

OHIO STATE DENTAL BOARD DISCIPLINARY GUIDELINES

Disciplinary Guidelines are primarily for the Ohio State Dental Board's (Board) reference and guidance. They are subject to revision at the Board's discretion without notice to the public. Disciplinary Guidelines are intended to promote consistency in Board-imposed sanctions, but are not binding on the Board.

The Board recognizes that individual matters present unique sets of circumstances (mitigating/aggravating factors) which merit individual consideration by the Board.

(Revised June, 1998)
(Approved October, 1998)

CATEGORIES OF VIOLATIONS

1. Improper Prescribing, Dispensing, or Administering of Drugs
2. Minimal Standards of Care
3. Fraud, Misrepresentation, or Deception
4. Lewd and Immoral Conduct
5. Unauthorized Practice
6. Criminal Convictions
7. Impairment of Ability to Practice
8. Infection Control Violations
9. CE Violations
10. Miscellaneous Violations

APPENDICES

- Appendix A: Applicability of Guidelines to Licensure Applicants
- Appendix B: Aggravating and Mitigating Factors
- Appendix C: All Categories: Conditions for Reinstatement and Probation
- Appendix D: Category 1 (Prescribing) Violations:
Optional Conditions for Reinstatement and Probation
- Appendix E: Category 2 (Minimal Standards/Quality of Care) Violations:
Optional Conditions for Reinstatement and Probation
- Appendix F: Category 4 (Lewd and Immoral Conduct) Violations:
Optional Conditions for Reinstatement and Probation
- Appendix G: Category 7 (Impairment) Violations:
Optional Conditions for Reinstatement and Probation
- Appendix H: Category 8 (Infection Control) Violations:
Optional Conditions for Reinstatement and Probation
- Appendix I: Category 9: Standard CE Orders
- Appendix J: All Categories: Optional Provisions for Violation of
Probation and Completion of Probation
- Appendix K: Definitions of Penalties

CATEGORY 1

IMPROPER PRESCRIBING, DISPENSING OR ADMINISTERING OF DRUGS

- A. PRESCRIBING, DISPENSING, OR ADMINISTERING OF CONTROLLED SUBSTANCES FOR EXCESSIVE PERIODS OF TIME AND/OR IN EXCESSIVE AMOUNTS

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

- B. IMPROPER PRESCRIBING, DISPENSING, OR ADMINISTERING OF ANY DRUGS TO DETRIMENT OF PATIENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

- C. IMPROPER PRESCRIBING, DISPENSING, OR ADMINISTRATION OF ANY DRUG

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

- D. FAILING TO KEEP ADEQUATE PATIENT RECORDS OF SUBSTANCES PRESCRIBED, DISPENSED, OR ADMINISTERED

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 3 years

E. PURCHASING AND MISADMINISTRATION OF CONTROLLED SUBSTANCES

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 3 years

F. KNOWINGLY MAINTAINING AN ADDICT ON DRUGS

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 90 days, with conditions for reinstatement, subsequent probation, minimum 3 years

G. SELLING, PRESCRIBING, GIVING AWAY, OR ADMINISTERING OF ANY DRUGS FOR OTHER THAN LEGAL AND LEGITIMATE THERAPEUTIC PURPOSES

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 90 days, with conditions for reinstatement, subsequent probation, minimum 3 years

H. PRESCRIBING, DISPENSING OR ADMINISTERING OF ANY DRUGS WITHOUT MEDICAL INDICATION TO THE DETRIMENT OF A PATIENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

I. PRESCRIBING, DISPENSING OR ADMINISTERING OF DRUGS FOR SEXUAL FAVORS OR OTHER REASONS MOTIVATED BY SELF INTEREST

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

J. DRUG RELATED FELONY CONVICTION

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 1 year, with conditions for reinstatement, subsequent probation, minimum 3 years

K. DRUG RELATED MISDEMEANOR CONVICTION

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days, with conditions for reinstatement, subsequent probation, minimum 3 years

