

**Ohio State Dental Board
Board Meeting
March 17, 2004**

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**Ohio State Dental Board
Board Meeting
March 17, 2004**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, March 17, 2004, beginning at 9:00 a.m. Board members present were:

Edward R. Hills, D.D.S., President
Eleanore Awadalla, D.D.S., Secretary
Mark T. Armstrong, D.D.S.
Phillip J. Beckwith, D.D.S.
Berta I. Howard, D.D.S.
Billie Sue Kyger, D.D.S.
Mark Landes, Esq.
Gregory A. McDonald, D.D.S.
T. Michael Murphy, D.D.S.
Ann E. Naber, R.D.H.
Lynda L. Sabat, R.D.H.
Paul Vesoulis, D.D.S.
Sandra L. Wise, R.D.H.

The following guests were also in attendance: Mary Crawford, Esq., Assistant Attorney General; William L. Hills, Director of the Joint Committee on Agency Rule Review (JCARR), Keith Kerns, Esq., Henry Fields, D.D.S., Dennis Burns, D.D.S., and Stacy Wendt of the Ohio Dental Association (ODA); Denise Bowers, R.D.H., and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Barbara Hickey, COA and Alice Smith, CDA, CDPMA of the Ohio Dental Assistants Association (ODAA), Lili C. Reitz, Esq., Executive Director, Tom Smith, Enforcement Officer, Jayne A. Rasmussen, Licensure Coordinator, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; 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 9:15 a.m.

REVIEW OF THE FEBRUARY 2004 BOARD MEETING MINUTES

The Board reviewed the minutes of the February 4, 2004 Board meeting.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the February 4, 2004 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

PUBLIC ADMINISTRATIVE RULES HEARING

An administrative rules hearing was held on the following proposed new, amended, and no change rules:

Rule Number	Action	Tag Line
General Provisions		
4715-1-02	Rescind	Acceptance of certificate of national board
4715-1-03	Rescind	Acceptance of other certifying boards
Definitions		
4715-3-01	Amend	Definitions
Dentists		
4715-5-01.1	Amend	Requirements for initial licensure for dentists
4715-5-03 (OLD)	Rescind	"Criteria approval"; personal appearance and examination for dentists
4715-5-03 (NEW)	New	Examination for dentists
Dental Hygienists		
4715-9-01	Amend	Permissible practices of a dental hygienist
4715-9-02.1	Rescind	Requirements for initial licensure for dental hygienists
4715-9-03 (OLD)	Rescind	"Criteria approval"; personal appearance and examination for dentists
4715-9-03 (NEW)	New	Requirements for licensure for dental hygienists

Coronal Polishing		
4715-10-01	New	Coronal polishing certification

Qualified Personnel		
4715-11-01 (OLD)	Rescind	Basic qualified personnel; functions
4715-11-01 (NEW)	New	Basic qualified personnel; functions
4715-11-02 (OLD)	Rescind	Expanded function dental auxiliaries; functions
4715-11-02 (NEW)	New	Certified dental assistant; functions
4715-11-03 (OLD)	Rescind	Non-delegable dental tasks and/or procedures
4715-11-03 (NEW)	New	Expanded function dental auxiliaries; functions
4715-11-04 (OLD)	Rescind	Dentists may employ and supervise expanded function dental auxiliaries
4715-11-04 (NEW)	New	Dentists may employ and supervise certified dental assistants
4715-11-05	New	Dentists may employ and supervise expanded function dental auxiliaries
4715-11-06	New	Non-delegable dental tasks and /or procedures

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

The Board first heard testimony and received evidence (Appendix A - State's Exhibit's 1 through 7) from Lili C. Reitz, Esq., Executive Director, Ohio State Dental Board.

Upon completion of Ms. Reitz testimony, Ms. Crawford suggested that the Board make a motion for any required changes based upon the suggestions made in Ms. Reitz testimony and State's Exhibit 7. She stated once the Board changes were voted on, those witnesses scheduled to provide further testimony would know of any individual issues that may have already been addressed by the Board

Motions and discussions regarding changes to Ohio Administrative Code sections 4715-5-01.1, 4715-9-03, 4715-10-01, 4715-11-01, 4715-11-02, and 4715-11-04 are documented in pages 30-34 of the official transcripts from the hearing. The original transcript and any written testimony shall be maintained in the exhibits section of this journal.

The Board then heard testimony and received written evidence (Appendix B - Exhibit's A through G) from the following individuals:

Elgan Stamper, D.D.S. and David J. Moyer, D.D.S.

On behalf of the *American Association of Oral and Maxillofacial Surgeons*

Written testimony - State's Exhibit A

Alice Smith, CDA, President

On behalf of the *Ohio Dental Assistants Association*

Written and Oral testimony - State's Exhibit B

Keith R. Kerns, Esq., *Director of Legal and Legislative Services*

On behalf of the *Ohio Dental Association*

Written testimony - State's Exhibit C

Henry Fields, D.D.S., Treasurer

On behalf of the *Ohio Dental Association*

Written and Oral testimony - State's Exhibit D

Denise Bowers, R.D.H., Immediate Past-President

On behalf of the *Ohio Dental Hygienists' Association*

Written and Oral testimony - State's Exhibit E

Paula J. Oliver, CDA, CDPMA, CODA, Dental Faculty

On behalf of the *Choffin School of Accredited Dental Assisting*

Written testimony - State's Exhibit F

Cathy Patterson, R.D.H., M.S.Ed, Secretary

On behalf of the *Ohio Council of Dental Hygiene Directors*

Written testimony - State's Exhibit G

At the conclusion of the oral testimony, the Board took a brief recess. At 12:38 p.m., the Board returned to open session.

Motions and discussions regarding further changes to Ohio Administrative Code sections 4715-10-01 and 4715-11-01 are documented in pages 70-85 of the official transcripts from the hearing maintained in the exhibits section of this journal.

