wiese
Sara J. Wigginton
Lisa K. Carroll
Irina A. Dovganetskiy
Traci E. Fekete
Colleen J. Knecht
Diana E. Samovsky

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL EXAMINATION(S)

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

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

The following persons applied for dental hygiene 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:

Monica R. Barnes, R.D.H.
Jeanine M. Overmann, R.D.H.

Pamela D. Shippy, R.D.H.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve these three (3) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

The following persons have applied for limited resident's licenses have been evaluated and recommended for approval:

Dr. Safaratu Aranmolate
Dr. Anil K. Bouri

Dr. Dexter K. Flemming
Dr. Azadeh Jafarnia

Dr. Salman Jaffer
Dr. Jennifer E. Lien
Dr. Mark A. Marshall
Dr. Ketan P. Patrkh
Dr. Jiten B. Patel

Dr. Michaelle I. Saylot
Dr. Louis W. Susi
Dr. Sharine V. Thenard
Dr. Ryan C. Wittwer

Motion by Dr. Vesoulis, second by Dr. Lightfoot, to approve these thirteen (13) applications for limited resident's licenses.

Roll call vote.

Motion carried unanimously.

LIMITED CONTINUING EDUCATION APPLICATION(S)

The following individuals have applied for limited continuing education licenses for the purpose of participating in an I.V. Conscious Sedation course offered at the *Miami Valley Hospital* under the direction of Dr. Daniel Becker:

Dr. Luis A. Gallardo
Dr. William W. Moore
Dr. Satwant S. Saggu
Dr. Stephern T. Swallow
Dr. Nicholas Theodotou

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve these five (5) applications for limited continuing education licenses.

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. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. William J. Lightfoot, an orthodontist from Columbus, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, and Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville.

CRITERIA APPROVAL INTERVIEW(S)

Vikram Brar, D.D.S.

The Board interviews began with Vikram A. Brar, a 1996 graduate of the *University of the Pacific*. Dr. Brar is currently licensed in California and Virginia and has been practicing since graduation. Dr. Brar has taken and passed the Southern Regional Testing Agency, Inc. (SRTA) examination in May 2001. Dr. Brar informed the Board that his wife is a medical physician who will be completing a residency program in Virginia in approximately one and a half (1 ½) months. He stated that she has accepted a fellowship position with the Cleveland Clinic and he has been offered a position in the Cleveland area subsequent to obtaining his license to practice dentistry.

Continuing on, Dr. Brar informed the Board that upon completion of her fellowship at Cleveland Clinic, he would like to attend the Endodontics residency program at Case Western Reserve University.

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve Dr. Brar's criteria approval application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT INTERVIEW(S)

Daniel G. Hartnett, D.D.S.

The only applicant for reinstatement interview was Daniel G. Hartnett, D.D.S. whose license was retired in January 2002. Upon questioning by the Board, Dr. Hartnett stated that subsequent to his retirement he determined that there were too many gaps in his life and felt that he functioned better as a dentist. He stated that if he is reinstated he intends to practice at the Dental Center of Northwest Ohio in Toledo, Ohio serving disadvantaged and underserved populations on a part-time basis.

Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve Dr. Hartnett's reinstatement application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

Report and Recommendation in the Matter of Anthony D. DiNozzi, D.D.S.

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Anthony D. DiNozzi D.D.S. that was filed by Christopher B. McNeil, Esq., Hearing Examiner on March 27, 2003.

Dr. Lightfoot then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Anthony D. DiNozzi D.D.S.?

Roll call:

- Dr. Awadalla – Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Yes
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Dr. Lightfoot 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. Awadalla – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Dr. Lightfoot then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Anthony D. DiNozzi, D.D.S.?

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

Dr. Lightfoot asked if Dr. DiNozzi was present. Dr. DiNozzi indicated that he was in attendance. Dr. Lightfoot asked Dr. DiNozzi to come forward and he informed him that there was a court reporter present. However, he stated that since the court reporter was not at the Board's request, the Board Minutes would serve as the official record of the proceedings.

Dr. Lightfoot noted that the Board executive office had received recent correspondence from Dr. DiNozzi and reminded him that his remarks must be related to the Findings of Fact of the testimony from the hearing.

