

**Ohio State Dental Board  
Board Meeting  
January 11, 2006**

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**Ohio State Dental Board  
Board Meeting  
January 11, 2006**

**MINUTES**

**ATTENDANCE**

The Ohio State Dental Board (Board) met in room 1932, 19<sup>th</sup> 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.  
Linda Leshner, R.D.H.  
T. Michael Murphy, D.D.S.  
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 Mark Landes, Esq. were not in attendance to the meeting.

The following guests were also in attendance: Jonathan Fulkerson, Esq. and Barbara Pfeiffer, Esq., Assistant Attorneys General; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H. and Nancy Kiehl-Hillman, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Jane Young of the Ohio Department of Job and Family Services, Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Jayne Smith, Licensure Coordinator, and Malynnda 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 1:10 p.m. He requested all members and guests sign the attendance roster.

## **EXECUTIVE SESSION**

*Motion by Dr. Beckwith, second by Ms. Naber, 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, and Ms. Pfeiffer 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, Ms. Linda Lesher, a dental hygienist from Lima, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, 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 DECEMBER BOARD MEETING MINUTES

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

*Motion by Dr. Howard, second by Dr. Murphy, to approve the December 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.

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

#### DENTAL

Changwon Ahn, D.D.S.  
Amanda L. Dohar, D.D.S.  
Sami Gerywati, D.D.S.

Tonya L. Harmon, D.D.S.  
Melissa A. Merz, D.D.S.  
Aparna Sadineni, D.D.S.

Roll call vote.

Motion carried unanimously.

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

#### DENTAL HYGIENE

Jeweli M. Floyd, R.D.H.  
Kimberly A. Johnson, R.D.H.

Renee M. Liska, R.D.H.  
Laura B. Uutala, R.D.H.

Roll call vote.

Motion carried unanimously.

*Motion by Ms. Naber, second by Ms. Leshner, 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 or other Board-approved Radiography examination:*

**DENTAL ASSISTANT RADIOGRAPHER**

Amy J. Alten	Latoya M Griffin
Keshia M Andrek	Stacy L Grimm
Stacie A Anstead	Amelework K. Haile
Robyn K Baier	Sara S Higgins
Amanda K. Bailey	Cathy L Higley
Alicia Baker	Lisa M Hill
Jackquelyn K Baker	Margaret R Howell
Katheryn L. Baker	Nancy E Juarez
Samantha A Baker	Nicole B. Kaufman
Kayla G. Bauman	Diana L. Kelly
Carolyn Bell	Fardowsa Khalif
Karla S. Bernard	Shelley D Kirkpatrick
Heather M. Berry	Beth A Kline
Yasmin A. Bond	Stephanie M Kozar
Barbara A Boyd	Melpomany A Kyrou
April L Brown	Lacey N. Lamb
Jessica A. Bunch	Ashley A. Lloyd
Gloria K. Caicedo	Allison N Lodge
Jenae K. Caldwell	Lori M Lukachinsky
Kelly Caudill	Stephanie L. McMillan
Betsy S. Cole	Rosa M. Meier
Megan L. Cordes	Angela N. Merritt
Monica Dambreville	Ginger E. Millican
Kelly M. Dorris	Kimberly R. Mollohan
Lisa J. Edwards	Nicole J. Mullett
Rhonda M Filer	Carlie M. Parrish
Denise A. Ford	Diane A Pickworth
Kelly A Gramm	Melanie A. Pierce
Angela L. Green	Rita A. Pupio

Robin A. Rice  
Melissa A Rose  
Susan M Schultz  
Jenna L. Scotese  
Lora J. Shepherd  
Diana Stage  
Anna N Stark

Nicole M. Strachko  
Elizabeth J. Strombaugh  
Christy L. Tabbutt  
Meggan M. Tidd  
Michelle A Trefney  
Stephanie N. Verna  
Irena Zarova

Roll call vote.

Motion carried unanimously.

