

OHIO STATE DENTAL BOARD BOARD MEETING

DECEMBER 6, 2006

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OHIO STATE DENTAL BOARD BOARD MEETING

DECEMBER 6, 2006

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in Suite 400, 4th Floor of the Huntington Building, 17 South High Street, Columbus, Ohio on Wednesday, December 6, 2006, beginning at 1:00 p.m. Board members present were:

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

The following guests were also in attendance: Jonathan Fulkerson, Esq., Deputy Attorney General and Todd Newkirk, Esq., Assistant Attorney General; Michele Carr, R.D.H., M.A. of the Ohio State University Department of Dental Hygiene; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Vesoulis extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:13 p.m. He requested all members and guests sign the attendance roster.

EXECUTIVE SESSION

Motion by Dr. McDonald, second by Dr. Wallace, 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. Vesoulis invited Ms. Reitz, Ms. Hockenberry, and Mr. Newkirk to attend the executive session.

OPEN SESSION

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

REVIEW OF THE NOVEMBER BOARD MEETING MINUTES

The Board reviewed the minutes of the November 8, 2006 Board meeting.

Motion by Ms. Wise, second by Dr. Wallace, to approve the November 8, 2006 Board meeting minutes as amended.

Roll call vote.

Motion carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Dr. Vesoulis took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Toledo. He then introduced the other Board members: Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Dr. Gregory McDonald, the Board Vice-President, a general dentist from Springboro, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phillip Beckwith, an orthodontist from Columbus, Dr. Berta Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Ms. Linda Lesher (Staley), a dental hygienist from Lima, Ms. Ann Naber, a dental hygienist from Bellbrook, Dr. Greg Wallace, an oral and maxillofacial surgeon from Fairfield, Ms. Sandra Wise, a dental hygienist from

Fremont, Dr. Franklin D. Wright, a general dentist from Cincinnati, and Mr. Chad Readler, an attorney and the Board's public member from Columbus.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the September 2006 meeting, for Board member review.

DENTAL

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

Jason B. Horan
Lynnsay R. Leesburg

Syeda Malika
Andrew S. Matta

Roll call vote.

Motion carried unanimously.

DENTAL HYGIENE

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

Dionne D. Dailey
Jessica J. Davis
Patricia A. Jessell

Melinda R. Moore
Rachael A. Woods

Motion carried.

DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. McDonald, second by Ms. Naber, to approve the licensure report for the following dental assistant radiographer licenses issued by: acceptable certification or licensure in another state, certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant

Certification (OCDAC), or successful completion of the Board-approved Radiography course:

Jessica Anastasio
Anye Asamoah
Sara Ballard
Laura Beckner
Blair Breedlove
Courtney Burgess
Melanie Cyphers
Jennifer L. Dalton
Emily Daniels
Nicole Deere
Tina Deliberato
Neil Desai
Dawn M. Dunsmore
Nicholette Eastman
Kimberly Eskins
Bridget Fatica
Marcia Flowers
Karey Gifford

Amanda B. Griffitts
Jenna Josue
Sharon Manns
Michelle Marcum
Diane Martin
Shannon Martin
Maria Moldovan
Crystal Morrell-Pruitt
Amber A. Nakanishi
Kennethia Orr
Leticia Pena
Danielle Priem
Tamara Provitt
Jeanette Ridenour
Nathalie Rigby
Meaghan Roll
Kristi Triplett
Robyn Woodruff

Motion carried.

LIMITED TEACHING

Motion by Ms. Wise, second by Dr. McDonald, to approve the licensure report for a limited teaching license to be issued to Dr. Maria T. Pulido, who has been appointed to The Ohio State University College of Dentistry.

Motion carried.

CORONAL POLISHING

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

Cindy R. Eveland
Jeanette K. Haumesser

Constance L. McGehee
Sheryle D. Stubbs

Amber K. Sutherland

Motion carried.

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

Motion by Ms. Wise, second by Dr. Wallace, to approve the licensure report for the following persons who 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:

Jacquelyn J. Green, R.D.H.

Cherity A. Springer, R.D.H.

Motion carried.

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES APPLICATION(S)

The following persons applied for dental licenses, based on successful completion of the requirements set forth in the Dental Practice Act for graduates of unaccredited dental colleges located outside the United States, a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Dr. David P. Sarment

Dr. Sylvia Sarment

Motion by Dr. McDonald, second by Dr. Kyger, to approve these two (2) graduates of unaccredited dental colleges located outside the United States to receive licenses.

Motion carried.

REINSTATEMENT LICENSE APPLICATION(S) – NO INTERVIEW

ELLEN B. COHN, R.D.H.

The Board reviewed and considered the licensure information for Ellen B. Cohn, R.D.H. that was prepared by Ms. Smith.

Motion by Dr. McDonald, second by Ms. Naber, to approve Ms. Cohn's reinstatement application for dental hygiene licensure in the state of Ohio.

Motion carried.

MARGARET A. COLAVINCENZO, R.D.H.

The Board reviewed and considered the licensure information for Margaret Z. Colavincenzo, R.D.H., D.D.S. that was prepared by Ms. Smith.

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

Motion carried.

KELLY M. FLIEHMAN, R.D.H.

The Board reviewed and considered the licensure information for Kelly M. Fliehman, R.D.H. that was prepared by Ms. Smith.

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

Motion carried.

LAURA S. KINNETT, R.D.H.

The Board reviewed and considered the licensure information for Laura S. Kinnett, R.D.H. that was prepared by Ms. Smith.

Motion by Ms. Wise, second by Dr. Armstrong, to approve Ms. Kinnett's reinstatement application for dental hygiene licensure in the state of Ohio, pending successful completion of the jurisprudence examination.

Motion carried.

HAITHAM MOURANY, D.M.D.

The Board reviewed and considered the licensure information for Haitham Mourany, D.M.D. that was prepared by Ms. Smith.

Motion by Dr. McDonald, second by Dr. Kyger, to approve Dr. Maourany's reinstatement application for dental licensure in the state of Ohio.

Motion carried.

PHILIP M. PRIMMER, D.D.S.

The Board reviewed and considered the licensure information for Philip M. Primmer, D.D.S. that was prepared by Ms. Smith.

Motion by Dr. McDonald, second by Ms. Naber, to approve Dr. Primmer's reinstatement application for dental licensure in the state of Ohio.

Motion carried.

MARK E. WYSS, D.D.S.