Motion by Dr. Vesoulis, second by Dr. Murphy, to revise file Ohio Administrative Code rules 4715-5-01.1, 4715-9-03, 4715-10.01, 4715-11-01, and 4715-11-02 with the Joint Committee on Agency Rule Review (JCARR).

Roll call vote.

Motion carried unanimously.

Dr. Hills stated that the Board would not be going into executive session since there was no attorney representation present. He stated that the Board would resume its regular meeting agenda beginning with item #3; Review of License Applications.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Rasmussen, Licensure Coordinator, had prepared a report of the licenses issued since the February 2004 meeting, for Board member review. Dr. Hills then requested the Board's vote of approval for the Licensure Report.

Motion by Ms. Sabat, second by Dr. McDonald, to approve the licensure report for the following dental and dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination, 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 and for the following limited teaching licenses issued by acceptable documentation submitted by the applicant and the endorsing dental college:

DENTAL

*Rebecca A. Berg, D.D.S.
Elbert I. Chang, D.D.S.
Stefan V. Dubas, D.D.S.
Abdelhakim El-Gheriani, D.D.S.*

*Lauren D. Goldschmidt, D.D.S.
Jessica R. Kazem, D.D.S.
Nita S. Labhsetwar, D.D.S.
Lawson A. Wilkinson, D.D.S.*

DENTAL HYGIENE

Theresa A. Carr, R.D.H.
Andrea R. Doucet, R.D.H.
Tricia M. Fey, R.D.H.
Susan J. Henke, R.D.H.
Heather A. Kitchen, R.D.H.

Lori S. Neill, R.D.H.
Leslie H. Sawyer, R.D.H.
Karen A. Schreck, R.D.H.
Krista A. Smith, R.D.H.
Tracy L. Stenger, R.D.H.

DENTAL ASSISTANT RADIOGRAPHER

Margaret A. Alcorn
Danielle L. Adlergate
Mia L. Allen
Venus A. Anderson
Samantha A. Apple
Trisha L. Aston
Cathryn A. Baaten
Pamela A. Barney
Amanda K. Beasley
Beth A. Beatty
Staphanie D. Beeson
Marie K. Bell-Duncan
Jennifer L. Blanton
Renee L. Bounce
Laura D. Brown
Laurie P. Bruckman
Melissa L. Bucks
Ronda A. Campailla
Marsha Caposell
Angelina M. Carson
Kelley A. Clegg
Darcy R. Cook
Melissa L. Costick
Jill M. Crawford
Rhonda K. Crouse
Diann E. Davis
Ehsan Diab
Lisa M. Donell
April L. Drowns
Alicia B. Duncan
Amber N. Dyer

Richell R. Farmer
Elizabeth E. Ferguson
Valerie L. Gamble
Erin M. Garber
Kelly M. Gard
Bonny K. Gibson
Patricia A. Gillies
Sandra A. Hack
Aimee B. Hackney
Brenda A. Hall
Amanda J. Harris
Leigh A. Hawse
Heather M. Herbst
Tiffany Q. Holston
Danielle L. Hospodar
Melanie M. Howard
Carmen M. Hunter
Lisa M. Iacco
Amy M. Hohanson
Amandeep K. Kang
Susan R. Klinedinst
Tara D. Klosinski
Colleen R. Layne
Sonia R. Lintner
Sarah B. Literal
Teresa L. Lowe
Jamie L. Mavelitini
Halyna Mahera
Lisa M. Mathy
Akhira R. McElrath
Farrah L. Moore

Jennier R. Moore
Kimberly L. Niehaus
Michele C. Pagan
Mindi Jo Pappas
Kristen M. Pavlik
Lindsey M. Pearl
Stephanie J. Peoples
Leah L. Phillips
Gina M. Pies
Sarah R. Poe
Melissa D. Powers
Yvonne A. Purtty
Melilia Z. Rahmani
Shelly L. Rapke
Sherry C. Reese
Rene E. Reinhart
Holly R. Richard
Amber N. Riffe
Phyllis A. Roemer
Tonya M. Rose
Melissa A. Scott
Kimberly A. Searls
Crystal L. Sharp

Sharon A. Sheeler
Ivana Simicevic
Megan M. Sizemore
Deborah T. Slivinski
Jacinda C. Stewart
Melanie A. Strickler
Lynne M. Struck
Joy A. Swartz
Angela M. Tayerle
Alexandra Thoma
Kris A. Thompson
Sheila A. Turner
Courtney R. VanGundy
Lisa M. Walker
Jessica K. Walker
April A. White
Samantha R. Wierzy
Kay L. Wilkes
Elizabeth J. Wingert
Jamie M. Young
Aristina E. Zeppetella
Paula K. Zook

LIMITED TEACHING

Sheila Hernandez, D.D.S.
Robert F. Hirsch, D.D.S.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

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

Erin Marie Slattery, D.D.S.

Motion by Dr. Vesoulis, second by Dr. McDonald, to approve Dr. Slattery's regional board dental license application.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES

Dr. Hills noted that there were no license applications for graduates of unaccredited dental colleges located outside the United States for review at this time.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

Dr. Hills noted that there were no limited resident's license applications for review at this time.

LIMITED TEACHING LICENSE APPLICATION(S)

Dr. Hills noted that there were no limited teaching license applications for review at this time.

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

The following individuals have applied for limited continuing education licenses for the purpose of participating in a dental implant externship offered at the *Mid-West Implant Institute* under the direction of Dr. Alfred Heller

Dr. Frederick C. Abdel, Jr., D.D.S.

Dr. Earnest L. Trent, Jr., D.D.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) applications for limited continuing education licenses.

Roll call vote.

Motion carried unanimously.

DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION

Dr. Hills noted that there were no license applications for dentists with a specialty designation for review at this time.

DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)

Dr. Hills noted that there were no dental assistant radiographer license applications for review at this time.