LIMITED TEACHING

*Motion by Dr. Kyger, second by Ms. Naber, to approve the licensure report for the following limited teaching license issued to participate in residency programs:*

Dr. Pinar Emecen

Roll call vote.

Motion carried unanimously.

*Motion by Ms. Wise, second by Dr. Kyger, to approve the licensure report for the following coronal polishing certificate 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

Jill Caqrbenia

Roll call vote.

Motion carried unanimously.

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

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:

Melissa D. McCartney, D.D.S.  
Rami Salloum, D.D.S.

Rosemarie G. Sheline, D.D.S.  
Robert Williamson, D.D.S.

*Motion by Ms. Leshner, second by Dr. Kyger, to approve these four (4) regional board/other state for 5 years dental license applications.*

Roll call vote.

Motion carried unanimously.

## REGIONAL BOARD/OTHER STATE FOR 5 YEARS 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:

Barbara A. Batson, R.D.H.

Mindy L. Stewart, R.D.H.

*Motion by Ms. Wise, second by Ms. Naber, to approve these two (2) regional board dental hygiene license application.*

Roll call vote.

Motion carried unanimously.

## REINSTATEMENT LICENSE APPLICATION(S) - NO INTERVIEW

*RICHARD T. BECKMAN, D.D.S.*

The Board reviewed and considered the licensure information for Richard T. Beckman, D.D.S. that was prepared by Ms. Smith.

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

Roll call vote.

Motion carried unanimously.

**CATHERINE R. JOHNSON, R.D.H.**

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

*Motion by Ms. Wise, second by Ms. Naber, to approve Ms. Johnson's reinstatement application for dental licensure in the state of Ohio.*

Roll call vote.

Motion carried unanimously.

**ENFORCEMENT REPORT**

**REPORT AND RECOMMENDATIONS**

**REPORT AND RECOMMENDATION IN THE MATTER OF VICTORIA  
CONSTANTINESCU, D.D.S.**

Ms. Pfeiffer requested that this matter be briefly postponed until later in the afternoon. Dr. Hills asked and received permission from Robert Angel, Esq., attorney for Dr. Constantinescu, to allow this matter to be tabled until later in the meeting.

**PERSONAL APPEARANCE(S)**

**MICHAEL TILSON, D.D.S.**

Ms. Hockenberry requested that the Personal Appearances be tabled until the end of the Enforcement Report.

**REVIEW OF PROPOSED CONSENT AGREEMENT(S)**

The Board reviewed two (2) proposed consent agreements. 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.

DAVID G. HAAS, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for David G. Haas, D.D.S., license number 30-012470.*

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

Motion carried.

TIMOTHY A. TSCHANZ, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed agreed order of censure for Timothy A. Tschanz, D.D.S., license number 30-014261.*

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

Motion carried.

## REVIEW OF PROPOSED VOLUNTARY SURRENDER OF LICENSE(S)

The Board reviewed two (2) proposed voluntary surrender of license. 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.

### ROBERT M. CLEAR, D.D.S.

*Motion by Ms. Wise, second by Ms. Wise, to approve the proposed voluntary surrender of license for Robert M. Clear, D.D.S., license number 30-022078.*

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

Motion carried.

### ADAM W. QUILLEN, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed voluntary surrender of license for Adam W. Quillen, D.D.S., license number 30-017002.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Ms. Leshner - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes

Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

## 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.

### TRACY L. DEVAULT, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Tracy L. Devault, D.D.S., license number 30-021370, and case number 05-25-0202.*

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

Motion carried.

### MERLE A. FRANKEL, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Merle A. Frankel, D.D.S. license number 30-011799, case number 06-18-0008.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes

Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Ms. Leshner - Yes  
Dr. McDonald - Yes  
Dr. Murphy – Yes  
Ms. Naber – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

DAVID E. REIFENBERGER, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to David E. Reifenger, D.D.S. license number 30-0-015326, case number 05-02-0461.*

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

Motion carried.