The Board reviewed and considered the licensure information for Mark E. Wyss, D.D.S. that was prepared by Ms. Smith.

Motion by Dr. McDonald, second by Dr. Kyger, to approve Dr. Wyss' reinstatement application for dental licensure in the state of Ohio.

Motion carried.

ENFORCEMENT REPORT

PERSONAL APPEARANCE(S) WITH PROPOSED CONSENT AGREEMENT(S)

JOHN W. BALL, JR., D.D.S.

Ms. Hockenberry informed the Board members that on or about December 8, 2000, the Board issued a Notice of Automatic Suspension and Opportunity for Hearing to Dr. Ball for certifying to the Board that he had completed the statutorily required continuing education for the 1998-1999 biennium, when he had not done so. She stated that he entered into a Consent Agreement with the Board on or about January 18, 2001 whereby his license to practice dentistry was suspended for a period of two (2) weeks. At that time, Ms. Hockenberry reported that Dr. Ball was required to take and pass a Jurisprudence examination, complete 20 hours of continuing education in dental ethics, cooperate with the Board's inspections and/or evaluations and obey all federal, state and local laws and rules governing the practice of dentistry in Ohio. She stated that under the terms of the Consent Agreement, Dr. Ball was required to submit documentation of his continuing education on January 31, 2002, January 31, 2004 and January 31, 2006. Ms. Hockenberry stated that Dr. Ball failed to submit documentation

of his continuing education by January 31, 2006 in violation of this January 18, 2001 Consent Agreement.

Continuing on, Ms. Hockenberry indicated that Dr. Ball's license to practice dentistry was automatically suspended effective January 1, 2004 for failure to renew in accordance with Ohio Revised Code 4715.14(A). She stated that Dr. Ball admitted that he had been practicing without a license from January 1, 2004 until November 18, 2004 wherein he ceased practicing. Ms. Hockenberry informed the Board that Dr. Ball entered into another Consent Agreement with the Board on or about December 1, 2004, whereby his license to practice dentistry was suspended from November 18, 2004 through December 2, 2004. Ms. Hockenberry stated that for reinstatement, Dr. Ball was required to submit an application for reinstatement, appear before the Board at its December 1, 2004 meeting, take and pass the jurisprudence examination in addition to continuing education audits for the next three (3) bienniums.

Ms. Hockenberry informed the Board members that Dr. Ball's license to practice dentistry was automatically suspended a second time effective January 1, 2006 for failure to renew in accordance with Ohio Revised Code Section 4715.14. She stated that Dr. Ball discovered that his license was not renewed and submitted an application for license renewal received by the Board on March 31, 2006 including check number 067100709-4 in the amount of Three Hundred Twenty Six Dollars (\$326.00) dated March 22, 2006. She stated that on or about April 14, 2006, the Board sent a letter to Dr. Ball notifying him that his license to practice dentistry was automatically suspended effective January 1, 2006 for failure to renew. Ms. Hockenberry indicated that on or about April 17, 2006, Dr. Ball submitted a Log of Continuing Education for Dental Licensure Renewal. She stated that by correspondence of June 13, 2006, the Board notified Dr. Ball that additional documentation was required to complete reinstatement of his dental license. Ms. Hockenberry stated that Dr. Ball alleges he submitted his renewal application dated December 18, 2005. She indicated that as of this time, the Board has not received his renewal application dated December 18, 2005 nor receipted the alleged Two Hundred Forty-five Dollar (\$245.00) payment. She stated that Dr. Ball admits that he has been practicing dentistry without a license from January 1, 2006 through and including September 29, 2006.

Dr. McDonald asked Dr. Ball if he would like to return to practice of dentistry. He commented that it appears that Dr. Ball has a long history of chronic non-renewal of licensure issues with the Board. Dr. Ball admitted to the Board that the first two (2) instances of non-renewal of licensure were his fault but stated that this time was not his fault. He stated that previously he had lost a lot of money when he was not permitted to practice, that he went through a lot in obtaining his dental degree, and that he had no wish to risk his career and livelihood by not renewing his license this time around. Dr. Ball stated that he made sure that he had submitted everything required to renew on December 18th, 2005. However, he stated that there must be trouble with his

communication with the Board. Dr. Ball claimed that he has received zero communication from the Board to date regarding this matter. He claimed that the previous month he had received a fax document from the Board office but that he has never received the original document. He continued on by stating that he realizes that what he was telling them sounded impossible, but that he had not even received a letter with regards to this meeting.

Dr. McDonald asked Dr. Ball if he had returned to practice without a license after he had been informed of the lapsed status of his license. Dr. Ball responded that he had returned to practice. He stated that he had not thought about his licensure renewal once he claimed to have sent it to the Board. Dr. Ball explained that he had been practicing for three (3) months prior to becoming aware that his license had lapsed. He stated that he had completed a reinstatement application, which he Federal Expressed to the Board executive office, which was subsequently denied because it had not been filled out completely. Dr. Ball reiterated that this was his livelihood and that he would not have deliberately allowed his license to lapse. He claimed that he had also submitted all of the originals of his continuing education documentation, however, they too must have been lost or never received by the Board.

When questioned by the Board as to how long Dr. Ball has not been practicing, Dr. Ball stated that he stopped practicing sometime in April of this year. However, he stated that he had seen some patients since that time.

Dr. Armstrong asked if either Dr. Ball or his accountant had balanced his financial accounts and noticed that the fee for his license had not been reconciled. He also asked Dr. Ball how he did not notice that the license renewal card that is supposed to be posted in his office had expired. Dr. Ball responded that he had been in the process of an office move and did not perform due diligence in this regard. He again stated that he had not received correspondence from the Board regarding these issues.

Ms. Hockenberry then provided the Board President, Dr. Vesoulis, with a copy of the Board's November 27, 2006 letter sent to Dr. Ball requiring his attendance at the December Board meeting. Dr. Vesoulis confirmed that the address as listed on the letter, 4635 Richmond Road, Suite 300, Warrensville Heights, Ohio 44128, was current. Dr. Ball indicated that the address was correct.

