

**Ohio State Dental Board
Board Meeting
March 19 and 20, 2003**

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**Ohio State Dental Board
Board Meeting
March 19 and 20, 2003**

M I N U T E S

The Ohio State Dental Board (Board) met in room 1960, 19th Floor of The Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, March 19, 2003, beginning at 3:00 p.m. Board members present were:

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

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Dennis Burns, D.D.S. and Stacy Wendt of the *Ohio Dental Association* (ODA); Connie Clark, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA); Lili C. Reitz, Esq., Executive Director, Thomas Smith, Dental Board Enforcement Officer, Malynda Franks, Executive Secretary and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 4:25 p.m.

EXECUTIVE SESSION

Motion by Dr. Awadalla, second by Dr. Lightfoot, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss matters involving employment of a public employee

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 4:44 p.m., the Board resumed open session. Dr. Hills approved the agenda for the evening as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

REVIEW OF THE FEBRUARY 2003 BOARD MEETING MINUTES

The Board reviewed the minutes of the February 12 and 13, 2003 Board meeting.

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

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

LICENSURE REPORT

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

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

Dental

Joanne M. Jensen, D.D.S.
Adnan Ahmed, D.D.S.
Kelly L. Arnold, D.D.S.
Happy Hansra, D.D.S.
Vaishali Agarwala, D.D.S.

Bilal S. Khan, D.D.S.
Jane W. Liu, D.D.S.
Christopher J. Spoonhower, D.D.S.
Lee W. Thach, D.D.S.

Dental Hygiene

Kelly A. Bischoff, R.D.H.
Elena Golubitsky, R.D.H.
Robin M. Hartmann, R.D.H.
Alicia A. Standerfer, R.D.H.

Erin L. Stratton, R.D.H.
Erika R. Stallsmith, R.D.H.
Jessica L., Camp, R.D.H.
Christina H. Focke, R.D.H.

Dental Assistant Radiographer

Julie M. Affholder
Sarah J. Barringer
Elizabeth M. Bee
Diane Bowers
Lori J. Boyer
Shonda L. Callison
Angela D. Carruthers
Lisa M. Cassi
Heather L. Dawson
Lisa M. Duris
Carolyn M. Ehmman
Mathew P. Gauci
Michelle L. Gooch
Lynn J. Haas
Nicole L. Harley
Suzanne H. Harris
Kim M. Harsh
Donna M. Hawkins
Roxanne M. Holt
Penny K. Hossler
Melissa A. Jolliff
Jami R. Kolach
Emily E. Larger
Jennifer R. Martin
Stephanie M. Martin
Kelly L. Miller
Nikki L. Moon
Rebecca J. Mullenax
Lori R. Nettle
Michael J. O'Neal
Molly E. Ogden

Shayla A. Rambo
Ringaile Rimkiene
Yvette Rosario
Krista L. Rowe
Sandy L. Schill
Tanya D. Sizemore
Bridget A. Steinmetz
Dawn M. Street
Shannon R. Thomas
Amanda H. Trevino
Alison R. Troyer
Dawn E. Uhlin
Natalya Volosov
Michele L. Wells
Cheryl A. Wysong
Julie M. Baldwin
Amy M. Billingsley
Teresa V. Bradstock
Ethel M. Burge
Alexa J. Bush
Cynthia A. Collier
Kelly M. Cox
Tiffany R. Creek
Sandra C. Crundwell
Shannon C. Doyle
Penny R. Feiger
Kim K. Frazier
Tiffany N. Froman
Nicole M. Gostomsky
Deborah L. Hanson
Kathleen L. Harris

Cynthia J. Hartley
Kristina H. Hommel
Mir A. Hussain
Nicole L. Keating
Vanessa A. Keller
Michele R. Kirby
Melody P. Long
Mirna B. Mahin
Amy M. Matthias
Julianne McGlone
Renata M. Meeker
Ann M. Millets
Vanessa V. New
Jennifer L. Phillips
Sharon M. Piper
Tamieka L. Reynolds
Misty D. Rogers
Nichole M. Rudy
Melinda K. Saxton
Michelle L. Schiller
Nicole B. Steele
Deborah L. Wilson
Barbara L. Withrow
Misty M. Farnham

Gretchen L. Grove
Stephaine M. Gwinner
Phyllis M. Holbert
Anney Y. Hsu
Christina N. Immel
Teresa L. Keogh
Samantha J. Kovalcik
Lorrie A. Mays
Gina L. Moloney
Kristen I. Parker
Kimberly L. Poehner
Marci Redd
Kelly L. Riley
Danielle M. Rose
Diane R. Ross
Ann H. Ruzzkowski
Mihaela A. Savu
Lovelie D. Sein-Colon
Yuryk S. Siarhei
Rashell M. Simpson
Lidiya G. Slepakova
Sabrina S. Sulzener
Sherry A. Williams
Brandie D. Wood

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL EXAMINATION(S)

The following persons applied for dental licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Christopher P. Martinez, D.D.S.

Kristina Martinez, D.D.S.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these two (2) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

The following persons applied for dental hygiene licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Donann Hedderman, R.D.H.

Kelli Stahler, R.D.H.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these two (2) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland, and the President of the Ohio State Dental Board. He then introduced the other Board members: Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. William J. Lightfoot, an orthodontist from Columbus, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville, and Mr. Scott Borgemenke, the public member of the Board from Columbus.

CRITERIA APPROVAL INTERVIEW(S)

Barbara G. Bookwalter, R.D.H.

