

**Ohio State Dental Board
Board Meeting
December 7, 2005**

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**Ohio State Dental Board
Board Meeting
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MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1932, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, December 7, 2005, beginning at 1:00 p.m. Board members present were:

Gregory A. McDonald, D.D.S., Vice-President
Edward R. Hills, D.D.S., Secretary
Mark T. Armstrong, D.D.S.
Phillip J. Beckwith, D.D.S.
Berta I. Howard, D.D.S.
Billie Sue Kyger, D.D.S.
Mark Landes, Esq.
Linda Leshner, R.D.H.
Ann E. Naber, R.D.H.
Sandra L. Wise, R.D.H.
Frank A. Wright, D.M.D.

Paul Vesoulis, D.D.S., President, and T. Michael Murphy, D.D.S. were not in attendance to the meeting.

The following guests were also in attendance: Jonathan Fulkerson, Esq. and Barbara Pfeiffer, Esq., Assistant Attorneys General; Michele Carr, R.D.H. of The Ohio State University Department of Dental Hygiene, Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Mike Flugge, Investigator, Gail Davis, Investigator Assistant, Jayne Smith, Licensure Coordinator, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

In Dr. Vesoulis absence, Dr. McDonald extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:18 p.m. He requested all members and guests sign the attendance roster.

EXECUTIVE SESSION

Motion by Dr. Beckwith, second by Ms. Leshar, 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. McDonald invited Ms. Reitz, Ms. Hockenberry, Mr. Fulkerson, Ms. Pfeiffer, Laura Lubow, and Britt Strohman to attend the executive session.

OPEN SESSION

At 1:40 p.m. the Board resumed open session. Dr. McDonald 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. McDonald took a moment to introduce the Board. He introduced himself as the Board Vice-President, a general dentist from Springboro. He then introduced the other Board members: Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phillip Beckwith, an orthodontist from Columbus, Dr. Berta Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Mr. Mark Landes, the Board's Public member from Gahanna, Ms. Linda Leshar, a dental hygienist from Lima, Ms. Ann Naber, a dental hygienist from Bellbrook, Ms. Sandra Wise, a dental hygienist from Fremont, and Dr. Frank Wright, a general dentist from Cincinnati.

REVIEW OF THE NOVEMBER BOARD MEETING MINUTES

The Board reviewed the minutes of the November 7, 2005 Board meeting.

Motion by Dr. Howard, second by Ms. Naber, to approve the November 7, 2005 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the November 2005 meeting, for Board member review. Dr. Vesoulis then requested the Board's vote of approval for the Licensure Report.

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

DENTAL

Mark R. Alexandrunes
Theodore J. Ameredes
Sean R. Bates
Sheila L. Brijade
Daniel A. Delisle
Kim E. Jackson

Jodi B. Kuhn
Brian P. Schmidt
Michael L. Smith
Gopikiran Thota
Terri T. Tran

Roll call vote.

Motion carried unanimously.

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

DENTAL HYGIENE

Paula S. Agnew
Lafayette N. Brownfield
Jami L. Halcomb

Stephanie A. Stetzer
Anna M. Stoddart
Alexandria N. Tordiff

Roll call vote.

Motion carried unanimously.

Motion by Dr. Kyger, second by Ms. Wise, 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 DANB Radiation, Health and Safety examination:

DENTAL ASSISTANT RADIOGRAPHER

Stacy L Aldrich
Melita J. Allan
Sharon L. Ballog
Elizabeth J. Braddock
Tia R. Brewer
Ricci L. Brown
Beth A Burns
Tracy L. Bushnell
Michelle R Byrd
Sarah-Helen Calaway
Kimberlyn L Chambers
Michelle L Chapman
Cynthia M. Cherpeski
Tatiana N Clark
Jasmine D Clay
Viktoria A Cox
Megan M. Dozier
Rachel D Emery
Patricia J Ferry
Karen F Fisher
Sherry L Freeman
Barbara J Garczynski
Crystal A Gargasz
Monica R Gilbert

Lindsey Glazier
Amy E Goble
Catherine S Green
Deanna L Grindle
Romanta Groza
Kimberly S Hake
Teri L Harkness
Jessica L Hershey
Rene L Horstman
Margaret K Howard
Shelley N Howells
Alicia L Humphrey
Gail A Jackson
Angela D Jenkins
Holly R Jessie
Janet D Johnson
Thomasina N Jones
Jerilynn K. Jones
Kristen R Kamelesky
Morgen M Karadin
Vicki L Keefer
Michele J Kellison
Tammy R. Kelly
Shelly A. Legg