Ms. Hockenberry added that on June 14, 2006, Dr. Ball was issued a proposal to deny license reinstatement. She stated that the notice was based on the lack of information provided in Dr. Ball's reinstatement application, specifically no hepatitis B inoculation or immunization record, no Federal Bureau of Investigation (FBI) background check or copy of the check or money order submitted to the FBI indicating submission to their offices, and that Dr. Ball had only submitted fourteen (14) hours of acceptable continuing education (CE). Ms. Hockenberry stated that the lack of

continuing education was a direct violation of his previous consent agreement wherein Dr. Ball was required to submit copies of his CE for the previous bienniums by January 31 of the even years. Ms. Hockenberry stated that Dr. Ball had been practicing dentistry without an active license, had been offered a consent agreement, which included a thirty (30) day suspension beginning on April 21 and directed him to comply with the conditions for reinstatement of his dental license. She informed the Board that Dr. Ball had already returned to active practice in May 2006 even though he did not submit his reinstatement application until June 13, 2006. Ms. Hockenberry informed the Board that a Dental Board enforcement officer had to hand-deliver the consent agreement in order to ensure that Dr. Ball signed it.

Dr. Wright noted that Dr. Ball has a long history of non-compliance, specifically stating that he has come before the Board twice espousing that he had complied when in fact Dr. Ball had not been in compliance. He commented that Dr. Ball claims to value and honor the practice of dentistry when in reality his actions in not following through speak to the opposite.

Dr. Ball explained that he is an overcommitted individual and very involved in his community, and stated that this could be the reason he let things go in the past. He stated that he knew that he should have sent everything Federal Express and gotten receipts, however that is not what he had done. He stated that his last suspension from the Board ended up costing him over \$17,000 in addition to his loss of patients. Dr. Ball stated that with regard to the fourteen (14) hours of acceptable CE, he had submitted those certificates that he could locate at the time. He stated that had completed all his continuing education including the substance abuse requirement by attending the last chance CE offering on December 18, 2006. Dr. Ball again claimed that all his other original CE documentation had been sent to the Board office previously and lost.

Concluding, Dr. Ball stated that after twenty-one (21) years of impeccable, reliable practice, at being first in his class at Case Western Reserve University and the only African-American in his class, his involvement in his community, and teaching, he would request the Board to look at this issue with leniency. He stated that for the Board to suspend him for six (6) months would effectively put him out of business.

Dr. Wright expressed that Dr. Ball, by his inaction, would be the sole person responsible for putting him out of business, not the Board.

EXECUTIVE SESSION

Motion by Dr. McDonald, second by Dr. Kyger, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss the matter of Dr. John W. Ball, Jr., D.D.S.

Roll call vote.

Motion carried unanimously.

OPEN SESSION

The Board resumed open session at 2:16 p.m.

Dr. Vesoulis informed Dr. Ball that he had two (2) options: the first being for the Board to accept the consent agreement as proposed and previously signed by Dr. Ball or the second choice allowing Dr. Ball twenty-four (24) hours to provide the missing documentation for his reinstatement application, including the missing CE, his hepatitis B information, evidence that he submitted a request for an FBI background check, etc.

Dr. Ball claimed that he was in the process of again moving and that he would have difficulty finding and submitting the information within twenty-four (24) hours, especially the CE certificates. Dr. Vesoulis stated that all CE Sponsors are required to keep documentation of attendance and the Board would entertain that any evidence supplied by the Sponsors. Dr. Wright concluded the conversation by informing Dr. Ball that if this was the avenue chosen that he should drive the information down to the Board office the next day if he had to in order to ensure its timely arrival.

LINCOLN W. LAWRENCE, D.D.S.

Upon questioning by the Board, Dr. Lawrence explained that he was nervous and embarrassed to be before them after thirty (30) years of practicing without incident. He stated that has no explanation for what happened other than he just simply overlooked his license tacked to the wall. Dr. Lawrence stated that he had been notified by certified mail that his license had lapsed. However, he stated that he had not received the notice as it had been sent to the wrong address. Dr. Lawrence indicated that Ms. Hockenberry was aware of this.

Dr. Lawrence stated that he had been contacted by Gail Davis, Investigator Assistant in June and was mailed a proposed consent agreement along with a reinstatement application. He indicated that both of the documents had come in the same envelope and as such he thought that they should be returned together. He stated that it had taken him some time to obtain his hepatitis B information from The Cleveland Clinic, but that once he had completed the form with all the required documentation he submitted it along with the signed consent agreement in the same envelope. He realizes that it now appears as though the Board viewed this as an untimely response, he hopes that with his explanation, they will understand his reasoning. Dr. Lawrence concluded by stating that there were no difficulties with his continuing education or his

reinstatement application and that he has not worked since Labor Day, approximately three (3) months.

Motion by Dr. Hills, second by Dr. Kyger to reinstate the license of Dr. Lincoln W. Lawrence to practice dentistry in the State of Ohio.

Ms. Hockenberry pointed out that if the Board approves Dr. Lawrence's consent agreement as presented later in the meeting, his license will be automatically reinstated, therefore, the motion was not necessary.

Motion by Dr. Hills to withdraw his original motion regarding Dr. Lawrence's reinstatement.

KELLY GRAHAM CRABTREE, DENTAL ASSISTANT RADIOGRAPHER

Ms. Crabtree explained to the Board that she did not understand how her license had lapsed since the whole office renews their certificates at the same time. She stated she felt sure that she had given her renewal information to the person in the office designated to take care of this assignment. However, she stated that person works the first shift and she works the third shift and that her renewal may have been misplaced.

Continuing on, Ms. Crabtree stated that since that was her first renewal she had not known what to expect. She stated that she thought everything was fine until an investigator showed up in their office and pulled up on the computer that she was lapsed for failure to renew. She stated that until that point, she had honestly thought that her dental assistant radiographer certificate had been renewed.

Ms. Crabtree concluded by stating that she has already served her suspension and submitted everything the Board has requested for reinstatement. She also informed the Board that the person who was designated to handle the renewals was subsequently fired.

The Board members reminded Ms. Crabtree that it as this was her certificate to practice it is ultimately her responsibility to ensure that she remains currently certified to perform radiographs.

REVIEW OF PROPOSED DISMISSAL(S)

The Board reviewed seven (7) proposed dismissals or notice(s) to rescind automatic suspensions and/or notice(s) of opportunity for hearing issued. 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.

REBECCA K. BURDICK, R.D.H.

DIANE M. CLEMENS, R.D.H.

CATHY A. GREEN, R.D.H.

BOBBI J. FRONTINO, R.D.H.

SUSAN L. KELLNER, R.D.H.

STEPHANIE E. RAMER, R.D.H.

JOHN A. CHEEK, D.D.S.

