

**Ohio State Dental Board
Board Meeting
September 14, 2005**

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**Ohio State Dental Board
Board Meeting
September 14, 2005**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1932, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, September 14, 2005, beginning at 1:00 p.m. Board members present were:

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

Linda Leshner, R.D.H. was not in attendance to the meeting.

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

CALL TO ORDER

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

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

Dr. Vesoulis invited Ms. Reitz, Ms. Hockenberry, Mr. Fulkerson and Ms. Pfeiffer to attend the executive session.

OPEN SESSION

At 1:23 p.m. the Board resumed open session. Dr. Vesoulis approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

INTRODUCTION OF BOARD MEMBERS

Dr. Vesoulis took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Toledo. He then introduced the other Board members: Dr. Gregory McDonald, the Board Vice-President, a general dentist from Springboro, Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Mr. Mark Landes, the Board's Public member from Gahanna, Dr. Berta Howard, a general dentist from Hamilton, Dr. Mark Armstrong, a general dentist from Troy, Dr. Frank Wright, a general dentist from Cincinnati, Dr. Phillip Beckwith, an orthodontist from Columbus, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Ms. Ann Naber, a dental hygienist from Bellbrook, Ms. Sandra Wise, a dental hygienist from Fremont and Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion.

REVIEW OF THE JULY BOARD MEETING MINUTES

The Board reviewed the minutes of the July 14, 2005 Board meeting.

Motion by Dr. Murphy, second by Ms. Wise, to approve the July 14, 2005 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

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

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

DENTAL

Khaldoun Attar
Emily J. Baran
Brian J. Britt
Malvin T. Calimlim
Mary E Endres
Claudia L. Gonzalez
Tiffany A. Harris
Ryan G. Harris
Marcia A. Irving-Ray
Joseph T. Lee
Sanam A. Magrey

Abir A. Massri
Craig T. Mueller
Lindsay A. Pabst
Michael C. Rodriguez
Jeremy J. Scholzen
Erica M. Snider
Bhavani Swarna
Ronald A. Vitullo
David A. Williams
Sanghee Yun

Roll call vote.

Motion carried unanimously.

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

DENTAL HYGIENE

Laura L. Adams	Keri R. Messer
Julia A. Beck	Tresha M. Miranda
Tara L. Bensman	Lisa K. Nessler
Annette C. Bihl	Donald C. Ogbuehi
Shawna M. Bradle	Jennifer L. Perella
Kelly R. Bruns	Oksana Petrovets
Yvonne Campbell	Kristin M. Rockey
Gabrielle L. Caridi	Renee J. Runkowski
Sarah H. Carner	Lorna Shantery
Laurie S. Chaplin	Stacy N. Smith
Farreah D. Chatman	Christina M. Smith
Rebecca W. Donoghue	Elissa N. Strunks
Sherry N. Ginsterblum	Madhu B. Thammappa
Elizabeth S. Hemminger	Shanyn K. Warner
Kimberly E. Lauer	Antoinette V. Wolfe
Deidre N. McFann	Lindsay A. Wonderly
Paulette M. Mercier	Lisa M. Wrenn

Roll call vote.

Motion carried unanimously.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the licensure report for the following dental assistant radiographer licenses issued by: acceptable certification or licensure in another state, certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC), or successful completion of the DANB Radiation, Health and Safety examination:

DENTAL ASSISTANT RADIOGRAPHER

Michelle L. Amundsen	Kara L. Bartley
Crystal R. Ardell	Darcie A. Bethel
Jessica Ayna	Rebecca L. Bevis
Carey L. Babka	Margaret E. Briggs
Heather A. Barrett	Cheryl M. Brinser

Christine M. Brown
Crystal L. Bryte
Amy S. Bubbly
Heather M. Burgermeister
Jessica E. Castillo
Michelle A. Cato
Brigitte Caton
Angela S. Chalfant
Angela S. Chiodo
Rayann K. Clipner
Sylvia A. Cotner
Yana Daevidoff
Jerrina N. Davidson
Jane A. Distel
Catherine M. Dorenkott
Carrie L. Durant
Cindy M. Evans
Jamie L. Feeney
Monica M. Fernandez
Jennifer E. Ferrar
Regina M. Filippelli
I-Yana J. Fletcher
Amanda J. Fohl
Jennifer M. Frazzini
Erika D. Fulkerson
Tina M. Garabrandt
Jann M. Gerich
Cynthia K. Goldsworthy
Judith C. Graham
Amanda M. Gray
Jill L. Guiffre
Cindy J. Hahn
Kathleen L. Hamilton
Lindsay M. Hayes
Danielle M. Heaton
Annette M. Hemminger
Crystal L. Hoffman
Shannon L. Hoyt
Lori A. Huff
Emily M. Hull
Mary N. Johnson
Tiffany A. Jones
Alicia N. Kavak

Sheila A. Kelley
Olga A. Kharevich
Sarah C. Kolar
Kaitlin A. Kraft
Jane T. Krivan
Cynthia A. Kutnyak
Diane L. Lamier
Heidi L. Ledford
Kristi L. Livingston
Jennifer L. Longenecker
Juli A. Lopez
Jamie M. Mahan
Connie J. Matlick
Barbara E. McDonough
Jamie L. McKinney
Dana L. McNeal
Heidi C. Mejia
Michele L. Merritt
Lauren J. Miller
Misty J. Moore
Lindsay D. Morrow
Carrie A. Mullins
Ashley N. Murphy
Gwendolyn E. Murphy
Grace A. Nelson
Nicole R. Partin
Dawn L. Phillians
Tiffany T. Poole
Ann M. Poole
Kristen D. Powers
Carol A. Prellwitz
Anzela Rajauskiene
Sharon C. Ready
DeAnna L. Reynolds
Brandy J. Rienheld
Arminda L. Risbon
Marla J. Robbins
Lisa D. Ruble
Susan J. Sexton
Jessica K. Shea
Anne M. Sherman
Amy J. Shreves
Bonnie M. Spears

Kathleen A. Spence
Pamella Springer
Lynn M. Tennant
Carolyn R. Thompson
Leslie A. Trowbridge
Kamaljit K. Vilku
Crystal A. Voies
Melissa K. Walchli

Mary Kathryn Walters
Dara L. Webb
Sherry L. Weidner
Rayna J. Williams
Brandie E. Wilson
Patricia M. Woods
Amanda L. Worstell

Roll call vote.