SEE APPENDIX FOR CONDITIONS FOR REINSTATEMENT AND CONDITIONS OF PROBATION FOR CATEGORY 1 VIOLATIONS

NOTE: WHERE APPROPRIATE, PERMANENT LIMITATIONS AND RESTRICTIONS MAY ALSO BE IMPOSED

CATEGORY 2

MINIMAL STANDARDS OF CARE

- A. PROVIDING CARE THAT DEPARTS FROM OR FAILS TO CONFORM TO THE MINIMUM ACCEPTED STANDARDS OF CARE FOR THE PROFESSION

Maximum Penalty: Revocation

Minimum Penalty: Probation, minimum 2 years

- B. PROVIDING CARE THAT DEPARTS FROM OR FAILS TO CONFORM TO THE MINIMUM ACCEPTED STANDARDS OF CARE FOR THE PROFESSION TO THE DETRIMENT OF THE PATIENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 90 days, with conditions for reinstatement, subsequent probation, minimum 3 years

- C. ALLOWING DENTAL HYGIENISTS OR OTHER PRACTITIONERS OF AUXILIARY DENTAL OCCUPATIONS WORKING UNDER SUPERVISION TO PROVIDE CARE THAT DEPARTS FROM OR FAILS TO CONFORM TO THE MINIMUM ACCEPTED STANDARDS OF CARE FOR THE PROFESSION

Maximum Penalty: Revocation

Minimum Penalty: Probation, minimum 2 years

SEE APPENDIX FOR CONDITIONS FOR REINSTATEMENT AND CONDITIONS OF PROBATION FOR CATEGORY 2 VIOLATIONS

NOTE: WHERE APPROPRIATE, PERMANENT LIMITATIONS AND RESTRICTIONS MAY ALSO BE IMPOSED

CATEGORY 3

FRAUD, MISREPRESENTATION OR DECEPTION

A. FRAUD IN APPLYING FOR OR OBTAINING A LICENSE OR PERMIT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 1 year,
with conditions for reinstatement, subsequent
probation, minimum 3 years

B. MISREPRESENTATION OR DECEPTION IN APPLYING FOR, RENEWING
OR SECURING A LICENSE OR PERMIT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days,
with conditions for reinstatement, subsequent
probation, minimum 3 years

C. PUBLISHING A FALSE, FRAUDULENT, DECEPTIVE OR MISLEADING
STATEMENT

Maximum Penalty: Revocation

Minimum Penalty: Formal written reprimand

D. FALSE, DECEPTIVE OR MISLEADING ADVERTISING

Maximum Penalty: Revocation

Minimum Penalty: Formal written reprimand

E. OBTAINING, OR ATTEMPTING TO OBTAIN MONEY OR ANYTHING OF
VALUE BY INTENTIONAL MISREPRESENTATION OR MATERIAL
DECEPTION IN THE COURSE OF PRACTICE

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 90 days,
with conditions for reinstatement, subsequent
probation, minimum 3 years

CATEGORY 4

LEWD AND IMMORAL CONDUCT

A. LEWD AND IMMORAL CONDUCT IN CONNECTION WITH THE PROVISION OF DENTAL SERVICES

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days, with conditions for reinstatement, subsequent probation, minimum 3 years

B. SEXUAL MISCONDUCT IN THE COURSE OF PRACTICE

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 90 days, with conditions for reinstatement, subsequent probation, minimum 3 years

SEE APPENDIX FOR CONDITIONS FOR REINSTATEMENT AND CONDITIONS OF PROBATION FOR CATEGORY 4 VIOLATIONS

NOTE: WHERE APPROPRIATE, PERMANENT LIMITATIONS AND RESTRICTIONS MAY ALSO BE IMPOSED

CATEGORY 5

UNAUTHORIZED PRACTICE

- A. PRACTICE DURING SUSPENSION IMPOSED BY BOARD ORDER, OR PURSUANT TO TERMS OF FULLY EXECUTED CONSENT AGREEMENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days, with conditions for reinstatement, subsequent probation, minimum 3 years

- B. PRACTICE DURING SUSPENSION FOR FAILURE TO RENEW

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days, with conditions for reinstatement, subsequent probation, minimum 3 years

- C. PRACTICE IN VIOLATION OF LIMITATIONS/RESTRICTIONS IMPOSED BY BOARD ORDER OR TERMS OF FULLY EXECUTED CONSENT AGREEMENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 60 days, with conditions for reinstatement, subsequent probation, minimum 3 years