Motion by Dr. Hills, second by Dr. Armstrong, to rescind the notices of automatic suspension and/or notices of opportunity for hearing to correct procedural issues that arose after the original notices were issued for the following:

<i>REBECCA K. BURDICK, R.D.H.</i>	<i>Case number 06-89-0365</i>	<i>License number 31-007032</i>
<i>DIANE M. CLEMENS, R.D.H.</i>	<i>Case number 06-89-0361</i>	<i>License number 31-003645</i>
<i>CATHY A. GREEN, R.D.H.</i>	<i>Case number 06-31-0431</i>	<i>License number 31-005289</i>
<i>BOBBI J. FRONTINO, R.D.H.</i>	<i>Case number 06-89-0478</i>	<i>License number 31-005355</i>
<i>SUSAN L. KELLNER, R.D.H.</i>	<i>Case number 06-18-0353</i>	<i>License number 31-003914</i>
<i>STEPHANIE E. RAMER, R.D.H.</i>	<i>Case number 06-89-0478</i>	<i>License number 31-006353</i>
<i>JOHN A. CHEEK, D.D.S.</i>	<i>Case number 04-25-0627</i>	<i>License number 30-014928</i>

Motion carried.

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

JACQUELINE L. FAGERSTROM, R.D.H.

Dr. Vesoulis turned the meeting over to Dr. Hills to conduct the evidentiary review. Dr. Hills then stated for the record:

“This is an evidentiary review in the matter of Jacqueline L. Fagerstrom, R.D.H., pursuant to Chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the

Administrative Hearing that would have occurred if Dr. Roth had requested a hearing. The Board's minutes will serve as the official record of this proceeding."

Dr. Hills asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing in the matter of Jacqueline L. Fagerstrom, R.D.H.

Mr. Fulkerson said yes and called Ms. Rebecca Hockenberry, Assistant Director of the Ohio State Dental Board, to give testimony in this matter. Dr. Hills asked Ms. Hockenberry to raise her right hand and said:

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

Ms. Hockenberry said yes and upon questioning by Mr. Fulkerson she described her duties as the Assistant Director for the Dental Board. She stated she oversees the Board's regulation and enforcement activities, and also serves as office manager for the Dental Board.

Upon questioning by Mr. Fulkerson, Ms. Hockenberry explained that State's Exhibit 1 is a December 5, 2006 time and date-stamped copy of the State's Exhibits for Evidentiary Review submitted by Jonathan R. Fulkerson, Esq. indicating the State's Exhibits in the matter of Jacqueline R. Fagerstrom, R.D.H. She stated that pages 2-3 of the Exhibit are copies of the Log of Continuing Education For Dental Hygiene Licensure Renewal For the Period of January 1, 2004 – December 31, 2005 that was submitted by Ms. Fagerstrom, signed and dated December 30, 2005. Ms. Hockenberry stated that Ms. Fagerstrom had documented twelve (12) hours of continuing education for the 2004-2005 biennium.

Continuing on, Ms. Hockenberry stated that page 4 was a front and back copy of Ms. Fagerstrom's licensure renewal application which was signed and dated December 30, 2005. Ms. Hockenberry stated that Ms. Fagerstrom's license number 31-001992 appears below her signature and that Ms. Fagerstrom had marked "Yes" to both questions with regards to compliance with the twelve (12) hour CE requirement and current certification in basic life support. Ms. Hockenberry noted that the renewal form requests a copy of current certification for cardiopulmonary resuscitation (CPR) be attached to the renewal application. She then stated that a copy of the back side of a CPR card, which does not indicate the date of certification, had been attached to the renewal and submitted as page 5 of this Exhibit.

Mr. Fulkerson asked Ms. Hockenberry if Ms. Fagerstrom had been audited for compliance with the CE and CPR requirements. Ms. Hockenberry explained that pages 7-9 of the exhibit are copies of the Cardiopulmonary Resuscitation (CPR) Certification

and Dental Hygiene Continuing Education Audit (Audit) letter mailed to Ms. Fagerstrom via Certified U.S. Mail on May 30, 2006. She stated that page 6 is a copy of the Certified Mail Receipt and Certified Mail Return Post Card which was signed by Kevin McGinnis and dated June 2, 2006.

Mr. Fulkerson inquired as to whether the Board had received a response to the Audit letter, to which Ms. Hockenberry responded "No." She then explained that pages 10-12 of the State's Exhibit were a copy of the Notice of Automatic Suspension and Notice of Opportunity for Hearing (Notice) that was sent Certified U.S. Mail to Ms. Fagerstrom on August 23, 2006. Ms. Hockenberry explained that the Notice charged Ms. Fagerstrom with Count 1 - failure to respond to the Audit and Count 2 - failure to attach to her renewal a copy of the certificate from the American Red Cross or the American Heart Association indicating current certification. Ms. Hockenberry concluded by stating that to date, Ms. Fagerstrom has failed to submit documentation to negate these charges.

LEE A. KEEL, R.D.H.

Dr. Hills asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing in the matter of Lee A. Keel, R.D.H.

Mr. Fulkerson said yes and again called Ms. Hockenberry and noted that she was still under oath.

Upon questioning by Mr. Fulkerson, Ms. Hockenberry explained that State's Exhibit 1 is a December 5, 2006 time and date-stamped copy of the State's Exhibits for Evidentiary Review submitted by Jonathan R. Fulkerson, Esq. indicating the State's Exhibits in the matter of Lee A. Keel, R.D.H. She stated that pages 2-3 of the Exhibit are copies of the Log of Continuing Education For Dental Hygiene Licensure Renewal For the Period of January 1, 2004 - December 31, 2005 that was submitted by Ms. Keel, signed and dated December 19, 2005. Ms. Hockenberry stated that Ms. Keel had documented twelve (12) hours of Category D continuing education for the 2004-2005 biennium. She stated that based on the information submitted by Ms. Keel, she would not be in compliance with the minimum twenty-five percent directly interactive CE required by Ohio Administrative Code 4715-8-01(A).

Continuing on, Ms. Hockenberry stated that page 5 was a front and back copy of Ms. Keel's licensure renewal application which was signed and dated December 19, 2005. Ms. Hockenberry stated that Ms. Keel's license number 31-009202 appears below her signature and that Ms. Keel had marked "Yes" to both questions with regards to compliance with the twelve (12) hour CE requirement and current certification in basic life support. Ms. Hockenberry noted that the renewal form requests a copy of current

certification for cardiopulmonary resuscitation (CPR) be attached to the renewal application. She then stated that no copy of CPR certification had been attached to Ms. Keel's licensure renewal application.