Motion carried unanimously.

Motion by Dr. Murphy, second by Dr. Howard, to approve the licensure report for the following limited resident licenses issued to participate in residency programs:

LIMITED RESIDENT

Hussein F. Elrawy
Graciela Hernandez
Eric J. Hughes
Austin Phoenix

Tarig I. Sayegh
Jessica A. Stilley
Terri T. Tran
Suruchi L. Warwatkar

Roll call vote.

Motion carried unanimously.

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

CORONAL POLISHING

Melissa C. Aikman
Natasha V. Basow-Welsh
Tracy L. Bischoff
Alicia L. Burick
Janetta K. Caltrider
Terri L. Cool
Barbara J. Dillon
Kathy S. Domes

Pamela J. Fellner
Kristin M. Flanery
Danielle N. Friesner
Melissa R. Fuchs
Marianne M. Gallivan
Judith E. Gephart
Yvonne P. Hess
Cheryl L. Hittle

Deanna R. Johnson
Megan L. Kirker
Marianne R. Masterson
Tammi R. Miller
Debra J. Morella
Rhonda L. Neal
Marivic D. Perfecto
Danielle Phillips
Patricia J. Poff
Nancy A. Ponziani
Deanna M. Risner
Heather R. Rowe

Sandra J. Sauerwein-Bires
Donna J. Scafate
Shelley A. Solgot
Bonnie F. Sullivan
Eva M. Tranchito
Sherry N. Trick
Anita L. Watson
Shauna K. Williams
Evelyn E. Wolfe
Deanna M. Wong
Laura L. Woods
Lisa K. Yontz

Roll call vote.

Motion carried unanimously.

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

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

Dr. Brandon D. Cook
Dr. Jeremy C. Crow
Dr. Terry L. Daniel
Dr. Renee T. Mikulec

Dr. Jennifer L. Thompson
Dr. Janice A. Townsend
Dr. Terri T. Tran
Dr. Mustafa Q. Yamani

Motion by Dr. Beckwith, second by Dr. Kyger, to approve these eight (8) regional board/other state for 5 years dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Wendy Balyeat, R.D.H.
Chandra L. Harward, R.D.H.

LaTosha L. Johnson, R.D.H.
Susan C. Tabor, R.D.H.

Motion by Ms. Naber, second by Dr. Murphy, to approve these four (4) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT LICENSE APPLICATION(S) - NO INTERVIEW

The Board reviewed and considered the licensure information for the following dental hygiene reinstatement applicants prepared by Ms. Smith:

Tammy I. Graham, R.D.H.
Kathleen M. Gray, R.D.H.
Deborah S. Miller, R.D.H.

Motion by Dr. McDonald, second by Dr. Kyger, to approve these three (3) reinstatement application for dental hygiene licensure in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF R. THOMAS PERRY, D.D.S.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of R. Thomas Perry, D.D.S. that was filed by Paul Stehura, Esq. on July 20, 2005.

Dr. Hills then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of R. Thomas Perry, D.D.S.

Roll call: Dr. Armstrong – 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
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Dr. Hills then proceeded by asking whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter?

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

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

Roll call: Dr. Armstrong – 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
Dr. Vesoulis – Yes

Ms. Wise – Yes
Dr. Wright – Yes

Dr. Hills stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. Dr. Hills then asked if Dr. Perry or his attorney were present. .

JOHN F. HAVILAND, ESQ.

John F. Haviland, Esq., attorney for Dr. Perry, began by thanking the Board for allowing them to speak regarding this case. He stated that he hoped and prayed that they had taken the opportunity to read and consider the evidence in this matter. He stated that time would not permit him to review each of his objections to the Hearing Examiners Report and Recommendations in this matter. However, he stated that he really had no response to the lack of evidence, misconstrued evidence, misquotations of evidence and lack of substantial evidence within the Hearing Examiner's Report and Recommendations.

Mr. Haviland stated that two (2) nationally recognized, well-known, well-written dental anesthesiologists, Joel M. Weaver, D.D.S., Ph.D. and John A. Yagiela, D.D.S., Ph.D. testified in this case, that apart from Dr. Perry's record keeping, there was no departure from the standard of care in this case. He remarked that the evidence was ignored and not included in the Findings of Fact. Mr. Haviland said that in his objections he noted the Montgomery County Coroner's report indicated that the patient had died of undiagnosed dilated cardiomyopathy, a condition that their witness, Richard J. Candela, M.D., F.A.C.C., testified would not have been detected by chest x-rays or an electrocardiogram (EKG).

Mr. Haviland stated that the major thrust of the Report and Recommendation was that the patient had been over-anesthetized or over-medicated, although the testimony indicated that the medicaments were all administered within legal therapeutic limits. He stated that this tragedy was due to the undetected, undiagnosed heart condition rather than related to anesthesia or asthma conditions.

Continuing on, Mr. Haviland addressed the question of patient classification. He stated that the State's Expert was unclear as to whether the patient should have been classified as an ASA II or ASA III given that the patient's status had not changed since the previous visit and nobody stepped forward such as the family or the patient's physician to say that the patient's asthma interfered with his daily activities. Mr. Haviland said that there was never any evidence submitted that would warrant an ASA III classification for the patient.