INTRODUCTION OF BOARD MEMBERS

Dr. Hills took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Cleveland. He then introduced the other Board members: Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Dr. Gregory McDonald, a general dentist from Springboro, Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville, Mr. Mark Landes, an attorney and the Board's public member from Gahanna, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phil Beckwith, an orthodontist from Columbus, Dr. Berta Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Ms. Ann Naber, a dental hygienist from Bellbrook, and Ms. Sandra Wise, a dental hygienist from Fremont.

CRITERIA APPROVAL LICENSE APPLICATION(S)

Dr. Hills noted that there were no criteria approval license applications for review at this time.

REINSTATEMENT LICENSE APPLICATION(S)

RACHEL KUNKEL, R.D.H.

The only applicant for reinstatement interview was Rachel Kunkel, R.D.H. whose license was suspended in January 2002. Ms. Kunkel continued to practice until she became aware of the suspended status of her license on February 9, 2004. Upon

questioning by the Board, Ms. Kunkel stated that she had found her duplicate check and therefore believed that she had renewed her license for the 2001-2003 biennium. She indicated that she was not in the habit of reconciling her checkbook and was unaware that the check had not been cashed. Board members questioned whether Ms. Kunkel had any complaints or charges filed against her during the previous biennium or whether there was any other reason that would have precluded her from renewing her license during the past biennium. Ms. Kunkel responded that she had just not realized that her license was not renewed and that she has not practiced dental hygiene since she found out approximately five (5) weeks ago.

Ms. Reitz informed the Board that Ms. Kunkel had been given a consent agreement to review prior to the meeting which states that she will serve a thirty (30) day suspension beginning on February 9, 2004 and ending March 9, 2004 and be automatically audited for the next three (3) renewal periods in addition to the usual terms and conditions. Ms. Reitz stated that Ms. Kunkel has agreed to sign the consent agreement and has already served the suspension.

Motion by Ms. Sabat, second by Dr. Kyger, to approve Ms. Kunkel's reinstatement application for licensure as a dental hygienist in the state of Ohio, pursuant to the terms set forth in the consent agreement.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Absent
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

PRESENTATION BY ELEANORE AWADALLA, D.D.S.

Dr. Awadalla presented to the Board on “The Ohio State Dental Board’s Licensure Function”.

Upon conclusion of the presentation, the Board members thanked Dr. Awadalla.

BREAK

The Board took a brief break for lunch and returned to open session at 1:40 p.m.

PRESENTATION BY DONALD P. BOWERMASTER, D.D.S.

Dr. Bowermaster thanked the Board for inviting him and explained that he was a Board-approved provider of continuing education and therefore those in attendance would receive two (2) hours of continuing education in substance abuse. He then proceeded into his presentation, "Chemical Dependency in Dentistry".

Upon conclusion of the presentation, the Board members thanked Dr. Bowermaster.

ELECTION OF OFFICERS

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

Motion by Dr. McDonald, second by Dr. Murphy, to appoint Ms. Sabat as President, Dr. Vesoulis as Vice-president, and Dr. Hills as Secretary of the Board for the upcoming year.

Roll call vote.

Motion carried unanimously.

Dr. Hills extended congratulations to Ms. Sabat and Dr. Vesoulis and indicated that it had been his pleasure to serve as Board President for the past three (3) years. He then requested that the outbound Secretary, Dr. Awadalla, assist him in his transition as the new Board Secretary. Dr. Awadalla agreed to assist and then congratulated the members on their appointments.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF SAM MCDOWELL, III.

Dr. Awadalla announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Sam McDowell, III that was filed by Paul Stehura, Esq., Hearing Examiner on February 17, 2004.

Dr. Awadalla then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Sam McDowell, III?

Roll call: Dr. Armstrong – Yes
 Dr. Awadalla – Yes
 Dr. Beckwith – Yes
 Dr. Hills - Yes
 Dr. Howard – Yes
 Dr. Kyger – Yes
 Mr. Landes - Yes
 Dr. McDonald - Yes
 Dr. Murphy - Yes
 Ms. Naber – Yes
 Ms. Sabat - Yes
 Dr. Vesoulis – Yes
 Ms. Wise - Yes

Dr. Awadalla 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. Awadalla – Yes
 Dr. Beckwith – Yes
 Dr. Hills - Yes
 Dr. Howard – Yes
 Dr. Kyger – Yes
 Mr. Landes - Yes
 Dr. McDonald - Yes

Dr. Murphy - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Dr. Awadalla then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Sam McDowell, III?

Roll call: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Dr. Awadalla asked if Mr. McDowell was present. Noting that there was no response, she then requested if the Assistant Attorney General in this matter would like to comment. Ms. Hockenberry indicated that she did not wish to comment.

Dr. Awadalla then stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. She then called for a motion for the Board to go into executive session.

EXECUTIVE SESSION

Motion by Ms. Sabat, second by Dr. Vesoulis, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of Sam McDowell, III.

Roll call vote.

Motion carried unanimously.

Dr. Awadalla and Ms. Sabat did not attend the executive session.

OPEN SESSION

The Board resumed open session.

DECISION IN THE MATTER OF SAM MCDOWELL, III.

Dr. Awadalla stated:

Let the record reflect that I was the Secretary in this matter, and therefore, I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.

Dr. Awadalla then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Mr. Landes, second by Dr. Murphy, to deny dental assistant radiographer licensure to Sam McDowell, III, subject to reconsideration at the June, 2004 Board meeting.

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

Motion carried.

PERSONAL APPEARANCE(S)

LYNN CONDOS, R.D.H.

Dr. Hills began by stating that this was Ms. Condos' second appearance before the Board and the first subsequent to treatment at Interval Brotherhood Home. He then asked Ms. Condos to discuss with the Board how she felt her treatment and aftercare were proceeding.

Ms. Condos stated that she was before the Board to inquire about the status of her license. She stated that she had not practiced dental hygiene since signing the consent agreement in September 2002. She informed the Board members that she has been doing telemarketing for income, attending Alcoholics Anonymous (AA) meetings, taking continuing education courses in dental hygiene, CPR, and first aid, and in general remaining compliant with the terms of the consent agreement.