The Board interviews began with Barbara G. Bookwalter, R.D.H. a 1969 graduate of the *University of Iowa*. Ms. Bookwalter has held licenses in Iowa, California, Alabama, and most recently Texas. Ms. Bookwalter has not taken a regional board examination due to the fact that there were none available at the time of her graduation.

Ms. Bookwalter informed the Board that she has been licensed and practicing dental hygiene on a full time basis in the state of Texas for the past sixteen (16) years. She stated that her husband has been relocated to Ohio and that she is a native Ohioan. Ms. Bookwalter stated that her husbands position required them to move several times. However, she informed the Board that she has had no disciplinary actions in any of the states in which she has practiced. She indicated that she is currently certified in CPR and has completed Ohio's twelve (12) hour continuing education requirement.

Motion by Ms. Sabat, second by Dr. Awadalla, to approve Ms. Bookwalter's criteria approval application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

Kathy L. Finn, R.D.H.

The Board interviews continued with Kathy L. Finn, R.D.H. a 1972 graduate of the *University of Pittsburgh*. Ms. Finn has held dental hygiene licenses in Pennsylvania, Virginia, Tennessee and most recently been practicing again in Pennsylvania. Ms. Finn has not taken a regional board examination as they were unavailable at the time of her graduation.

Ms. Finn explained to the Board that, similar to the previous interviewee, her husband's employment was the basis for her licensure in the other states. She stated that she had practiced dental hygiene full-time until 2001 wherein she took a position as a sales representative for a company which sells dental hygiene products. She indicated that she would be relocating to the Cincinnati area and wishes to seek gainful employment there. Ms. Finn has completed the continuing education and CPR requirements for licensure.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve Ms. Finn's criteria approval application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

Thomas D. Hawley, D.D.S.

The next applicant for criteria approval interview was Thomas D. Hawley, D.D.S. a 1983 graduate of the *University of Missouri*. Dr. Hawley took and passed the *Central Regional Dental Testing Service, Inc.* (CRDTS) examination and has been licensed and practicing in Missouri since 1987. Dr. Hawley informed the Board members that shortly after completing his orthodontic residency program at *The Ohio State University College of Dentistry*, he joined the U.S. Air Force. He stated that he will be retiring from the armed services in 2004 and wishes to practice as an orthodontist in Ohio at that time.

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

Roll call vote.

Motion carried unanimously.

Richard B. Liposky, D.D.S.

Richard B. Liposky, D.D.S. was the final applicant for criteria approval interview. Dr. Liposky is a 1966 graduate of the *University of Pittsburgh* who did not take a regional board examination as they were unavailable at the time of his graduation. He has been licensed and practicing in Pennsylvania since June, 1966. Dr. Liposky informed the Board that he has an opportunity to work for Cincinnati Dental Services as an oral surgeon

pending licensure approval. He stated that he has been in private practice, has practiced as a staff oral surgeon, and was an instructor at West Bend Hospital until 1993. Additionally, he stated that he has developed several continuing education programs. Dr. Hills noted that Dr. Liposky's application lacked criminal clearance documentation from the state of Pennsylvania and inquired as to whether Dr. Liposky had brought the documentation with him. Dr. Liposky indicated that he did not have the required documentation but assured the Board that he would be contacting the Pennsylvania Board of Occupational Licensing in order to expedite his request.

Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve Dr. Liposky's criteria approval application for licensure as a dentist in the state of Ohio, pending receipt of criminal clearance background check from the state of Pennsylvania.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

PERSONAL APPEARANCE(S)

William E. Beacham, D.D.S.

Mr. Smith explained to the Board that this was Dr. Beacham's first personal appearance before the Board and that the Board had been provided with a brief summary and copies of documentation in the Board notebooks with regards to Dr. Beacham's consent agreement.

When questioned by the Board, Dr. Beacham stated that he had been discharged from GlenBeigh Hospital (GlenBeigh) upon completion of the required twenty-eight (28) day in-patient treatment program. Dr. Beacham informed the Board that he recently entered into a contract with the *Ohio Physicians Effectiveness Program (OPEP)* to begin his monitoring and that the structures were in place for Alcoholics Anonymous (AA) and an aftercare program at GlenBeigh. He stated that he is feeling positive about his recovery and expressed that he has a solid background in his home with the full support of his wife.

Board members noted that in October of 2002 Dr. Beacham had treated a patient while under the influence and also had been arrested and charged with driving while under the influence with a blood alcohol level of 0.328. When questioned by the Board, Dr. Beacham informed the members that there was a family history of alcoholism through his grandfather and that he had been a social drinker until approximately one (1) year ago. He explained that stress, due to his practice and family problems regarding one (1) son with a mental illness, was the key factor in his increased drinking.

Dr. Awadalla explained to Dr. Beacham that the Board rarely considered reinstatement of a licensee upon their first appearance before the Board. She indicated that the Board was aware of the financial burden placed on the licensee, however, the Board has had past experience with individuals who have returned too quickly to the active practice of dentistry, failed and often experienced worse situations due to the tremendous amount of stress caused by practicing dentistry. She then explained that the Board members would like to see Dr. Beacham at the next Board meeting in April.

Dr. Beacham informed the Board that he currently had a dentist in his building who was overseeing his dental hygienist. He stated that he currently has only one half (1/2) day of coverage for his dental office and expressed his disappointment at the lack of response from the local dental society. Dr. Beacham stated that he has been working with the Ohio Dental Association (ODA) and felt that it was important to maintain the practice. However, he stated that the ODA had helped with his rehabilitation but not in keeping up with his practice. Mr. Smith stated that he would further his discussions with Drs. Wenzel and Lemmo to assist in getting another dentist to work in Dr. Beacham's office in the interim.

Frederick J. Burger, D.D.S.