Jessica E Lillie
Jody L. Lindenberger
Sue A. Little
Holly L Maki
Kathleen Marquard
Charisse R Marshall
Deborah K. Mattson
Sherry L. Mazzeo
Emily A. Mcclanahan
Shannon M. Mcclaskey
Felicia J Mclaughlin
Elizabeth Mierzejewski
Melissa D Milburn
Rachel D Miller
Christina D. Miller
Cynthia Mitchell
Kellie A. Mitrovic
Sarah B. Morgan
Kimberly Mujaahid
Carla A Nardi
Jennifer A Page
Michelle L Pendleton
Folami A. Pierce
Denise J Pollock
Vanessa F Poore
Katherine S Pridgen
Sara E. Pugh
Tony D Pyle
Connie L Rinehart
Theresa Roemer
Rojas Daniel
Brenda S Root

Tamara R Schreiber
Tiffany M. Seese
Kelly L. Sellers
Bree D Sharp
Marilyn A Sheehn
Lisa M. Skinner
Shelly M Sligar
Jessica A Smith
Dawn M Smith
Elizabeth S Snider
Linda K. Staley
Anna Marie Stitt
Sheryle D Stubbs
Rosie Sullivan
Christina D. Swearingen
Alicia M Thomas
Kelly M Thomas
Emily A. Townsend
Jennifer G Trimmer
Diane M Tucholsky
Naiya S Tufts
Summer D Vance
Suzanne Vesey
Mirjana Videnovic
Brenda K Voiles
Alicia R. Warren
Natasha J. Welk
Christina N. Wetherill
Lisa L Wolfe
Gina M Ziesemer
Christine R Zimmer

Roll call vote.

Motion carried unanimously.

Motion by Dr. Kyger, second by Ms. Naber, 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 requirements necessary to obtain certificate:

CORONAL POLISHING

Anita R. Albin
Dodi J. Bachtel
Lisa L. Ballinger
Michelle Carrera-Brooks
Shauna Y. Carter
Brenda J. Caudill
Kelly J. Darby
Nakeia C. Dent
Peggy N. Edenburn
Sachiyo N. Fry

Linda J. Grose
Deborah L. Hall
Stacey M. Jones
Alyssa A. Koskovics
Cassandra M. Nyktas
Tracy R. Sommer
Lisa A. Sowinski
Rafael A. Villegas
Danielle M. Wilson
Darlene G. Wood

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)/OTHER STATE FOR 5 YEARS

The following persons applied for dental licenses, based on successful completion of a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Ghias K. Jabbour, D.D.S.
Kenneth E. Knott, D.D.S.

Tjahjadi Kusumo-Rahardjo, D.D.S.

Motion by Ms. Leshner, second by Dr. Kyger, to approve these three (3) regional board/other state for 5 years dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

The following persons applied for dental hygiene licenses, based on successful completion of a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Laura B. Uutala, R.D.H.

Motion by Ms. Wise, second by Dr. Kyger, to approve this one (1) regional board dental hygiene license application.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT LICENSE APPLICATION(S) - NO INTERVIEW

TRACY M. HALE, R.D.H.

The Board reviewed and considered the licensure information for Ms. Hale that was prepared by Ms. Smith.

Motion by Dr. Kyger, second by Ms. Leshner, to approve Ms. Hale's reinstatement application for dental hygiene licensure in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF JOSEPH R. SCHMIDBAUER, D.D.S.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Joseph R. Schmidbauer, D.D.S. that was filed by Hearing Examiner, Christopher B. McNeil, Esq., on October 31, 2005. He then stated that Dr. Recker had filed Objections to the Report and Recommendation on November 21, 2005

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 Joseph R. Schmidbauer, D.D.S.

Roll call: Dr. Armstrong – Yes
 Dr. Beckwith – Yes
 Dr. Hills - Yes

Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – 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. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Dr. Hills then asked whether each member of the Board had read the Objections to the Report and Recommendation in the matter of Joseph R. Schmidbauer, D.D.S.?

Roll call: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Dr. Hills then stated that the Board's minutes would serve as the official record of the proceedings. He then asked if Dr. Schmidbauer and his attorney were present. Dr. Hills stated that Dr. Schmidbauer was granted permission to address the board in this matter,

and that the comments should be limited to the Report and Recommendation filed by the Hearing Examiner.