Upon questioning by the Board, Ms. Condos stated that she does not have a job waiting for her since she wished to have her license reinstated prior to looking for employment in dental hygiene. She stated that she feels more confident about herself and in general feels better physically as she better understands when any pain she experiences is real or a result of her addiction. Ms. Condos informed the Board that she handles her stress with the use of prayer, working on the AA program, and relying a lot on her higher power. She stated that she now has a different view on everything in that it's all a 50/50 shot and what is the worst that can happen, because whatever it is, it's not going to kill you, just make things a little difficult at times.

Ms. Condos indicated that she would not like to return to practice full-time, but rather only for 25-30 hours per week and not for the same dentist she had worked for in the past.

When asked by the Board how this appearance differed from the previous appearance before the Board, Ms. Condos replied that before she didn't recognize that she had a problem. She stated that she now knows that she has a problem which she has no control over and that she cannot take any medications, prescriptions or otherwise, ever again.

EXECUTIVE SESSION

Motion by Dr. Awadalla, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss the matter of licensee Lynn Condos, R.D.H.

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Mr. Smith to attend the executive session.

OPEN SESSION

Motion by Dr. Murphy, second by Ms. Sabat, to reinstate the license of Lynn Condos, R.D.H. pursuant to the terms and conditions set forth in the September, 2002 consent agreement with the Board.

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

Motion carried.

Ms. Sabat commented that Ms. Condos has been appearing before the Board for this issue since 1992 but has had relapses off and on since that time. She stated that the Board is giving her one more chance, but that if she fails this time the Board will not even consider reinstating her license again.

DONALD C. DUNNING, D.D.S.

Dr. Hills explained to the Board that this was Dr. Dunning's first appearance before the Board subsequent to treatment. He then explained to Dr. Dunning that the first appearance before the Board is to discuss where the licensee is with regards to treatment and that typically the Board will not consider any reinstatement during the first appearance. He then asked Dr. Dunning to discuss with the Board how he felt his treatment and aftercare were proceeding.

Dr. Dunning stated that he had been having a difficult time with some back pain and had not realized that what had initially begun as advancement of his social drinking habits had become dependency. He stated that his wife had been the first to recognize that there was a problem and soon after he sought and received treatment at Cleveland Clinic. Dr. Dunning informed the Board that his treatment for his back problems had originally been delayed due to tight physician schedules, which added to his problem.

Dr. Dunning continued by stating that initially he had been reluctant to attend meetings and was hesitant about the Caduceus meetings partially because of the length of the drive. However, he stated that he attended the meetings anyway, once he was informed that this aspect of his treatment was non-negotiable. Dr. Dunning stated that now he realizes how important these types of meetings are to recovery in that they keep reminding a person what they've been through and why they never want to go back. He stated that the Caduceus meeting has been the most beneficial for him and that he is now attending more meetings than he was in the beginning by choice.

Dr. Hills noted that the documents before the Board describe a "remarkable" recovery from one that initially seemed grim, and asked Dr. Dunning to further explain. Dr. Dunning stated that at the beginning of treatment he had been extremely ill physically but now that he had received treatment he felt one hundred percent (100%) better. He stated that the back pain was only the beginning of all his problems. Dr. Dunning stated that while his back is constantly improving, he realizes that it will take time. He stated that while he felt overwhelmingly discouraged at first, he has had the emotional support from family, friends, and the dental community to help him get through difficult times.

When questioned regarding the status of his practice, Dr. Dunning explained that members of the study club, in which he is an active participant, have been providing dental services to his patients on a rotational basis until March 10th, 2004. He stated that he is anxious to return to practice since they can no longer assist him with his practice.

EXECUTIVE SESSION

Motion by Dr. Murphy, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss the matter of licensee Donald C. Dunning, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Mr. Smith to attend the executive session.

OPEN SESSION

Upon return to open session, Dr. Hills again explained to Dr. Dunning that the Board typically does not reinstate the license to practice on the licensees' first appearance before the Board as the Board needs to see progress and continued sobriety prior to considering reinstatement. Therefore, he stated that Dr. Dunning would receive a letter of invitation to appear before the Board at its next meeting in April.

MELISSA A. HIGH, R.D.H.

Dr. Hills then requested Melissa A. High, R.D.H. to address the Board regarding reinstatement of her dental hygiene license. Upon questioning by the Board, Ms. High explained that she had appeared before the Board in January, 2003 to request reinstatement of her dental hygiene license, which had lapsed for failure to renew in January, 2002. She informed the Board members that from January, 2003 to July, 2003, wherein she agreed to the terms and signed a consent agreement with the Board, she had worked cleaning houses. She stated that this job afforded her the opportunity to have time at home with her family. Ms. High stated that from July, 2003 to January, 2004 she had worked the third shift at Meijers, but had quit in January. Since that time, Ms. High informed the Board that she has been unemployed.

When questioned by the Board as to whether she had learned anything from this experience, Ms. High replied "Yes." She stated that she was looking forward to being permitted to practice dental hygiene again.

Motion by Ms. Sabat, second by Dr. Vesoulis, to reinstate the license of Melissa A. High, R.D.H. to practice dental hygiene in the state of Ohio pursuant to the terms of the consent agreement.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Abstain
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes

Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

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

Dr. Hills noted that there were no cases wherein notices of opportunity were issued and no hearing was requested for consideration at this time.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed one (1) proposed consent agreement.

RICHARD W. JUHNKE, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the proposed consent agreement for Richard W. Juhnke, D.D.S., license number 30-01-9536.

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

Motion carried.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

Dr. Hills noted that there were no proposed voluntary retirements for review at this time.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed two (2) Notice of Opportunity for Hearing. The name of the individual/licensee was not included in the documents reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes.