Mr. Smith explained to the Board that this was Dr. Burger's second personal appearance before the Board and that the Board had been provided with a brief summary and copies of documentation in the Board notebooks with regards to this matter.

When questioned by the Board, Dr. Burger stated that he has continued with his aftercare through GlenBeigh and that he feels he is doing well after five weeks of combined aftercare, caduceus, and Alcoholics Anonymous (AA). He stated his house is cleaner and that he feels stronger regarding his realizations early in treatment. Dr. Burger commented that he felt confident about getting back to what he does best; the practice of dentistry.

When questioned by the Board with regards to the stresses of his practice, Dr. Burger informed the members that prior to his suspension, he only practiced thirty to thirty-six (30-36) hours per week in a small practice, seeing only six to seven (6-7) patients per day. With that in mind, he stated that he felt that he would be able to "jump right back into" active practice since his office has been closed for the duration of treatment and aftercare.

Motion by Dr. Awadalla, second by Dr. Murphy, to reinstate the license of Frederick J. Burger, D.D.S. to practice dentistry in the state of Ohio, pursuant to the terms set forth in the Board's Consent Agreement.

Roll call vote.

Motion carried unanimously.

ANESTHESIA REPORT

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

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

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

Motion by Dr. Murphy, second by Ms. Sabat, to approve Dr. Blume's application for receipt of conscious sedation permit privileges for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

COMMUNICATION COMMITTEE REPORT

Mr. Borgemenke stated that he would be discussing information for the Communication Committee when they addressed Tab 12; Anything for the Good of the Board.

POLICY COMMITTEE REPORT

Dr. Awadalla stated that she had one (1) new policy for Board consideration; Policy Regarding Patient Records. She stated that the Dental Practice Act does not specifically address the issue of ownership and release of dental records. Dr. Awadalla continued by stating that the Board executive office receives numerous phone calls from patients whose dental healthcare provider has initially refused to provide copies of the patients records due to unpaid account balances. She stated that this policy addresses this issue, along with what defines the patient record, incurred costs, and the ramifications should the dental healthcare provider choose not to provide the patient with copies of their record. She then requested the members to take a moment to review the proposed policy.

Mr. Borgemenke questioned whether this policy was compliant with the Federal Health Insurance Portability and Accountability Act (HIPAA). Dr. Awadalla indicated that the policy was HIPAA compliant.

Motion by Dr. Lightfoot, second by Mr. Borgemenke, to approve the Policy Regarding Patient Records (Appendix A) as presented.

Roll call vote.

Motion carried unanimously.

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

TREATMENT CENTERS APPROVAL COMMITTEE REPORT

Dr. Lightfoot informed the Board that there had been no Committee activity since the last meeting. He pointed out that the rules regarding treatment providers and centers were up for review this year by the Law and Rules Review Committee.

Dr. Hills thanked Dr. Lightfoot for his report.

WAIVER COMMITTEE REPORT

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

SECRETARY'S EXPENSE REPORT

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

Motion by Mr. Borgemenke, second by Dr. Hills, 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. Sabat, second by Dr. Vesoulis, to approve the expense report and approve payment of the February 2003 Board bills.

Roll call vote.

Motion carried unanimously.

ANYTHING FOR THE GOOD OF THE BOARD

SENATE BILL 51

Ms. Reitz stated that earlier the Board members had received a memo regarding the recently introduced Senate Bill 51. She stated that the memo summarized key issues that the members should be aware of and to consider for the Board's position. Ms. Reitz requested the members input in order to prepare a response to the Senate.

Immunity for Dental Volunteers

Ms. Reitz indicated that new language had been proposed regarding volunteer immunity. She stated that this new language prevents legal action against volunteers. She inquired as to whether any member was opposed. The Board was supportive of this proposal.

Dental Loan Repayment Program

Ms. Reitz continued on by asking if any of the members were opposed to the new language regarding the dental loan repayment program. The Board was supportive of this proposal.

Dr. Murphy questioned why similar language had not been included for dental hygienists. He then openly questioned the Ohio Dental Hygienists' Association representatives present if they felt their association would be opposed to similar language. Connie Clark, R.D.H., ODHA Representative, indicated that she felt that the ODHA would not be opposed to similar language for dental hygiene students.

Dr. Vesoulis mentioned that in reviewing some of the new language he had noted some inconsistencies. Mr. Borgemenke stated that it was possible that some of the language could be inconsistent, however, most of the inconsistencies would be worked out prior to any vote on the bill.

Mr. Borgemenke took a moment to explain to the members of the Board that the Governor has the ability to line-item veto any full line of text within this bill due to the fact that there is a monetary increase in funding for the dental loan repayment plan.

Board Composition

Ms. Reitz continued on to the next section of new language introduced in the bill regarding the Board's composition. She stated that the new language was best summarized into four (4) categories; increase in size, number of specialists, length of terms, and regional board affiliation.

Increase in Size

Ms. Reitz stated that currently the Board is comprised of seven (7) members: five (5) dentists, one (1) dental hygienist, and one (1) public member. She stated that the bill proposes to increase the Board to fifteen (15) members; nine (9), three (3), and three(3) respectively.

Dr. Hills informed the members that he had researched the other regulatory Boards within the state and quoted the following figures:

| Board | Approx. # of Licensees | # Board Members |
|---------------------------------|-------------------------------|------------------------|
| State Medical Board of Ohio | 53,000 +/- | 12 |
| Ohio Board of Nursing | 190,000 +/- | 13 |
| State Board of Pharmacy of Ohio | 28,000 +/- | 9 |
| Ohio State Dental Board | 21,000 +/- | 7 (15 proposed) |

Dr. Hills continued by questioning the rationale in making the Dental Board the largest regulatory Board in the state of Ohio.