Mr. Fulkerson asked Ms. Hockenberry if Ms. Keel had been audited for compliance with the CE and CPR requirements. Ms. Hockenberry explained that pages 6-8 of the exhibit are copies of the Cardiopulmonary Resuscitation (CPR) Certification and Dental Hygiene Continuing Education Audit (Audit) letter mailed to Ms. Keel via Certified U.S. Mail on May 30, 2006. She stated that page 9 is a copy of the Certified Mail Receipt and Certified Mail Return Post Card which was signed by Ms. Keel and dated June 1, 2006.

Mr. Fulkerson inquired as to whether the Board had received a response to the Audit letter, to which Ms. Hockenberry responded "No." She stated that Ms. Keel had not responded and did not provide any evidence of CE or CPR certification in response to the Board's request in addition to not submitting a copy of her CPR certification at the time of licensure renewal.

Ms. Hockenberry went on to explain that pages 10-12 of the State's Exhibit were a copy of the Notice of Automatic Suspension and Notice of Opportunity for Hearing (Notice) that was sent Certified U.S. Mail to Ms. Keel on September 27, 2006. Ms. Hockenberry explained that the Notice charged Ms. Keel with Count 1 - failure to respond to the Audit and Count 2 - failure to attach to her renewal a copy of the certificate from the American Red Cross or the American Heart Association indicating current certification. Ms. Hockenberry concluded by stating that to date, Ms. Keel not requested a hearing and has failed to submit documentation to negate these charges.

KIMBERLY S. STIVER, DENTAL ASSISTANT RADIOGRAPHER

Dr. Hills asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing in the matter of Lee A. Keel, R.D.H.

Mr. Fulkerson said yes and again called Ms. Hockenberry and noted that she was still under oath.

Upon questioning by Mr. Fulkerson, Ms. Hockenberry explained that State's Exhibit 1 is a December 5, 2006 time and date-stamped copy of the State's Exhibits for Evidentiary Review submitted by Jonathan R. Fulkerson, Esq. indicating the State's Exhibits in the matter of Kimberly S. Stiver, Dental Assistant Radiographer. She stated that pages 2-3 of the Exhibit are a copy of the Notice of Opportunity for Hearing (Notice) that was sent Certified U.S. Mail to Ms. Stiver on September 27, 2006. Ms. Hockenberry explained that the Notice charged Ms. Stiver with Count 1 - pleading

guilty and found guilty of burglary and Count 2 – theft of drugs. Ms. Hockenberry stated that pages 4 is a copy of the Certified Mail Receipt and Certified Mail Return Post Card which was signed by Ms. Stiver and dated December 2, 2006.

Ms. Hockenberry stated that pages 5-7 were a copy of the June 19, 2005 Judgment Entry of Sentence from the Warren County Common Pleas Court wherein Ms. Stiver was charged with burglary and theft of drugs which includes the criminal case history for Ms. Stiver. She stated that the documentation indicates that Ms. Stiver was sentenced to 60-day Community Corrections Work Release Program in lieu of conviction and that pages 8-11 were the signed documentation of agreement for the Work Release Program.

Continuing on, Ms. Hockenberry stated that pages 12-13 are copies of the documentation wherein Ms. Stiver changed her plea to guilty in this matter. Ms. Hockenberry noted that this was Ms. Stiver's second conviction of burglary and theft and that pages 14-26 are copies of the charges and indictment from her 2001 case in Montgomery County. She stated that Ms. Stiver had received intervention in lieu of conviction. Ms. Hockenberry informed the Board that the investigation revealed that Ms. Stiver had broken into the home of her employer wherein the drugs were kept and that she had stolen the drugs from her employer in 2005 in addition to the theft of drugs from a hospital in 2001.

Dr. Hills then informed Mr. Fulkerson that all State's Exhibits were now entered into evidence.

EXECUTIVE SESSION

Motion by Dr. McDonald, second Ms. Staley, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the matters of Jacqueline L. Fagerstrom, R.D.H., Lee A. Keel, R.D.H., and Kimberly S. Stiver, Dental Assistant Radiographer.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills – Yes
Dr. Howard – Yes
Dr. Kyger - Absent
Dr. McDonald - Yes
Ms. Naber – Yes
Mr. Readler – Yes
Ms. Staley - Yes
Dr. Vesoulis – Yes
Dr. Wallace - Yes

Ms. Wise – Yes
Dr. Wright - Yes

Motion carried.

OPEN SESSION

The Board resumed open session at 2:58 p.m.

DECISION IN THE MATTER OF JACQUELINE L. FAGERSTROM, R.D.H.

Dr. Hills then stated, “Let the record reflect that I, Dr. Edward R. Hills was the secretary in these matters, and therefore I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in these matters.”

Motion by Dr. Vesoulis, second by Ms. Staley, that Counts #1 and #2 in the Notice of Opportunity for Hearing are found to be true and that it is hereby Ordered:

- 1. The license of Jacqueline L. Fagerstrom, RDH to practice dental hygiene in the state of Ohio is hereby suspended for thirty (30) days.*

The board shall not consider reinstatement of Ms. Fagerstrom’s dental hygiene license unless and until the following requirements are met:

- A. Ms. Fagerstrom shall submit a written application to the Board for reinstatement accompanied by the appropriate fees.*
 - B. Ms. Fagerstrom shall submit to the Board documentation acceptable to the Board Secretary indicating she has satisfied all continuing education requirements as required by the Board for the previous biennium for reinstatement of her dental hygiene license.*
 - C. Ms. Fagerstrom shall appear for an interview before the Board at its next Board meeting..*
 - D. Ms. Fagerstrom shall take and pass the jurisprudence examination at the office of the Board. Such an examination will be a closed book examination.*
- 2. Once reinstated, Ms. Fagerstrom license shall be subject to the following probationary terms, conditions and limitations as follows, and if not otherwise specified, for a period of three (3) years:*

A. Ms. Fagerstrom shall be subject to continuing education audit for the next three (3) bienniums.

B. Ms. Fagerstrom shall obey all federal, state and local laws, and all rules governing the practice of dental hygiene in Ohio.

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

Motion carried.

DECISION IN THE MATTER OF LEE A. KEEL, R.D.H.

