

**Ohio State Dental Board
Board Meeting
July 9-10, 2003**

ATTENDANCE	1
CALL TO ORDER	1
EXECUTIVE SESSION	2
OPEN SESSION	2
REVIEW OF THE JUNE 2003 BOARD MEETING MINUTES	2
REVIEW OF LICENSE APPLICATIONS	3
LICENSURE REPORT	3
DENTAL	3
DENTAL HYGIENE.....	4
DENTAL ASSISTANT RADIOGRAPHER.....	6
REGIONAL BOARD DENTAL APPLICATION(S).....	7
REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)	7
LIMITED RESIDENT'S LICENSE APPLICATION(S)	8
LIMITED TEACHING LICENSE APPLICATION(S)	8
LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)	8
DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION	8
GRADUATE OF FOREIGN DENTAL COLLEGE APPLICATION(S).....	9
DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)	9
INTRODUCTION OF BOARD MEMBERS.....	9
CRITERIA APPROVAL LICENSE APPLICATION(S)	9
REINSTATEMENT LICENSE APPLICATION(S).....	10
ELIZABETH A. DAVIDEK, R.D.H.....	10
CHERYL L. GRAVES, R.D.H.	10
ENFORCEMENT REPORT	11
REPORT AND RECOMMENDATION(S).....	11
REPORT AND RECOMMENDATION IN THE MATTER OF MARY LESINSKI-LAUER, D.D.S.	11
Rebecca Hockenberry, Esq., Assistant Attorney General.....	14
Executive Session	16
Open Session	16
DECISION IN THE MATTER OF MARY LESINSKI-LAUER, D.D.S.	16
PERSONAL APPEARANCE(S)	19
JAMES E. BUTLER, D.D.S.	19
LYNN E. MACK, D.D.S.	21
SCOTT D. SCHUMANN, D.D.S.	23
Executive Session	23
Open Session	24
REVIEW OF CASES WHEREIN NOTICE(S) OF OPPORTUNITY WERE ISSUED AND NO HEARING WAS REQUESTED.....	25
REVIEW OF PROPOSED CONSENT AGREEMENT(S)	25
MELISSA A. HIGH, R.D.H.....	25
ALEXANDER J. VIGH, D.D.S.	25
REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)	26
REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING.....	26
KEISHA PIERCE	26

<i>R. SCOTT BACON, D.D.S.</i>	26
<i>WILLIAM D. CRAWFORD, D.D.S.</i>	27
<i>MAX A. MALKOFF, D.D.S.</i>	27
<i>ALLISON J. SAMS, R.D.H.</i>	28
ENFORCEMENT UPDATE	28
RECESS	31
CALL TO ORDER	32
BOARD MEMBER TRAINING	32
ANYTHING FOR THE GOOD OF THE BOARD	33
BOARD COMMITTEE APPOINTMENTS.....	33
ANESTHESIA COMMITTEE REPORT	33
REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES.....	33
REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES	34
REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S).....	34
REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S).....	34
COMMUNICATIONS COMMITTEE REPORT	35
NEWSLETTER.....	35
EDUCATION COMMITTEE REPORT	35
REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S).....	36
REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S).....	36
REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S).....	36
REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S).....	37
REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S).....	37
REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S).....	37
REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)	38
REVIEW OF REQUEST FOR WAIVER(S) OF THE CONTINUING EDUCATION REQUIREMENT ...	38
LAW AND RULES REVIEW COMMITTEE REPORT	38
POLICY COMMITTEE REPORT	38
TREATMENT CENTER APPROVAL COMMITTEE REPORT	39
WAIVER COMMITTEE REPORT	39
SECRETARY'S EXPENSE REPORT	39
OFFICE EXPENSE REPORT	39
EXECUTIVE DIRECTOR'S REPORT	40
HOUSE BILL 234.....	40
CORRESPONDENCE	40
ADJOURN	41

**Ohio State Dental Board
Board Meeting
July 9-10, 2003**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday July 9, 2003, beginning at 3:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President
Eleanore Awadalla, D.D.S., Secretary
Mark Landes, Esq.
Gregory A. McDonald, D.D.S.
T. Michael Murphy, D.D.S. (Arrived during the first Executive Session)
Lynda L. Sabat, R.D.H.
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Keisha Henley and Jeff Yeh of the Ohio Attorney General's Office; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H., Sandy Held, R.D.H., and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association; Darice Carroll, R.D.H. of the University of Cincinnati; Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Jayne A. Rasmussen, Licensure Coordinator, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 3:07 p.m.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Crawford, Ms. Hockenberry, Ms. Reitz, Mr. Everhart and the two (2) Attorney General's Office interns, Ms. Henley and Mr. Yeh, to attend the executive session.

Dr. Murphy joined the Executive Session in progress.

OPEN SESSION

At 3:26 p.m., the Board resumed open session. Dr. Hills approved the agenda for the evening as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

REVIEW OF THE JUNE 2003 BOARD MEETING MINUTES

The Board reviewed the minutes of the June 4-5, 2003 Board meeting.

Motion by Dr. Vesoulis, second by Dr. Murphy, to approve the June 4-5, 2003 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

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

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the licensure report for the following dental and dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination and for the following dental assistant radiographer licenses issued by; 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

*Majdi Alrabady, D.D.S.
James M. Baburek, D.D.S.
Sohal L. Bhalodia, D.D.S.
Joseph P. Brennan, D.D.S.
Shawn F. Catlos, D.D.S.
Jennifer A. Conroy, D.D.S.
Benjamin R. Cook, D.D.S.
Jason T. Culley, D.D.S.
Robert J. Demboski, D.D.S.
Jason A. Doerschuk, D.D.S.
Yassamin Dorosti, D.D.S.
Courtney W. Fleming, D.D.S.
Karen S. Gardinsky, D.D.S.
Poonam G. Gupta, D.D.S.
Haitham A. Hadeed, D.D.S.
Raif F. Hamada-Khayat, D.D.S.
Jeffrey A. Hanin, D.D.S.
Hayley B. Heckman, D.D.S.
Adam J. Huhn, D.D.S.
Benjamin N. Jump, D.D.S.
Jason A. Kahan, D.D.S.*