Dr. Murphy also questioned the rationale. He openly questioned and answered that if the current Board of seven (7) members was unable to complete the amount of work required during the nine (9) meetings it would be holding during this calendar year, why then would the Board not hold three (3) additional meetings to complete any work left unfinished rather than increase the size of the Board. Therefore, he reasoned that the Board was getting its work done in the nine (9) meetings currently scheduled.

Additionally, Dr. Murphy stated that the board executive office and meeting room facilities are barely large enough to accommodate the current number of members. Therefore, he inquired as to how the legislature proposed that the Board executive offices were to accommodate eight (8) additional members.

Dr. Awadalla noted that the Ohio Dental Association (ODA) Governance Committee had recently decreased in size, largely due to the fact that too many opinions were holding up the decision making process.

Mr. Borgemenke stated that the original draft of the bill indicated an increase in the size of the Board to eleven (11) members. He stated that it is difficult enough for the public member to become involved or knowledgeable with regards to dentistry and/or the Dental Practice Act. Therefore, Mr. Borgemenke explained that he had suggested that the number of public members be increased proportionately to the number of dental hygiene members.

Ms. Reitz explained that the proposed bill does not address the additional costs to the Board's budget. She stated that the current costs for Board member travel and payroll alone was approximately \$100,000/biennium. She informed the members that this figure does not include any administrative costs such as phone usage, copying and mailings, etc. Ms. Reitz reminded the Board that the proposed language more than doubled the number of members, but there had been no fee adjustments in the bill to cover these expenses.

Specialists

Continuing on, Ms. Reitz indicated that the proposed bill limits the number of specialists on the Board. She reminded the Board that all licensees are held to the same standard of care for the profession regardless of whether they are a specialist or a general dentist.

Dr. Hills commented that he did not believe that specialists render different opinions than general dentists with regards to the standard of care. He stated that approximately eighty percent (80%) of licensed dentists within the state are general practitioners and questioned if the same proportions held true for the ODA and their executive committee. Dr. Hills then stated that this bill assumes that the dental specialist has a separate agenda.

Dr. Lightfoot answered Dr. Hills' question by stating that a greater portion than 20% of the members of the ODA are specialists. He clarified that this was due to the fact that, in order for a specialist to be a member of their representative specialty organization, they must first be active members of the American Dental Association (ADA) and the ODA. He stated that most of the specialists included in the 20% (approximately 1,450) of Ohio licensed dentists that are specialists are also active members of the ODA. He then informed the members that three (3) of the nine (9) members (one third) of the ODA Executive Committee are also specialists.

Length of Terms

Ms. Reitz moved on to state that the new language decreases the length of the terms for the dentist and dental hygiene members to three (3) years instead of the current five (5) year terms. She further indicated that the length of the public member term remained the same (five (5) years).

Dr. Hills stated that it took him approximately one to one and a half (1-1½) years to understand the Board's statute, rules and policies. He indicated that the Board was just now beginning to hear original cases from when he first came onto the Board. He concluded that to decrease the Board member terms to three (3) years would be an injustice and an interference to the process.

Mr. Borgemenke commented that there is a steeper learning curve for the public member and therefore he had encouraged the legislators to keep the five (5) year term for the public members. He commented that turnover in Board members is similar to legislators in that it promotes fresh or new viewpoints. Mr. Borgemenke stated that the intended benefit of shorter terms is that you get rid of bad people faster. However, he stated that on the converse you got rid of the good people faster also.

Dr. Murphy commented that he had been on the Board for approximately two (2) years and was just now beginning to get a comprehensive understanding of the Board and its functions.

Tom Smith, Dental Board Enforcement Officer, commented that from an enforcement standpoint, it takes the newly appointed Board Secretary approximately eight (8) months to become familiar with Board operations. He stated that, in his opinion, at a minimum the Board Secretary should serve two (2) years in order to be both efficient and effective. Mr. Smith concluded by stating the shortened terms would severely deter Board executive office procedures.

Regional Board Affiliation

The final point, Ms. Reitz stated, regarding Board composition was the prohibition of the Board member association to the regional board examinations. She stated that all the dentist and dental hygiene members were examining members of the NorthEast Regional Board Examination, Inc. (NERB).

Dr. Awadalla stated that there is a misconception of the influence for the process in Ohio. She stated that Board members are urged not to examine dental students within the state. She stated that there has been an unwritten policy that the Board members would not examine Ohio dental students and that possibly now the Board should consider making this a written policy.

Mr. Borgemenke stated that dentist members affiliation with NERB gives the appearance of impropriety and he is unsure as to whether a written policy would address this problem. He informed the members that he has known them for approximately three (3) years now and acknowledges that they have the utmost integrity, however, he stated that S.B. 51 is a different issue. He stated that true or not the Dental Board members should not participate in the examinations of Ohio students.

Dr. Lightfoot pointed out that prior to membership in NERB, Board members examined Ohio dental candidates for licensure with a state only exam created, administered, and graded by the Board members.

Ms. Reitz then inquired as to the members position on Board composition. Six (6) Board members opposed the newly proposed language regarding Board composition with one (1) Board member, Mr. Borgemenke, voting in support of the proposed language.

Dental Licensure Examination

Ms. Reitz explained that in addition to new language prohibiting Board member participation in the examination processes, the Board currently has the ability to determine appropriate examinations for licensure. She stated that recent rule revisions will soon go into effect (approximately 2 months) that indicate the accepted examinations that would ensure that only qualified individuals would receive licenses to practice dentistry or dental hygiene. Ms. Reitz stated that the proposed bill removes this discretion and mandates that the Board accept all licensure examinations. She stated that this precludes Board input into the examination processes, thus eliminating one of the Board's primary functions. She

stated that if this law would pass, Ohio would be the first state in the nation to not be a part of the examination process.