- D. APPLICANT'S PRACTICE PRIOR TO LICENSURE OR PERMIT ISSUANCE

Maximum Penalty: Denial of license or permit

Minimum Penalty: Grant license or permit, immediate suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 3 years

- E. PERMITTING THE UNAUTHORIZED PRACTICE BY UNLICENSED PERSONNEL

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days,
with conditions for reinstatement, subsequent
probation, minimum 3 years

F. PRACTICE OUTSIDE SCOPE OF LICENSE, SPECIALTY OR PERMIT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days,
with conditions for reinstatement, subsequent
probation, minimum 3 years

CATEGORY 6

CRIMINAL CONVICTIONS

A. CONVICTION OF A FELONY

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 6 months, with conditions for reinstatement, subsequent probation, minimum 3 years

B. CONVICTION OF A MISDEMEANOR COMMITTED IN THE COURSE OF PRACTICE

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 3 years

CATEGORY 7

IMPAIRMENT OF ABILITY TO PRACTICE

- A. INABILITY TO PRACTICE ACCORDING TO THE ACCEPTED STANDARDS OF THE PROFESSION BECAUSE OF PHYSICAL OR MENTAL DISABILITY

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum as appropriate, with conditions for reinstatement, subsequent probation, minimum 3 years

- B. INABILITY TO PRACTICE ACCORDING TO THE ACCEPTED STANDARDS OF THE PROFESSION BECAUSE OF EXCESSIVE USE OR DEPENDENCE ON ALCOHOL OR OTHER DRUGS

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum as appropriate, with conditions for reinstatement, subsequent probation, minimum 3 years

SEE APPENDIX FOR CONDITIONS FOR REINSTATEMENT AND CONDITIONS OF PROBATION APPLICABLE TO CATEGORY 7 VIOLATIONS

CATEGORY 8

INFECTION CONTROL VIOLATIONS

- A. FAILURE TO USE UNIVERSAL BLOOD AND BODY FLUID PRECAUTIONS ESTABLISHED BY BOARD RULES (Eg., failure to properly utilize sterilization; failure to wear gloves/mask; failure to properly dispose of disposable products, etc)

Maximum Penalty: Revocation

Minimum Penalty: Probation, minimum 1 year

- B. FAILURE TO HAVE PROOF OF IMMUNIZATION TO HEPATITIS B FOR SELF/EMPLOYEES

Maximum Penalty: Revocation

Minimum Penalty: Probation, minimum 1 year

SEE APPENDIX FOR CONDITIONS FOR REINSTATEMENT AND CONDITIONS OF PROBATION APPLICABLE TO CATEGORY 8 VIOLATIONS

CATEGORY 9

CE VIOLATIONS

A. FAILURE TO COMPLETE CE AS REQUIRED FOR RENEWAL

Standard Penalty: Failure to complete required continuing education hours within the required timeframe constitutes the failure to renew registration. The statutory penalty for failure to renew is automatic suspension (by law). Therefore, there will be conditions for reinstatement, subsequent probation, minimum 3 years.

SEE APPENDIX FOR STANDARD ORDERS FOR CATEGORY 9 VIOLATIONS

CATEGORY 10

MISCELLANEOUS VIOLATIONS

- A. ADVERTISING IN VIOLATION OF BOARD RULES GOVERNING TIME, PLACE AND MANNER OF ADVERTISING

Maximum Penalty: Revocation

Minimum Penalty: Formal written reprimand

- B. WAIVING THE PAYMENT OF ALL OR ANY PART OF A DEDUCTIBLE OR COPAYMENT THAT A PATIENT WOULD OTHERWISE BE REQUIRED TO PAY IF THE WAIVER IS USED AS AN ENTICEMENT

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 2 years

- C. ADVERTISING THAT A COPAYMENT OR DEDUCTIBLE THAT A PATIENT IS OTHERWISE REQUIRED TO PAY WILL BE WAIVED

Maximum Penalty: Revocation

Minimum Penalty: Indefinite suspension, minimum 30 days, with conditions for reinstatement, subsequent probation, minimum 2 years

- D. VIOLATION OF ANY PROVISION OF THE DENTAL PRACTICE ACT (LAWS/RULES)

Maximum Penalty: Revocation

Minimum Penalty: Formal written reprimand

APPENDIX A

APPLICABILITY OF GUIDELINES TO LICENSURE APPLICANTS

The penalties specified in Categories 1 through 11 are generally tailored to apply to violations of the Dental Practice Act by licensees. When applicants for licensure are found to have committed like violations, the appropriate penalties will be formulated in terms of either grant or denial of licensure, and should be proportionate to penalties for licensees.