**ENFORCEMENT UPDATE**

Ms. Hockenberry informed the Board that there were currently seven (7) cases pending hearings, of which most have been scheduled. We currently have three (3) cases under appeal and one (1) case is pending the Hearing Officers Report and Recommendation. Currently we have one (1) case wherein no hearing was requested and twenty-four (24) licensees are currently under suspension. She stated that two (2) additional cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting so we now have seven (7) cases pending QUIP.

Dr. McDonald then called for a motion to approve the enforcement report.

*Motion by Ms. Naber, second by Ms. Wise, to approve the enforcement report.*

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

Motion carried.

Ms. Hockenberry stated that one hundred and eleven (111) 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:

02-12-062	Standard Of Care	05-07-0675	Radiographer Renewal -
02-12-183	Standard Of Care		Warning
02-25-654	Standard Of Care	05-07-0677	Radiographer Renewal -
	Warning		Warning
04-25-0483	Misdemeanor	05-09-1721	Advertising - Warning
04-25-0509	Fraud	05-12-0389	Standard Of Care
04-75-0511	Fraud	05-13-0558	Standard Of Care
04-87-0061	Standard Of Care -	05-16-0780	Radiographer Renewal -
	Warning		Warning
05-01-0559	Standard Of Care -	05-21-0903	Radiographer Renewal
	Warning	05-21-0904	Radiographer Renewal -
05-02-0575	Misrepresentation		Warning
05-02-1704	Standard Of Care	05-21-0907	Radiographer Renewal -
05-02-1706	Advertising		Warning

05-21-0912	Radiographer Renewal - Warning	05-27-1045	Radiographer Renewal - Warning
05-21-0914	Radiographer Renewal - Warning	05-29-0526	Standard Of Care/Fraud
05-25-0429	Standard Of Care	05-29-0590	Insurance Fraud
05-25-0581	Standard Of Care	05-29-1719	Advertising
05-25-0599	Standard Of Care	05-29-1723	Advertising - Warning
05-25-0605	Permitting And Standard Of Care	05-29-1740	Advertising - Warning
05-25-0606	Misrepresentation	05-30-1067	Radiographer Renewal - Warning
05-25-0639	Records Hostage	05-31-0124	Infection Control
05-25-0946	Radiographer Renewal	05-31-0519	Impairment
05-25-0949	Radiographer Renewal	05-31-0531	Permitting
05-25-0953	Radiographer Renewal - Warning	05-31-0552	Informed Consent
05-25-0957	Radiographer Renewal - Warning	05-31-0553	Informed Consent
05-25-0958	Radiographer Renewal - Warning	05-31-0561	Standard Of Care
05-25-0977	Radiographer Renewal - Warning	05-31-0570	Prescribing
05-25-0983	Radiographer Renewal - Warning	05-31-0594	Standard Of Care - Warning
05-25-0988	Radiographer Renewal - Warning	05-31-0598	Infection Control
05-25-0990	Radiographer Renewal - Warning	05-31-0645	Prescribing
05-25-0998	Radiographer Renewal - Warning	05-31-1715	Advertising - Warning
05-25-1007	Radiographer Renewal - Warning	05-40-1148	Radiographer Renewal - Warning
05-25-1013	Radiographer Renewal - Warning	05-45-0644	Records
05-25-1024	Radiographer Renewal - Warning	05-48-0532	Standard Of Care
05-25-1025	Radiographer Renewal - Warning	05-48-1705	Standard Of Care
05-25-1034	Radiographer Renewal - Warning	05-49-1281	Radiographer Renewal - Warning
05-25-1712	Standard Of Care	05-49-1710	Standard Of Care
05-25-1766	Records	05-51-1312	Radiographer Renewal - Warning
05-27-0482	Standard Of Care	05-51-1313	Radiographer Renewal - Warning
		05-53-1339	Radiographer Renewal - Warning
		05-57-0521	Standard Of Care
		05-57-0539	Standard Of Care
		05-57-0563	Advertising
		05-57-0582	Advertising - Warning
		05-57-0643	Standard Of Care
		05-57-1720	Advertising - Warning
		05-57-1722	Advertising - Warning
		05-57-1724	Advertising - Warning