FRANK R. RECKER, D.D.S., ESQ.

Mr. Recker informed the Board that Dr. Schmidbauer had practiced dentistry for twenty-six (26) years in Toledo without incident. He said that the Board should recognize when there is an opportunity to bite the bullet and recommend dismissal of this case based on the clear evidence of miscommunication regarding the surface disinfection. Mr. Recker stated with regard to the issue of monitoring the autoclave the evidence provided indicated that the autoclave was working properly and that there was only the issue of the missing books. He stated that the Dental Board Enforcement Officer, Mike Flugge, acknowledged that the materials required for appropriate sterilization and monitoring of the autoclave were in place in Dr. Schmidbauer's office and that only the records were missing.

JOSEPH R. SCHMIDBAUER, D.D.S.

Dr. Schmidbauer stated that he was not satisfied with the Hearing Officer's Report and Recommendation. He said that he has practiced for twenty-six (26) years and has a great office and staff. He said that they have performed the sterilization monitoring of the autoclave every Monday morning since the early 1990's. Dr. Schmidbauer stated that he had attended continuing education in Chicago on sterilization prior to rules being put in place for safety.

Dr. Schmidbauer stated that he first noticed that the records were missing when Dental Board Enforcement Officer, Mike Flugge, showed up in his office to perform an infection control evaluation. He claimed that a former employee must have taken the records upon termination of her employment.

Dr. Schmidbauer concluded by stating that he does nothing differently than he has done in the past except he now utilizes the services of The Sterilization Monitoring Services at The Ohio State University (OSU) to document the checks and balances for accuracy. He thanked the Board for the opportunity to speak.

JONATHAN FULKERSON, ESQ., DEPUTY ATTORNEY GENERAL

Mr. Fulkerson clarified for the record in response to Dr. Schmidbauer's written objections, that settlement by consent agreement with the Board had been discussed prior to this matter going to administrative hearing. He stated that this was not a difficult infection control case and rather Dr. Schmidbauer had not been honest and

forthcoming with the Dental Board Enforcement Officer, Mike Flugge. He stated that the details of the infection control evaluation were summarized on page 3 of the Hearing Officer's Report and Recommendation and clearly indicated that Dr. Schmidbauer originally volunteered that he had his autoclave tested at OSU. However, Mr. Fulkerson stated that as the evaluation progressed, it was determined that Dr. Schmidbauer had not actually begun using the Sterilization Monitoring Service through OSU but rather was self-testing up to that point.

Mr. Fulkerson stated that the Board has the opportunity to send the appropriate message to be cooperative with the Board investigators and that sterilizers must be used properly as described per the manufacturer's label. He stated that even if this was a question of staff transition, the time lapse between the employee's termination and discovery of the missing documentation by Mr. Flugge was too great to be ignored. He stated that this fact was incontrovertible. He concluded by requesting that the Board impose the appropriate sanction in this case.

EXECUTIVE SESSION

Motion by Dr. Kyger, second by Ms. Naber, 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 recommendation filed in the matter of Joseph R. Schmidbauer, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Hills did not attend the executive session.

OPEN SESSION

The Board resumed open session at 2:21 p.m.

DECISION IN THE MATTER OF JOSEPH R. SCHMIDBAUER, D.D.S.

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

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

Motion by Dr. Kyger, second by Ms. Naber, to find Count 1 of the Notice of Opportunity to be not true and that Count 2 of the Notice of Opportunity to be true, and to amend the Hearing Examiner's Recommended Order as follows:

It is hereby ORDERED:

1. JOSPEH R. SCHMIDBAUER'S license to practice dentistry in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of six (6) months:

A. DR. SCHMIDBAUER shall obtain ten (10) hours of continuing education in dental infection control, approved in advance by the Board Secretary. DR. SCHMIDBAUER shall notify the Board of completion of these hours within six (6) months of the effective date of this Order. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.

B. DR. SCHMIDBAUER shall submit quarterly declarations under penalty of Board discipline stating that he is in compliance with the terms of this Order.