For example, if the violation is such that a licensee might be temporarily deprived of licensure, the appropriate guideline for a like violation by a licensure applicant might be:

Maximum Penalty:	Denial of licensure
Minimum Penalty:	Grant of licensure subject to prerequisite conditions and/or subsequent to probationary terms once issued

If the violation is such that a licensee might receive a minimum penalty, the appropriate guidelines for licensure applicants might be:

Maximum Penalty:	Denial of licensure; conditions for reconsideration
Minimum Penalty:	Grant of licensure subject to prerequisite conditions and/or subsequent to probationary terms once issued

If the violation is such that permanent denial of licensure might be justified, the following language should be used:

It is hereby ORDERED that the application of _____ for a certificate to practice (dentistry/dental hygiene/dental assistant radiography) be DENIED. Further, _____ is hereby advised that reapplication is not encouraged, as the grounds for denial found herein may be considered as grounds for denial of any future applications submitted.

APPENDIX B

AGGRAVATING AND MITIGATING FACTORS

After a violation has been established, the Board may consider aggravating and mitigating factors/circumstances in determining the penalty to be imposed. If the Board deems such circumstances to be sufficient to justify a departure from the disciplinary guidelines, the reasons should be specified by the Board.

AGGRAVATING FACTORS

Aggravating factors/circumstances are any considerations or factors which might justify an increase in the degree of discipline to be imposed. Aggravating factors may include, but are not limited to:

- a. Prior disciplinary actions
- b. Dishonest or selfish motive
- c. A pattern of misconduct
- d. Multiple violations
- e. Submission of false statements, false evidence, or other deceptive practices during the disciplinary process
- f. Refusal to acknowledge wrongful nature of conduct
- g. Adverse impact of misconduct on others
- h. Vulnerability of the victim
- I. Willful or reckless misconduct

MITIGATING FACTORS

Mitigating factors/circumstances are any considerations which might justify a reduction in the degree of discipline to be imposed. Mitigating factors may include, but are not limited to:

- a. Absence of a prior disciplinary record
- b. Absence of a selfish or dishonest motive
- c. Isolated incident, unlikely to recur
- d. Full and free disclosure to Board
- e. Physical or mental disability or impairment
(NOTE: It is the Board's policy that impairment shall not excuse acts which result in conviction or which potentially have an adverse impact on others.)
- f. Interim rehabilitation or remedial measures
- g. Remorse
- h. Absence of adverse impact of misconduct on others
- I. Absence of willful or reckless misconduct

APPENDIX C

ALL CATEGORIES: STANDARD CONDITIONS FOR REINSTATEMENT AND PROBATION

A. STANDARD CONDITIONS FOR REINSTATEMENT

- Board discretion if out of practice for more than three (3) years:

In the event that the Respondent has not been actively engaged in the practice of dentistry/dental hygiene for a period of three (3) years prior to reinstatement, the Board may exercise its discretion to require additional evidence of Respondent's fitness to resume practice.

B. STANDARD CONDITIONS FOR PROBATION

- Obey laws:

The Respondent shall obey all federal, state and local laws, and all rules governing the practice of dentistry/dental hygiene in Ohio

- Quarterly declarations:

The Respondent shall submit quarterly declarations stating whether or not there has been compliance with all of the provisions of probation.

- Personal appearances:

The Respondent shall appear in person before the Board or its designated representative at quarterly intervals (or at intervals deemed appropriate) or as otherwise requested by the Board.

APPENDIX D

CATEGORY 1 (PRESCRIBING) VIOLATIONS OPTIONAL CONDITIONS FOR REINSTATEMENT AND PROBATION

A. OPTIONAL CONDITIONS FOR REINSTATEMENT

- CE in prescribing and/or pharmacology:

The Respondent shall provide acceptable documentation indicating successful completion of a course dealing with the prescribing of controlled substances and/or pharmacology, approved in advance by the Board Secretary.