Concluding, Mr. Haviland stated that he understood and empathized with the family. However, he stated that this one (1) incident in over twenty (20) years as a competent, decent, professional oral surgeon does not justify the suspension of Dr. Perry's license. Mr. Haviland commented that Dr. Perry had been blindsided by an undetected medical condition and it was unfortunate that this incident happened on Dr. Perry's watch.

R. THOMAS PERRY, D.D.S.

R. Thomas Perry, D.D.S. began by stating that he appreciated the duties and responsibilities the Board takes on regarding the safety of the public. He said he wished to express his condolences to the family of the patient in this case and that one cannot measure the sadness and grieving in the loss of a loved one. Dr. Perry commented that one could not measure the sadness and grieving in his own life with regards to the loss of his patient.

Dr. Perry stated that it is a privilege to be a dentist and oral surgeon and to work in that capacity. He stated that in over twenty (20) years of practicing he has performed over 13, 000 surgeries without any consequence of this magnitude. He reiterated that he regrets the loss of life, but stated that risk always attends therapeutic benefit. He said the greater the benefit the greater the risk and that he trusts and prays that everyone realizes that good care was given with regards to this patient. Dr. Perry stated that no one can guarantee the outcomes regarding surgery. He said when sudden cardiac death happens it strikes when it will and prior testing does not always indicate rare and uncommon heart conditions.

Concluding, Dr. Perry stated that the patient was well-cared for but this case ended in a tragedy that he wished to again express his condolences.

JONATHAN FULKERSON, ESQ., DEPUTY ATTORNEY GENERAL

Jonathan Fulkerson, Esq. began by stating that this was a difficult case that resulted in tragedy for the family here today. He said that Dr. Perry himself repeatedly acknowledged that he violated several standards of care. He stated that he would like to recap some of the highlights and facts presented at the hearing.

Mr. Fulkerson stated that the patient died during a full mouth extraction in June 2003. He said that the extraction was needed due to rampant caries in his mouth and that the procedure was not without risks but that it was not an emergency situation. Mr. Fulkerson stated that the patient presented with asthma, a history of shortness of breath, a recent cold, and was overweight.

Mr. Fulkerson stated that this patient should have been classified as an ASA III rather than an ASA II, given his condition of possible recent respiratory condition added to his history of asthma. Therefore, Dr. Perry had the opportunity, and should have performed the procedure in a hospital.

Mr. Fulkerson pointed out that the patient was given a series of drugs that induced sleep, including an excessive amount of Forane in conjunction with Fentanl at double any dosage that had been studied in humans. Additionally, he stated that Fentanl can impair breathing in asthmatic patients. Mr. Fulkerson stated that the State's Expert witness, Dr. Yagelia, testified that in excessive amounts such as this, Fentanl causes respiratory depression and is a strong cardiac depressant.

Mr. Fulkerson stated that during the surgery, Dr. Perry administered another drug, Labetalol, to the patient, which is a drug used to control elevated blood pressure or hypertensiveness. He stated that this type of medication is called a beta-blocker that lowers blood pressure and prevents the heart from pumping as strongly. Mr. Fulkerson indicated Dr. Yagelia testified that to give a beta-blocker to someone with low blood pressure is not good because the blood pressure would get worse. He stated that Dr. Yagelia testified that Labetalol is actually contraindicated for patients with asthma and that the use of this drug in conjunction with Forane created a dangerous, multiplicative effect on an asthmatic patient, such as the patient in this case, and that was below the standard of care for an outpatient setting.

Continuing on, Mr. Fulkerson stated that when things began to go wrong, Dr. Perry charged ahead, giving more drugs without taking a moment to evaluate what was wrong, thus violating the standard of care. He stated that Dr. Yagelia testified that a patient should not continue to be hypertensive under these circumstances and it would have been prudent to try to figure out why the patient was not reacting as he should have. He stated that the drugs should have been lowering the blood pressure and were instead raising it.

Mr. Fulkerson said that Dr. Yagelia testified at length about the fact that Labetalol was recorded in the patients chart, however there was no record as to what triggered its use. He stated that the patient became hypertensive at 9:30 and 10:30 a.m. at which times additional Labetalol was administered. He stated these hypertensive episodes were not recorded in the patient chart because Dr. Perry charted data in fifteen (15) minute intervals rather than every five (5) minutes thus again violating standard of care.

Mr. Fulkerson indicated that at 11:00 a.m. Dr. Perry realized that something was wrong and that the patient was having a heart attack. He stated that Ms. Funderberg, a floater in Dr. Perry's office, testified that the "code" was chaotic and that the lifesaving equipment was in other rooms. Mr. Fulkerson said that Dr. Candela, Dr. Perry's witness and an expert in cardiology, testified that it would be a "long shot" to say that anesthesia

was not a contributing factor in this case. He pointed out that Dr. Weaver, Dr. Perry's other expert witness, admitted that the charting was poor and did not support Dr. Perry's story of what happened to this patient.

Concluding, Mr. Fulkerson stated that the combination of drugs, coupled with inadequate monitoring, poor treatment during the "code", induced the heart attack, suppressed breathing and killed this patient. He said that the family lost a loved one and the death could have been prevented. Thus, he urged the Board to give this case the strongest possible sanction. He stated that the Board has an opportunity to send a message that practitioners should not use the same cookie-cutter regimen of drugs on patients with serious conditions and that when human life is at stake, every precaution should be taken.

EXECUTIVE SESSION

Motion by Dr. Wright, second by Dr. Armstrong, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) to deliberate and consider the charges and report and recommendation filed in the matter of R. Thomas Perry, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Hills did not attend the executive session.