*Jeffrey T. Kaiser, D.D.S.
Joanna R. Kleckner, D.D.S.
Lien T. Le, D.D.S.
Taban Lotfi, D.D.S.
Kyle J. Lowe, D.D.S.
Marilyn M. Machusick, D.D.S.
Brian P. Mason, D.D.S.
Sean E. Matheny, D.D.S.
Alireza Mazaheri-Asadi, D.D.S.
Heather L. Merrill, D.D.S.
Nicholas J. Miller, D.D.S.
Donna C. Noll, D.D.S.
Brijesh M. Patel, D.D.S.
Brian J. Pope, D.D.S.
Likith V. Reddy, D.D.S.
Randell S. Roark, D.D.S.
Paul G. Russ, D.D.S.
Bradd C. Testerman, D.D.S.
Sarah J. Thompson, D.D.S.
Benjamin J. Wenning, D.D.S.
Andrew M. Whitaker, D.D.S.*

DENTAL HYGIENE

Gail M. Ahern, R.D.H.
Leslie D. Allen, R.D.H.
Dana L. Anderson, R.D.H.
Christine D. Angell, R.D.H.
Nancy L. Anthony, R.D.H.
Monica J. Arnold, R.D.H.
Nina C. Balak, R.D.H.
Andrea R. Barricklow, R.D.H.
Jennifer D. Beaver, R.D.H.
Dawn C. Bene, R.D.H.
Adessa M. Bickford, R.D.H.
Amanda K. Boerger, R.D.H.
Theresa M. Bonn, R.D.H.
Juntaewathip N. Boonyaganon,
R.D.H.
Nikea B. Bowar, R.D.H.
Rebecca L. Bowman, R.D.H.
Brittany L. Brewer, R.D.H.
Shelley R. Brewer, R.D.H.
Jennifer A. Bukowski, R.D.H.
Amy K. Bush, R.D.H.
Doneyelle L. Butler, R.D.H.
Carissa L. Campbell, R.D.H.
Jennifer L. Camuso, R.D.H.
Kristena E. Carbone, R.D.H.
Natalie A. Carroll, R.D.H.
Kathryn M. Chapman, R.D.H.
Tera D. Clabes, R.D.H.
Kevin E. Clay, R.D.H.
Jacinda D. Conroy, R.D.H.
Melissa J. Croston, R.D.H.
Lora D. Crouse, R.D.H.
Lisa M. D'Abate, R.D.H.
Shelby J. Davis, R.D.H.
Alexandra L. Demarest, R.D.H.
Jennifer A. DePodesta, R.D.H.
Jackie M. Diacin, R.D.H.
Sasha L. Dicke, R.D.H.
Sachiyo Digregorio, R.D.H.

Crystal S. Donley, R.D.H.
Shelly E. Eggeman, R.D.H.
Deborah A. Esker, R.D.H.
Margaret A. Evich, R.D.H.
Terri L. Finlin, R.D.H.
Shawanda M. Finney, R.D.H.
Melanie L. Fisher, R.D.H.
Nicole M. Flick, R.D.H.
Naomi C. Fothergill, R.D.H.
Adrienne H. Freeborn, R.D.H.
Sally J. Gambone, R.D.H.
Tillie M. Gigliotti, R.D.H.
Jenny L. Gilmore, R.D.H.
Ryan W. Glass, R.D.H.
Nicole M. Graves, R.D.H.
Rebecca K. Grimm, R.D.H.
Courtney L. Hall, R.D.H.
Heather M. Halstead, R.D.H.
Consuelo R. Hamm, R.D.H.
Angela B. Harris, R.D.H.
Amanda J. Haut, R.D.H.
Sarah E. Haynes, R.D.H.
Anna M. Haynes, R.D.H.
Melissa A. Herrig, R.D.H.
Stephanie M. Herrig, R.D.H.
Kimberly J. Hertlein, R.D.H.
Jessica A. Hill, R.D.H.
Christy L. Hollingshead, R.D.H.
Dana Holtzman, R.D.H.
Deanna P. Hosely, R.D.H.
Deborah S. Howard, R.D.H.
Melanie T. Hudak, R.D.H.
Nichole L. Hupp, R.D.H.
Katherine V. Huxel, R.D.H.
Lisa L. Jenerette, R.D.H.
Stephanie M. Jett, R.D.H.
Jessie J. Jones, R.D.H.
Jennifer K. Jones, R.D.H.
Heather M. Jurado, R.D.H.

Cynthia M. Kalal, R.D.H.
Monika M. Kardum, R.D.H.
Amanda J. Kenley, R.D.H.
Kristina L. Klein, R.D.H.
Abigail H. Knowlton, R.D.H.
Lindsay A. Kunzer, R.D.H.
Carol J. Laubis, R.D.H.
Michelle A. Lenz, R.D.H.
Wan L. Leo, R.D.H.
Brandy M. Letson, R.D.H.
James A. Liotti, R.D.H.
Joan I. Lis, R.D.H.
Sara R. Lloyd, R.D.H.
Sueko L. Lockwood, R.D.H.
Lindsay M. Lubich, R.D.H.
Elizabeth Lyons, R.D.H.
Monica M. Mack, R.D.H.
Jennifer A. Majher, R.D.H.
Cynthia A. Markham, R.D.H.
Anne M. McCaffrey, R.D.H.
Tammy L. McFarland, R.D.H.
Melanie L. McGuire, R.D.H.
Jacqueline J. Meyer, R.D.H.
Jessica L. Miller, R.D.H.
Teneshea S. Mills, R.D.H.
Nicole V. Moore, R.D.H.
Natalie S. Mumma, R.D.H.
Shoshana Z. Newman, R.D.H.
Paula S. Nicholas, R.D.H.
Kelly D. Oberg, R.D.H.
Kimberly J. Osborne, R.D.H.
Christina M. Painley, R.D.H.
Laura R. Parsons, R.D.H.
Lora M. Petro, R.D.H.
Majlinda S. Plyku, R.D.H.
April L. Pustoy, R.D.H.
Kimberly M. Rager, R.D.H.
Megan C. Rahrig, R.D.H.
Nicole M. Rapp, R.D.H.
Sarah J. Raudebaugh, R.D.H.
Lynne A. Recker, R.D.H.