- Clinical education program related to violation:

The Respondent shall provide acceptable documentation indicating successful completion of a clinical education program, approved in advance by the Board Secretary, related to the violations of the particular case. The exact number of hours and specific content of the program shall be determined by the Board Secretary. The Board may require that Respondent pass an examination related to the content of the program. The program shall be in addition to the CE required for licensure reinstatement/renewal.

B. OPTIONAL CONDITIONS FOR PROBATION

- Restriction of DEA and controlled substance privileges until Board approval:

The Respondent shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, and may not prescribe, order, dispense, administer or possess (except as prescribes for Respondent's use by another so authorized by law) any controlled substances without prior Board approval.

- Permanent total restriction of DEA and controlled substance privilege:

The Respondent shall hereafter be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, and may not prescribe, order, dispense, administer or possess (except as prescribes for Respondent's use by another so authorized by law) any controlled substances.

- Partial DEA restriction, specified schedules, until Board approval:

The Respondent shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, to prescribe, order, dispense, administer or possess controlled substances in schedules _____ without prior Board approval.

- Controlled substance log after Board approval of controlled substance privileges or otherwise:

Respondent is required, upon reinstatement of his controlled substance privileges pursuant to Board approval or otherwise, to keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted to the Board as directed by the Board. Further, Respondent shall make his patient records with regard to such prescribing available for review by the Board Secretary upon request.

- Restriction of specific drugs:

The Respondent shall not prescribe, administer, dispense, order, or possess (except as prescribes for Respondent's use by another so authorized by law) the following drugs _____.

- Log of specific drugs:

Respondent shall keep a log of the following controlled substances prescribed, ordered, dispensed, or administered: _____. Such log shall be submitted to the Board as directed by the Board. Further, Respondent shall make his patient records with regard to such prescribing available for review by the Board Secretary upon request.

- Documentation of CE hours related to violations:

Respondent shall submit acceptable documentation for the next renewal period, _____ hours of continuing education approved in advance by the Board Secretary, in courses determined by the Board.

- Prohibition against treating self and family members:

Respondent shall refrain from self-treating and from treating any family members, except in the event of a life-threatening emergency.

APPENDIX E

CATEGORY 2 (MINIMUM STANDARDS/QUALITY OF CARE) VIOLATIONS OPTIONAL CONDITIONS FOR REINSTATEMENT AND PROBATION

(Note: See Appendix D if violations include improper prescribing)

A. OPTIONAL CONDITIONS FOR REINSTATEMENT

- Continuing educational program related to violations:

The Respondent shall provide acceptable documentation indicating successful completion of a continuing education program, approved in advance by the Board Secretary, related to the violations of the particular case. The exact number of hours and specific content of the program shall be determined by the Board Secretary. The Board may require that Respondent pass an examination related to the content of the program. The program shall be in addition to the CE required for licensure reinstatement/renewal.

- Jurisprudence exam:

Respondent shall take and pass an examination to be administered by the Board or its designee related to the content of Ohio's statute and rules of the Board relating to the practice of dentistry/dental hygiene. If Respondent fails this examination, Respondent must wait one month between examinations.

B. OPTIONAL CONDITIONS FOR PROBATION

- Documentation of CE related to violations:

Respondent shall submit acceptable documentation for the next renewal period, _____ hours of continuing education approved in advance by the Board Secretary, in courses determined by the Board.

- Monitoring dentist to review patient charts:

Within thirty (30) days of reinstatement, the Respondent shall submit for the Board Secretary's approval the name of a monitoring dentist who shall review Respondent's charts and shall submit a written report of such review to the Board on a quarterly basis. Such chart review may be done on a random basis, with the number of charts reviewed to be determined by the Board. It shall be the Respondent's responsibility to ensure the monitoring dentist's quarterly reports are submitted to the

Board on a timely basis. In the event that the approved monitoring dentist becomes unable or unwilling to serve, Respondent shall immediately notify the Board in writing and shall make arrangements for another monitoring dentist as soon as possible.

- Third party presence during exam/treatment:

The respondent shall have a third party present while examining and treating patients.