Motion by Dr. Vesoulis, second by Dr. Wallace, that Counts #1 and #2 in the Notice of Opportunity for Hearing are found to be true and that it is hereby Ordered:

1. The license of Lee A. Keel, R.D.H. to practice dental hygiene in the state of Ohio is hereby suspended for thirty (30) days.

The Board shall not consider reinstatement of Ms. Keel dental hygiene license unless and until the following requirements are met:

A. Ms. Keel shall submit a written application to the Board for reinstatement accompanied by the appropriate fees.

B. Ms. Keel shall submit to the Board documentation acceptable to the Board Secretary indicating she has satisfied all continuing education requirements as required by the Board for the previous biennium for reinstatement of her dental hygiene license.

C. Ms. Keel shall appear for an interview before the Board at its next Board meeting..

D. Ms. Keel shall take and pass the jurisprudence examination at the office of the Board. Such an examination will be a closed book examination.

2. Once reinstated, Ms. Keel license shall be subject to the following probationary terms, conditions and limitations as follows, and if not otherwise specified, for a period of three (3) years:

A. Ms. Keel shall be subject to continuing education audit for the next three (3) bienniums.

B. Ms. Keel shall obey all federal, state and local laws, and all rules governing the practice of dental hygiene in Ohio.

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

Motion carried.

DECISION IN THE MATTER OF KIMBERLY S. STIVER, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Vesoulis, second by Dr. McDonald, that Counts #1 and #2 in the Notice of Opportunity for Hearing are found to be true and that it is hereby Ordered:

The license of Kimberly S. Stiver to practice as a dental assistant radiographer in the state of Ohio is hereby revoked.

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

Motion carried.

REVIEW OF PROPOSED DISMISSAL(S)

The Board reviewed five (5) additional proposed dismissals or notice(s) to rescind automatic suspensions and/or notice(s) of opportunity for hearing issued. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

LAURA BLAMBLE-MOATS, R.D.H.

CAROL A. GLUNT, R.D.H.

BETTIE W. SPOERNDLE, R.D.H.

BRENDA J. WILCOX, R.D.H.

Motion by Ms. Naber, second by Ms. Wise, to rescind the notices of opportunity for hearing issued for the following:

LAURA BLAMBLE-MOATS, R.D.H. Case number 06-89-0525 License number 31-010460

CAROL A. GLUNT, R.D.H. Case number 06-78-0348 License number 31-006410
BETTIE W. SPOERNLE, R.D.H. Case number 06-18-0533 License number 31-002100
BRENDA J. WILCOX, R.D.H. Case number 06-33-0588 License number 31-008690

Motion carried.

ADA H. ALPERN, R.D.H.

Motion by Dr. McDonald, second by Dr. Kyger, to rescind the notice of opportunity for hearing issued for Ada H. Alpern, R.D.H., license number 31-002966, case numbers 06-89-0369.

Motion carried.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed ten (10) proposed consent agreements. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

DISCIPLINARY

LORI L. COOPER-BENTLEY, R.D.H.

Motion by Dr. McDonald, second by Ms. Wise, to approve the proposed consent agreement for Lori L. Cooper-Bentley, R.D.H., license number 31-008705, case number 06-89-0422.

Motion carried. Dr. Hills abstained.

AMBER LYNN CARROLL, DENTAL ASSISTANT

Motion by Dr. McDonald, second by Ms. Staley, to approve the proposed consent agreement for Amber Lynn Carroll, R.D.H., case number 05-31-1772.

Motion carried. Dr. Hills abstained.

JENNIFER L. DALTON, DENTAL ASSISTANT RADIOGRAPHER

Motion by Ms. Wise, second by Ms. Naber, to approve the proposed consent agreement for Jennifer L. Dalton, Dental Assistant Radiographer, license number 51-014938, case number 06-18-0178.

Motion carried. Dr. Hills abstained.

LORI E. GIBSON, R.D.H.

Motion by Dr. McDonald, second by Ms. Staley, to approve the proposed consent agreement for Lori E. Gibson, R.D.H., license number 31-008875, case number 06-07-0461.

Motion carried. Dr. Hills abstained.

KELLY GRAHAM CRABTREE, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed consent agreement for Kelly Graham Crabtree, Dental Assistant Radiographer, license number 51-011983.

Motion carried. Dr. Hills abstained.

LINCOLN W. LAWRENCE, D.D.S.

Motion by Dr. Wright, second by Dr. Armstrong, to amend Paragraph 1 of the proposed consent agreement for Lincoln W. Lawrence, D.D.S., license number 30-015242, case number 06-43-0437 to read as follows:

“Dr. Lawrence’s license to practice dentistry shall be suspended for a minimum period of three (3) months effective September 2, 2006. It is expressly understood that during the period of suspension:...”

Motion carried. Dr. Hills abstained.

Motion by Dr. Wright, second by Ms. Staley, to approve the proposed consent agreement for Lincoln W. Lawrence, D.D.S., license number 30-015242, case number 06-43-0437 as amended.

Motion carried. Dr. Hills abstained.

AMBER A. NAKANISHI, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed consent agreement for Amber A. Nakanishi, Dental Assistant Radiographer, license number 51-014930, case number 06-25-0642.

Motion carried. Dr. Hills abstained.

MINDA DILLON, R.D.H.

Motion by Dr. Wallace, second by Ms. Naber, to approve the proposed consent agreement for Minda Dillon, R.D.H., license number 31-007824, case number 06-67-0428.

Motion carried. Dr. Hills abstained.

NON-DISCIPLINARY

SYLVIA SARMENT, D.D.S.

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed consent agreement for Sylvia Sarment, license number 30-022473.

Motion carried.

DAVID P. SARMENT, D.D.S.

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed consent agreement for David P. Sarment, D.D.S., license number 30-022472.

Motion carried.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed twelve (12) 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.

STUART L. DUCHON, D.D.S.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the amended proposed notice of proposal to deny application for reinstatement of dental license and forward it to Stuart L. Duchon, D.D.S., license number 30-014597, and case number 06-48-0628 and 06-48-0595.

Motion carried. Dr. Hills abstained.

SUZANNE EAGLE, R.D.H.

Motion by Dr. McDonald, second by Ms. Staley, to approve the proposed notice of opportunity for hearing and forward it to Suzanne Eagle, R.D.H., license number 31-006189, and case number 06-87-0526.

Motion carried. Dr. Hills abstained.