Nancy J. Recktenwalt, R.D.H.
Brandy S. Roberts, R.D.H.
Rebecca N. Rose, R.D.H.
Amanda M. Sawyer, R.D.H.
Heather L. Schlack, R.D.H.
Melissa A. Schultz, R.D.H.
Priti A. Shah, R.D.H.
Holli J. Siferd, R.D.H.
Terrie A. Sigler, R.D.H.
Lisa M. Simon, R.D.H.
Kimberly A. Smith, R.D.H.
Allison L. Smith, R.D.H.
Kristen R. Smith, R.D.H.
Kelley N. Spaulding, R.D.H.
Nancy C. Stillings, R.D.H.
Rhonda J. Stone, R.D.H.
Amy E. Stover, R.D.H.
Lannon M. Strohacker, R.D.H.
Steven G. Szalai, R.D.H.
Christina B. Thompson, R.D.H.
Kathy S. Thorne, R.D.H.
Lewis A. Todhunter, R.D.H.
Tameka N. Tucker, R.D.H.
Michelle M. Turk, R.D.H.
Kelly A. Volpe, R.D.H.
Lori S. Weaver, R.D.H.
Jessica S. Webb, R.D.H.
Stacie M. Webster, R.D.H.
Tammy L. Weimer, R.D.H.
Wendy M. Whitaker, R.D.H.
Valerie K. White, R.D.H.
Deborah L. Wilder, R.D.H.
Sheryl C. Williams, R.D.H.
Ebony D. Williams, R.D.H.
Angela N. Williams, R.D.H.
Cory S. Williams, R.D.H.
Brittany L. Wilson, R.D.H.

DENTAL ASSISTANT RADIOGRAPHER

*Maria R. Allenbaugh
Tara M. Baldwin
Amanda J. Betts
Ashley A. Bruckelmyer
Patricia G. Butcher
Melissa K. Campbell
Erin L. Casenhiser
Judith Chess
Christine M. Collaros
Frances M. Crampton
Kristin N. Dolloff
Shalawn A. Faulk
Stacy S. Feiock
Donna A. Garcia
Rachael L. George
Angela L. Ghaster
Tossie L. Glass
Helen Gridley
Ann M. Griffith
Ann M. Gurley
Sarah L. Haas
Melissa A. Hamilton
Lisa A. Hampton
Stormy K. Harold
Pauletta Haynes
Tiffany J. Helmondollar
Sherry A. Heltsley
Jennifer L. Hemminger
Kathleen S. Hencye
Linda S. Hill
Travonna L. Holden
Rebecca E. Holderfield
Valerie K. Holter
Caterina B. Iacobucci
Leighann R. Jones
Stephanie S. Jones
Erika J. Jordan
Elizabeth L. Knopp
Melissa L. Konicek*

*Margaret A. Kuhnell
Betty A. Lawson
Jennifer A. Lee
Brenda L. Madison
Nicole M. Majewski
Crystal G. Matthews
Jennifer J. McCaslin
Kerry I. McTheny
Mindy K. Messer
Maureen A. Meyer
Jessica L. Miller
Sandra L. Novak
Melissa A. Ondrejcek
Sharon L. O'Neill
Karla L. Parks
Melissa R. Pfeiffer
Michelle M. Phebus
Janet L. Powell
Bhatia P. Prabhleen
Jenna M. Prestigomo
Robin R. Quickle
Vanessa A. Radmanic
Jennifer L. Rastetter
Jodie M. Reno
Cydney A. Rice
Danielle T. Ridgway
Stephanie C. Risner
Julie A. Robke
DebraLee Ross
Erin L. Ross
Rebecca A. Rossler
Rubina Saleem
Jodi A. Schmauch
Jennifer I. Schweitzer
Sandra L. Selzer
Allison L. Sengstock
Laura Shaffer
Joy L. Shively
Nancy L. Smith*

Shelley A. Solgot
Sharon L. Stanford
Lauren B. Starnes
Jenny E. Stewart
Lori A. Strong
Christina M. Taylor
Jessica D. Thew
Nicki A. Thomas
Erin N. Thompson
Teresa L. Tuller

Ashely K. Turner
Savann Voecin
Sarah E. West
Ann M. Westrick
Ursula C. Winegardner
Dianna L. Wolfe
Chastity L. Woznuk
Courtney I. Yates
Rhonda S. Zinn

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

The following persons applied for dental licenses, based on successful completion of a regional board examination and NERB Dental Simulated Clinical Examination (DSCE), National Board examination, and the Ohio examination on the statute and regulations:

Ram K. Grandhi, D.D.S.
John M. Maley, D.D.S.
Darrin M. Wiederhold, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve these three (3) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Lisa D. Bonifay, R.D.H.
Morgan R. Good, R.D.H.
Hope K. Jackson, R.D.H.
Mary B. McPhearson, R.D.H.
Kathryn J. Romesburg, R.D.H.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these five (5) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

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

LIMITED TEACHING LICENSE APPLICATION(S)

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

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

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

DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION

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

GRADUATE OF FOREIGN DENTAL COLLEGE APPLICATION(S)

The Board reviewed the license application of Dr. Ashok Kumar a 1988 graduate of the Government Dental College, in India. Dr. Kumar has completed an advanced general practice residency from Howard University and a general practice residency and pediatric residency from The Ohio State University. Dr. Kumar has taken and passed the National Board examination, Michigan State Only NERB examination, and the Ohio examination on statute and regulations.

Motion by Dr. Vesoulis, second by Ms. Sabat, to grant Dr. Kumar a license to practice dentistry as a graduate of a foreign dental college in the state of Ohio.

Roll call vote.

Motion carried unanimously.

DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)

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

INTRODUCTION OF BOARD MEMBERS

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

CRITERIA APPROVAL LICENSE APPLICATION(S)

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

REINSTATEMENT LICENSE APPLICATION(S)

ELIZABETH A. DAVIDEK, R.D.H.

Elizabeth A. Davidek, R.D.H. was the first applicant for reinstatement interview. Ms. Davidek retired her license to practice dental hygiene in 1999. Ms. Davidek is current in her CPR certification, and has obtained the requisite twelve (12) hours of continuing education.

Upon questioning by the Board, Ms. Davidek explained that she had retired from dental hygiene to work in retail for the last six (6) years. She indicated that she had last practiced dental hygiene as a substitute approximately three (3) years ago. Ms. Davidek indicated that she lived in the Cincinnati area and would be working for a previous Board member, Dr. Stuart Silverman.

Motion by Ms. Sabat, second by Dr. Murphy, to approve Ms. Davidek's reinstatement application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

CHERYL L. GRAVES, R.D.H.

Cheryl L. Graves, R.D.H. was the last applicant for reinstatement interview. Ms. Graves allowed her license to practice dental hygiene to lapse in 1993. However, she is current in her CPR certification, and has obtained the requisite twelve (12) hours of continuing education.

Upon questioning by the Board, Ms. Graves explained that she had practiced for approximately eight (8) months prior to getting married and relocating to Virginia where her husband was stationed in the military. She indicated that she would like to have her license to practice dental hygiene reinstated since her husband was retiring from active duty and they would be moving back to Ohio.

Ms. Sabat asked Ms. Graves if the law governing the practice of dental hygiene in Virginia was similar to that in Ohio. Ms. Graves stated that they were very similar, however, Virginia required fifteen (15) continuing education hours for licensure renewal.

Motion by Ms. Sabat, second by Dr. McDonald, to approve Ms. Graves' reinstatement application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATION(S)

REPORT AND RECOMMENDATION IN THE MATTER OF MARY LESINSKI-LAUER, D.D.S.

Dr. Awadalla announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Mary Lesinski-Lauer, D.D.S. that was filed by Christopher B. McNeil, Esq., Hearing Examiner on May 27, 2003. She stated that Objections to the Report and Recommendation were filed by Dr. Lesinski-Lauer's attorney, John L. Reulbach, Jr., Esq. on June 10, 2003 and by Dr. Lesinski-Lauer herself on June 10, 2003. Dr. Awadalla indicated that the State had filed a Motion to Strike the Objections personally filed by Dr. Lesinski-Lauer on June 10, 2003.

Dr. Awadalla then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Mary Lesinski-Lauer, D.D.S.?

Roll call: Dr. Awadalla - Yes
 Dr. Hills - Yes
 Mr. Landes - Yes
 Dr. McDonald - Yes
 Dr. Murphy - Yes
 Ms. Sabat - Yes
 Dr. Vesoulis - Yes

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

Roll call: Dr. Awadalla - Yes

Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes

Dr. Awadalla then proceeded by asking whether each member of the Board had read the Objections to the Report and Recommendation in the matter of Mary Lesinski-Lauer, D.D.S.?

Roll call: Dr. Awadalla - Yes
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes

Dr. Awadalla stated that Dr. Lesinski-Lauer was not present. However, she stated that Dr. Lesinski-Lauer had requested that a videotape be played in lieu of her appearance. Dr. Awadalla stated that for the record, there was no court reporter present, but rather the Board's minutes would serve as the official record of the proceedings.

Dr. Awadalla stated that before playing the tape the Board must rule on the motion from the Attorney General's Office to strike from the record the objections personally filed by Dr. Lesinski-Lauer. She then asked if the Assistant Attorney General in this case, Rebecca Hockenberry, Esq., would like to address the issue.

Ms. Hockenberry informed the Board that the objections filed by Dr. Lesinski-Lauer contained additional evidence that had not been available or produced at the Hearing. Therefore, she stated that the objections should be stricken from the record.

Dr. Awadalla inquired as to whether Mr. Landes, being an attorney, had any thoughts on this issue that would assist the Board in this matter.

Mr. Landes indicated that the State has the obligation to the public to hold hearings to determine if a licensee has not followed the law with regards to the practice of dentistry. He stated that by holding a hearing, each side has the

opportunity to present evidence and respond to presented evidence. Mr. Landes stated that it is not good process to “throw in” more evidence after the hearing has been concluded and thereby put the State at a disadvantage. He indicated that the Board’s ability to make good decisions is based on the evidence provided during the hearing. He then inquired if the Board would be interested in an option that would allow the members to review the evidence but still render the same decision in such a way that the evidence would not have made a difference in the outcome.

Ms. Hockenberry indicated that the State would request that the objection be stricken from the record with no opportunity for the Board members to review the additional evidence.

Motion by Mr. Landes, second by Dr. Vesoulis, that the evidence personally submitted to the Board on June 10, 2003 by Dr. Lesinski-Lauer be stricken from the record.

Roll call vote: Dr. Awadalla - Yes
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes

Motion carried.

Dr. Awadalla then stated for the record:

Dr. Lesinski-Lauer has been granted five (5) minutes to address the Board, and the Assistant Attorney General will be given the opportunity to respond. Her remarks are to be related to the Hearing Examiner’s Findings of Fact, Conclusions and Proposed Order in this matter. The Board will only consider the evidence presented in the Administrative Hearing in this matter and therefore, there will be no questions from the Board members.

Dr. Awadalla then requested that the members view the videotape submitted by Dr. Lesinski-Lauer. Once the video had been viewed, Dr. Awadalla then asked if the State’s Assistant Attorney General wished to respond. Ms. Hockenberry indicated that the State did wish to respond.

REBECCA HOCKENBERRY, ESQ., ASSISTANT ATTORNEY GENERAL

Ms. Hockenberry having seen the tape for the first time responded by stating stated that Dr. Lesinski-Lauer had mentioned that the misdemeanor had been expunged. However, she stated that the State has received no evidence supporting this allegation.