Dr. Hills stated that in looking into the examination process across the United States, Ohio along with thirty-eight (38) other states belong to regional board examination organizations. He stated that all of the Dental Boards operate basically the same with members of the board belonging to and participating in the examination process and administration of the examinations. He stated that this requirement that the Board members not be involved in the examination process is wrong. Dr. Hills reiterated that this would make Ohio the ONLY state regulatory board that is not involved in the examination processes.

Dr. Awadalla read an excerpt from an ODA flyer which summarized the Dental Care Improvement Act - Senate Bill 51 that had been distributed by members of the ODA to legislators at the ODA day at the Statehouse (which was this same day). She read as follows:

"Dental Licensure: In order to combat a potential shortage of dentists, dental licensure will promote freedom of movement through license portability. This will help attract the highest caliber students to our dental schools and keep graduates in our state to practice. The bill sets a licensure standard which accepts qualified candidates who have taken an examination administered by any one of the regional testing agencies or another state and received a passing score as established by that testing agency or state."

Dr. Awadalla stated that this statement presumed a huge misconception in that by providing more persons with the ability to obtain a license to practice dentistry, they will choose to practice (or increase the numbers of those practicing) for the indigent populations throughout the state of Ohio.

Dr. Hills commented that it disturbed him to see the ODA hide behind the access to care issue in order to push its own agenda. He stated that to link the two (2); potential licensure and access to care, was a joke. He stated that MetroHealth Medical Center had performed their own survey of eighty-seven (87) dental licensees. Dr. Hills stated that of those eighty-seven (87) only one (1) practiced in an access to care area. He informed the Board that ninety-five percent (95%) of the students that graduate from dental school never work in inner city areas or for indigent populations.

When Ms. Reitz asked if the Board members supported the language in S.B. 51 regarding the licensure examinations, six (6) members opposed the language with one (1) Board member, Mr. Borgemenke, abstaining from the vote.

Coronal Polishing

Continuing on, Ms. Reitz informed the members that there was current language within the bill to address the issue of coronal polishing by qualified dental assistants.

Dr. Hills questioned the ODHA representatives present at the meeting as to their stand on the language regarding coronal polishing as written. Ms. Clark explained that the ODHA had some concerns/issues with the language as originally written. She stated it was her understanding that the ODHA would be more willing to support revisions that were currently being considered.

Ms. Reitz inquired as to whether the Board supported the coronal polishing language. The Board did not object to this language.

Concluding the discussion of Senate Bill 51, Ms. Reitz clarified that the Board members were in support of the proposed language regarding immunity for dental volunteers, the dental loan repayment program, and coronal polishing by dental assistants. She stated that based on the members vote, the Board was opposing the new language regarding the Board composition and licensure examinations. She stated that she would be preparing a document to the members of the Senate informing them of the Board's positions.

PRESENTATION OF BOARD GAVEL

Dr. Murphy presented the Board with an maple box containing a gavel to use when calling the meeting to order. The maple box is engraved with the Great Seal of the State of Ohio, along with the words "Ohio State Dental Board" and "Established 1892" around its circumference. The box also has a presentation plaque from the current board members affixed inside. The matching maple gavel has a plaque engraved with the words "Ohio State Dental Board".

Dr. Murphy entrusted the care of the gift to the Board executive office.

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

Board members decided to hold off on their farewells to Dr. Lightfoot until the conclusion of the meeting on Thursday, March 20, 2003. Mr. Borgemenke stated that he wished Dr. Lightfoot well since he would not be attending the second day's session. He commented that while they did not always agree on all issues he recognized and respected his skills in his profession so much so that he had entrusted his daughter into Dr. Lightfoot's care.

RECESS

Motion by Dr. Murphy, second by Ms. Sabat, to recess the meeting until Thursday, March 20th, 2003 at 9:00 a.m. in room 1960 of The Vern Riffe Center for Government and the Arts.

Roll call vote.

Motion carried unanimously.

MEETING RESUMED

The Ohio State Dental Board (Board) met in room 1960, 19th Floor of The Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Thursday, March 20, 2003, beginning at 9:00 a.m. Board members present were:

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

Scott Borgemenke, the Board's public member was not in attendance.

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Dennis Burns, D.D.S., and Stacy Wendt of the *Ohio Dental Association* (ODA); Connie Clark, R.D.H., and Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA); Stephen Ganzberg, D.M.D., M.S. of *Columbus Children's Hospital, The Ohio State University College of Dentistry*, William Hills, Executive Director of the *Joint Committee on Agency Rule Review* (JCARR), Lili C. Reitz, Esq., Malynda Franks, Executive Secretary and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 9:17 a.m. He then stated that the Board would continue the agenda from the previous day beginning with the Public Administrative Rules Hearing.