OPEN SESSION

The Board resumed open session at 3:06 p.m.

DECISION IN THE MATTER OF R. THOMAS PERRY, D.D.S.

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

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

Motion by Dr. Vesoulis, second by Ms. Wise, that the findings of fact as submitted in the Report and Recommendation are found to be true.

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

Motion carried.

Motion by Dr. Beckwith, second by Dr. Wright, to modify the Hearing Examiner's recommended order as follows:

It is hereby ORDERED:

1. *The license of R. THOMAS PERRY, D.D.S. to practice dentistry in the state of Ohio is SUSPENDED for a period of eighteen (18) months. After the first six (6) months of the suspension is served, the remaining twelve (12) months of the suspension shall be STAYED, pending successful completion of all terms for reinstatement.*

DR. PERRY shall immediately refer all of his patients who may need treatment within that time period to other practitioners.

- A. *DR. PERRY may not perform dentistry or dental hygiene duties or otherwise treat patients during the period of active suspension.*
- B. *A receptionist may answer the phones with "Dr. Perry's Office", or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*

- C. *DR. PERRY shall appear for interviews before the Board or its designee as requested by the Board.*
- D. *DR. PERRY shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*

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

Discussion ensued wherein Dr. Vesoulis stated that while the Board believed an eighteen (18) month suspension was too lengthy, the Board believed that the standard of care had been violated, especially with respect to proper protocols and monitoring aspects of the care rendered by Dr. Perry in this case.

Dr. Vesoulis stated that was the primary basis for the anesthesia permit suspensions, and the recommendation of significant hours of continuing education.

Dr. Beckwith stated that the public interest was not in any way better served by a longer period of suspension than was handed down by the Board.

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

Motion carried.

Motion by Dr. McDonald, second by Dr. Wright, that the proposed Order be approved as amended.

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

Motion carried.

REPORT AND RECOMMENDATION IN THE MATTER OF DOUGLAS SULLIVAN, R.D.H.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Douglas Sullivan, R.D.H. that was filed by Christopher B. McNeil, Esq. on July 21, 2005.

Dr. Hills then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Douglas Sullivan, R.D.H.

Roll call: Dr. Armstrong – 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
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Dr. Hills then proceeded by asking whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter?

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

Dr. Hills stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. Dr. Hills then asked if Mr. Sullivan or his attorney were present. Noting no response, Dr. Hills proceeded by asking if the State's Deputy Attorney General wished to make any comments.

JONATHAN R. FULKERSON, ESQ.

Mr. Fulkerson addressed the Board by recommending the Hearing Examiner's Conclusions of Law and Recommended Order be accepted in full. He stated that so long as Mr. Sullivan is willing to make amends the recommended order seemed sufficient.

EXECUTIVE SESSION

Motion by Dr. McDonald, second by Dr. Wright, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) to deliberate and consider the charges and report and recommendation filed in the matter of Douglas Sullivan, R.D.H.

Roll call vote.

Motion carried unanimously.

Dr. Hills did not attend the executive session.

OPEN SESSION

The Board resumed open session at 2:35 p.m.

DECISION IN THE MATTER OF DOUGLAS SULLIVAN, R.D.H.

Dr. Hills 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 deliberations in this matter."

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

Motion by Dr. Vesoulis, second by Dr. Murphy, that Charges in the matter of Douglas Sullivan, R.D.H. are found to be true.

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

Motion carried.

Motion by Dr. Vesoulis, second by Dr. Murphy, that the Hearing Examiner's recommended order be approved as follows:

It is hereby ORDERED:

- 1. The license of DOUGLAS W. SULLIVAN, RDH to practice dental hygiene in the state of Ohio is SUSPENDED for an indefinite period, but not less than nine (9) months.*
- 2. The Board shall not consider REINSTATEMENT of MR. SULLIVAN's license to practice unless and until all of the following requirements are met:*

- A. *MR. SULLIVAN shall provide to the BOARD a written report of evaluation by a treating practitioner, approved by the BOARD, indicating that MR. SULLIVAN is no longer drug or alcohol dependent and is able to practice dental hygiene in accordance with the accepted standards of the profession. This evaluation shall be in writing and shall state with particularity the basis for such determination.*
 - B. *MR. SULLIVAN shall provide the BOARD with documentation from an approved treatment provider that he has successfully completed treatment and is in compliance with any aftercare or outpatient treatment as recommended in his evaluation by the Board-approved treating practitioner.*
 - C. *MR. SULLIVAN shall provide satisfactory documentation of continuous participation in an aftercare program approved in advance by the BOARD.*
 - D. *MR. SULLIVAN shall provide satisfactory documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA or NA or Caduceus, approved in advance by the BOARD, for no less than three days per week, or as otherwise directed by the BOARD.*
3. *Once reinstated, MR. SULLIVAN'S license to practice dental hygiene shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of not less than five (5) years:*
- A. *MR. SULLIVAN shall submit quarterly declarations under penalty of Board discipline stating that he is in compliance with the terms of this Order.*
 - B. *MR. SULLIVAN shall appear for interviews before the Board or its designee as requested by the Board.*
 - C. *MR. SULLIVAN shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*

- D. *MR. SULLIVAN shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of MR. SULLIVAN's chemical dependency.*

- E. *MR SULLIVAN shall abstain completely from the use of alcohol.*

- F. *MR SULLIVAN shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, approved in advance by the BOARD no less than three times per week, or as otherwise directed by the BOARD. MR SULLIVAN shall submit acceptable documentary evidence of continuing compliance with this program.*