BOBBI J. FRONTINO, R.D.H.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Bobbi J. Frontino, R.D.H., license number 31-005355, and case number 06-89-0478.

Motion carried. Dr. Hills abstained.

Dr. Hills, the Board Secretary, excused himself from the rest of the meeting.

DAVID E. REIFENBERGER, D.D.S.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to David E. Reifenberger, D.D.S.,

license number 30-015326, and case numbers 06-02-0330, 06-02-0474, and 06-02-0554.

Motion carried.

PAUL J. SMITH, JR., D.D.S.

Motion by Dr. McDonald, second by Ms. Naber, to approve the proposed notice of opportunity for hearing and forward it to Paul J. Smith, Jr., D.D.S., license number 30-015868, and case number 06-0581.

Motion carried.

MEERA THUNGA, D.D.S.

Motion by Dr. McDonald, second by Ms. Naber, to approve the proposed notice of opportunity for hearing and forward it to Meera Thunga, D.D.S., license number 30-21827, and case number 06-31-0139.

Motion carried.

REBECCA K. BURDICK, R.D.H.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Rebecca K. Burdick, R.D.H., license number 31-007032, and case number 06-89-0365.

Motion carried.

DIANE M. CLEMENS, R.D.H.

Motion by Dr. McDonald, second by Ms. Naber, to approve the proposed notice of opportunity for hearing and forward it to Diane M. Clemens, R.D.H., license number 31-003645, and case number 06-89-0361.

Motion carried.

CATHYA A. GREEN, R.D.H.

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed notice of opportunity for hearing and forward it to Cathy A. Green, R.D.H., license number 31-005289, and case number 06-31-0431.

Motion carried.

SUSAN L. KELLNER, R.D.H.

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed notice of opportunity for hearing and forward it to Susan L. Kellner, R.D.H., license number 31-003914, and case number 06-18-0353.

Motion carried.

STEPHANIE E. RAMER, R.D.H.

Motion by Dr. McDonald, second by Dr. Wright, to approve the proposed notice of opportunity for hearing and forward it to Stephanie E. Ramer, R.D.H., license number 31-006353, and case number 06-78-0439.

Motion carried.

JOHN A. CHEEK, D.D.S.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to John A. Cheek, D.D.S., license number 30-014928, and case number 04-25-0627.

Motion carried.

DAVID E. REIFENBERGER, D.D.S. - REVISITED

Mr. Fulkerson stated that Ohio Revised Code Section 4715.30(E) regarding Disciplinary actions reads:

“If the board has reason to believe that the holder represents a clear and immediate danger to the public health and safety if the holder is allowed to continue to practice, or if the holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides

for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall include specific facts and reasons for finding a clear and immediate danger to the public health and safety and shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code."

Mr. Fulkerson informed the Board that they had just voted to approve a Notice of Opportunity for Hearing (Notice) for a dental licensee. He stated that the Notice detailed forty-two (42) counts that were violations of the standard of care for dentistry. Mr. Fulkerson explained that the Board's expert witness in this matter is prepared to testify in court that this licensee poses an immediate danger to all patients not just those cited in the Notice. Mr. Fulkerson was requesting that the Board consider allowing him to file an injunctive action, as recommended by the Board Secretary, Board staff, and experts.

Discussion ensued wherein Board members questioned the licensee's right to a hearing and due process. Mr. Fulkerson explained again that this immediate action is being proposed based upon the expert witness' testimony and Board Secretary's review. He reiterated that the law requires that there be sufficient evidence "that the holder represents a clear and immediate danger to the public health and safety if the holder is allowed to continue to practice". He reminded the Board members that they voted to issue a Notice which detailed forty-two (42) standard of care violations. and that it is the opinion of both the Board Secretary and the expert witness that this dentist continues to pose a threat to all his patients. Mr. Fulkerson explained that the licensee involved would have an opportunity to present his position in court and the judge would decide if the legal requirements for the injunction have been met.

Board members expressed concern that Dr. Hills was not in attendance to present this information personally. After a brief discussion, it was decided to contact Dr. Hills via cell phone on speakerphone. Once contacted, Dr. Hills confirmed for the Board members that it was his opinion, as Board Secretary, that this dentist would continue to provide substandard care to his patients. He stressed that the potential harm was enough that the Board members should consider immediate action per Mr. Fulkersons request.

Motion by Dr. McDonald, second by Ms. Naber, to permit the Attorney General's Office to fill an injunctive action in the matter of David E. Reifenberger, D.D.S.

Motion carried.

ENFORCEMENT UPDATE

Ms. Hockenberry informed the Board that there were twenty-four (24) cases pending hearings, of which all but one (1) have been scheduled. She stated that we still have six (6) cases under appeal and one (1) case pending the Hearing Officer's Report and Recommendation which will be reviewed by the Board in January. Ms. Hockenberry stated that there are currently seventeen(17) licensees under suspension. She informed the Board members that two (2) new cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting and we now have eight (8) cases pending QUIP.

Ms. Hockenberry informed the Board that forty-two (42) 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:

03-31-1524	Standard Of Care	06-31-0313	Standard Of Care
05-18-0409	Standard Of Care	06-25-0370	CE/CPR
05-18-0634	Fraud	06-89-0376	CE/CPR
05-18-653	Practicing W/O License	06-77-0412	Standard Of Care
05-52-1324	Rad Renewal – Warning	06-57-0455	CE/CPR
05-18-1748	Fraud	06-13-471	Practicing Without License
06-18-0024	Infection Control	06-48-513	Standard Of Care/Dentures
06-25-0037	Standard Of Care	06-51-0494	Records
06-18-0052	Standard Of Care	06-25-0516	Informed Consent
06-18-0165	Standard Of Care	06-48-0645	Permitting
06-25-174	Infection Control/ Permitting	06-31-0652	Advertising
06-25-212	Standard Of Care/Dentures	06-25-0643	Permitting
06-83-0200	Fraud	06-31-0661	Advertising
06-18-0221	Permitting	06-25-0663	Standard Of Care
06-57-229	Impairment, Permitting	06-48-667	Practicing W/O License
06-31-0240	Fraud	06-83-0671	Permitting - Warning
06-83-0282	Advertising	06-89-0535	CE/CPR – Warning
06-50-0306	Fraud/Abandonment	06-87-0624	Advertising – Warning
		06-42-0609	Advertising – Warning
		06-25-0500	Permitting – Warning

06-45-521	Misrepresentation – Warning	06-57-0613	Permitting - Warning
06-48-0666	Permitting - Warning	06-03-408	Informed Consent – Warning

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

Roll call:

- Dr. Armstrong – No
- Dr. Beckwith – No
- Dr. Howard – No
- Dr. Kyger – No
- Dr. McDonald - No
- Ms. Naber – No
- Mr. Readler – No
- Ms. Staley - No
- Dr. Vesoulis - No
- Dr. Wallace – No
- Ms. Wise – No
- Dr. Wright - No

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

Motion by Dr. Armstrong, second by Ms. Naber, to close the above forty-two (42) cases.