ROBERT S. SALMANS, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to Robert S. Salmans, D.D.S., license number 30-01-6113, case number 02-85-013.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Abstain
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

MICHAEL A. YERIAN, D.D.S.

Motion by Dr. McDonald, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Michael A. Yerian, D.D.S., license number 30-01-5373, case number 03-12-1277.

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

Motion carried.

ENFORCEMENT UPDATE

Ms. Reitz informed the Board that there were currently three (3) cases listed as pending hearings and of which one (1) has been scheduled for hearing. She stated that there were currently five (5) cases under appeal and indicated that there were seventeen (17) licensees currently under suspension. Ms. Reitz stated that there had been one hundred and four (104) 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. Reitz reviewed the cases to be closed with the Board.

The following cases are to be closed:

02-25-538	03-09-1379	03-67-1284	03-31-1387
03-18-158	03-25-1381	03-47-1310	03-48-1400
03-77-1229	03-04-1398	03-41-1316	03-77-1413
03-76-1279	03-73-1393	03-77-1326	03-77-1415
03-78-1300	03-31-1386	03-78-1354	03-77-1450
03-25-1314	03-73-1412	03-25-1369	03-25-1444
03-25-1322	03-46-1411	03-09-1358	03-22-1425
03-77-1332	02-43-683	03-76-1384	03-23-1424
03-25-1352	03-78-187	03-78-1399	03-18-1427
03-18-1368	03-52-1237	03-18-1397	03-25-1422

03-25-1461	03-48-1426	03-50-1520	03-02-1531
03-25-1456	03-77-1428	03-49-1529	03-13-1523
03-50-1467	03-32-1462	03-31-1522	04-25-0015
03-77-1474	03-12-1457	04-29-0002	04-22-0020
03-73-1485	03-43-1455	04-57-0003	04-57-0004
03-77-1494	03-25-1466	04-29-0001	04-31-0005
03-02-1504	03-85-1476	04-31-0007	04-12-0008
03-25-1506	03-09-1492	04-57-0009	04-25-0011
03-25-1503	03-25-1497	04-52-0014	04-09-0010
03-25-1507	03-25-1517	04-77-0028	04-15-0027
03-31-1500	03-57-1499	04-67-0026	04-18-0033
03-25-1514	03-77-1501	04-18-0036	04-25-0015
03-31-1498	03-77-1509	04-46-0040	04-83-0054
03-50-1448	03-25-1518	04-31-0037	04-31-0058
03-18-1440	03-18-1513	04-12-0062	04-77-0064
03-70-1421	03-77-1512	04-09-0069	04-23-0108

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

Roll call vote: Dr. Armstrong – No
Dr. Awadalla – Abstain
Dr. Beckwith – No
Dr. Hills - No
Dr. Howard – No
Dr. Kyger – No
Mr. Landes - No
Dr. McDonald - No
Dr. Murphy - No
Ms. Naber – No
Ms. Sabat - No
Dr. Vesoulis – No
Ms. Wise - No

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

Motion by Dr. Vesoulis, second by Dr. McDonald, to approve the enforcement report and close the above one hundred and four (104) cases.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Abstain
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

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

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES

Dr. Murphy stated that there were no applications for review for provisional privileges for Anesthesia permits.

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

Dr. Murphy stated that there were no applications for review for provisional privileges for Conscious Sedation permits.

REVIEW OF GENERAL ANESTHESIA AND/OR CONSCIOUS SEDATION PERMIT APPLICATION(S)

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

Matthew Holdship, D.D.S. - Toledo, Ohio
Anesthesia Permit

Richard L. Dennis, D.D.S. – Columbus, Ohio
Conscious Sedation Permit for all modalities

Zufhair A. Hadi, D.D.S. – Columbus Ohio
Conscious Sedation Permit for all modalities

Ron L. Katyal, D.D.S. – Columbus, Ohio
Conscious Sedation Permit for all modalities

Shahir M. Khalil, D.D.S. – Wadsworth, Ohio
Conscious Sedation Permit for all modalities

Neal E. Lemmerman, D.D.S. – Cincinnati, Ohio
Conscious Sedation Permit for all modalities

Jason L. Richards, D.D.S. – Sylvania, Ohio
Conscious Sedation Permit for oral sedation for 12 years or younger

Motion by Dr. Murphy, second by Ms. Vesoulis, to approve the anesthesia permit application and the six (6) conscious sedation permit applications for the appropriate modalities.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Abstain
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

Dr. Hills thanked Dr. Murphy for the Anesthesia Committee report.

COMMUNICATIONS COMMITTEE REPORT

NEWSLETTER

Ms. Reitz informed the Board members that there was a draft of the Board's Spring Newsletter and that it would be printed and mailed in April.

Dr. Hills thanked Ms. Reitz for her report.

EDUCATION COMMITTEE REPORT

Ms. Sabat stated that the committee had met early that morning and began by discussing the issues on the agenda and reviewed Biennial Sponsor applications, course considerations, and requests for waiver for presentation to the Board.

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 2004-2005 and have been recommended for approval by the Education Committee:

Biocurv Medical Instruments, Inc.
CEREC Solutions Now
Dental Education Specialists
Genesis Environmental, Inc.
Edward A. Hill, D.D.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these five (5) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – No
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Absent
Dr. Kyger – Yes
Mr. Landes - Yes

Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

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

Dale Ann Featheringham, D.D.S.
Thomas E. Fulton, D.D.S.
Healthcare Educators
Indiana University Orthodontic Alumni Association
Marshall and Underwood Orthodontics
The Medical Protective Company
Oral and Facial Surgeons of Ohio
Oral & Facial Surgery Associates
Jason C. Stoner, D.D.S., M.S.
Robyn E. Vicek, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve these ten (10) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes

Ms. Wise - Yes

Motion carried.

REVIEW OF DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Ms. Sabat noted that there were no dental assistant radiographer initial training courses for review at this time.

REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no anesthesia continuing education courses for review at this time.

REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no conscious sedation continuing education courses for review at this time.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat informed the Board that the following sponsor has submitted an application for the substance abuse continuing education course. She stated that the Education Committee has reviewed the course, determined that it fulfills all the necessary requirements, and has recommended the following course for approval:

Cincinnati Dental Society – “Everything You Wanted to Know About Street Drugs But Were Afraid to Ask” Presented by Harold E. Crossley, D.D.S., Ph.D.

Motion by Ms. Sabat, second by Dr. Murphy, to approve this application for substance abuse continuing education course.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – No
Dr. Beckwith – Yes

Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)

Ms. Sabat noted that there were no dental hygiene medical emergency courses for review at this time.

REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)

Ms. Sabat stated that the following organization has requested special needs approval for their sealant program. She stated that the Committee has recommended them for approval.

Youngstown Community Health Center and Warren West Community Health Center – Dental Clinic

Motion by Ms. Sabat, second by Dr. Murphy, to approve Youngstown Community Health Center and Warren West Community Health Center Dental Clinic as a special needs program.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – No
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes

Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

REVIEW OF CONSCIOUS SEDATION COURSE(S)

Ms. Sabat stated that the following organization has submitted a course for approval for the conscious sedation course required for dentists who wish to obtain a permit. She stated that the Education Committee in conjunction with the Anesthesia Committee has recommended the following course for approval:

Humility of Mary Health Partners – General Practice Residency Conscious Sedation Course

Motion by Ms. Sabat, second by Dr. Murphy, to approve Humility of Mary Health Partners' application for conscious sedation course.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – No
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

REVIEW OF REQUEST FOR WAIVER(S) OF THE CONTINUING EDUCATION REQUIREMENT

LETTER OF CLARIFICATION/INFORMATION

Ms. Sabat informed the Board that the Education Committee had reviewed nineteen (19) applications for Request for Waiver of the Continuing Education Requirement and recommended requesting clarification or additional information from the following individuals:

Elaine M. Dossett, D.D.S.
Sonja K. Galvina, D.D.S.
Jennifer A. Harte, D.D.S.
Yelena Kalantarova, R.D.H.
Bruce D. Walker, D.D.S.

30-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had reviewed the following applications for Request for Waiver of the Continuing Education Requirement and recommended approval of a thirty (30) day extension based on unusual circumstance, emergency or special hardship for the following individuals:

Harvey P. Niven, D.D.S.
Scott N. Shapiro, D.D.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the above two (2) applications for Request for Waiver of the Continuing Education Requirement to receive a thirty (30) day extension.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes

Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

60-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee was not recommending any 60-day extensions of the continuing education requirements at this time.

90-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had reviewed the following applications for Request for Waiver of the Continuing Education Requirement and recommended approval of a ninety (90) day extension based on unusual circumstance, emergency or special hardship for the following individuals:

Gene A. Groves, D.D.S.
Merle A. Heyman, D.D.S.
Jacquelyn M. Sylvester, R.D.H.
David W. Tripp, D.D.S.
Iris J. Watkins, D.D.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the above five (5) applications for Request for Waiver of the Continuing Education Requirement to receive a ninety (90) day extension.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

DENY REQUEST FOR WAIVER OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had reviewed the following applications for Request for Waiver of the Continuing Education Requirement and recommended a denial letter requesting evidence of immediate compliance be sent to the following individuals:

Margaret G. Adams, R.D.H.
Robert C. Heimbaugh, D.D.S.
Terry A. Sweeney, R.D.H.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the above three (3) applications for Request for Waiver of the Continuing Education Requirement be denied.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

Forwarded to Enforcement

Ms. Sabat concluded her report by indicating that there were four (4) Requests for Waiver of the Continuing Education Requirement that have been forwarded to enforcement. The names of the individuals have been withheld pending investigation.

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Murphy informed the Board that the Law and Rules Review Committee had not met this month due to the Public Rules Hearing held earlier that day. However he stated that the Committee would resume meeting in April. He then stated that subsequent to testimony and discussions during the rules hearing the Board would need to consider motions regarding the rules.

Dr. Murphy stated that it had been brought to the Board's attention that the statute specifically states that the jurisprudence examination is to be written and therefore the earlier vote to strike the word "written" from Ohio Administrative Code 4715-5-01.1, paragraph (B) would need to be reconsidered.

Motion by Dr. Murphy, second by Dr. Vesoulis, to reinsert the word "written" in paragraph (B) of Ohio Administrative Code 4715-5-01.1.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

Continuing on, Dr. Murphy then stated that the board would need a vote to file the rule as amended.

Motion by Dr. Murphy, second by Dr. Vesoulis, to revise file the rule as amended with the Joint Committee on Agency Rule Review (JCARR).

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

Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

Dr. Hills thanked Dr. Murphy for the Law and Rules Review Committee report.

POLICY COMMITTEE REPORT

Dr. Awadalla informed the Board members that she had no new or revised policies for consideration at this time.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Dr. Awadalla informed the Board that the Treatment Center Approval Committee had nothing new to report at this time.

Dr. Hills thanked Dr. Awadalla for both reports.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that the Waiver Committee had no new or renewal applications for Hepatitis B Waivers for review at this time.

Dr. Hills thanked Ms. Sabat for the Waiver Committee report.

SECRETARY'S EXPENSE REPORT

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

Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve the Secretary's expense report.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the expense report and approve payment of the February, 2004 Board bills.

Roll call vote: Dr. Armstrong – Yes
Dr. Awadalla – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Absent
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise - Yes

Motion carried.

EXECUTIVE DIRECTOR'S REPORT

QUALITY INTERVENTION PROGRAM

Ms. Reitz informed the Board that there was a brief report in the notebooks for their review from Quality Intervention Program (QUIP). She stated that the QUIP coordinator was currently in the process of contracting panel members and that four (4) individuals have been sent contract letters. In addition, Ms. Reitz stated that three (3) individuals have been contacted for initial participation in the program.