C. DR. SCHMIDBAUER shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.

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

Discussion ensued wherein Dr. Kyger stated that the facts caused the Board concern with respect to what did and did not transpire during the time that Dr. Schmidbauer's employee left the office and the Board's initiation of its investigation in terms of infection control logs and inspections.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes

Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

Motion by Dr. Kyger, second by Ms. Naber to approve the recommended Order as amended.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

PERSONAL APPEARANCE(S)

MELISSA HIGH, R.D.H.

Ms. Hockenberry informed the Board members that Ms. High was appearing before the Board pursuant to paragraph (3)(B) of her June, 2003 Consent Agreement with the Board which states that she must personally appear before the Board at the time of renewal for her dental hygiene license in 2005 and 2007. She stated that Ms. High had not renewed her license in 2001 and been charged with falsifying her renewal receipt for 2002-2003.

Upon questioning by the Board, Ms. High explained that she has completed the pro-bono work stipulated in the terms of her Consent Agreement at Tri-County and Medina Health Departments. She stated that she has completed fifteen (15) hours, although she is only required to have twelve (12) hours of continuing education.

Dr. Beckwith inquired as to what lesson was learned by this experience, to which Ms. High explained that she would not take things for granted and make sure that they are

accurate. She stated that her renewal card had been “smudged” and assumed the licensure date since she has been a licensed dental hygienist for thirteen (13) years.

Ms. Leshar asked Ms. High what had possessed her to falsify her licensure renewal form. Ms. High stated that she had given her renewal form to her husband to return mail to the Board and did not check to make sure the task was completed. She stated that had been a busy time in her life and that she assumed that the renewal form found on her table was the current one. However, she stated that the form had gotten wet, the date had rubbed off, and so she wrote the renewal date above the location of the renewal date. Ms. Leshar expressed her personal unease that “one of her own” [dental hygiene students] would falsify their license and that in doing so caused serious ethical concerns.

Dr. Beckwith asked Ms. High if she promised not to do this again, to which she stated that she would make sure that it [license renewal application] gets here. Dr. Wright inquired as to whether Ms. High was currently certified in cardiopulmonary resuscitation (CPR) and whether she had completed the minimum continuing education requirement for renewal. Ms. High explained that she had worked the third shift at Meijers for one (1) year upon being suspended. She stated that once her license was reinstated she concentrated solely on completing her pro-bono dental hygiene services.

GINA THORNBERRY, R.D.H.

Ms. Hockenberry informed the Board that this was Ms. Thornberry’s second appearance before the Board subsequent to signing her consent agreement in June of 2000. She stated that Ms. Thornberry remains compliant with all terms of her consent agreement and appears to be doing well with her weekly aftercare and attendance to Narcotics Anonymous (NA) meetings.

Ms. Thornberry thanked the Board for allowing her to appear before them today and stated that she is doing well continuing to stay sober. She stated that she continues to attend meetings four (4) times weekly and feels that obtaining a better paying job has been very helpful. She stated that the love and support of her family and having a very supportive sponsor has also contributed to her successful recovery.

Dr. Howard inquired as to whether Ms. Thornberry found the dental hygiene refresher course helpful and informative. Ms. Thornberry stated that the first day of instruction covered new products with the second day covering clinical practice. She stated that the second day was redundant but felt the information was beneficial to review again.

Motion by Dr. Kyger, second by Ms. Naber, to reinstate the license of Gina Thornberry, R.D.H. to practice dental hygiene in the state of Ohio subject to the terms of her consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

MARK G. ADLER, D.D.S.

Ms. Hockenberry informed the Board that this was Dr. Adler's second visit with the Board.

Upon questioning by the Board, Dr. Adler explained that he was doing well and felt that he was moving along with his recovery. He stated that the next day he will find out whether there may be a resolution to his court case in that he fits the criteria for treatment in lieu of conviction. He stated that he has been helping out his parents at home, babysitting, and exercising in his absence from practice. Dr. Adler stated that he continues to take Advil and Daypro as prescribed treatment for the back and wrist pain from arthritis that his Rheumatologist diagnosed.

Motion by Dr. Kyger, second by Dr. Wright, to reinstate the license of Mark Adler, D.D.S. to practice dentistry in the state of Ohio subject to the terms of his consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

RICHARD J. SCHOONMAKER, D.D.S.

Dr. Hills informed the Board that Dr. Schoonmaker has a long history with the Board with regards to addiction and relapses. Dr. Schoonmaker informed the Board that he feels that he has been doing very well with everything he is supposed to be doing. He stated that he has been keeping up with dentistry in his spare time and completed his continuing education for the biennium this week. Dr. Schoonmaker said that his children have been keeping him busy with one (1) child in college, one (1) child in high school, and one (1) child in the eighth grade. He stated that he feels he has been doing well with the stress of having teenagers in the house.