Dr. Lightfoot then 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 Dr. DiNozzi to proceed.

Anthony D. DiNozzi, D.D.S.

Dr. DiNozzi began by stating that he had submitted objections to the Report and Recommendation filed by the Attorney hearing examiner which included multiple reasons for not appearing at the time of the hearing. He summarized his reasons as:

- Insufficient time to prepare for examination and cross-examination by the Assistant Attorney General due to recent dismissal from incarceration in the Clermont County Jail;
- He could not afford attorney representation and was not entitled to court appointed attorney representation;
- He requested a continuance of the evidentiary hearing which was denied due to insubstantial basis to delay the hearing; and
- He had requested to direct testimony to staff employees which was denied due to irrelevance to the charges being considered at this hearing.

Dr. DiNozzi continued, however, Ms. Hockenberry, Assistant Attorney General for the Board objected to Dr. DiNozzi's comments reminding Dr. DiNozzi and the Board members that no additional new evidence could be submitted at this time.

Dr. DiNozzi stated that he had not attended the Administrative Hearing as he had been advised not to say anything that could influence the cases against him at the State and County level. He indicated that the Hearing Officer had found both counts of the Board's notice of opportunity were found to be true. However, he stated that this determination was based on the fact that he had plead guilty to the felony charges when in fact he asserts his innocence and claims to have been following his attorneys counsel.

Concluding, Dr. DiNozzi stated that he had been advised repeatedly not to appear in Columbus (the Board's Administrative Hearing) without an attorney as it would look bad.

Rebecca Hockenberry, Esq., Assistant Attorney General

Ms. Hockenberry began by explaining to the Board members that on August 22, 2002, Dr. DiNozzi plead guilty to three (3) felonies:

- Perjury - a felony in the third degree;
- Medicaid Fraud - a felony in the fourth degree; and
- Insurance Fraud - a felony in the fifth degree.

Ms. Hockenberry stated that a licensee is subject to disciplinary action for conviction of a felony pursuant to Ohio Revised Code Section 4715.30(A)(4) which states in pertinent part:

"The holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons:...

- (4) conviction of a misdemeanor committed in the course of practice or of any felony."

Ms. Hockenberry stated that certified copies of the pleas of guilt and the corresponding judgment entries were submitted into evidence at the Hearing which was held on January 30, 2003. She stated that this documentation is accepted as conclusive proof of the crime under Ohio Administrative Code Section 4715-15-25 which states:

"A certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime."

Continuing on, she stated that based on the evidence submitted, the Board may impose discipline to include revocation of the license to practice dentistry under the Board's current Disciplinary Guidelines[June 1999].

Ms. Hockenberry stated that Dr. DiNozzi had indicated that he had been refused attorney representation. She stated that the respondent has no right to a court appointed attorney in Chapter 119 hearings. She stated additionally there is no constitutional right to an attorney in civil matters.

Ms. Hockenberry informed the Board members that Dr. DiNozzi had requested a continuance of the evidentiary hearing in addition to having the opportunity to call witnesses; contrary to what the Board had just been informed by Dr. DiNozzi. She stated that in a conference call with the Hearing Examiner it had been determined that:

- Dr. DiNozzi was no longer incarcerated;
- Dr. DiNozzi' witnesses would be presenting evidence on the underlying facts in a previous criminal conviction which the Hearing Examiner indicated would not be permitted;
- That the Hearing Examiner would reconsider including the evidence of the witnesses if Dr. DiNozzi could provide justification as to their inclusion in this hearing.

Ms. Hockenberry informed the Board that evidence of prior Board action relating to prior convictions is properly admissible with regards to Dr. DiNozzi's assertion in his Objection to the Report and Recommendation that the Hearing Examiner's Report and Recommendation is tainted as it contains information concerning previous convictions. She stated that Ohio Administrative Code Section 4715-15-22 states:

"The attorney hearing examiner shall admit evidence of any prior action entered by the Ohio state dental board against the respondent, including formal disciplinary action or warning letters."