- G. *The BOARD reserves the right to request MR SULLIVAN to submit to random urine screenings for drugs and alcohol, as directed by the BOARD, and he shall submit results of such screening to the BOARD within seven (7) days of the screening. Failure to submit such results may result in immediate suspension of MR SULLIVAN's license to practice dental hygiene.*

- H. *Further, the BOARD retains the right to require and MR. SULLIVAN agrees to submit additional random blood or urine specimens for analysis upon request and without prior notice, and he shall submit results of such screening to the BOARD within seven (7) days of the screening. Failure to submit such results may result in immediate suspension of MR. SULLIVAN's license to practice dental hygiene. It is expressly agreed that MR. SULLIVAN's license to practice dental hygiene shall immediately be suspended indefinitely should any specimen test positive for alcohol/ drugs, or should MR. SULLIVAN refuse to submit to a chemical test(s) of his blood, breath, or urine for purposes of determining his alcohol and/or drug content.*

- I. *If MR. SULLIVAN violates probation in any respect, the BOARD, after giving MR. SULLIVAN notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and*

including the permanent revocation of MR. SULLIVAN's license to practice.

J. Upon successful completion of probation, MR. SULLIVAN's license will be fully restored.

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

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

Motion carried.

Motion by Dr. Howard, second by Dr. McDonald, that the proposed Order be approved as amended.

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

Motion carried.

PERSONAL APPEARANCE(S)

DAVID W. MAYS, D.D.S.

Ms. Hockenberry explained to the Board members that Dr. Mays' license was revoked on November 17, 1994. He was indicted on several felony counts including aggravated theft in an amount of \$2.7 million. Dr. Mays was convicted of counts amounting to approximately \$200,000. She informed the Board that Ohio Administrative Code 4715-3-01(D)(1) defines revocation as the "permanent loss of license to practice in Ohio with no ability to apply for licensure in this state in the future." Ms. Hockenberry indicated that this definition was not implemented until five (5) years after Dr. Mays' licensure revocation.

TERRY L. THOMAS, D.D.S., J.D.

Terry L. Thomas, D.D.S., J.D. spoke to the Board detailing the history of Dr. Mays' life. He highlighted that Dr. Mays had given up a career as a professional football player to attend and eventually graduate from the University of Southern California Dental School in 1976. Mr. Thomas pointed out that throughout earlier times of adversity, Dr. Mays had dropped out of school at the age of fifteen (15) to help support his siblings while his mother finished her education. He stated that once back in school and graduated, Dr. Mays assisted in his siblings education, both of which went on to become medical doctors, and now has three (3) children of his own of which two (2) have attended college.

Mr. Thomas stated that Dr. Mays had been sent to prison for five to fifteen (5-15) years of which he completed three and a half (3 ½) years and was released in 1997 with one (1) year on parole and no probation since that time. He stated that Dr. Mays had a welfare practice in Cleveland Ohio that was sold in 1990. Subsequently, Mr. Thomas said that the Department of Human Services in Cleveland requested an audit of his files for January 1987 to July 1990 that had been given to the new owner. He stated that an audit of ten percent (10%) of the records resulted in errors and that subsequently Dr. Mays had been convicted of fraudulent billing.

Mr. Thomas explained to the Board that since his release in 1997, Dr. Mays has been working as a consultant and has performed community service in an effort to continue to give back to his neighborhood. He stated that at no time was Dr. Mays ever accused of performing substandard care and that he has learned his lesson with regards to billing and records.

Concluding, Mr. Thomas explained to the Board that at this time Dr. Mays is simply requesting the opportunity to return to the active practice and will do whatever the Board requests of him. He stated that this could even include working for another dentist and never placing himself in authority to bill again. He was just seeking a second chance.

DAVID W. MAYS, D.D.S.

David W. Mays, D.D.S. addressed the Board by stating that it was with profound regret and an improper use of integrity to be before them today. He stated that there was no legal defense for the injury caused to his family, community and to himself. He said that it had been an unfortunate event to which he accepted his dilemma and that he wished the Board to know that he has altered his behavior against societal temptation and can candidly state that his pattern of living has changed.

Dr. Mays stated that he would like to be free of the restraints to give back to the community, to apologize to this profession and to pray for compassion from the Board.

When questioned by the Board as to why now, Dr. Mays indicated that he has always wanted to get back into the profession but that due to his incarceration and other legal issues he had to work toward coming back before the Board for consideration. He stated that he would like to return to practicing in the Cleveland area and to show others that you can return from adversity, wants his children to be proud of him, and feels that he can well represent the profession in his community.

Ms. Reitz informed the Board members that Dr. Mays has not yet applied for his dental license but rather was appearing before the Board to tell his story and determine whether they would consider issuing him a license to practice dentistry again. Dr. Mays indicated that this indecision has been difficult, that it was all right if there was not any possibility that he would ever regain licensure as he was looking for closure to this emotional toll.

EXECUTIVE SESSION

Motion by Dr. Wright, second by Dr. Armstrong, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the matter of David W. Mays, D.D.S.

Roll call vote

Motion carried unanimously.

OPEN SESSION

The Board resumed open session at 3:55 p.m.

Discussion followed wherein Dr. Hills informed Dr. Mays that several questions would need to be addressed before the Board would feel comfortable with considering relicensure. He stated that they would be willing to consider this matter if documentation indicating a proposed re-education process, possibly the NERB or ADEX examination, and some type of formulary was presented to the Board for them to consider as part of the reinstatement proposal.

Mr. Thomas stated that they would work on putting together a significant amount of information, personal information, proposal and anything else the Board would request in order to feel comfortable with considering relicensure for his client.

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

BRADEN M. NIDA, D.D.S.

Ms. Hockenberry requested that this agenda item be tabled until after the Education Committee Report. Dr. Vesoulis moved on to the next item on the agenda, Review of Proposed Consent Agreements.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed six (6) proposed consent agreements. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

MARK G. ADLER, D.D.S.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for Mark G. Adler, D.D.S., license number 30-01-7003.