APPENDIX F

CATEGORY 4 (LEWD AND IMMORAL CONDUCT) VIOLATIONS OPTIONAL CONDITIONS FOR REINSTATEMENT AND PROBATION

A. OPTIONAL CONDITIONS FOR REINSTATEMENT

- Ethics Course:

The Respondent shall submit acceptable documentation of successful completion of a course in professional ethics approved in advance by the Board Secretary.

- Psychiatric evaluation/reports evidencing fitness to practice:

The Respondent shall submit to a psychiatric evaluation from a provider approved in advance by the Board Secretary, at Respondent's expense. The Respondent shall submit a written report by the approved provider to the Board indicating that Respondent's ability to practice has been assessed and that Respondent has been found capable of practicing dentistry/dental hygiene in accordance with the accepted standards of the profession. The report shall state with particularity the bases for this determination and shall set forth any recommended limitation upon Respondent's practice.

B. OPTIONAL CONDITIONS FOR PROBATION

- Third party presence during exam/treatment:

The respondent shall have a third party present while examining and treating patients.

APPENDIX G

CATEGORY 7 (IMPAIRMENT) VIOLATIONS OPTIONAL CONDITIONS FOR REINSTATEMENT AND PROBATION

A. OPTIONAL CONDITIONS FOR REINSTATEMENT

- Physical/mental treatment:

Within thirty (30) days of the effective date of this Order, or as otherwise approved by the Board, Respondent shall commence appropriate treatment, as determined by an informed assessment of Respondent's needs. Such assessment and treatment shall be by a provider(s) approved in advance by the Board Secretary. Prior to initial assessment, Respondent shall provide the approved provider with copies of the Board's Order in this matter (including any documents attached and incorporated by reference) and the Board may provide any other documentation it deems necessary and/or helpful to the provider. Within ten (10) days after completion of the initial assessment, or as otherwise determined by the Board, Respondent shall cause a written report to be submitted to the Board from the approved provider, which shall include:

1. A detailed plan of recommended treatment based on the provider's informed assessment of the Respondent's current needs, and;
2. Any reports which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

- Drug/alcohol treatment:

Within thirty (30) days of the effective date of this Order, or as otherwise approved by the Board, Respondent shall submit to appropriate treatment, as determined by an informed assessment of Respondent's needs. Such assessment and treatment shall be by an approved treatment provider(s) for drug and alcohol dependency. Prior to initial assessment, Respondent shall provide the approved provider with copies of the Board's Order in this matter (including any documents attached and incorporated by reference) and the Board may provide any other documentation it deems necessary and/or helpful to the provider.

Within ten (10) days after completion of the initial assessment, or as

otherwise determined by the Board, Respondent shall cause a written report to be submitted to the Board from the approved provider, which shall include:

1. A detailed plan of recommended treatment based on the treatment provider's informed assessment of the Respondent's current needs;
2. A statement indicating that Respondent entered into or commenced the recommended treatment program within 48 hours of its determination;
3. A copy of a treatment contract signed by the Respondent, establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare, and;
4. A statement indicating that the treatment provider will immediately report to the Board any failure by Respondent to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare.

- Evidence of compliance with recommended treatment:

The Respondent shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment required under paragraph _____ above.

- Release of Information

The Respondent shall sign a written release which authorizes the Board to have access to all treatment information and documentation.

- Psychiatric evaluation/reports evidencing ability to practice:

The Respondent shall submit to a psychiatric evaluation from a provider approved in advance by the Board Secretary. The Respondent shall ensure that the approved evaluator submits a written report directly to the Board indicating that Respondent's ability to practice has been assessed and that Respondent has been found capable of practicing dentistry/dental hygiene in accordance with the accepted standards of the profession. The report shall state with particularity the bases for this determination and shall set forth any recommended limitation upon Respondent's practice.

- Physician evaluation/report evidencing ability to practice:

The Respondent shall submit to an evaluation from a physician approved in advance by the Board Secretary. The Respondent shall ensure that the approved physician submits a written report directly to the Board indicating that Respondent's ability to practice has been assessed and that Respondent has been found capable of practicing dentistry/dental hygiene in accordance with the accepted standards of the profession. The report shall state with particularity the bases for this determination and shall set forth any recommended limitation upon Respondent's practice.