WEBSITE UPDATE

Ms. Reitz informed the Board members that she has been working on updating the website to give it a new look and to make information more accessible. She stated that one (1) addition would be to include an on-line Continuing Education (CE) log that the licensee could complete as they obtain continuing education courses. She stated that this could assist them in that they would not have to attempt to document their CE experiences at the end of the biennium but rather at the time the course(s) were taken. Ms. Reitz stated that other updates to the website would also be forthcoming.

NEW ASSISTANT DIRECTOR

Continuing on, Ms. Reitz stated that with Mr. Everhart leaving the Board to assume another position with the Ohio Board of Optometry, she extended an offer that was accepted by the Board's Assistant Attorney General, Rebecca Hockenberry. She stated that Ms. Hockenberry will begin as the Assistant Director to the Board the last week in April.

Dr. Hills thanked Ms. Reitz for her report.

CORRESPONDENCE

Dr. Hills noted that there was no correspondence for Board consideration at this time.

ANYTHING FOR THE GOOD OF THE BOARD

FINANCIAL DISCLOSURE STATEMENTS

Ms. Reitz indicated that a reminder from the Ohio Ethics Commission regarding the Financial Disclosure Statements (FDS) had been provided in their notebooks. She stated that the deadline for submission of the statements was April 15, 2004.

HANNAH REPORT – GOVERNOR’S APPOINTMENTS

Ms. Reitz informed the Board members that a copy of one (1) page from the Hannah Report regarding the Governor’s Appointments had been provided for their information. She stated that the page documented the Governor’s appointments to the newly created Dental Loan Repayment Advisory Board.

BOARD MEETING SCHEDULE

Dr. Vesoulis stated that he would like to suggest a change to the September Board Meeting date. He informed the members that the Ohio Dental Association House of Delegates, which is normally held on Thursday morning of the Annual Session, had been moved to Friday this year. He suggested that the Board consider moving the September meeting from Wednesday, September 15th, 2004 to Thursday, September 16th, 2004. He stated that a decision did not need to be made at this time, however, he was requesting the members to check their schedules and be prepared to discuss it at the next Board meeting.

BOARD MEMBER RESPONSIBILITIES

Dr. Awadalla addressed the Board members regarding a conversation held at an open public meeting in Cleveland recently. She stated that the conversation disturbed her in that the participants of the conversation, Ohio Dental Association (ODA) members, were discussing issues that had been discussed during an executive session held during the February Board meeting. Dr. Awadalla explained that she felt that it had been made clear to all Board members that what is discussed during executive sessions of the Board is not public conversation and that those issues were not to be discussed outside the executive session. She reminded the members of the Board that when the motion is made to enter into executive session, the motion must specifically state the reasons for the executive session and that the Board’s attorney representation attends and has, on occasion, steered the conversation back to the issue when the conversations have

wandered off topic, in order to comply with the law regarding executive sessions of boards and commissions.

Dr. Awadalla continued by expressing that she would hope that no one in attendance would discuss any of the confidential issues that the Board considers while in executive session unless and until those issues have been disclosed in an open session of the Board. She stated that the confidential issues that the Board discusses during executive sessions are none of the ODA's business and as such should not be discussed with ODA members unless and until discussed in open session.

Continuing on, she stated that she has been a Board member for the past ten (10) years and feels that she has learned more than she has contributed to the practice of dentistry in Ohio. She stated that she is proud to attend meetings representing the Board on a national level to hear that Ohio leads the way with regards to implementing a quality intervention program, continuing education, and anesthesia issues. Dr. Awadalla stated that this constant squabbling with the ODA however, is not something to be proud about. She stated that as a Board member, she did not and will not be held to the ODA's vision of what is best for dentistry, as her number one (1) directive as a Board member is to protect the public. Dr. Awadalla concluded by stating that the current and new Board members must not lose sight of their vision of what is important, their appointed directive to protect the public.

Dr. Hills added that the perception of the ODA that the Board takes exception to everything said by the ODA is not true. Additionally, he stated that there is now the perception that everything in dentistry will be better now that there are "friends" of the ODA on the Board and that the ODA now can exert some influence on the Board.

Dr. Hills stated that at times all the Board members can "get off center" with regards to their directive of protecting the public. He stated that is the challenge that they, as appointed Board members, must live up to and always remember when dealing with issues of the Board. He further stated that this is the one thing that they must learn to focus on irrespective of the individual professional organizations and the political ramifications. Dr. Hills admitted that he often finds this directive to be difficult to adhere to on a day-to-day basis. However, he encouraged all Board members to put their politics and self-interest aside while performing their duties as members of this board. He recommended that Board members always ask themselves one (1) question in considering matters before the Board and that question is – "How will this better protect the public?"

Continuing on, Dr. Hills stated that the on-going battle between the Board and the ODA is an embarrassment as it highlights immaturity and undermines the profession and the respect it deserves. He stated that the current Board members must succeed in their directive and while doing so this may create enemies. Dr. Hills commented that

many times decisions are made as a Board member that they do not particularly like. However, he commented that if they cannot put aside these differences and successfully achieve their directive to ensure the protection of the public at the cost of their own self-interest, then maybe this is not the job for them and the member should seek to make changes in dentistry elsewhere.

Dr. Awadalla concluded by stating that she did not wish to see any more directives from the ODA regarding Dental Board business.

FAREWELL TO ASSISTANT DIRECTOR, MICHAEL EVERHART

Dr. Hills stated:

“The Board wishes good luck to our outgoing Assistant Director, Michael R. Everhart. Mr. Everhart has been the Board’s Assistant Director for the past two (2) years. He came to us after having served thirty years with the Ohio State Highway Patrol. Mike has been responsible for the office staff management, and in overseeing the enforcement officers and investigations of the Board.

In addition to his daily functions, Mike has done a tremendous job working with the Executive Director and staff in streamlining office policy and procedures. Further, Mike has served the Board well as a liaison between the public and licensees and the enforcement arm of the Board.