05-57-1725	Advertising - Warning	05-60-1405	Radiographer Renewal - Warning
05-57-1726	Advertising - Warning		
05-57-1727	Advertising - Warning	05-65-0365	Improper Prescribing - Warning
05-57-1728	Advertising		
05-57-1729	Advertising - Warning	05-71-1516	Radiographer Renewal
05-57-1730	Advertising - Warning	05-77-500	Standard Of Care/ Informed Consent
05-57-1731	Advertising - Warning		
05-57-1732	Advertising	05-83-0522	Standard Of Care/Failure To Diagnose - Warning
05-57-1733	Advertising - Warning		
05-57-1734	Advertising - Warning		
05-57-1835	Advertising - Warning	05-83-0602	Advertising - Warning
05-57-1736	Advertising - Warning	05-83-0609	Advertising
05-57-1737	Advertising - Warning	05-83-1743	Advertising – Warning
05-57-1738	Advertising – Warning	05-83-1745	Advertising - Warning
05-57-1739	Advertising - Warning	05-84-1677	Radiographer Renewal - Warning
05-57-1741	Advertising - Warning		
05-57-1742	Advertising - Warning	05-89-505	Standard Of Care
05-57-1744	Advertising - Warning		
05-60-1402	Radiographer Renewal - Warning		

Prior to the vote to close the above listed cases, Dr. McDonald 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 – Abstain  
                          Ms. Leshner - No  
                          Dr. McDonald - No  
                          Dr. Murphy – No  
                          Ms. Naber – No  
                          Ms. Wise – No  
                          Dr. Wright - No

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

*Motion by Dr. Kyger, second by Dr. Murphy, to close the above one hundred and eleven (111) cases.*

Roll call vote: 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

Motion carried.

Dr. McDonald then stated that the Board would now address agenda item (4)(b), Personal Appearances.

## **PERSONAL APPEARANCE(S)**

### **MICHAEL TILSON, D.D.S.**

Ms. Hockenberry informed the Board members that this is Dr. Michael Tilson's first appearance before the Board subsequent to successful inpatient treatment at Shepherd Hill Hospital. She stated that Dr. Tilson had not attended either of the November or December 2005 Board meetings as he was unable to provide evidence of compliance with the terms of his consent agreement with the Board. Ms. Hockenberry stated that Dr. Tilson had some difficulties at first but now appears to be in compliance.

Upon questioning by the Board, Dr. Tilson explained that he had briefly relocated to Virginia for a few weeks and during that time his vehicle had been taken back. Therefore, he stated that he had been unable to attend aftercare and any Board meetings. Dr. Tilson told the Board members that he had voluntarily reported and self-admitted to The Woods at Parkside (Parkside) for treatment but left after a few days as he had not totally accepted that he had a problem. He said that after a few days he checked in at Shepherd Hill Hospital. Dr. Tilson told the Board that Parkside informed the Board of his impairment.

Continuing on, Dr. Tilson stated that some of the reasons for him not being in compliance were due to legal issues, which have all been cleared or dismissed. He stated that he is currently working at Sears and Hatfield Auto Mall selling cars. Dr. Tilson admitted that he had also not been in compliance for approximately three to four (3-4) weeks due to non-compliance with payment terms for Shepherd Hill, but he has been in compliance for the last four (4) weeks.

When questioned as to what Dr. Tilson does in his spare time, he stated that while he doesn't have much spare time due to working two (2) jobs, he attends church and Alcoholics Anonymous (AA) meetings. He said that his immediate family and his advisor are his main support at this time.

Upon being asked as to the status of his practice, Dr. Tilson explained that he had not been a sole practitioner. He stated that he had worked for approximately eight (8) years at Central Ohio Endodontics for Dr. Menke but was let go. He stated that he then worked for Cincinnati Dental Services for Dr. Jones for about ten (10) months prior to being terminated for suspicion of under the influence. Dr. Tilson informed the Board that to the best of his knowledge there have been no malpractice filings against him. However, he indicated that he had not been a very good employee.