Ms. Hockenberry further stated that Dr. Lesinski-Lauer was charged with two (2) counts of theft in office: felonies of the fifth degree. She stated that it was alleged that Dr. Lesinski-Lauer would show up to work and then leave her place of work for a period of time unaccounted for and then come back to work and punch out at the end of the day. Ms. Hockenberry stated that subsequent to the indictment being filed, Dr. Lesinski-Lauer negotiated a plea agreement wherein she plead guilty to a lesser charge of Petty Theft, a misdemeanor of the first degree.

Ms. Hockenberry continued on by indicating that Ohio Administrative Code 4715-15-25 provides that "A certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime." Ms. Hockenberry stated that a certified copy of Dr. Lesinski-Lauer's plea agreement was provided at the hearing and that the Board is authorized to discipline a dentist for a misdemeanor conviction committed in the course of practice pursuant to Ohio Revised Code Section 4715.30(A)(4).

Ms. Hockenberry reviewed the facts as follows:

- Dr. Lesinski-Lauer began her employment with Northcoast Behavioral Healthcare in 1994.
- Dr. Lesinski-Lauer was responsible for providing dental care at two (2) locations, Cleveland and Northfield, to approximately 300 clients with severe mental disabilities. She was the only dentist employed and scheduled her own appointments.
- Dr. Lesinski-Lauer was placed in a position of trust and independence and by accepting the position at Northcoast, was trusted to be there at all times assigned and ready to perform dental services as needed. Dr. Lesinski-Lauer took advantage of that trust.

- An investigation was commenced by Northcoast in June 2001 relating to concerns that Dr. Lesinski-Lauer was coming to work, clocking in, taking off, being unaccounted for, and not being seen again until the end of the day to clock out on numerous occasions over the prior two (2) year period.
- On July 17, 2001, the specific offense date to which she pled guilty, Dr. Lesinski-Lauer was scheduled to be at the Cleveland Campus from 8:30 am - 12:30 pm and then at Northfield Campus from 1:30 pm – 5:00 pm. However, on this particular day, Dr. Lesinski-Lauer was missing in action for over five (5) hours. She claimed to have been working on a dental manual at home. This is simply a self-serving excuse in an attempt to justify stealing from the state and failing to fulfill her duties in providing dental care to individuals with severe mental disabilities. Dr. Lesinski-Lauer provided no evidence whatsoever at the hearing to substantiate this claim. The evidence submitted by the State clearly showed that she never requested to work at home that day as required, nor was she given permission by her employer to work at home. Computers are available on site and she even had a secretary available to do her typing. There were no justifiable reasons for her to be at home during work hours.
- Dr. Lesinski-Lauer was observed at her home by Officer Micco who testified that he saw her moving a piece of furniture. As Mr. Briers, the human resources director, testified, Dr. Lesinski-Lauer squandered limited governmental funds claiming that she was working as a dentist at the facility and getting paid for practicing as a dentist, when she was in fact at home. The subsequent conviction was based on conduct arising directly out of Dr. Lesinski-Lauer's practice as a dentist for Northcoast Behavioral Healthcare System.
- It is important to note that Dr. Lesinski-Lauer fails to take responsibility for her actions and continues to deny what she did was wrong.

Continuing on, Ms. Hockenberry stated that the Board is authorized to discipline a dentist for a misdemeanor conviction committed in the course of practice pursuant to Ohio Revised Code Section 4715.30(A)(4). She stated that the conviction relates directly to Dr. Lesinski-Lauer's employment as a dentist and therefore, in determining the appropriate discipline for this violation, the Disciplinary Guidelines adopted by the Ohio State Dental Board should be considered.

Ms. Hockenberry stated that pursuant to the Board's Disciplinary Guidelines, for a conviction of a misdemeanor committed in the course of practice, the maximum penalty is revocation and that the minimum penalty is a thirty (30) day suspension with conditions for reinstatement and subsequent probation of a minimum of three (3) years.

Concluding, Ms. Hockenberry stated that based on the evidence in this matter, the appropriate discipline as outlined in the Report and Recommendation is a six (6) month suspension of Dr. Lesinski-Lauer's license to practice dentistry, followed by three (3) years probation and twenty (20) hours of continuing education in ethics.

Executive Session

Motion by Ms. Sabat, second by Dr. McDonald, to move the Board into executive session pursuant to Section 121.22(G)(1) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of Mary Lesinski-Lauer, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 3:58 p.m.

Dr. Awadalla did not attend the executive session.

Open Session

At 4:21 p.m. the Board resumed open session.

DECISION IN THE MATTER OF MARY LESINSKI-LAUER, D.D.S.

Dr. Awadalla stated:

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

Dr. Awadalla then questioned:

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

Motion by Dr. Murphy, second by Dr. Vesoulis, that Count #1 of the charges as contained in the Board's notice of opportunity for hearing is found to be true.

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

Motion carried.

Motion by Ms. Sabat, second by Dr. Vesoulis, that the proposed Hearing Examiner's Recommended Order be amended as follows:

It is hereby ORDERED:

- 1) *The license of MARY LESINSKI-LAUER, DDS to practice dentistry in the state of Ohio is SUSPENDED for a period of thirty (30) days.*
 - a) *DR. LESINSKI-LAUER may not perform dentistry or dental hygiene duties or otherwise treat patients during the period of suspension.*
 - b) *A receptionist may answer the phones with "Dr. Lesinski-Lauer's office", or the name of the of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*
 - c) *DR. LESINSKI-LAUER may not receive any income either from a legal or a beneficial interest in the dental practice during the period of suspension.*
- 2) *The Ohio State Dental Board shall not consider reinstatement of DR. LESINSKI-LAUER's license to practice unless and until all the following requirements are met:*

- a) *DR. LESINSKI-LAUER shall make a written request to the Board Secretary for reinstatement.*
- 3) *Upon reinstatement pursuant to paragraph 2A of this Order, DR. LESINSKI-LAUER's certificate shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of three (3) years:*

- a) *DR. LESINSKI-LAUER shall obtain twenty (20) hours of continuing education in dental ethics and treatment planning approved in advance by the Board Secretary. DR. LESINSKI-LAUER shall notify the Board of completion of these hours within three (3) months of the effective date of this Order. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.*
- b) *DR. LESINSKI-LAUER shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*
- c) *DR. LESINSKI-LAUER shall submit quarterly declarations under penalty of BOARD disciplinary action stating whether there has been compliance with all the conditions of this ORDER.*
- d) *In the event that DR. LESINSKI-LAUER should leave Ohio for three (3) continuous months, or reside or practice outside the State, DR. LESINSKI-LAUER must notify the BOARD in writing of the dates of departure and return.*

Periods of time spent outside Ohio will not apply to the reduction of this period under the ORDER, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.