Mr. Everhart has taken the position of Executive Director of the Ohio Board of Optometry. We will miss him and wish him well in his future endeavors.”

Dr. Hills invited the attendees to join him in a warm round of applause for Mr. Everhart.

Mr. Everhart replied that he was not happily leaving the Board, however he had been offered a good opportunity for advancement that he found he could not resist. He commented that the quality of the people on the Board and the committed staff and Board members he’s worked with over the past two (2) years had afforded him the chance to learn and grow as a professional professional. He thanked the Board members and Ms. Reitz specifically for being his friend and for their mentorship and everything else along the way for the past two (2) years.

FAREWELL TO BOARD MEMBER, ELEANORE AWADALLA, D.D.S.

Dr. Hills stated the following:

“Dr. Awadalla. We were hoping this day would never come. But it has. And there is so much to say.

On behalf of the Ohio State Dental Board, I want to take this opportunity to recognize you and your tenure as a Board member over the past 10 years. Dr. Awadalla was appointed to the Board in April of 1994, and her term officially expires on April 6, 2004. Dr. Awadalla has demonstrated herself as a leader in a multitude of capacities for, and on behalf of the Board.”

Dr. Murphy continued by stating:

“In her ten years on the Board, Dr. Awadalla has served as President of the Board in 1997 and 1998. She has served as Secretary, overseeing the Board’s enforcement arm, since 2002. Dr. Awadalla has served on many Board committees and task forces, serving as chair of the Board’s Anesthesia and Policy Committees for several years, serving on the Law and Rules Review Committee since that committee’s inception seven years ago, and serving as Chair of the Board’s Access to Care taskforce.

In her years on the Board, Dr. Awadalla has been a strong advocate for the Board and its mission to protect the public. Issues such as ensuring minimum competence via third party assessment, and access to care, have been her priorities. She has never wavered and has been focused on public protection. She has dedicated her time to speaking with interested parties, meeting with students and colleagues and others who want more information on these and other important issues pertinent to the entire dental community. She has given significant time and effort to promote the Board and fulfill its mission, and her work is truly appreciated by the Board.

Dr. Awadalla has also been very active at the national level as a member of the American Association of Dental Examiners, Inc., and as a member and examiner for the North East Regional Board of Dental Examiners, Inc.

Dr. Awadalla has served the Board, the profession and the public in a manner that has truly demonstrated her level of passion and commitment. Her efforts, along with the friendships she has made, will be difficult to

replace. The Board hopes to continue to benefit from her knowledge and expertise in the future.

Dr. Awadalla's commitment to the Board has brought great credit upon herself, the Ohio State Dental Board, and the citizens of the state of Ohio.

We thank you for everything you have done in your years as a member of the Board, and wish you nothing but the best in all of your future endeavors."

Dr. Murphy invited the attendees to join him in a warm round of applause for Dr. Awadalla.

ADJOURN

Motion by Dr. Awadalla, second by Dr. McDonald, to adjourn the meeting until Wednesday, April 21st, 2004.

Motion passed by acclamation.

Lynda L. Sabat, R.D.H.
President

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

APPENDIX A

Ohio State Dental Board
Public Rules Hearing

March 17, 2004

List of Exhibits

- State's Exhibit 1** Minutes from February 4, 2004 Board Meeting wherein Board approved proposed rules to be rescinded and new, amended rules to be submitted and initial filed with the Joint Committee on Agency Rule Review (JCARR).
- State's Exhibit 2** February 13, 2004, time and date-stamped copy of the cover letter for rule filing with JCARR, Legislative Service Commission (LSC), Secretary of State(SOS), and the Ohio Department of Development (ODD), Office of Small Business for rules listed.
- State's Exhibit 3** February 13, 2004, time and date-stamped copy of filing of rules to be rescinded and proposed new and amended rules with JCARR, LSC, SOS, and ODD, Office of Small Business for rules listed.
- State's Exhibit 4** Copy of Board's February 13, 2004, Notice of Public Hearing posted on the *Legislative Service Commission's Register of Ohio* Website pursuant to R.C. 119.
- State's Exhibit 5** March 11, 2004, time and date-stamped copy of the cover letter for revised rule changes with JCARR, LSC, SOS, and ODD, Office of Small Business for rule listed (revised to correct statutory authority and amplifying or implementing statute for all rules listed).
- State's Exhibit 6** Copy of Notice and Proposed Agenda, which included the List of Rules for Public Rules Hearing, sent to Board's Mailing List on March 4, 2004.

APPENDIX B

Ohio State Dental Board
Public Rules Hearing
March 17th, 2004

Witness List

- Elgan Stamper, DDS & David J. Moyer, DDS**..... Written Public Comment Exhibit A
President, American Association of Oral and Maxillofacial Surgeons
Chair, Committee on Anesthesia (CAN)
- Alice Smith, CDA**..... Public Comment Exhibit B
President, Ohio Dental Assistants Association
- Keith Kerns, Esq.**..... Written Public Comment Exhibit C
Director of Legal & Legislative Services, Ohio Dental Association
- Henry Fields, D.D.S.**..... Public Comment Exhibit D
President, Ohio Dental Association
- Denise Bowers, RDH**Public Comment Exhibit E
Immediate Past-President, Ohio Dental Hygienists Association
- Paula J. Oliver, CDA, CDPMA, CODA**Written Public Comment Exhibit F
Dental Faculty, Choffin School of Accredited Dental Assisting
- Cathy Patterson, RDH, MSED** Written Public Comment Exhibit G
Secretary, Ohio Council of Dental Hygiene Directors

All Exhibits are kept in the permanent records of the Ohio State Dental Board.

APPENDIX C

**PowerPoint Presentation by Eleanore Awadalla, D.D.S.
“The Ohio State Dental Board’s Licensure Function”**

Copies of the presentation are kept in the permanent records of the Ohio State Dental Board.