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

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

Motion carried.

TIMOTHY J. BACKIEWICZ, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the proposed consent agreement for Timothy Backiewicz, D.D.S., license number 30-01-9554.

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

Motion carried.

MICHAEL J. HEDMOND, D.D.S.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed consent agreement for Michael J. Hedmond, D.D.S., license number 30-01-8149.

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

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

Motion carried.

JOHN C. BLAND, D.D.S.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for John C. Bland, D.D.S., license number 30-01-4822.

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

Motion carried.

JOHN F. ZAK, D.M.D., M.D.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed addendum to the consent agreement for John F. Zak, D.M.D., M.D., license number 30-02-0816.

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

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

Motion carried.

MALCOLM WALTERS, D.D.S.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for Malcolm Walters, D.D.S., license number 30-02-0238.

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

Motion carried.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed one (1) 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.

RAJIV TANEJA, D.D.S.

Motion by Ms. Naber, second by Ms. Wise, to approve the proposed notice of opportunity for hearing and forward it to Rajiv Taneja, D.D.S. license number 30-02-0790, case number 05-50-0436.

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

Motion carried.

NEW EMPLOYEE INTRODUCTION – FELECIA LUCAS AND HEIDI MASSARO

Ms. Hockenberry took a moment and introduced the newest employees for the Board; Felecia Lucas, Secretary and Heidi Massaro, QUIP Assistant.

INVESTIGATOR ASSISTANT INTRODUCTION – GAIL DAVIS

Ms. Hockenberry introduced Gail Davis, Investigator Assistant for the Ohio State Dental Board. She stated that Ms. Davis was previously employed by the Board, left to attend college in criminology, was re-hired as the QUIP Assistant, and had applied for the Investigator Assistant position once it became available.

Ms. Davis explained that she has traveled with the other investigators learning more about the investigation processes, and has been working predominantly in the office at this time.

Dr. Vesoulis thanked her for coming today to meet the Board.

ENFORCEMENT UPDATE

Ms. Hockenberry informed the Board that there were currently nine(9) cases pending hearings, of which five (5) have been scheduled. We currently have one (1) case under appeal. Four (4) cases are pending the Hearing Officers Report and Recommendation. Currently we have two (2) cases wherein no hearing was requested and twenty-five (25) licensees are currently under suspension. She stated that no additional cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting so we currently have five (5) cases pending QUIP. Ms. Hockenberry stated that one hundred seventy-three (173) cases have been investigated and reviewed by the Board Secretary and are recommended to be closed.

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

The following cases are recommended to be closed:

03-52-1254	Standard Of Care	04-67-0647	Failure To Renew
03-52-1299	Standard Of Care	04-74-0597	Fraud
03-52-1521	Standard Of Care	04-76-0649	Failure To Renew
03-57-1226	Standard Of Care	04-77-0298	Standard Of Care
03-57-1374	Advertising	04-77-0656	Failure To Renew
04-02-0600	Standard Of Care - Warning	04-89-0502	Deny Licensure
04-18-0139	Standard Of Care - Warning	05-02-0024	Failure To Renew
04-18-0271	Standard Of Care	05-02-0221	Standard Of Care
04-18-0525	Unlicensed Radiographer	05-04-0180	Infection Control
04-25-0177	Standard Of Care - Warning	05-07-0001	Failure To Renew
04-29-0440	Standard Of Care	05-09-0401	Advertising/ Records - Warning
04-31-0663	Failure To Renew	05-12-0447	Standard Of Care
04-31-0664	Failure To Renew	05-12-0448	Standard Of Care
04-43-0468	Standard Of Care	05-12-0455	Standard Of Care
04-43-0640	Failure To Renew	05-12-0479	Records
04-43-0642	Failure To Renew	05-12-0485	Standard Of Care
04-43-0644	Failure To Renew	05-13-0404	Standard Of Care
04-48-0495	Adverse Occurance - Warning	05-13-0417	Standard Of Care
04-50-0459	Standard Of Care	05-15-0233	Abandonment
04-57-0289	Standard Of Care	05-18-0046	Failure To Renew
04-57-0591	Prescriptions	05-18-0047	Failure To Renew
		05-18-0049	Failure To Renew
		05-18-0050	Failure To Renew
		05-18-0051	Failure To Renew