Dr. Howard inquired as to how Dr. Schoonmaker has been managing his pain. Dr. Schoonmaker stated that he was currently taking Siboxin and 400 milligrams of Celebrex for the pain and cravings. He stated that he has also been utilizing alternative medicine in obtaining the services of a holistic practitioner and chiropractor.

Dr. Wright informed Dr. Schoonmaker that the Board has concerns and reservations based on the long history of repeated incidents of relapse. He stated that he wanted to make sure the Dr. Schoonmaker was aware that if his license to practice dentistry was reinstated that this is his last opportunity and not to expect to appear back before the Dental Board.

Motion by Dr. Kyger, second by Dr. Beckwith, to reinstate the license of Richard J. Schoonmaker, D.D.S. to practice dentistry in the state of Ohio subject to the terms of his consent agreement with the Board.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - No
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – No
Ms. Wise – No
Dr. Wright – Yes

Motion carried.

KEITH M. BRAM, D.D.S.

Dr. Hills informed the Board that, although he had not been invited, Dr. Keith Bram was in attendance to the meeting today and was requesting an appearance before them. He stated that Dr. Bram had distributed letters to each of the Board members implicating that he would be denied due process should they choose not to allow him the opportunity to appear or his request to be reinstated.

Dr. Wright reminded the Board of the Board Policy which specifically requires items to be considered for the Board meeting agenda must be submitted at least 72 hours prior to the Board meeting in order to allow sufficient time for administrative preparation. He stated that there would be no supporting documentation for the members to reference

with regards to any supposed facts offered by Dr. Bram. Therefore, he opined that Dr. Bram's request should not be considered based on current Board policy.

Dr. Hills queried the Board as to whether they should consider Dr. Bram's request to speak with them. After a brief discussion, the Board members reluctantly allowed Dr. Bram's request since he was already in attendance.

Ms. Hockenberry apprised the Board of events that have transpired since Dr. Bram signed his consent agreement. She stated that Dr. Bram had entered into a prior consent agreement with the Board for cocaine addiction in 1997. She said that the current consent agreement involves an incident wherein Dr. Bram was found hooked up to the nitrous apparatus by his office staff, treated at the local emergency room and had subsequent assessment performed by Laurelwood Hospital for inhalant abuse. Ms. Hockenberry stated that it had been Laurelwood's recommendation that Dr. Bram attend eight (8) outpatient sessions, of which he still needs to complete three (3) sessions with no recommendation for inpatient treatment. Ms. Hockenberry concluded by stating that there were numerous inconsistencies in the information being reported to the Board administrative office and that she is unable to clarify any of the information at this time.

Dr. Bram began by offering his sincere apologies for his reprehensible conduct leading to this most recent consent agreement. He explained that he was not here to defend the previous consent agreement wherein he had completed an inpatient hospital treatment, provided random urine testing for two (2) years, and remained in compliance with all other consent agreement terms. He stated that with regards to the current consent agreement, he has remained in compliance and has chosen to pursue positive changes in his life such as dieting, exercising, running for charitable organizations, bought a house, and has recently become engaged to be married.

Dr. Bram offered up as explanation that his mother had been recently diagnosed with cancer, his fiancée had been admitted to the hospital for a viral infection, which lead to his engaging in nitrous-oxide abuse. He stated that he does not use drugs and only consumes a couple of beers per month, but feels that it is important to comply with the terms of the consent agreement.

Continuing on, Dr. Bram stated that throughout these past few months he has received a lot of support from his staff, fiancée, and family. He stated that he used cocaine three to four (3-4) times per year approximately four (4) years ago but did not ever consider that he might have an abuse problem until recently. He stated that he felt the assessment provided by Laurelwood was inaccurate, written at the last minute, and cited that information regarding his weight and vitals was incorrect. He pointed out that the recommendation from the therapist for eight (8) sessions was completely inconsistent with his diagnosis which held its basis in his abusing nitrous two to three (2-

3) times per week, which he stated was erroneous. Dr. Bram further stated for clarification that no one from his office actually saw him hooked up to the nitrous-oxide, but rather he had admitted to using it over the weekend when he was confronted by staff members on Monday.