Concluding, Ms. Hockenberry stated that Dr. DiNozzi has only been practicing in Ohio since the fall of 1999 and that in that short time, he has not only been found guilty of these three (3) felonies which are the subject of this action, but in addition, Dr. DiNozzi has also been found guilty of tampering with evidence, a felony of the third degree and aggravated trafficking in drugs, a felony of the fourth degree. She stated that Dr. DiNozzi's pattern of misconduct, the multiple violations to which he has plead guilty and his refusal to acknowledge the wrongful nature of his conduct in blaming others, warrant nothing less than revocation of his license to practice dentistry in Ohio.

Executive Session

Motion by Dr. Murphy, second by Dr. Vesoulis, to move the Board into executive session pursuant to Section 121.22 (G)(3) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of licensee, Anthony D. DiNozzi, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 3:09 p.m.

Dr. Awadalla did not attend the executive session.

Open Session

At 3:20 p.m. the Board resumed open session.

Decision in the Matter of Anthony D. DiNozzi, D.D.S.

Dr. Lightfoot stated:

Let the record reflect that Dr. Awadalla was the Secretary in this matter, and therefore, will abstain from final vote. Furthermore, Dr. Awadalla 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. Murphy, second by Dr. Vesoulis, that Counts #1 and #2 of the charges as contained in the Board's notice of opportunity for hearing are found to be true.

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

Motion carried.

Motion by Dr. Murphy, second by Ms. Sabat, that the proposed Hearing Examiner's Recommended Order be accepted as follows:

It is hereby ORDERED:

The license of Anthony D. DiNozzi, D.D.S. to practice dentistry in the State of Ohio shall be REVOKED.

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

Discussion followed wherein Dr. Murphy stated that the Board had no reason not to accept the Hearing Examiner's recommended order in light of the Board's duty to uphold the laws of this state.

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

Motion carried.

PERSONAL APPEARANCE(S)

Paul R. Barnes, D.D.S.

Dr. Barnes requested an interview with the Board for consideration of conscious sedation privileges. Dr. Barnes permit, which was issued under the grandfather clause, was surrendered on September 22, 1999 as a term of his consent agreement with the Board. Additionally, the consent agreement stipulated that Dr. Barnes must wait a period of sixteen months before reapplying for conscious sedation privileges. In December 2001, Dr. Barnes was granted limited prescription privileges for Class III and IV drugs.

Dr. Barnes explained to the Board that he was preparing to take the Advanced Cardiac Life Support (ACLS) course and was appearing before the Board to determine if there were additional requirements for the permit. He explained that his practice has not changed significantly since he surrendered the permit, excepting that some patients have left in order to receive care at a facility which offers better relief from pain and anxiety. He stated that approximately ten percent (10%) of his patients could better be served if he were able to provide conscious sedation privileges.

When questioned by the Board, Dr. Barnes indicated that he has been totally compliant with the terms of his consent agreement and has not experienced any setbacks. He indicated that his wife had not sought in-patient treatment for her dependency problems, however, she has been in bi-weekly counseling sessions with a Level III Intervention Specialist for the past year.

Dr. Murphy stated that he had requested that Dr. Barnes appear before the Board for two (2) reasons: to determine the eligibility criteria for a permit and to determine if the Board would allow Dr. Barnes to re-apply for permit privileges. Dr. Murphy stated that he did not wish to see Dr. Barnes waste his time if the Board had no intention of possibly granting him a conscious sedation permit.

Executive Session

Motion by Ms. Sabat, second by Dr. Murphy, to move the Board into executive session pursuant to Section 121.22 (G)(3) of the Ohio Revised Code, to deliberate and consider the matter of licensee, Paul R. Barnes, D.D.S.

Roll call vote.

Motion carried unanimously.

Open Session

The Board resumed open session at 3:54 p.m.

Dr. Murphy explained to Dr. Barnes that it was the Board's consensus to allow him to apply for a new conscious sedation permit. However, he stated that Dr. Barnes would be required to achieve the requirements now in place, including the sixty hours of training, twenty documented cases in a facility approved by the Board, and successful evaluation by a Board designated examiner. Further, Dr. Murphy stated that there was the likelihood that Dr. Barnes would be required to sign an agreement regarding the medications.

Dr. Awadalla stated that these may seem like extreme requirements, however, it is the directive of the Board to protect the public. She stated that Dr. Barnes might not choose to pursue a new conscious sedation permit due to the increased requirements. She indicated that Dr. Barnes could obtain the application and requirement information from the Board's Licensure Coordinator, Jayne Rasmussen.