05-18-0052	Failure To Renew	05-25-0010	Failure To Renew
05-18-0054	Failure To Renew	05-25-0013	Failure To Renew
05-18-0055	Failure To Renew	05-25-0014	Failure To Renew
05-18-0056	Failure To Renew	05-25-0018	Failure To Renew
05-18-0057	Failure To Renew	05-25-0019	Failure To Renew
05-18-0058	Failure To Renew	05-25-0127	Impairment - Warning
05-18-0059	Failure To Renew	05-25-0363	Standard Of Care
05-18-0060	Failure To Renew	05-25-0408	Standard/Records
05-18-0061	Failure To Renew	05-25-0411	Records/Improper Billing
05-18-0063	Failure To Renew	05-25-0432	Abandonment
05-18-0065	Failure To Renew	05-25-0458	Release Of Records
05-18-0066	Failure To Renew	05-25-0494	Infection Control - Warning
05-18-0069	Failure To Renew	05-25-0518	Prescribing/ Impairment
05-18-0070	Failure To Renew	05-26-0029	Failure To Renew
05-18-0071	Failure To Renew	05-28-0541	Permitting - Warning
05-18-0072	Failure To Renew	05-29-0332	Lewd And Immoral Conduct
05-18-0073	Failure To Renew	05-29-0446	Standard Of Care
05-18-0074	Failure To Renew	05-31-0232	Infection Control
05-18-0075	Failure To Renew	05-31-0418	Standard Of Card
05-18-0076	Failure To Renew	05-31-0450	Standard Of Care
05-18-0077	Failure To Renew	05-31-0466	Standard Of Care
05-18-0078	Failure To Renew	05-32-0030	Failure To Renew
05-18-0079	Failure To Renew	05-32-0031	Failure To Renew
05-18-0080	Failure To Renew	05-32-0421	Advertising - Warning
05-18-0081	Failure To Renew	05-39-0084	Failure To Renew
05-18-0082	Failure To Renew	05-39-0087	Failure To Renew
05-18-0141	Standard Of Care	05-43-0297	Standard Of Care
05-18-0181	Standard Of Care	05-43-0369	Standard Of Care
05-18-0207	Standard Of Care	05-44-0504	Standard Of Care
05-18-0219	Permitting	05-45-0022	Failure To Renew
05-18-0263	Infection Control - Warning	05-45-0023	Failure To Renew
05-18-0315	Permitting - Warning	05-46-0032	Failure To Renew
05-18-0320	Standard Of Care	05-47-0088	Failure To Renew
05-18-0400	Fraud	05-47-0089	Failure To Renew
05-18-0406	Abandonment	05-47-0090	Failure To Renew
05-18-0431	Permitting	05-47-0091	Failure To Renew
05-18-0433	Fraud	05-47-0092	Failure To Renew
05-22-0083	Failure To Renew	05-47-0094	Failure To Renew
05-25-0004	Failure To Renew	05-48-0033	Failure To Renew
05-25-0006	Failure To Renew		
05-25-0009	Failure To Renew		

05-48-0034	Failure To Renew	05-70-0099	Failure To Renew
05-48-0037	Failure To Renew	05-70-0100	Failure To Renew
05-48-0038	Failure To Renew	05-70-0101	Failure To Renew
05-48-0040	Failure To Renew	05-70-0102	Failure To Renew
05-48-0136	Infection Control/ Standard Of Care - Warning	05-70-0103	Failure To Renew
05-48-0270	Infection Control	05-70-0104	Failure To Renew
05-48-0440	Standard Of Care	05-70-0105	Failure To Renew
05-48-0478	Standard Of Care	05-70-0303	Permitting-Warning
05-50-0287	Abandonment	05-70-0333	Advertising
05-52-0095	Failure To Renew	05-70-0428	Standard Of Care
05-52-0096	Failure To Renew	05-70-0460	Infection Control- Warning
05-52-0097	Failure To Renew	05-71-0402	Misrepresentation
05-52-0098	Failure To Renew	05-72-0043	Failure To Renew
05-52-0351	Standard Of Care	05-76-0109	Infection Control
05-52-0384	Ce Audit	05-77-0177	Standard Of Care
05-57-0412	Misrep/Billing And Records	05-77-0258	Ce Audit
05-57-0424	Permitting	05-77-0294	Infection Control - Warning
05-57-0427	Standard Of Care	05-77-0312	Abandonment
05-57-0453	Records/Infection Control	05-77-0343	Infection Control
05-57-0462	Scope Of Practice	05-77-0354	Standard Of Care
05-57-0495	Standard Of Care	05-77-0379	Improper Billing
05-57-0497	Permitting/ Standard-Warning	05-77-0503	Standard Of Care
05-57-0499	Advertising	05-83-0357	Practicing W/O License
05-57-0525	Abandonment	05-83-0490	Standard/ Abandonment

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

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

Dr. Vesoulis – No
Ms. Wise – No
Dr. Wright - No

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

Motion by Dr. Murphy, second by Ms. Wise, to approve the enforcement report and close the above one hundred seventy-three (173) cases.

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

Motion carried.

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

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL GENERAL ANESTHESIA PRIVILEGES

Dr. Murphy reported that the following individuals have applied for General Anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privileges:

Dr. Erik W. Evans - Columbus, Ohio
Dr. Joseph A. Giovannitti, Jr. – Steubenville, Ohio (pending additional information)

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

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

Dr. Lucia C. Gerstmann - Reynoldsburg, Ohio
Oral for children 12 years or younger

Dr. Ashok Kumar - Columbus, Ohio
Oral for children 12 years or younger

Dr. Mark A. Miely - Columbus, Ohio
Intravenous

Dr. Ian M. Rae - Dayton, Ohio
Intravenous (pending receipt of additional information)

Dr. Mark S. Rasch - Dayton, Ohio
Intravenous (pending receipt of additional information)

Dr. Steven Wilson – Cincinnati, Ohio
Non-intravenous parenteral

Motion by Dr. Murphy, second by Ms. Naber, to accept the Anesthesia Committee recommendations and approve the above anesthesia and conscious sedation permit applicants to receive privileges for the appropriate modality.

Roll call vote

Motion carried unanimously.

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

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

Dr. Robert D. Bianco - Cleveland, Ohio

Motion by Dr. Wright, second by Ms. Naber, to accept the Anesthesia Committee recommendations and approve Dr. Bianco's application to receive an anesthesia permit.