Dr. McDonald informed Dr. Tilson that since this was his first appearance before the Board and therefore no considerations would be made regarding the status of his license. He explained to Dr. Tilson that he would be invited back to a subsequent meeting should Dr. Tilson remain in full compliance with the terms of his consent agreement with the Board.

## **ANESTHESIA COMMITTEE REPORT**

### **REVIEW OF PROVISIONAL GENERAL ANESTHESIA PRIVILEGES**

Dr. Murphy reported that the Anesthesia Committee had met earlier in the day and reviewed applications. He stated that Richard J. Schoonmaker, D.D.S. had applied for an Anesthesia permit. He explained that the Anesthesia Committee has reviewed the application and unanimously recommends that the applicant denied privileges.

*Motion by Dr. Murphy, second by Dr. Armstrong, that the Anesthesia Permit application for Richard J. Schoonmaker, D.D.S. be denied.*

Roll call vote.

Motion carried unanimously.

### **REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES**

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

Dr. Ryan Harris - Mason, Ohio  
Intravenous

Dr. Tiffany Harris - Mason, Ohio  
Intravenous

## **REVIEW OF ANESTHESIA PERMIT APPLICATION(S)**

Dr. Murphy 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 applicants are recommended to receive permits:

Dr. Carlos M. Alvarez – Grove City, Ohio  
Dr. Glenn S. Waters, Cincinnati, Ohio

## **REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)**

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

Dr. Erin M. Biehle - Pickerington, Ohio  
Intravenous

Dr. Lucia D. Berstmann - Reynoldsburg, Ohio  
Oral for children 12 years or younger

Dr. Stephen Wilson - Cincinnati, Ohio  
Non-intravenous parenteral

## **REVIEW OF REVISED DRAFT APPLICATION(S)**

Dr. Murphy stated that draft copies of revised Anesthesia and Conscious Sedation Permit applications had been provided in the Board notebooks for the members review. He requested that the Board members consider approving the new application with the notation that any typographical errors will be corrected before they are printed.

*Motion by Dr. Murphy, second by Dr. Armstrong, to accept the Anesthesia Committee recommendations and approve the above applications to receive provisional conscious sedation privileges and permits and draft applications for printing.*

Roll call vote

Motion carried unanimously.

Dr. McDonald thanked Dr. Murphy for providing the Anesthesia Committee Report.

## **COMMUNICATIONS COMMITTEE REPORT**

Ms. Reitz informed the Board members that she was still working on the next issue of the Board Newsletter and hoped to have a draft for their review at the February meeting.

## **EDUCATION COMMITTEE REPORT**

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

Dr. Howard stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee:

German Burke Orthodontics, Inc.  
Greenbriar Study Club

### **REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)**

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

Associated Orthodontics, Inc.  
Carl O. Boucher Prosthodontic Conference  
Cedar Study Club  
Central Ohio Study Club  
German Burke Orthodontics, Inc.  
Greater Columbus Society of Contemporary Dentistry  
Greenbriar Study Club  
Haywood Consulting/ Jennifer Haywood LISW, LICDC  
Healthcare Educators  
Karl E. Hegyi, D.D.S.

Roger A. Hess, D.D.S., M.B.A., M.P.A.  
Hillcrest Dental Study Club  
North Coast Jaw Center  
Northern Hills Dental Study Club  
Ohio State University Orthodontic Alumni Foundation  
Ohio Valley Center for Periodontics & Implants/Scott Silverstein, D.D.S.  
Oral & Facial Surgery Associates, Inc.  
J. Richard Schleder, D.D.S., M.S.  
Southwest Study Club  
Jason C. Stoner, D.D.S., M.S., Inc.  
Tri-State Dental Medical Conference

## **REVIEW OF REQUIRED CONTINUING EDUCATION COURSE(S)**

### **DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)**

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

Akron Institute – “Initial Training in Dental Radiology for the Dental Assistant”