- Physician evaluation/report evidencing drug-free status and fitness to practice:

The Respondent shall submit to an evaluation from a physician approved in advance by the Board Secretary. The Respondent shall ensure that the approved physician submits a written report directly to the Board stating that Respondent is no longer drug or alcohol dependent and is able to practicing dentistry/dental hygiene in accordance with the accepted standards of the profession. The report shall state with particularity the bases for this determination and shall set forth any recommended limitation upon Respondent's practice.

- Evidence of completion of treatment and compliance with aftercare:

Respondent shall ensure that the approved treatment provider provides directly to the Board certification that Respondent has successfully completed any required inpatient treatment and is continuing full compliance with regard to any outpatient treatment and/or aftercare.

- Evidence of participation in drug/alcohol rehabilitation program:

Respondent shall provide satisfactory documentation of continuous participation in a drug and alcohol rehabilitation program acceptable to the Board, such as AA, NA or Caduceus, no less than _____ times per week, or as otherwise directed by the Board.

- Evidence of psychiatric counseling:

Respondent shall provide documentation verified by the approved treatment provider and acceptable to the Board demonstrating continuing psychiatric counseling at intervals deemed appropriate by the approved treating provider.

B. OPTIONAL CONDITIONS FOR PROBATION

- Psychiatric treatment:

Respondent shall continue psychiatric treatment with a provider approved by the Board, at such intervals as deemed appropriate by the treating provider but not less than once per month, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved provider. The Respondent shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.

- Abstention from drugs:

The Respondent shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered for the Respondent's use by another so authorized by law who has full knowledge of respondent's history of chemical dependency.

- Abstention from alcohol:

Respondent shall abstain completely from the use of alcohol.

- Monitoring physician/dentist:

The Respondent shall have a monitoring physician/dentist approved by the Board Secretary, who shall monitor him and shall provide the Board with reports on Respondent's progress and status. Respondent shall ensure that said reports are forwarded to the Board on a quarterly basis, or as otherwise deemed appropriate by the Board. In the event that said monitor becomes unable or unwilling to serve, Respondent shall immediately notify the Board in writing, and make arrangements acceptable to the Board for another physician/dentist to monitor his progress and status as soon as possible.

- Random urine screens:

The Respondent shall submit to random urine screenings at intervals deemed appropriate by the Board. Respondent shall ensure that all screening reports are forwarded directly to the Board on a _____ (weekly, monthly, quarterly, etc) basis.

- Submission of blood or urine specimens on request:

The Respondent shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.

- Evidence of participation in drug/alcohol rehabilitation program:

Respondent shall maintain participation in a drug and alcohol rehabilitation program acceptable to the Board, such as AA, NA or Caduceus, no less than _____ times per week, or as otherwise directed by the Board. Respondent shall provide acceptable documentation of continuing participation in such program as requested by the Board.

- Notice to employers:

The Respondent shall provide a copy of the Board Order to all employers and/or the Chief of Staff at each hospital where he has or applies for privileges.

APPENDIX H

CATEGORY 8 (INFECTION CONTROL) VIOLATIONS OPTIONAL CONDITIONS FOR REINSTATEMENT AND PROBATION

A. OPTIONAL PROVISIONS FOR REINSTATEMENT

- Documentation of Compliance

The Respondent shall provide documentation acceptable to the Board indicating compliance with all the law and rules regarding infection control.

B. OPTIONAL CONDITIONS FOR PROBATION

- Obey all laws

The Respondent shall obey all federal state and local laws and all rules governing the profession of dentistry/dental hygiene in the state of Ohio.

- Full cooperation with future office inspections

The Respondent shall fully cooperate with the Board investigators in future inspections and evaluations.

- Documentation from an independent testing agency

The Respondent shall provide documentation from an independent testing agency indicating that the sterilizing equipment used in the office is being tested for proper function on a weekly basis by means of a biological monitoring system that indicates microorganism kill and that immediate remedial action was taken in cases where the biological spore test was positive.

- Continuing Education in infection control

The Respondent shall provide documentation acceptable to the Board indicating that he has completed at least seven (7) hours of continuing education in infection control approved in advance by the Board Secretary within three (3) months of the effective date of the order/consent agreement. The seven (7) hours will be in addition to the 40 hours of continuing education credit necessary for renewal.

- Jurisprudence exam

The Respondent shall take and pass the examination administered by the Board regarding the laws and rules governing the profession of dentistry/dental hygiene.