When Dr. Barnes inquired about specific requirements, Dr. Hills explained that Dr. Murphy would work with Assistant Attorney General Mary Crawford to draft a letter to him with the specific requirements for a new conscious sedation permit which would include the stipulations for limitations of the permit.

William E. Beacham, D.D.S.

Dr. Beacham appeared before the Board by request for his second Personal Appearance. Dr. Hills stated that the Board had received documentation from GlenBeigh Hospital indicating Dr. Beacham's discharge upon completion of his 28-day inpatient treatment.

When questioned by the Board, Dr. Beacham indicated that he was feeling pretty good but anxious to return to work. He stated that he has remained in compliance with the terms of his consent agreement, including attendance at five to six (5-6) caduceus and Alcoholics Anonymous (AA) meetings per week. He stated that he has only missed one (1) meeting to date and that was in order to attend the last Board meeting for his first Personal Appearance. He stated that the treatment received at GlenBeigh Hospital and the meetings he attends has given him a much better outlook, a stronger focus, and more confidence in himself.

Dr. Awadalla asked if Dr. Beacham felt confident enough in his recovery to sign a consent agreement if the Board stipulated that another occurrence or setback would result in permanent revocation of his license. Dr. Beacham indicated that he felt that he was strong enough to resist the urge to drink due to the strong support of his family and his aftercare meetings.

Motion by Dr. Awadalla, second by Dr. Lightfoot, to reinstate the license of William E. Beacham, D.D.S. to practice dentistry in the state of Ohio, pursuant to the terms set forth in the Board's Consent Agreement.

Roll call vote.

Motion carried unanimously.

Dr. Awadalla stated that she did not want to see him back before this board, wished him luck and indicated that this decision would be a lifelong commitment.

REVIEW OF NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed two (2) Notices 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.

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve the notice of opportunity for hearing and forward it to Thomas Carratola, D.D.S., license number 30-01-7926, case number 02-18-112.

Roll call vote: Dr. Awadalla - Abstain
 Dr. Hills - Yes
 Dr. Lightfoot - Yes
 Dr. Murphy - Yes
 Ms. Sabat - Yes
 Dr. Vesoulis - Yes

Motion carried.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Sherman L. Allen, D.D.S., license number 30-02-1490, case number 03-18-146.

Roll call vote: Dr. Awadalla - Abstain
 Dr. Hills - Yes
 Dr. Lightfoot - Yes
 Dr. Murphy - Yes
 Ms. Sabat - Yes
 Dr. Vesoulis - Yes

Motion carried.

ENFORCEMENT REPORT

Mr. Everhart informed the Board that there were currently eight (8) cases listed as pending hearing of which three (3) had been scheduled to appear before a Hearing Examiner. He stated that there were currently five (5) cases under appeal and that there were two (2) cases pending the Hearing Examiner's Report, of which, Dr. DiNozzi's had just been reviewed. Continuing on, Mr. Everhart indicated that there were fourteen (14) licensees currently under suspension and forty (40) cases that had been investigated and reviewed by the Board Secretary and recommended to be closed.

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

The following cases are to be closed:

02-47-296
02-35-515
02-76-569
02-45-614
02-18-622
02-47-628
02-70-655
02-25-672
02-71-687
03-18-006
03-25-020
03-02-025
03-47-018
03-25-040
03-25-047
03-02-056
03-02-055
03-25-078
03-25-094
03-48-128
02-35-303
02-35-534
02-76-570
02-18-621
02-26-637
02-18-629
02-18-667
02-25-678
03-71-008
03-25-010
03-18-024
03-25-027
03-39-034
03-25-041
03-18-046
03-18-052
03-25-062
03-17-080
03-23-102
03-49-132

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
 Dr. Hills - No
 Dr. Lightfoot - No
 Dr. Murphy - No
 Ms. Sabat - No
 Dr. Vesoulis - No

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

Motion by Dr. Murphy, second by Ms. Sabat, to approve the enforcement report and close the above forty (40) cases.