### **DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE(S)**

Dr. Howard stated that the following organization had submitted a request for approval for the dental hygiene medication emergency recognition course required for dental hygienists who intend to practice while the dentist is not present. She stated that the Education Committee has recommended the following course for approval:

Raymond Walters College Dental Hygiene Program – “Medical Emergencies in the Dental Office”

## **REVIEW OF SPECIAL REQUEST(S)**

### **CONTINUING EDUCATION EXTENSION(S)**

Dr. Howard informed the Board that the Education Committee had reviewed seven (7) requests for extension of the continuing education requirement for the 2004-2005 biennium based on unusual circumstance, emergency or special hardship and were recommending the following individuals to receive waivers:

Natalia Elis Deleon-Hayes, R.D.H. – 11 month military extension  
Joyce I. Gibbens, R.D.H. – 6 month extension  
Howard E. Koch, D.D.S. – 2 month extension with recommendation of self-study  
Kay Eric Schall, D.D.S. – 2 month extension with recommendation of self-study  
James William Thomas, D.D.S. – 3 month extension

Dr. Howard informed the Board that the Education Committee had reviewed the following requests and were recommending that the following individuals requests for extensions/waivers be denied:

Lynn Hauschildt, R.D.H. – no statutory provision for waiver of CPR  
Robert Michael Rouzaud, D.D.S. – did not submit sufficient evidence of unusual circumstance, emergency or special hardship

### **CONTINUING EDUCATION COURSE CONSIDERATION**

Dr. Howard informed the Board that the Education Committee had received a request from The Institute for Natural Resources for review and approval for dental and/or dental hygiene continuing education of their upcoming course entitled “Fighting Fat After 30”. She informed the Board that the Committee had the opportunity to review the course and the course content regarded the physiology of weight control and that it spoke primarily to management of weight. Dr. Howard stated that in addition, the Committee denied course approval based in part upon the Scope of Practice Committee’s determination that diagnosis of weight loss is outside the scope of practice for dentists and dental hygienists.

*Motion by Ms. Leshner, 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. McDonald thanked Dr. Howard for the Education Committee report. Dr. Wright excused himself from the rest of the meeting.

### **LAW AND RULES REVIEW COMMITTEE REPORT**

Dr. McDonald stated that the Law and Rule Review Committee had met earlier in the day and discussed the continuing education rules. He stated that in conjunction with the Education Committee, some of the members had spoken with Dr. Daniel

Becker via teleconference, about medical emergency continuing education as a requirement. Dr. McDonald stated that the Board is working with the Ohio Dental Association in drafting these revisions, that these discussions are ongoing, and they will be addressing the rules again at the next meeting.

## **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 Ms. Leshner, second by Ms. Wise, 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 Ms. Leshner, second by Dr. Wright, to approve the expense report and approve payment of the December, 2005 Board bills.*

Roll call vote.

Motion carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

### **AMERICAN ASSOCIATION OF DENTAL EXAMINERS**

Ms. Reitz briefly inquired as to how many of the Dental Board members planned to attend the American Association of Dental Examiners (AADE) meeting in March. She then distributed copies of documentation with instructions to inform her if they wished to attend.

### **HOUSE BILL 143**

Ms. Reitz distributed copies of Substitute 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, which was up for vote today in the Senate. She then took a moment to highlight the final changes as follows:

- Page 2: Final language regarding specialists as Board members and their terms of appointment;
- Page 3: Local anesthesia permissible by the dental hygienist under direct supervision;
- Page 13: changes licensure for the dental assistant radiographer to certification and removal of the “evidence of good moral character” requirement;
- Page 16: New statutes 4715.61 and 4715.62 sets forth recognition of Expanded Function Dental Auxiliary (EFDA) their educational and examination requirements, as well as a two-year renewal cycle;
- Page 18: New statute 4715.64 defines the EFDA duties and sets forth the Board’s authority to promulgate rules in this regard.