- e) *In the event DR. LESINSKI-LAUER is found by the Secretary of the BOARD to have failed to comply with any provision of this ORDER, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the probationary period under this ORDER.*

- f) *Upon successful completion of probation, DR. LESINSKI-LAUER's license will be fully restored.*

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

Discussion followed wherein Dr. Vesoulis explained that the Board voted to decrease the suspension to thirty (30) days based upon a reading of the record which demonstrated some attitude issues and facts unique to this situation. He stated that the Board believed that this sanction was warranted based on the facts and the recommendations outlined in the Disciplinary Guidelines.

Dr. Murphy then stated that the objections filed by Dr. Lesinski-Lauer's attorney were compelling. He stated that the Board members were familiar with the circumstances involved in working with various entities, and therefore, the proposed order was being amended accordingly.

Mr. Landes stated that the Board does not condone the violations at all, but rather felt six (6) months was a little long for the suspension period.

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

Motion carried.

PERSONAL APPEARANCE(S)

JAMES E. BUTLER, D.D.S.

Dr. Awadalla began by stating that she had requested Dr. Butler to appear before the Board for violation of the Consent Agreement. She stated that in January 2003 the Board had received information that Dr. Butler was using his associate's signature stamp to endorse prescriptions for controlled substances. She stated the Consent Agreement was clear in that Dr. Butler was not permitted to prescribe. She then asked Dr. Butler to explain these events.

Dr. Butler began by stating that he did not use his associate's signature stamp to endorse any prescriptions. He informed the Board that he had implemented a type of system once he was permitted to practice on a full-time basis. He then explained his system to the Board as follows:

1. Dr. Butler would review the patients scheduled for the week to determine if any premedication would be required;
2. Review/Inform his associate, Dr. Tatakis, of patient status and premedication indicated on Mondays when she was in the office;
3. Dr. Tatakis would approve the prescriptions to be called in by the Office Manager, Ms. Shoemaker.

Dr. Butler then explained to the Board that this "system" worked from March 2002 through November 2002. He stated that he had become too trusting and lax in monitoring the process and that at some time around November 2002 Ms. Shoemaker (who was also his girlfriend) had relapsed and taken matters into her own hands. Dr. Butler stated that he is unsure of what had happened on those Mondays when Dr. Tatakis had not reviewed the patient charts and Dr. Butler's recommendations for prescriptions. He stated that Ms. Shoemaker had been calling in the prescriptions without Dr. Tatakis authorization and that it had been some time before Dr. Butler became aware of the break in procedure. Dr. Butler stated that once he became aware of what was going on he informed Tom Smith, Dental Board Enforcement Officer. He then explained to the Board that both Dr. Tatakis and Ms. Shoemaker are no longer working in the dental office.

Dr. Awadalla expressed the Board's concern that Dr. Butler had abused his privileges in requesting Dr. Tatakis to prescribe to patients that she did not know nor had ever seen. She stated that this is ultimately Dr. Butler's responsibility and that by allowing this to happen the Board was not fulfilling its mission to protect the public.

Dr. Awadalla further stated that by appearing before the Board to explain these circumstances was an opportunity for Dr. Butler to "come clean", that he needed to be aware that he was still on probation and to realize that this was a large step backward in terms of his recovery.

Dr. Vesoulis stated that this was ultimately Dr. Butler's responsibility and that he was neglectful in not providing better controls. He stated that he felt that Dr. Butler interpreted the terms of his Consent Agreement correctly but that his understanding was abused. Dr. Vesoulis suggested that Dr. Butler tread lightly from this point forward and understand that he was not permitted to prescribe controlled substances at all.

Dr. Butler informed the Board that he had met with Dr. Whitney of Shepherd Hill Hospital in December 2002 to determine what types of medications would be acceptable to prescribe. In addition, he stated that he has reduced his surgical load by ninety percent (90%).

Dr. Hills concluded the discussions by stating that the Board needed to be informed of the specifics surrounding the violation of Dr. Butler's Consent Agreement.

LYNN E. MACK, D.D.S.

Dr. Awadalla explained that this was Dr. Mack's first appearance before the Board subsequent to her completion of treatment and release from GlenBeigh Hospital (GlenBeigh) on May 12, 2003. She explained that the Board has received reports from GlenBeigh indicating specific issues with the random screenings that are required as part of the terms of Dr. Mack's Consent Agreement with the Board.

Dr. Awadalla stated that there is a concern that Dr. Mack has not been readily available for Ms. Anderson of GlenBeigh to perform random urine screens. She stated that GlenBeigh reported that Ms. Anderson, on occasion, has had to leave messages on both Dr. Mack's answering machine and cell phone voice mail, with Dr. Mack returning the call a day later on at least two (2) occasions. Dr. Awadalla requested Dr. Mack to explain her behavior.

Dr. Mack stated that she has been performing random urine screenings for over four (4) years without incident. She stated that her only problems have been with GlenBeigh. Dr. Mack stated that when she began working with GlenBeigh she had provided them with both her home and cell phone numbers and requested that both numbers be contacted. She stated that this arrangement has not been working and is dismayed that Ms. Anderson has brought it to the attention of the Board and the situation has upset her [Dr. Mack].