Roll call vote: Dr. Awadalla - Yes
 Dr. Hills - Yes
 Dr. Lightfoot - Yes
 Dr. Murphy - Yes
 Ms. Sabat - Yes
 Dr. Silverman - Yes

Motion carried.

Dr. Hills thanked Mr. Everhart for the Enforcement Report. He the stated that the Board would consider the next item on the agenda the Anesthesia Committee Report.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGE(S)

Dr. Murphy stated that the following individuals have applied for Anesthesia or Conscious Sedation Permits. He explained that the applications were reviewed by the Anesthesia Committee and are recommended to receive temporary privileges:

Dr. Thomas J. Birong - Carrolton, Ohio

Dr. Cecil Ash – Cleveland, Ohio

Dr. Richard B. Liposky – Cincinnati, Ohio

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve these three (3) applicants for receipt of temporary anesthesia or conscious sedation privileges.

Roll call vote.

Motion carried unanimously.

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

Dr. Murphy stated that the following individual has applied for an Anesthesia Permit. He explained that the application was reviewed by the Anesthesia Committee and is recommended to receive privileges:

Dr. Brian D. Cutright - Lancaster, Ohio

Motion by Dr. Murphy, second by Dr. Awadalla, to approve Dr. Cutright's application for receipt of an anesthesia permit.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

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

Dr. Stacy A. Blume - Cincinnati, Ohio
All modalities

Dr. Jason A. Stoner – Gahanna, Ohio
All modalities

Dr. Rajesh Vig – Fairlawn, Ohio
Oral sedation for children 12 years or younger

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve these three (3) applicants for receipt of conscious sedation permit privileges for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

COMMUNICATION COMMITTEE REPORT

Ms. Reitz stated that the Communication Committee was working on the Newsletter and would hope to have it out prior to the next Board meeting in June. She stated that the Newsletter would have a new look utilizing the Boards new logo.

Dr. Hills appointed Ms. Reitz as the new Chair of the Communication Committee to replace Mr. Borgemenke. The Committee would now be comprised of Ms. Reitz, Chair and Dr. Hills and Dr. Vesoulis as committee members.

EDUCATION COMMITTEE REPORT

Ms. Sabat began her report by informing the Board members that one (1) of the Biennial Sponsors had been working on a project with the Education Committee to develop an on-line, directly interactive substance abuse educational offering. She stated that committee members had tested the product several times over the past few weeks to ensure that the course met the directly interactive objective. Ms. Sabat stated that there is a phone number appearing on the computer screen throughout the course which is a direct connect to counselors or social workers available 24 hour a day, seven days a week. Ms. Sabat stated that she was happy to report that the Committee has given its approval for the course, thereby resolving a problem for those licensees having difficulty obtaining this requirement due to being located out of state or overseas.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

Cedar Study Club

Mouawia Ghiba, DMD

Roger A. Hess, DDS, MBA, MPH

Motion by Ms. Sabat, second by Dr. Murphy, to approve the above three (3) applications for biennial sponsorship of continuing education for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat informed the Board that the following sponsors have submitted applications for the substance abuse continuing education courses. She stated that the Education Committee has reviewed the courses, determined that they fulfill all the necessary requirements, and have recommended the following courses for approval:

The Ohio State University College of Dentistry Continuing Dental Education - "Substance Abuse: A New View"

Greater Cleveland Dental Society & Case Western Reserve University - "Substance Abuse Course for Dentists"

Motion by Ms. Sabat, second by Dr. Awadalla, to approve these two (2) applications for substance abuse continuing education courses.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot informed the Board members that the Committee had not met this month and therefore had nothing new to report. He stated that last years rules would be final filed with the Joint Committee on Agency Rule Review (JCARR) next week and would become effective ten (10) days thereafter.

Dr. Hills thanked Dr. Lightfoot for his final report. He then thanked him for his effort and dedication as Chair of the committee over the past five (5) years. Due to the end of Dr. Lightfoot's second term as a Board member, Dr. Hills then appointed Dr. Murphy as the new Chair.