Dr. Hills informed Dr. Bram that during a licensee's first appearance before the Board subsequent to signing a substance abuse consent agreement, reinstatement of the dental license is not considered. He further reminded Dr. Bram that this would not be considered his first appearance subsequent to the signing of his consent agreement with the Board. He stated that the Board members would also require further clarification of all the issues surrounding Dr. Bram's suspension prior to his being invited back for his first official interview. Dr. Vesoulis informed Dr. Bram that the Dental Board staff would notify him of a potential date for his next appearance.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed three (3) 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.

RICHARD E. BRUNER, D.D.S.

Motion by Ms. Leshner, second by Dr. Wright, to approve the proposed notice of opportunity for hearing and forward it to Richard E. Bruner, D.D.S., license number 30-01-8638, and case number 05-31-0288.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

PHILIP ROTH, D.D.S.

Motion by Dr. Kyger, second by Ms. Naber, to approve the proposed notice of opportunity for hearing and forward it to Philip Roth, D.D.S. license number 30-01-3810, case number 05-18-0156.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

CRAIG A. SLACK, D.D.S.

Motion by Dr. Kyger, second by Ms. Naber, to approve the proposed notice of opportunity for hearing and forward it to Craig A. Slack, D.D.S. license number 30-01-8548, case number 05-25-0116.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

ENFORCEMENT UPDATE

Ms. Hockenberry informed the Board that there were currently six (6) cases pending hearings, of which four (4) have been scheduled. We currently have four (4) cases under appeal and two (2) cases are pending the Hearing Officers Report and Recommendation. Currently we have one (1) case wherein no hearing was requested and twenty-seven (27) licensees are currently under suspension. She stated that no additional cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting so we still have five (5) cases pending QUIP. Ms. Hockenberry stated that sixteen (16) 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. Hockenberry reviewed the cases to be closed with the Board.

The following cases are recommended to be closed:

05-18-0148 Standard of care	05-85-0554 Standard of care
05-83-0212 Deny radiographer licensure	05-18-0555 Misrepresentation
05-78-0217 Standard of care	05-11-0560 Standard of care/ warning
05-76-0378 Standard of care	05-76-0579 Infection control
05-77-0385 CE audit/warning	05-25-0574 Standard of care
05-18-0420 Standard of care/ warning	05-25-0595 Standard of care
05-25-0463 Deception/warning	05-20-1713 CE audit
05-23-0514 Advertising/ permitting/fraud/ warning	05-79-1712 CE audit

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

Roll call: Dr. Armstrong – No
 Dr. Beckwith – No
 Dr. Hills - Abstain
 Dr. Howard – No
 Dr. Kyger – No
 Mr. Landes – No
 Ms. Leshner - No

Dr. McDonald - No
Ms. Naber – No
Ms. Wise – No
Dr. Wright - No

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

Motion by Dr. Armstrong, second by Dr. Howard, to approve the enforcement report and close the above sixteen (16) cases.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes – Yes
Ms. Leshner - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

Dr. Hills thanked Ms. Hockenberry for the Enforcement Report.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

Dr. Armstrong reported that he and Dr. McDonald had met earlier in the day and reviewed applications. He stated that the following individual has applied for a Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the application and the applicant is recommended to receive provisional privileges:

Dr. Jeffrey Milton - Powell, Ohio
Oral for children 12 years or younger

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

Dr. Armstrong stated that the following individual has applied for an Anesthesia permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation was completed and the applicant is recommended to receive a permit:

Dr. David L. Mandel - Findlay, Ohio

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Armstrong stated that the following individual has applied for a Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation was completed and the applicant is recommended to receive permits:

Dr. Darrin M. Wiederhold, Swanton, Ohio
Intravenous

Motion by Dr. Kyger, second by Ms. Wise, to accept the Anesthesia Committee recommendations and approve the above applications to receive provisional privileges and permits.

Roll call vote

Motion carried unanimously.

Dr. Hills thanked Dr. Armstrong for providing the Anesthesia Committee Report in Dr. Murphy's absence.