APPENDIX I

**CATEGORY 9
STANDARD CE ORDERS**

**A. STANDARD ORDER FOR FAILURE TO RESPOND TIMELY TO CE AUDIT,
BUT REQUISITE CE COMPLETED**

It is hereby ORDERED that:

1. Respondent shall be and is hereby REPRIMANDED for failure to timely submit documentation of compliance with Continuing Education requirements for the _____ biennium.
2. Respondent's certificate to practice dentistry/dental hygiene shall be placed on probationary status for the next two biennial periods _____ (specify), during which time Respondent shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Education. This documentation shall be due in the Board office within thirty (30) days of each renewal.
3. Upon successful completion of the conditions of probation, Respondent's license shall be fully restored.

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

**B. STANDARD ORDER FOR FAILURE TO COMPLETE CE AS CERTIFIED ON
RENEWAL CARD**

It is hereby ORDERED that:

1. The license of Respondent to practice dentistry/dental hygiene in the state of Ohio shall be automatically SUSPENDED for an indefinite period of time.
2. The Board shall not consider reinstatement of Respondent's license to practice unless and until all of the following requirements are met:

- A. (If some hours have been properly documented)
On or before _____ (date), Respondent shall provide documentation acceptable to the Board of satisfactory completion of _____ hours of Continuing Education in addition to the to hours for which satisfactory documentation has already been provided.
- (If no hours have been documented)
On or before _____ (date), Respondent shall provide documentation acceptable to the Board of satisfactory completion of _____ hours of Continuing Education.
- B. Respondent shall provide documentation acceptable to the Board of satisfactory completion of 50 hours of approved Continuing Education for each biennium, if any, during which Respondent's license remains suspended after the _____ biennium.
- C. In the event that Respondent has not been engaged in the active practice of dentistry/dental hygiene for a period of more than three (3) years prior to reinstatement, Respondent shall take and pass any examinations which the Board deems appropriate to assess Respondent's clinical competency.
3. Subsequent to reinstatement, Respondent's license shall be subject to PROBATION for the next two biennial registration periods. During this probationary period, Respondent shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Education necessary for renewal. This documentation shall be due in the Board office within thirty (30) days of each renewal.
4. Upon successful completion of probation, Respondent's license shall be fully restored.

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

APPENDIX J

ALL CATEGORIES

OPTIONAL PROVISIONS FOR VIOLATION OF PROBATION AND COMPLETION OF PROBATION

A. OPTIONAL PROVISIONS FOR VIOLATION OF PROBATION

- Stay set aside, revocation/suspension imposed

If the Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation/suspension of Respondent's license.

- Discretionary sanction imposed

If the Respondent violates probation in any respect, the Board, after giving notice and an opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including revocation of Respondent's license to practice.

B. OPTIONAL PROVISIONS FOR COMPLETION OF PROBATION

- Full restoration

Upon successful completion, the Respondent's license will be fully restored.

- Restoration with permanent limitations

Upon successful completion of probation, the Respondent's license shall be restored, but shall be permanently limited and restricted as specified in paragraph _____ above/as follows: _____.

APPENDIX K

DEFINITIONS OF PENALTIES

A. REVOCAATION

Permanent loss of license to practice in Ohio with no ability to apply for licensure in the future.

B. SUSPENSION

Loss of license to practice for a specific period of time (definite suspension) or until specific conditions are met (indefinite suspension). In the case of indefinite suspension, the Board may specify a minimum period of time during which the licensee may not practice, in addition to other conditions for reinstatement of license.

C. LIMITATION

License to practice is restricted in some way (eg., licensee is prohibited from practicing a certain specialty or procedure or prescribing, etc.) or is subject to terms and conditions specified by the Board. The limitation can be permanent or temporary.

D. PROBATION

A specific type of limitation wherein the license to practice remains dependent upon compliance with terms and conditions specified by the Board (eg., periodic appearances, drug logs, reports by treating practitioners, etc.). The probation period can be for a definite or indefinite period of time. In the case of indefinite probation, the Board may establish a minimum probationary period, with provisions for termination of probation at the Board's discretion thereafter.

E. REPRIMAND

The licensee is formally and publicly reprimanded in writing.