POLICY COMMITTEE REPORT

POLICY REGARDING SERVING AS EXAMINERS FOR THE NORTH EAST REGIONAL BOARD OF DENTAL EXAMINERS, INC. IN THE STATE OF OHIO

Dr. Awadalla stated that she had one (1) new policy for Board consideration; Policy Regarding Serving As Examiners for the North East Regional Board of Dental Examiners, Inc. In the State of Ohio. She stated that this policy, while unwritten in the past, has been followed since the early 1990's when the Board began again accepting the NERB as its' examining entity. She stated that by approving this policy the Board would avoid any appearance of impropriety.

Ms. Sabat questioned whether this policy should include references to dental hygiene examinations in Ohio also. The members agreed that examinations at the dental hygiene schools should be included in the policy.

Motion by Dr. Awadalla, second by Dr. Lightfoot, to approve the Policy Regarding Serving As Examiners for the North East Regional Board of Dental Examiners, Inc. In the State of Ohio (Appendix A) as amended.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for the Policy Committee Report.

TREATMENT CENTERS APPROVAL COMMITTEE REPORT

Dr. Lightfoot informed the Board that there was an application for considerations under Tab 10 in the Board notebook. He stated that Mr. Everhart and Mr. Smith had visited Laurelwood Hospital in Willoughby, Ohio. Dr. Lightfoot stated that the Committee has reviewed the application and was recommending approval of the facility as a substance abuse treatment provider.

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve Laurelwood Hospital as a substance abuse treatment provider for impaired dentists and dental hygienists.

Roll call vote.

Motion carried unanimously.

Dr. Hills again thanked Dr. Lightfoot for all his work for the Committee and then appointed Dr. Awadalla as the new Committee Chair.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that there were no new Hepatitis B waiver requests or requests for waiver renewal for review at this time.

SECRETARY'S EXPENSE REPORT

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

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

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

Ms. Reitz indicated that the Report of Office Expenses for the month of March, 2003 would be included at the next meeting in June.

EXECUTIVE DIRECTOR'S REPORT

OHIO STATE UNIVERSITY DENTAL HYGIENE PRACTICUM

Ms. Reitz informed the Board members that again this year two (2) Ohio State University Dental Hygiene students would be working in the Board office as a part of their practicum. She stated that the students, Jacqueline Meyer and Tameka Tucker, have been experiencing the day-to-day operation of the Board executive office, attended some of the Senate Hearings on Senate Bill 51, and will be attending a meeting of The Joint Regulatory Boards and an infection control evaluation with Kathy Carson, Dental Board Enforcement Officer. Ms. Reitz stated that the students would be presenting their report on their practicum at the end of May.

EMPLOYEE POLICY MANUAL

Ms. Reitz continued on by passing around a copy of the Boards new Employee Policy Manual. She thanked Mr. Everhart and Ms. Franks, and stated that all three (3) of them had worked together on this project. Ms. Reitz informed the Board that the implementation of an Employee Manual had been one (1) of the recommendations issued in the Inspector General's report.

BOARD BUDGET

Ms. Reitz concluded her report by stating that she would be providing testimony before the Senate the next day regarding the Board's budget for 2004-2005. When questioned by the Board members regarding the budget should Senate Bill 51 or House Bill 156 pass thereby increasing the number of Board members, Ms. Reitz stated that she would have to proceed with the current budget proposal. However, she indicated that should either of the bills pass she would then seek changes from the Controlling Board.

Dr. Hills thanked Ms. Reitz for her informative report.

CORRESPONDENCE

Dr. Hills noted that there were no correspondences for the Board members review.

ANYTHING FOR THE GOOD OF THE BOARD

MEMORANDUM REGARDING MILITARY PERSONNEL

Ms. Reitz informed the Board that there was a draft memorandum regarding licensure renewal for military personnel. She stated that the Board executive office had received several requests from dental personnel seeking to renew their license prior to overseas deployment. She stated that the memorandum clarifies the renewal procedures for those dentists who are scheduled to renew at the end of the year and have been called to active duty. She stated that each request would be considered on a case-by-case basis.

Ms. Sabat requested that the memorandum be amended to include all licensees. Ms. Reitz agreed and explained that this memorandum was a work in progress and subject to revisions as required.