Dr. Awadalla reminded Dr. Mack that the whole purpose of a random screen is that it is not to be pre-planned and that Dr. Mack is not to be returning the calls to GlenBeigh at her convenience on the next day but rather immediately. She stated that the whole issue appeared shady. She stated that the Board was willing to give Dr. Mack the benefit of the doubt within reason, that excuses were not going to work, and that as a solution a pager may be the best alternative.

Mr. McGovern, attorney for Dr. Mack, stated that both Dr. Mack's home and cell phones were in working order and suggested that persons with low-end functions were not the brightest and that they were possibly dealing with an issue of incompetence at GlenBeigh.

Mr. Smith, Dental Board Enforcement Officer inquired as to the status of documentation of Dr. Mack's attendance to Alcoholics Anonymous (AA) meetings.

Mr. McGovern stated that he was unaware of the status of the documentation of the AA meetings, that he would be happy to further discuss the issue of the drug screenings, but that they were appearing before the Board today to discuss reinstatement of Dr. Mack's license to practice due to the fact that the Board would not be convening again until September. He stated that pursuant to the terms of Dr. Mack's Consent Agreement she would be eligible for reinstatement after three (3) months of aftercare on August 16, 2003. However, he stated that they were seeking reinstatement now as opposed to waiting until September as the period of suspension was detrimental to Dr. Mack's practice.

Dr. Awadalla informed Dr. Mack and Mr. McGovern that she wanted to make it clear that it was NOT the period of suspension that had been detrimental to Dr. Mack's practice but rather Dr. Mack's substance abuse problem.

Dr. Murphy agreed with Dr. Awadalla in that Dr. Mack should reappear before the Board in September or a future date. He stated that Dr. Mack should make every effort to resolve the issues of non-compliance with the urine screens and should find a way for absolute compliance on this issue.

Dr. McDonald too agreed and stated that the Board was in support of requiring Dr. Mack to be available by beeper.

Dr. Hills stated that it appeared to be the consensus of the Board that Dr. Mack was not ready to return to the active practice of dentistry at this time. He stated that they were at a zero tolerance level for excuses and strongly recommended that Dr. Mack develop a personal rapport with the people at GlenBeigh. Dr. Hills stated that he would like to see Dr. Mack return with documentation indicating complete compliance with the urine screenings and attendance at AA meetings. He stated that pristine documentation would assist to build a stronger case for reinstatement of Dr. Mack's dental license.

However, Dr. Hills clarified that the September meeting would be the first chance for Dr. Mack to apply for reinstatement of her license. He stated that the

Board was sensitive to her specific situation regarding her practice and finances; however, the Board also had concerns whether the standard of care will be met. He informed Dr. Mack that he did not wish to see any patients put at risk.

SCOTT D. SCHUMANN, D.D.S.

Upon questioning by the Board, Dr. Schumann stated that life has been good and that his practice is good. He informed the Board that he would be moving to a new location in Grove City, Ohio. He stated that he has been compliant and practicing as a general practitioner and providing nitrous oxide/oxygen analgesia to one (1) or two (2) patients per week. Dr. Schumann stated that he was approaching the one (1) year anniversary of his Consent Agreement with the Board, that he was completely in compliance with the terms, and was still performing random urine screens. He stated that his last screening was done during the last week in June 2003.

Dr. Schumann explained that he was before the Board to request reinstatement of his Conscious Sedation Permit. He stated that on occasion he needed to perform a lengthy (3-4 hour) procedure or extractions. He stated that to be able to provide for these few patients would be beneficial and would assist in the trust factor for his patients. Dr. Schumann reminded the Board that his addiction was to cocaine.

Dr. Awadalla stated that there was still the suspicion of the unexplained missing quantities of Demerol, Fentanyl and Diazepam. She stated that while his drug of choice may be cocaine, his was still an addiction and drugs were still available.

EXECUTIVE SESSION

Motion by Dr. Hills, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to deliberate and consider the matter of licensee Scott D. Schumann, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Hills requested Mr. Smith to attend the Executive Session.

OPEN SESSION

The Board resumed open session at 5:36 p.m.

Dr. Hills stated that the Board was not inclined to reinstate Dr. Schumann's Conscious Sedation Permit at this time mainly due to the divergence of a great amount of Demerol and Diazepam. He informed Dr. Schumann that the Board recognized Dr. Schumann's progress and encouraged him to continue in that vein.

Dr. Murphy informed Dr. Schumann that the Board was trying to protect him by not placing him in a position to fail or to relapse. He stated that the Board was taking no chances with his recovery because the Board would like to see him succeed.

Dr. Vesoulis commented that there are other services available for sedation purposes such as dental anesthesiologists who will not violate the patient trust issue.

Dr. Schumann stated that at his last meeting attended Dr. Lightfoot had commented that he could not see a problem with reinstating his permit if he [Dr. Schumann] stayed on the recovery track.

Dr. Awadalla explained that the voice of the Board was a consensus and not based on individual thoughts or opinions. She stated that addiction is a serious problem and that the Board has concerns based on Dr. Schumann's history of relapse, as well as the relapse of others the Board has seen over the years. Dr. Awadalla stated that it has been the Board's experience that the longer an abuser stays clean the better they are able to remain chemically free.

In answer to questioning by Dr. Schumann, Dr. Awadalla explained that the Board would not say that he will never get his conscious sedation permit back because never was a long time. However, she stated that Dr. Schumann's best plan of action would be in operating as he had been without the conscious sedation permit and the temptations involved.

Concluding, Dr. Awadalla stated that Dr. Schumann should feel fortunate that he has a dental license in order to practice and that suspension of his conscious sedation permit is a small sacrifice with regards to the big picture.

Dr. Schumann thanked the Board members for their time and requested another appearance as soon as was practicable. Dr. Awadalla stated that the Board would follow-up on his request.

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

There were no cases wherein a Notice of Opportunity had been issued and no hearing was requested.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed two (2) proposed consent agreements.

MELISSA A. HIGH, R.D.H.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for Melissa A. High, R.D.H., license number 31-00-7777.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

ALEXANDER J. VIGH, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the proposed consent agreement for Alexander J. Vigh, D.D.S., license number 30-01-0911.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

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

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed five (5) Notices of Opportunity for Hearing. The name of the individuals/licenses were not included in the documents reviewed by the Board. The name of the individuals/licenses have been added to the minutes for public notice purposes.