Roll call vote.

Motion carried.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR 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:

William D. Bart, D.M.D.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

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

Composite Study Club
Dental Education Specialists

REVIEW OF REQUIRED EDUCATION COURSE(S)

DENTAL HYGIENIST LOCAL ANESTHESIA TRAINING COURSE(S) - WITHIN AN ADA COMMISSION ON DENTAL ACCREDITATION APPROVED DENTAL HYGIENE PROGRAM OR AN EDUCATIONAL INSTITUTION ACCREDITED BY THE HIGHER LEARNING COMMISSION OF THE NORTH CENTRAL ASSOCIATION OF COLLEGES AND SCHOOLS

Dr. Howard stated that the following organization has submitted a request for approval of a training course for the Dental Hygienist Local Anesthesia Course. Dr. Howard stated that the following course has been reviewed and is recommended for approval by the Education Committee:

The Ohio State University
“Dental Hygiene 301: Pain and Anxiety Control”

REVIEW OF MANDATORY CONTINUING EDUCATION COURSE(S)

SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Dr. Howard stated that the following organizations have submitted requests for approval of substance abuse courses for renewal of dental licensure. Dr. Howard stated that the following courses have been reviewed and are recommended for approval by the Education Committee:

William D. Bart, D.M.D.
“Time Well Spent Discussing Alcohol, Drinking and Substance Abuse”

Greater Cincinnati Dental Study Club
“Substance Abuse: It’s In Your Office!”

REVIEW OF SPECIAL REQUEST(S)

CONSIDERATION OF COURSE(S)

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

Euclid, Hillcrest, Huron, and South Pointe Hospitals/Cleveland Clinic Health System

“Basic Cardiac Arrhythmia Course”

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

Motion by Dr. Wallace, second by Dr. McDonald, to accept the Education Committee’s recommendations.

Motion carried.

LOCAL ANESTHESIA EXAMINATION FOR THE DENTAL HYGIENIST

Dr. Howard informed the Board that the Committee had reviewed information on the Western Regional Examining Board’s Anesthesia Examination for dental hygienists. She stated that the Committee recommends that the Board consider acceptance of this examination in addition to the North East Regional Board Local Anesthesia Examination For Dental Hygienists.

Motion by Dr. Howard, second by Ms. Staley, to accept the Western Regional Examining Board Anesthesia Examination for dental hygienists as a Board-approved examination for dental hygienists wishing to administer intraoral block and infiltration local anesthesia to patients under direct supervision of an Ohio licensed dentist.

Motion carried.

Dr. Howard stated that concluded the Education Committee report.

WAIVER COMMITTEE REPORT

Dr. McDonald stated that the Waiver Committee had reviewed additional information submitted for a Hepatitis B Waiver Request application and recommend approval of a one (1) year waiver for Julie Poeppelman.

Motion by Ms. Naber, second by Dr. Howard, to approve the one-year hepatitis B waiver for Ms. Poeppelman.

Motion carried.

Dr. McDonald stated that concluded the Waiver Committee report.

SECRETARY'S EXPENSE REPORT

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

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

Motion carried.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Wright, second by Dr. Kyger, to approve the expense report and approve payment of the October, 2006 Board bills.

Motion carried.

EXECUTIVE DIRECTOR'S REPORT

SUBSTITUTE HOUSE BILL 518

Ms. Reitz stated that a copy of the most recent Substitute House Bill 518 had been provided for Board member review. She stated that testimony was heard the previous week on this most recent version of the Bill. However, she stated that she had not testified since she had been given this most recent version of the Bill only the day before testimony was heard. Ms. Reitz stated that this version includes a "collaborative

agreement” between the dentist and dental hygienist and that the only other difference between this and earlier versions is that local anesthesia by the dental hygienist has been removed from the list of permissible duties. She also recalled that the latest version stated that the Board should set forth rules regarding sliding fee scales. However, she stated that this is not the roll of the Board, rather, fee scales are set by the agencies willing to do so. She stated that the Board-approved position statement regarding the Bill still stands, with the underlying issue of the dental hygienist seeing the patient prior to examination by the dentist causing the concern. She reiterated the Board’s concern is greatest for these populations specifically because of their oral health issues.

Ms. Naber questioned why the Board members were not informed of the changes and subsequent opportunity for testimony in a timely manner. She further questioned whether the Board’s position statement should be revisited in light of the current version of the Bill allowing for supervision of certified dental assistants by the dental hygienist in these types of settings. Ms. Staley requested that the Board reconsider it’s position in light of the changes made to the amended version of the Bill.

Finally, Ms. Reitz stated that she had intended to share the latest version of the bill with the Board. The latest version was received the day before the Board’s Statement was needed. Further, she indicated that there were no significant changes in the bill that would have changed the Board’s position. Seeing that the initial exam by the dentist was still not a part of the process, which was the Board’s concern. Ms. Reitz stated, upon concurrence with Keith Kerns, Esq. of the Ohio Dental Association, that the current legislative session ends in December and that the Bill dies and must then be reintroduced with a new sponsor and new number after the first of next year. She stated that upon reintroduction, the Bill will start from the beginning and that the Board could reconsider their position at that time.

ANYTHING FOR THE GOOD OF THE BOARD

PAPERLESS MEETINGS

Ms. Hockenberry inquired as to the Board members opinions on holding the next meeting in January “paperless”. By consensus of the Board, it was agreed to try the next meeting in a paperless format.

CORRESPONDENCE

Ms. Reitz informed the Board members that a copy of a letter from the Commission on Dental Accreditation regarding on-site evaluations for allied dental education programs. She stated that Board members should contact her should they choose to participate in the on-site evaluations.

ADJOURN

Dr. Vesoulis adjourned the meeting at 4:00 p.m.

The next meeting will be on January 10, 2006 beginning at 1:00 p.m.

Paul Vesoulis, D.D.S.
President

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