AMERICAN DENTAL HYGIENISTS' ASSOCIATION LOCAL ANESTHESIA BY DENTAL HYGIENISTS STATE CHART

Ms. Sabat informed the Board members that she had provided a copy of a chart issued by the American Dental Hygienists' Association (ADHA) indicating that currently there are thirty-two states that permit a dental hygienist to administer local anesthesia. She noted that there was no language regarding this issue in the current draft legislation sponsored by the Ohio Dental Hygienists' Association (ODHA) being considered by the House of Representatives. Ms. Sabat stated also that she was surprised to find that there was no language regarding licensure of Expanded Function Dental Auxiliary (EFDA) in Senate Bill 51 sponsored by the Ohio Dental Association (ODA) even though the ODA Executive Committee had voted to support EFDA licensure at their September meeting.

Dr. Hills stated that it was his understanding that the Board had open discussions regarding the proposal of legislation with Dave Owsiany, Executive Director of the ODA. However, he stated that the Board had become aware just that morning of the dates for public testimony on this proposed legislation. He then asked Ms. Reitz if she was comfortable in discussing these issues with the ODA and ODHA liaisons present. Ms. Reitz indicated that the Board members should proceed in order to clarify the Board's questions.

Dr. Awadalla asked the ODA representatives present, Dr. Burns and Mr. Kerns, if they were comfortable in addressing questions regarding the ODA's proposed legislation. Dr. Burns stated that he was not comfortable in discussing these issues since he was unable to speak to the reasoning of decisions made by the ODA Executive Committee with regards to the legislation. Mr. Kerns explained that he would defer their questions to Mr. Owsiany since he too was a staff employee and not a member of the ODA Executive Committee and therefore not privy to their reasoning.

Dr. Awadalla continued on by stating that she was insulted and felt it was an injustice that there was language in the bill to limit the number of specialists on the Board. She stated that the two (2) specialists currently on the Board have added value, specifically that Dr. Murphy has done tremendous work first as the Board's Anesthesia Consultant for several years prior to becoming a Board member and then in taking on the role as the Anesthesia

Committee Chair once appointed to the Board. Additionally, she stated that the other specialist on the Board, Dr. Lightfoot, has been the best Secretary the Board has ever had. Dr. Awadalla stated that there are no separate standards in dentistry whether for a general practitioner or for any of the specialties, all standards are the same. She stated that she was frustrated that there were no ODA representatives in order to discuss this issue. Dr. Awadalla expressed that the Board members were under the impression that there was open dialog between the Board and the member associations. However, she stated that when there were questions, the representatives were unable to discuss the issues at hand.

FAREWELL TO WILLIAM J. LIGHTFOOT, D.D.S.

Dr. Hills stated that they were all hoping that this day would never come. He stated that on behalf of the Ohio State Dental Board, he wished to take this opportunity to recognize Dr. Lightfoot and his tenure as a Board member.

Dr. Hills stated:

“Dr. Lightfoot was appointed to the Board in April of 1993. During his 10 years on the Board, Dr. Lightfoot served in many capacities. He has served as the Board’s President, and spent several years as the Board Secretary, overseeing the enforcement arm of the Board. In that role, Dr. Lightfoot, spent hours and hours of time reviewing investigations and making determinations regarding actions to be taken against licensees who had fallen short of the mark, with the focus all along on protection of the public.

In addition, Dr. Lightfoot served as Chair of the Board’s Treatment Center Approval Committee, and for the last several years, Dr. Lightfoot has also served as the Chair of the Board’s Law and Rules Review Committee. We all know that was a very tedious and tremendously time-consuming task. In this capacity, Dr. Lightfoot was instrumental in facilitating numerous changes to the rules which govern the profession, making our jobs as Board members who follow him more effective.

In addition to his Board duties, Dr. Lightfoot is an active member of the North East Regional Board of Dental Examiners, and will continue in this work. He also will continue to be active as a member of the American Association of Dental Examiners.

This goes with out saying, but I will say it anyway: Dr. Lightfoot served in all these capacities with professionalism and dedication, and his hard work and commitment greatly benefited the Board, the profession, and the public we all serve.

Dr. Lightfoot, you have served the Board, the profession and the public in a manner which has truly demonstrated your level of passion and commitment. Your efforts, along with the friendships you have made with the rest of us, will be difficult to replace. I hope and trust that we will continue to benefit from your knowledge and expertise in the future. In other words, we have big plans for you!”