PUBLIC ADMINISTRATIVE RULES HEARING

An administrative rules hearing was held on the following proposed amended rules:

| | |
|-----------|---|
| 4715-5-05 | Use of general anesthesia and deep sedation |
| 4715-5-06 | Reports of adverse occurrences |
| 4715-5-07 | Use of conscious sedation |

The Board first heard testimony and received evidence (Appendix B - State's Exhibit's 1 through 4) from Lili C. Reitz, Esq., Executive Director, Ohio State Dental Board. The Board then heard testimony and received written evidence (Appendix C - Exhibit's A through D) from the following individuals:

David J. Moyer, D.M.D., M.D., Chairman, Committee on Anesthesia
On behalf of the *American Association of Oral and Maxillofacial Surgeons*
Written testimony - State's Exhibit A

Ron L. Harter, President
On behalf of the *Ohio Society of Anesthesiologists, Inc.*
Written testimony - State's Exhibit B

Joel M. Weaver, D.D.S., Ph.D., Director of Anesthesiology Residency Program
On behalf of *The Ohio State University College of Dentistry*
Written testimony - State's Exhibit C

Steven Ganzberg, D.M.D., M.S., Clinical Associate Professor Anesthesiology
On behalf of the *Columbus Children's Hospital, The Ohio State University College of Dentistry*
Oral testimony - State's Exhibit D

A court reporter was present to take down and transcribe the details of the testimony and discussions of the Board.

At the conclusion of the oral testimony, the Board took a brief recess in order to move to room 1952. At 9:48 p.m., the Board returned to open session.

Motion by Dr. Murphy to amend Ohio Administrative Code section 4715-5-05 as follows:

- 1) To restore paragraph (B)(1) to reflect current effective language;
- 2) To restore original paragraph (B)(2) to its current effective language;
- 3) To add the word "specialty" between the words "post-doctoral" and "training" in the first line of the restored original paragraph (B)(2);
- 4) To delete "(e.g., oral and maxillofacial surgery)" in restored original paragraph (B)(2);
- 5) To delete the new paragraphs (B)(2) and (B)(3) in their entirety;
- 6) To leave the rest of the paragraphs as previously amended.

Dr. Hills called for a second to Dr. Murphy's motion to amend Ohio Administrative Code section 4715-5-05. There being no response, the motion died for lack of second.

Motion by Dr. Hills, second by Dr. Awadalla, to proceed with the filing of amended Ohio Administrative Code Sections 4715-5-05, 4715-5-06, and 4715-5-07 already filed with the Joint Committee on Agency Rule Review.

Roll call vote:

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

Motion carried.

Motion by Dr. Lightfoot, second by Dr. Awadalla, to final file the following proposed new, amended, and no change rules once JCARR holds the last of the public rules hearings on the following rules:

- 4715-3-01 Definitions (amended)***
- 4715-5-01 Criteria for admission to dental licensing examination (amended)***
- 4715-5-01.1 Requirements for initial licensure for dentists (new)***
- 4715-5-02 Written work authorization (amended)***
- 4715-5-03 "Criteria approval"; personal appearance and examination (rescind)***
- 4715-5-03 "Criteria approval"; personal appearance and examination for dentists (new)***
- 4715-5-04 Specialty designation (amended)***
- 4715-5-05 Use of general anesthesia and deep sedation(amended)***
- 4715-5-06 Reports of adverse occurrences (amended)***
- 4715-5-07 Use of conscious sedation (amended)***
- 4715-5-08 Denture identification (amended)***
- 4715-9-01 Permissible practices of a dental hygienist (amended)***

- 4715-9-02.1 Requirements for initial licensure for dental hygienists (new)**
- 4715-9-03 "Criteria approval"; personal appearance and examination (rescind)**
- 4715-9-03 "Criteria approval"; personal appearance and examination for dental hygienists (new)**
- 4715-9-05 Practice when the dentist is not physically present (amended)**
- 4715-11-01 Basic qualified personnel - functions (no change)**
- 4715-11-02 Expanded function dental auxiliaries; functions (no change)**
- 4715-11-03 Non-delegable dental tasks and/or procedures (amended)**
- 4715-11-04 Dentists may employ and supervise expanded function dental auxiliaries (amended)**
- 4715-20-02 Sterilization and disinfection (amended)**
- 4715-40-01 Quality intervention program; definitions (new)**
- 4715-40-02 Process and criteria to use when identifying an individual's practice deficiency (new)**
- 4715-40-03 Eligibility requirements for participation in the quality intervention program (QUIP) (new)**
- 4715-40-04 Provisions of the participatory agreement for the quality intervention program (QUIP) (new)**
- 4715-40-05 Grounds for termination from the quality intervention program (QUIP) (new)**
- 4715-40-06 Requirements for educational provider(s) offering remediation for the quality intervention program (QUIP) (new)**
- 4715-40-07 Terms and conditions a participant must meet to successfully complete the quality intervention program (QUIP) (new)**
- 4715-40-08 Confidentiality of records for the quality intervention program (QUIP) (new)**

Roll call vote: Dr. Awadalla - Yes
Dr. Hills - Yes
Dr. Lightfoot - Yes
Dr. Murphy - No
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Dr. Lightfoot stated that this concluded the Public Rules Hearing portion of the meeting.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 10:24 a.m., the Board resumed open session.

ENFORCEMENT REPORT

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed five (5) Proposed Consent Agreements.

Robert Scott Bacon, D.D.S.

Ms. Crawford briefly explained to the Board that Dr. Bacon has been convicted of eight (8) Driving while Under the Influence (DUI) violations. She stated that Dr. Bacon's most recent conviction involved two (2) felony arrests with one (1) still pending. Ms. Crawford informed the Board that the document for their consideration was the standard impairment consent agreement which offers the licensee the opportunity to rehabilitate.

Motion by Dr. Hills, second by Dr. Vesoulis, to deny the proposed consent agreement for Robert Scott Bacon, D.D.S., license number 30-01-7298.

Roll call vote:

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

Motion carried.

William E. Beacham, D.D.S.

Motion by Dr. Vesoulis, second by Dr. Lightfoot, to approve the proposed consent agreement for William E. Beacham, D.D.S., license number 30-01-4044

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

Motion carried.