COMMUNICATIONS COMMITTEE REPORT

Ms. Reitz informed the Board members that they were currently working on the next issue of the Board Newsletter and hoped to have a draft for January.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S) FOR 2004-2005

Dr. Howard stated that the following individual/organization has applied for approval as a biennial sponsor of continuing education for the years 2004-2005 and has been recommended for approval by the Education Committee:

The Cincinnati Society of Oral and Maxillofacial Surgeons

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Dr. Howard stated that the following individual/organization has applied for approval as a biennial sponsor of continuing education for the years 2006-2007 and has been recommended for approval by the Education Committee:

Academy of Contemporary Dentistry

REVIEW OF REQUIRED CONTINUING EDUCATION COURSE(S) ANESTHESIA AND CONSCIOUS SEDATION PERMIT RENEWAL

Dr. Howard informed the Board that the following sponsor has submitted an application for Anesthesia and Conscious Sedation permit renewal continuing education course. She stated that the Education Committee has reviewed the course, determined that it fulfills all the necessary requirements, and has recommended the following course for approval:

“Ohio Dental Society of Anesthesiology Annual Meeting – January 2006”

REVIEW OF SPECIAL REQUEST(S)

DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING EXAMINATION SITE(S)

Dr. Howard stated that the following permanent continuing education sponsors have applied to provide radiography examinations to dental assistant radiographer candidates and have been recommended for approval by the *Education Committee*:

Sinclair Community College

CONTINUING EDUCATION EXTENSION(S)

Dr. Howard informed the Board that the Education Committee had reviewed two (2) requests for extension of the continuing education requirement for the 2004-2005 biennium based on unusual circumstance, emergency or special hardship were recommending the following individual to receive a waivers:

Leslie H. Paley, D.D.S. , License #30-01-2080 – Extension for 2004-2005 biennium
Constance M. Taylor, R.D.H. , License #31-00-7138 – Extension for 2004-2005 biennium

CONTINUING EDUCATION AUDIT WAIVER(S)

Dr. Howard informed the Board that the Education Committee had requests for extension of continuing education requirement for the 2002-2003 biennium based on unusual circumstance, emergency or special hardship and was recommending the following individual to receive an extension:

Barbara E. Johnson, R.D.H., License #31-00-8490 – Waiver for the 2002-2003 for biennium

Virginia Kline, R.D.H., License #31-00-5878 – Waiver for the 2002-2003 for biennium

Julie Mauger, R.D.H., License #31-00-8119 – Waiver for the 2002-2003 for biennium

Motion by Ms. Wise, second by Ms. Naber, to accept the Education Committees recommendations and approve all the above applications and requests.

Roll call vote

Motion carried unanimously.

Dr. Hills thanked Dr. Howard for the Education Committee report. Dr. Wright excused himself from the rest of the meeting.

LAW AND RULES REVIEW COMMITTEE REPORT

Ms. Reitz stated that the Law and Rule Review Committee had not met earlier in the day but were submitting the completed draft rules for 2005, excluding the rules regarding continuing education. She stated that discussions would continue regarding

the continuing education rules in order to include input from the Ohio Dental Association (ODA). Ms. Reitz stated that these rules were tabled at this time and would be filed separately upon completion of the discussions and vote from the Board.

Motion by Dr. Hills, second by Ms. Lesher, to initial file Ohio Administrative Code rule 4715-1-01 for rescission, to initial file 4715-3-01, 4715-5-04, 4715-13-01, 4715-13-02, 4715-13-03, 4715-13-04, and 4715-18-01 as amended, and to initial file 4715-13-05 as presented.

Roll call vote.

Motion carried unanimously.

POLICY COMMITTEE REPORT

POLICY SETTING FORTH GENERAL CONSIDERATIONS FOR CLINICAL CONTINUING EDUCATION COURSES FOR DENTAL HYGIENE PROFESSIONALS

Dr. Beckwith informed the Board members that the Committee had not met today. However, he stated that there was one (1) draft policy for consideration for dental hygiene that mirrored a policy approved for dentists during the previous meeting in November. He requested the Board's consideration for the Policy Setting Forth General Considerations For Clinical Continuing Education Courses For Dental Hygiene Professionals (Appendix A).

Motion by Ms. Lesher, second by Ms. Naber, to approve the Policy Setting Forth General Considerations For Clinical Continuing Education Courses for Dental Hygiene Professionals as presented.

Roll call vote.

Motion carried unanimously.

SECRETARY'S EXPENSE REPORT

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

Motion by Dr. Armstrong, second by Dr. Howard, to approve the Secretary's expense report.