Upon questioning by Board members regarding the appointment of specialists to the Board, Ms. Reitz explained that there have been discussions of an advisory committee to the Board regarding specialist interest. She stated this advisory committee could also assist with other issues in regards to specific Board Committees (i.e Anesthesia).

## REPORT AND RECOMMENDATIONS

### REPORT AND RECOMMENDATION IN THE MATTER OF VICTORIA CONSTANTINESCU, D.D.S.

Dr. Hills announced that the Board would now consider the Hearing Officer’s Report and Recommendation in the matter of Victoria Constantinescu, D.D.S. that was filed by Hearing Examiner, Christopher B. McNeil, Esq., on December 8, 2005. He then stated that Robert Angel, Esq. had filed Objections to the Report and Recommendation on December 20, 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 Victoria Constantinescu, 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 Victoria Constantinescu, D.D.S.?

Roll call: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Yes  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Ms. Leshner - Yes  
Dr. McDonald - Yes  
Dr. Murphy – 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. Constantinescu and her attorney were present. Dr. Hills stated that Dr. Constantinescu 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.

***ROBERT ANGEL, ESQ.***

Robert Angel, Esq., attorney for Victoria Constantinescu, D.D.S., spoke to the Board regarding the hearing. He stated that the issues in this case were well vetted in the administrative hearing record, as well as the Report and Recommendation submitted to the Board. Mr. Angel commented that Dr. Constantinescu has been a dentist for 38 years in three (3) countries, of which 23 of those years have been in the state of Ohio without violation.

Mr. Angel informed the Board that Dr. Constantinescu serves the working class in her neighborhood and her practice is comprised of approximately 600-700 patients. He stated that Dr. Constantinescu understands that corrective action might be taken but that her concern is for her patients that might be affected during any suspension that might be imposed. Mr. Angel said that the bottom line is that he is requesting the Board's consideration for waiving or staying the Hearing Examiner's recommendation of suspension of Dr. Constantinescu's license to practice dentistry. He concluded by stating that there had been substantial mitigation that Dr. Constantinescu was not disregarding sterilization but rather not applying it correctly.

***VICTORIA CONSTANTINESCU, D.D.S.***

Dr. Constantinescu stated that she did not wish to repeat that which had already been said by Mr. Angel and during the administrative hearing. She stated that she believes that she definitely did not follow the letter of the law but that this was not done purposefully. Dr. Constantinescu said that she was under the impression that she had been performing her sterilizing procedures correctly based on the manufacturers instructions on the products. She stated that there were times wherein she processed items not only once but twice to ensure that they were sterilized.

Dr. Constantinescu informed the Board that one of the reasons that she had chosen cold sterilization over heat sterilization was due to a previous bad experience wherein she ruined handpieces and angle files. She informed the Board that she was never under the impression that she had been cutting corners and that she corrected her errors immediately after the Dental Board's inspection.

Concluding, Dr. Constantinescu stated that she felt that she is a decent dentist and has never harmed anyone, that she believes that her patients need her especially since quite a few of them come from long distances as they are state subsidized and cannot locate a dentist in their area. She expressed again that she feels these patients will suffer. Dr. Constantinescu stated that she recognizes the consequences of her actions but asks that the Board consider that this was not done on purpose and that it has been six (6) months since this process began.

Ms. Naber asked Dr. Constantinescu regarding the issue of fluoride vs. periorinse and whether she had reviewed the difference. Dr. Constantinescu explained that it was a misunderstanding. Mr. Angel explained that the misunderstanding was due to terminology.

***BARBARA PFEIFFER, ESQ., ASSISTANT ATTORNEY GENERAL***

Ms. Pfeiffer began by informing the Board that she had comments to the Respondent's Objections to Report and Recommendation of the Hearing Examiner (Objections) filed in this matter. She stated that with regards to Mr. Angel's comment that the "Respondent offered abundant testimony that she believed 'chemical sterilization' to be acceptable and that she learned about chemical sterilization and chemical sterilants in continuing education classes.", she offered that Dr. Constantinescu testified to the contrary. Ms. Pfeiffer read from the following from the transcript of the hearing:

(Tr. p. 65)

Q: When did you last take an infection control course?