Richard G. Ivan, D.D.S.

Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve the proposed consent agreement for Richard G. Ivan, D.D.S., license number 30-01-2686.

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

Motion carried.

Lynn E. Mack, D.D.S.

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the proposed consent agreement for Lynn E. Mack, D.D.S., license number 30-01-5865.

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

Motion carried.

Mary M. Brown, D.D.S.

Motion by Dr. Vesoulis, second by Ms. Sabat, to approve the proposed consent agreement for Mary M. Brown, D.D.S., license number 30-02-1292.

Roll call vote: Dr. Awadalla – Abstain
 Dr. Hills - Yes

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

Motion carried.

REVIEW OF NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed four (4) Notices of Opportunity for Hearing. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve the notice of opportunity for hearing and forward it to Thomas Carratola, D.D.S., license number 30-01-7926, case number 01-67-401.

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

Motion carried.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Sherman L. Allen, D.D.S., license number 30-02-1490, case number 02-25-623.

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

Motion carried.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to James J. Skiffey, D.D.S., license number 30-01-3154, case number 02-78-238.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Dr. Lightfoot - Yes

Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve the notice of opportunity for hearing and forward it to John C. Bland, D.D.S., license number 30-01-4822, case number 02-78-631.

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

Motion carried.

ENFORCEMENT REPORT

Ms. Crawford, in Mr. Everhart's absence, informed the Board that there were currently five (5) cases listed as pending hearing of which one (1) had recently been settled. She stated that there were currently six (6) cases under appeal. Ms. Crawford continued by informing the Board that there were two (2) cases pending the Hearing Examiner's Report, five cases under appeal, fifteen (15) licensees currently under suspension, twenty-eight (28) cases that had been investigated and reviewed by the Board Secretary and recommended to be closed.

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

The following cases are to be closed:

| | | | |
|-----------|-----------|-----------|-----------|
| 99-25-232 | 02-85-619 | 03-31-033 | 03-57-044 |
| 02-25-020 | 02-47-644 | 03-25-037 | 03-29-045 |
| 02-25-080 | 02-18-650 | 03-25-038 | 03-25-049 |
| 02-78-105 | 02-52-653 | 03-25-039 | 03-31-054 |
| 02-76-597 | 03-57-011 | 03-25-042 | 03-77-057 |
| 02-47-598 | 03-04-009 | 03-31-032 | 03-55-063 |
| 02-25-615 | 03-31-017 | 03-57-043 | 03-31-058 |

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

Roll call: Dr. Awadalla - No

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

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

Motion by Dr. Murphy, second by Ms. Sabat, to approve the enforcement report and close the above twenty-eight (28) cases.

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

Motion carried.

Dr. Hills thanked Ms. Crawford for her assistance with the Enforcement Report. He the stated that the Board would consider the next item on the agenda the Education Committee Report.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

J. Lawrence Hutta, D.D.S. and Associates, Inc.
Oral and Facial Surgeons of Ohio

Motion by Ms. Sabat, second by Dr. Awadalla, to approve the above two (2) applications for biennial sponsorship of continuing education for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE APPLICATION(S)

Ms. Sabat stated that the following permanent continuing education sponsor has applied to present the dental hygiene medical emergency recognition course and has been recommended for approval by the *Education Committee*:

Mad River Valley Dental Society - "Preoperative Assessment and Emergency Management" presented by Daniel Becker, DDS

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve this dental hygiene medical emergency recognition course.

Roll call vote.

Motion carried unanimously.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

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

Central Ohio Dental Society - "Chemical Dependency and Substance Abuse"

Central Ohio Study Club - "Use, Abuse & Dependency on Alcohol and Drugs"

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

Roll call vote.

Motion carried unanimously.

REVIEW OF RADIOGRAPHY INITIAL TRAINING PROGRAM(S)

Ms. Sabat stated that the following permanent continuing education sponsor has applied to present initial training programs to dental assistant radiographer applicants/licensees and has been recommended for approval by the *Education Committee*:

Springfield-Clark County J.V.S. Adult Technical Center - "Basic Concepts in Dental Radiography

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve this radiographer initial training program.

Roll call vote.

Motion carried unanimously.

Dr. Awadalla took a moment to recognize and thank Ms. Sabat for all her hard work for the Education Committee. She stated that being a past member of the Committee she well understood the amount of time and effort that goes into consideration of continuing education sponsor applications, individual courses and ensuring the validity of continuing education for Ohio licensees.

After a brief round of applause, Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot informed the Board members that JCARR would hold its Public Rules Hearing on April 14, 2003 regarding the anesthesia and conscious sedation rules considered today. He stated that on Monday March 14, 2003, JCARR would be holding a Public Rules Hearing on two (2) rules; 4715-3-01 and 4715-9-05, as JCARR jurisdiction had been extended due to the refileing of the rules.

Dr. Lightfoot informed the Board that the Committee had met the previous afternoon to begin its review of the rules for the current review year; 4715-9-02, 4715-9-04 and 4715-20-01. He stated that based on the discussions yesterday the Committee would not be making any changes to these rules at this time.

Continuing on, Dr. Lightfoot stated that Kathy Phillips, Dental Board Enforcement Officer, had provided a presentation and information regarding hand washing vs. hand sanitizing. He stated that in consideration of her presentation, the Committee would be considering adding another paragraph to Ohio Administrative Code section 4715-20-01 regarding hand hygiene which will include definitions for hand washing and hand sanitizing.

Dr. Hills thanked Dr. Lightfoot for his report.