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Kyger, second by Dr. Howard, to approve the expense report and approve payment of the October and November, 2005 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

HOUSE BILL 143

Ms. Reitz explained that House Bill 143 regarding local anesthesia for the qualified dental hygienists, registration for expanded function dental auxiliary and certification, as opposed to licensure, for the dental assistant radiographer has moved forward in the Senate and has been assigned to the Health, Human Services and Aging Committee for testimony and consideration. Ms. Reitz stated that she had met with the Ohio Dental Association and a group of dental specialist with regards to the new language to change the construction of the Board, specifically regarding the appointment of specialists to the Board. She informed the members that she explained that the new language which specifies that the two (2) member specialists on the Board may not represent the same specialty nor can the specialty be represented for more than one (1) term was not in the best interest of the Board. Ms. Reitz stated that there ensued an open discussion wherein an advisory committee to the Board regarding specialist interest could be considered. She stated that the group of specialists and the Ohio Dental Association acknowledged that two (2) terms would be best and thereby consider support of testimony in opposition to this specific language.

ANYTHING FOR THE GOOD OF THE BOARD

HURRICANE KATRINA RELIEF

Ms. Reitz directed the Board members to a recent ODA Focus article regarding emergency dental care that was provided by to Hurricane Katrina evacuees in Baton

Rouge, Louisiana. She stated that Board member, Mark Armstrong, D.D.S. was a part of that effort noted that both the Board and the ODA were well represented in Louisiana by his presence.

BOARD MEETINGS

Dr. Beckwith expressed concern regarding the length of the Board meetings and the appearance of rushing through the agenda. He suggested members and administration should consider lengthening the meetings to two (2) days should future Board meeting agendas appear to be overloaded. Discussion followed wherein several options were discussed such as holding committee meetings prior to the Board meeting or beginning the Board meeting at 9:00 a.m.

Dr. Beckwith concluded the discussions by leaving the schedule up to the administrators to determine the best course of action.

ADJOURN

The Board meeting was adjourned at 3:15 p.m. The next meeting will be on January 11, 2006 beginning at 1:00 p.m.

Paul Vesoulis, D.D.S.
President

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

APPENDIX A

POLICY SETTING FORTH GENERAL CONSIDERATIONS FOR CLINICAL CONTINUING EDUCATION COURSES FOR DENTAL HYGIENE PROFESSIONALS

Preamble: The purpose of this policy is to set forth general guidelines and considerations that should be taken into account when offering, teaching and/or participating in continuing education courses that afford the opportunity to practice on patients.

All continuing education (CE) courses must comply with applicable laws and rules set forth in the Dental Practice Act. Factors to consider when teaching or participating in a clinical continuing education course are as follows:

Sponsors:

All CE courses must be provided through a Board approved Sponsor (see Ohio Revised Code 4715.25(A) and Ohio Administrative Code sections 4715-8-02).

Content:

Course content must relate to the practice of dental hygiene and meet the Board's requirements as set forth in the Dental Practice Act (see ORC 4715.25(A), and OAC 4715-8-01).

Licensure:

The Dental Practice Act sets forth criteria for educators and participants depending on what topics are being taught and whether actual dental hygiene is being performed, and if so, whether patients are being utilized (see ORC 4715.27 and 4715.34). Ohio Revised Code §4715.20 provides: "No person shall practice as a dental hygienist except a licensed dentist or one who has obtained a license from the state dental board to practice as a dental hygienist." The requirement for licensure also applies to continuing education courses where patients are being used.

Supervision:

All treatment performed by dental hygienists on patients must be directly supervised by an Ohio licensed dentist unless the exemption in ORC 4715.34 applies.

Facilities:

Clinical continuing dental education must be provided at a proper clinical facility. Failure to provide dental services, even in a continuing education setting, in a proper clinical facility may result in a standard of care violation, subjecting the licensee to discipline under ORC 4715.30.

Infection Control:

Infection control requirements must be followed in clinical settings when live patients are being utilized for continuing education courses (see OAC 4715-20-0 through 4715-20-03).

Exemption

Instructors of clinical continuing dental hygiene education courses must hold a current Ohio license or fall within one of the exemptions listed in ORC 4715.34. Consistent with the intent of ORC 4715.34, a legal practitioner of dentistry licensed in another state, making a clinical demonstration before a dental society, convention, association of dentists, or dental college is exempt from licensure requirements in this situation. The clinical demonstration must be presented before any grouping of dental hygiene personnel in order for the exemption to apply.

(Approved December 7, 2005)