Dr. Hills then presented Dr. Lightfoot with a plaque as a small token of the appreciation and recognition of his ten (10) years of service with the Board.

The Board members and attendees joined in a round of applause for Dr. Lightfoot.

DISCUSSION ON PROPOSED LEGISLATION

Ms. Sabat then directed the discussions back to the proposed legislation. She asked the dental hygiene representatives present, Ms. Bower and Ms. Hewetson, why local anesthesia had not been included in House Bill 156. Ms. Bowers responded that it had been discussed with ODHA legal representatives and it was determined that it would not be in the best interests to include it in the bill at this time. However, Ms. Bowers stated that they are currently drafting language to be proposed later this year that would include local anesthesia. She further stated that these current bills were a compromise between the two (2) associations and therefore language regarding local anesthesia could not be added at this time.

Dr. Hills expressed confusion that the ODHA would prefer to support a bill that increases the number of dental hygiene representation on the Board but which did not include any language regarding expansion of duties to include local anesthesia or triage, duties that could truly assist in addressing the access to care issue. He stated that at a time when the Board was in full support of expanding duties for dental auxiliary to assist in access to care it seemed as though the ODHA was defeating themselves. Dr. Hills further stated that dental hygienists needed to expand their understanding that there is a huge separation between their abilities as hygienists and a dental assistants duties. He stated that he looked at the expansion of dental hygienists duties as similar to that of a nurse practitioner in the medical field.

Dr. Hills then questioned if there was a difference between the two (2) bills. Ms. Bowers explained that the term dental cement had been added in key sections along with a complete paragraph regarding coronal polishing by the dental assistant.

Dr. Hills stated that the Board had promulgated rules several times over the past few years regarding this issue, however the language had always been shot down at the JCARR level due to the dental hygienists having issues with the dental assistants performing this duty. He commented that the Board was in favor of increasing duties for both, by permitting local anesthesia by dental hygienists and by permitting coronal polishing and placement of temporary restorations by dental assistants. However, he stated that the ODA would oppose permitting local anesthesia administration by dental hygienists, just as the ODHA continues to oppose the issue of removal of accretions by dental assistants.

Concluding, Dr. Hills stated that access to care would be better addressed by the expansion of duties of dental auxiliary and not by expansion of the Board.

ELECTION OF OFFICERS

Dr. Hills stated that the Board would now consider nominations for officers for the upcoming year.

Motion by Dr. Lightfoot, second by Dr. Murphy, to reappoint Dr. Hills as President and Dr. Awadalla as Secretary of the Board for the upcoming year.

Roll call vote.

Motion carried unanimously.

ADJOURN

Motion by Ms. Sabat, second by Dr. Vesoulis, to adjourn the meeting until Wednesday, June 4, 2003, at 3:00 p.m.

Roll call vote.

Motion carried.

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

Eleanore Awadalla, D.D.S.
Secretary

APPENDIX A

POLICY REGARDING SERVING AS EXAMINERS FOR THE
NORTH EAST REGIONAL BOARD OF DENTAL EXAMINERS, INC.
IN THE STATE OF OHIO

Preamble: As members of the North East Regional Board of Dental Examiners, Inc. (NERB), Board members serve as examiners in fifteen NERB states. The purpose of this policy is to set forth parameters to be adhered to by current Board members serving as examiners in this capacity.

The Ohio State Dental Board (Board) has always been supportive of its testing agency, the North East Regional Board of Examiners (NERB). As a member state, the Board has direct input into NERB's operating policy. This bilateral relationship offers the best situation for graduates attempting to obtain licensure to practice dentistry or dental hygiene in the state of Ohio or in other NERB jurisdictions.

It is important for Ohio to continue to maintain its relationship with NERB, and it must do being mindful to avoid any appearance of impropriety in this regard. Therefore, the policy of the Board is to not have current Board members examine students in Ohio at the two (2) Ohio examination sites: The Ohio State University and Case Western Reserve University Colleges of Dentistry. Since the majority of the licensed Board members at any given time are graduates of one of these two colleges, the Board believes it is prudent to avoid any appearance of impropriety in having the members examine at these locations while actively serving on the Board.

(April 23, 2003)