EXECUTIVE DIRECTOR'S REPORT

Ms. Reitz briefly informed the Board members of the following:

1. A reminder to the members to submit their Financial Disclosure Statements to the Board executive office as they are due by April 15, 2003.
2. The Board would be holding election of officers at the April meeting.
3. The Board member training will be postponed until the new Board member has been appointed by the Governor.
4. The AADA and AADE meeting is this weekend in Chicago, which she will be attending along with several of the Board members. She reminded the Board members that as AADA President, she will be chairing that meeting.
5. She will be presenting a speech to the dental hygiene students at Jefferson Community College on Friday, March 21, 2003.
6. She has received notice that the next Dental Team Summit Meeting will be held at the ODA on April 11, 2003 and Board members are to inform her if they wish to attend.
7. The Board will have two (2) dental hygiene students from The Ohio State University Dental Hygiene Program completing their practicum in the Dental Board executive office over the next six (6) weeks.
8. A memo regarding pro bono work to be completed by disciplined licensees has been provided for the Board members review under Tab I of the Board Notebooks. If any of the members has any questions regarding the document they are to direct their questions to Ms. Crawford or Mr. Everhart after the meeting.
9. Ms. Reitz along with several of the Board members had spent the last few days meeting with Senate members of the Health Committee to discuss Senate Bill 51.

Ms. Reitz concluded her discussions by allowing the Board members to view a video of a news story that had aired on a local channel in the Columbus area in January of this year.

ANYTHING FOR THE GOOD OF THE BOARD

SITE ACCREDITATION AND EXAMINATION PRESENTATIONS

Ms. Sabat informed the members that she had performed a site accreditation at Polaris Career Center. Additionally, she stated that she had spent time with the graduating dental hygiene students at Cuyahoga Community College and Stark State College of Technology to discuss the National Board and NERB examinations. Ms. Sabat concluded by stating that she would be presenting to the dental hygiene students at Lorain County Community College regarding the examinations.

SCOPE OF PRACTICE - ORAL AND MAXILLOFACIAL SURGERY

Dr. Lightfoot distributed a copy of a memorandum from Linda Daubenmire, Administrative Assistant, regarding questions concerning the definition of the scope of practice of oral and maxillfacial surgeons. He stated that the memo indicated that the State Medical Board of Ohio (Medical Board) was requesting clarification, as they have been receiving inquiries about this issue.

Dr. Murphy stated that the American Association of Oral and Maxillofacial Surgeons (AAOMS) had recently updated their definition on the scope of practice and suggested that the Board look to AAOMS for information. Ms. Reitz suggested that she research and meet with a representative from the Medical Board to discuss this issue.

BOARD MEETING DATE CHANGE

The Board members discussed and decided to change the next meeting date from April 30-May 1, 2003 to April 23, 2003. Dr. Hills determined that this would allow Dr. Lightfoot to attend one (1) more Board meeting prior to the end of his term. Dr. Hills stated that there would be no Law and Rules Review Committee meeting that day since the Board would be holding only a one (1) day session.

ADJOURN

Motion by Ms. Sabat, second by Dr. Vesoulis, to adjourn the meeting until Wednesday, April 23, 2003, at 1:00 p.m.

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

Motion carried.

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

Eleanore Awadalla, D.D.S.
Secretary

APPENDIX A

POLICY REGARDING PATIENT RECORDS

Preamble: The purpose of this policy is to clarify the Board's position regarding the ownership and release of patient records.

The American Dental Association calls upon dentists to follow high ethical standards which have the benefit of the patient as their primary goal. To that end, the Board adopts the following policy regarding patient records.

Currently, the Dental Practice Act does not specifically address the issue of ownership and release of patient records. However, based on relevant law and other source material, it is the Board's position that a dentist must release a copy of the patient record upon request. Failure to do so could be a potential violation of the standard of care for the profession, which is grounds for discipline pursuant to Ohio Revised Code 4715.30 (A)(7).

Record, defined:

For purposes of this policy, a patient record includes any document or combination of documents that pertains to a patient's medical/dental history, diagnosis, prognosis, or medical/dental condition, and that is generated and maintained in the process of the patient's dental treatment. Patient records include:

- medical/dental history
- written progress notes
- radiographs
- models
- billing information.

A patient record should not include:

- care related to another patient
- peer review/quality assurance information/documents
- correspondence/notes from attorneys
- aberrant/deviant statements

Ownership:

Patient records belong to the treating practitioner, however, the patient has an absolute right to a copy of his/her patient records.

Providing copies of records:

A dentist has the ethical obligation on request of either the patient or the patient's subsequent treating dentist with patient authorization and release, to furnish copies of patient records. This can be done either gratuitously or for a nominal, reasonable cost for copying. The copies, including dental x-rays and the like, should include any and all information as will be beneficial for the future uninterrupted, consistent treatment of the patient.

Costs:

This obligation to provide a copy of records exists whether or not the patient's account is paid in full. Since the patient has an absolute right to a copy of his/her records, a dentist may not ignore a request for records due to an unpaid balance for services rendered. Further, a dentist cannot demand payment for copies up front. The dentist may add the fee for copies to the unpaid balance, and include this in any claim for reimbursement, but records cannot be held hostage for payment of any kind.

Ramifications:

It is the Board's position that failure of a dentist to provide to a patient a copy of his/her records is unethical. Further, failure to do so would be a potential violation of the standard of care for the profession, which is grounds for discipline pursuant to Ohio Revised Code 4715.30 (A)(7).

APPENDIX B

INSERT PUBLIC RULES HEARING STATE'S EXHIBITS 1 THROUGH 4 HERE

APPENDIX C

INSERT PUBLIC RULES HEARING EXHIBITS A THROUGH D HERE