Roll call vote

Motion carried unanimously.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

Center for Continuing Dental Advancement
Cincinnati Insurance Company
Dental Team Tactics

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

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

North Coast Dental Study Club
Sterilization Monitoring Service

REVIEW OF REQUIRED CONTINUING EDUCATION COURSE(S) SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Dr. Howard stated that the following individual/organization has submitted a request for approval of a substance abuse continuing education course for dental licensure renewal. Dr. Howard stated that the course has been reviewed and is recommended for approval by the Education Committee:

Toledo Dental Society
"Substance Abuse"

REVIEW OF SPECIAL REQUEST(S)

DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING EXAMINATION SITE(S)

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

Dental Assistant Training School (DATS)
The Ohio State University, Continuing Education Department

CONTINUING EDUCATION WAIVER(S)

Dr. Howard informed the Board that the Education Committee had reviewed a request for waiver of the continuing education requirement for the 2002-2003 biennium based on unusual circumstance, emergency or special hardship were recommending the following individual to receive a waivers:

Braden M. Nida, D.D.S. , License #30-01-1132 – Waiver for 2002-2003 biennium

CONTINUING EDUCATION EXTENSION(S)

Dr. Howard informed the Board that the Education Committee had a request for extension of continuing education requirement for the 2004-2005 biennium based on unusual circumstance, emergency or special hardship and was recommending the following individual to receive an extension:

Jonathan Davis, D.D.S., License #30-02-1838 – Extension for current biennium

Motion by Dr. Murphy, second by Dr. Kyger, to accept the Education Committees recommendations and approve all the above applications and requests.

Roll call vote

Motion carried unanimously.

Dr. Vesoulis thanked Dr. Howard for the Education Committee report. Ms. Hockenberry then requested that the Board revisit agenda item 4 c –Braden M. Nida.

ENFORCEMENT REPORT

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

BRADEN M. NIDA, D.D.S.

Ms. Hockenberry stated that Dr. Nida had been issued a Notice of Automatic Suspension and Opportunity for Hearing for non-compliance with the continuing education requirement for the 2002-2003 biennium. Ms. Hockenberry stated that during the course of the investigation it was determined that Dr. Nida had been suffering with cancer and treatments during that time and requested that the Board consider dismissing the charges based on the Education Committees recommendation and Board's subsequent approval of Dr. Nida's continuing education waiver, and this subsequent retirement.

Motion by Dr. Murphy, second by Dr. Armstrong, to dismiss the charges in the matter of Braden M. Nida, D.D.S. pursuant to Ohio Revised Code section 4715.141(D).

Roll call vote.

Motion carried unanimously.

SECRETARY'S EXPENSE REPORT

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

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

Roll call votes: Dr. Armstrong – Yes
Dr. Beckwith – Absent
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Murphy - Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright – Absent

Motion carried.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. McDonald, second by Dr. Murphy, to approve the expense report and approve payment of the July and August, 2005 Board bills.

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

Motion carried.

EXECUTIVE DIRECTOR'S REPORT

2005 ANNUAL REPORT

Ms. Reitz distributed copies to the Board members of the 2005 Annual Report to Governor Taft for their review.

AMERICAN BOARD OF DENTAL EXAMINERS – MEMORANDUM OF UNDERSTANDING

Ms. Reitz informed the Board members that the American Board of Dental Examiners (ADEX) approved national clinical examination for licensure is in its final stages. She stated that copies of a “Memorandum of Understanding” between the Board and ADEX have been supplied for their review.

Ms. Reitz stated that this memorandum is in lieu of a previously proposed Membership and Examination and Acceptance Agreement. She stated that both the ADEX and North East Regional Board, Inc. (NERB) examinations will continue to be administered by NERB at this point, with the ultimate goal of one (1) national examination being administered regionally. Additionally, she indicated that the Central Regional Dental Testing Service (CRDTS) and Southern Regional Testing Agency (SRTA) will have similar parts in this process. Ms. Reitz indicated that the Western Regional Examining Board (WREB) is the only regional testing agency uncooperative in these efforts supporting one (1) national examination for licensure via ADEX.

Ms. Reitz stated that several other boards of dentistry are considering this or similar agreements. The Board expressed support for this memorandum. She indicated that she would update the Board again regarding this issue at its next meeting in November.

LICENSURE PROCEDURES FOR DISPLACED DENTISTS AND DENTAL HYGIENISTS OF HURRICANE KATRINA - MEMORANDUM

Ms. Reitz stated that copies of a memorandum regarding licensure procedures for dentists and dental hygienists displaced by Hurricane Katrina (Appendix A) had been included in the Board notebooks along with draft versions of expedited licensure applications. She informed the Board that this is an effort to assist fellow professionals in a time of crisis and to help rebuild that which was lost in the wake of Hurricane Katrina. Ms. Reitz briefly summarized the memorandum and the procedures that would be followed should the Board members agree to this assistance. She explained that these procedures were in line with the guidelines set forth in the Dental Practice Act as reviewed and discussed by the Board attorneys. She then allowed the Board members time to review the memorandum and draft applications.

Motion by Dr. Murphy, second by Ms. Naber, to approve the expedited licensure procedures for displaced dentists and dental hygienists from Louisiana and Mississippi.

Roll call vote.

Motion carried unanimously.

ANYTHING FOR THE GOOD OF THE BOARD

CONSULTANT MEMBERSHIP WITH THE NORTH EAST REGIONAL BOARD OF EXAMINERS

Ms. Reitz indicated that the Board executive office has received documentation from candidates for consideration as NERB Consultants. She requested the Board members to review and make recommendations.

Motion by Dr. Murphy, second by Dr. Beckwith, to recommend Janet L. Bolina, D.D.S. and William Davis, D.D.S. to be recommended as consultant examiners to NERB.

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

Motion carried.

COMBINED CHARITIES CAMPAIGN

Felecia Lucas gave a brief presentation and overview of the Combined Charities Campaign that State of Ohio employees participate in every year. She encouraged the Board members to donate to the American Red Cross – Hurricane Katrina relief if they haven't as yet done so. She also explained that donations could be made as payroll deductions or one time payments made to the charity of choice, but that the Board would be recognized for its total contribution to the campaign.

ADJOURN

The Board meeting was adjourned at 5:08 p.m. The next meeting will be on November 2, 2005 beginning at 1:00 p.m.

Paul Vesoulis, D.D.S.
President

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