A: Well, I don't know, Ma'am. But I can document that if you want. I don't remember. But I can tell you.

Q: But I'm not trying to trick you. But you believe it was maybe within the past year?

A: Maybe a little bit more than one year.

Q: Okay. Or a little bit more than one year. Do you recall what you were taught regarding how to sterilize your high-speed handpieces and nose cones and contra-angles? Did they teach that?

A: Probably. I don't remember. I really don't remember.

Ms. Pfeiffer concluded that this testimony demonstrates that it was not what was taught to Dr. Constantinescu that was unclear, but rather that she does not really know what she was taught during the infection control courses.

**EXECUTIVE SESSION**

*Motion by Dr. Wright, second by Dr. Armstrong, 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 Victoria Constantinescu, 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 2:46 p.m.

**DECISION IN THE MATTER OF VICTORIA CONSTANTINESCU, 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. Wright, second by Ms. Naber, to find all Counts of the Notice of Opportunity to be true.*

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

Motion carried.

*Motion by Dr. Wright, second by Ms. Leshner, to accept the Hearing Examiner's Recommended Order as follows:*

*It is hereby ORDERED:*

1. *The license of Victoria Constantinescu, DDS to practice dentistry in the state of Ohio is SUSPENDED for a period of thirty (30) days.*
  - A. *No one in the dental office may perform dentistry or dental hygiene duties or otherwise treat patients during the period of suspension.*
  - B. *A receptionist may answer the phones with "Dr. Constantinescu's Office", or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*
  - C. *Dr. Constantinescu may not receive any income either from a legal or a beneficial interest in the dental practice during the period of suspension, however, she may be present in the office to update records, and do other duties as necessary to bring her office into compliance with the Dental Practice Act and to establish procedures to ensure continued compliance.*
2. *Dr. Constantinescu shall take seven (7) hours of continuing education in infection control approved in advance by the Board Secretary. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.*
3. *Dr. Constantinescu shall make a written request for reinstatement to the Board Secretary.*
4. *Once reinstated, Dr. Constantinescu's license to practice dentistry shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of one (1) year:*
  - A. *Dr. Constantinescu shall submit quarterly declarations under penalty of Board discipline stating that she is in compliance with the terms of this Order.*
  - B. *Dr. Constantinescu shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*

*C. Dr. Constantinescu shall submit to the Board, on a quarterly basis, documentation from an independent testing agency indicating that the heat sterilizing devices in her office are tested for proper function on a weekly basis by means of a biological monitoring system that indicates microorganism kill and that immediate remedial action was taken if any biological spore test was positive.*

*D. Dr. Constantinescu shall fully cooperate in the Board's inspections and/or evaluations of his dental office, which shall occur as often as the Board deems necessary to ensure compliance with the Dental Practice Act, Chapter 4715 of the Ohio Revised Code.*

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

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

Motion carried.

## **ANYTHING FOR THE GOOD OF THE BOARD**

### **BOARD MEETING SCHEDULE – REVISION CONSIDERATION**

Ms. Reitz informed the Board members as to scheduling conflicts for the March and November meetings. There were suggestions made regarding moving the November meeting to the first or fifteenth rather than the eighth and moving the March meeting from the twenty-ninth to another Wednesday. Ms. Reitz requested the members to look at their calendars once they returned to their office and to contact her with their preferences.

## **PAST BOARD MEMBER DINNER**

Dr. McDonald suggested that once a year the Board should consider inviting all past Board members to a social dinner. Discussion ensued wherein it was determined that the best time to hold such a dinner would be during the Ohio Dental Association's Annual Session since most past Board members might likely be in attendance.

## **ADJOURN**

The Board meeting was adjourned at 2:57 p.m. The next meeting will be on February 8, 2006 beginning at 1:00 p.m.

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Paul Vesoulis, D.D.S.  
*President*

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