KEISHA PIERCE

Motion by Ms. Sabat, second by Dr. Murphy, to approve the notice of opportunity for hearing and forward it to Keisha Pierce.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

R. SCOTT BACON, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to R. Scott Bacon, D.D.S., license number 30-01-7298, case number 99-47-179.

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

Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

WILLIAM D. CRAWFORD, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to William D. Crawford, D.D.S., license number 30-01-5633, case number 03-50-1312.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

MAX A. MALKOFF, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to Max A. Malkoff, D.D.S., license number 30-01-2912, case number 03-50-168.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

ALLISON J. SAMS, R.D.H.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to Allison J. Sams, R.D.H., license number 31-00-7276, case number 01-21-398.

Roll call vote: Dr. Awadalla - Abstain
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

ENFORCEMENT UPDATE

Mr. Everhart informed the Board that there were currently nine (9) cases listed as pending hearings of which six (6) have been scheduled to appear before a Hearing Examiner and two (2) cases had been settled. He stated that there were currently five (5) cases under appeal and indicated that there were twelve (12) licensees currently under suspension. Mr. Everhart stated that there had been three hundred and twenty (320) cases that had been investigated and reviewed by the Board Secretary and recommended to be closed.

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

The following cases are to be closed:

02-12-627	03-25-109	03-27-608	02-73-657
02-18-656	03-25-121	03-57-960	03-87-029
02-18-679	03-25-147	03-09-218	03-78-059
03-44-031	03-18-165	03-07-212	03-05-073
03-25-065	03-18-170	03-13-294	03-22-092
03-18-095	03-31-645	03-57-949	03-05-074
03-16-090	03-25-519	03-25-503	03-27-103
03-65-086	03-18-391	02-18-635	03-71-110

03-25-148	03-57-965	03-25-512	03-22-479
03-77-150	03-40-728	03-25-544	03-18-335
03-25-167	03-25-548	03-25-502	03-21-458
03-25-549	03-57-936	03-05-208	03-25-511
03-57-950	03-25-557	03-31-649	03-57-924
03-31-698	03-25-550	03-25-522	03-36-720
03-68-1016	03-25-513	03-53-903	03-57-952
03-29-625	03-52-886	03-64-989	03-13-290
03-09-243	03-25-520	03-14-298	03-57-934
03-25-538	03-25-547	03-29-627	03-31-674
03-23-485	03-25-504	03-22-475	03-05-206
03-03-198	03-08-215	03-09-235	03-22-474
03-31-644	03-25-516	03-76-1053	03-13-293
03-25-537	03-25-535	03-52-893	03-31-648
03-31-656	03-09-233	03-09-226	03-09-240
03-85-1182	03-44-769	03-18-388	03-57-923
03-09-245	03-57-945	03-18-376	03-25-508
03-16-316	03-25-554	03-57-926	03-57-955
03-03-199	03-31-701	03-52-894	03-68-1017
03-22-476	03-29-624	03-25-517	03-25-523
03-57-933	03-09-225	03-25-534	03-36-719
03-14-297	03-18-390	03-45-781	03-13-295
03-31-659	03-57-958	03-25-500	03-18-321
03-38-723	03-42-732	03-52-885	03-09-230
03-25-540	03-31-677	03-57-947	03-18-328
03-31-651	03-25-533	03-65-993	03-57-957
03-25-528	03-25-501	03-76-1055	03-52-901
03-42-731	03-44-768	03-18-344	03-18-322
03-52-895	03-52-900	03-25-532	03-57-944
03-25-505	03-18-387	03-31-672	03-29-631
03-31-664	03-57-963	03-57-938	03-65-991
03-25-555	03-76-1051	03-25-546	03-21-469
03-25-556	03-57-917	03-31-675	03-52-891
03-25-551	03-25-514	03-57-942	03-08-216
03-09-236	03-25-536	03-25-509	03-08-214
03-52-887	03-31-670	03-31-658	03-30-640
03-22-471	03-25-543	03-57-943	03-57-962
03-12-272	03-57-919	03-25-553	03-18-389
03-31-663	03-71-1027	03-25-510	03-29-637
03-57-920	03-57-948	03-64-988	03-29-636
03-25-539	03-57-932	03-57-968	03-24-498
03-18-377	03-25-518	03-25-531	03-29-635

03-25-527	03-76-1079	03-27-609	03-18-327
03-38-722	03-52-899	03-09-229	03-76-1203
03-76-1050	03-25-638	03-57-956	03-09-182
03-29-634	03-18-345	03-31-643	03-25-1198
03-31-652	03-18-325	03-31-666	03-25-1212
03-64-990	03-29-639	03-18-346	03-13-1214
03-13-292	03-31-661	03-03-201	03-18-1223
03-76-1054	03-25-506	03-18-386	03-18-1221
03-52-892	03-31-660	03-25-525	03-77-1222
03-24-497	03-18-323	03-05-207	03-31-1228
03-57-946	03-52-896	03-66-994	03-57-1230
03-31-691	03-29-623	03-22-473	03-25-1235
03-13-291	03-68-1013	03-09-228	03-31-1227
03-09-231	03-12-273	03-58-969	03-57-1225
03-65-992	03-25-524	03-22-472	03-23-1246
03-29-630	03-09-219	03-31-679	03-31-1239
03-57-931	03-57-928	03-09-227	03-31-1240
03-52-890	03-25-499	03-18-326	03-31-1241
03-18-353	03-52-897	03-57-930	03-57-1242
03-52-889	03-31-711	03-25-529	03-31-1259
03-09-238	03-57-939	03-25-526	03-46-1257
03-52-888	03-22-477	03-25-515	03-25-1255
03-25-545	03-03-200	03-57-929	03-25-1253
03-07-213	03-18-385	03-18-347	03-12-1252
03-09-237	03-31-669	03-36-718	03-30-1250
03-18-324	03-25-507	03-25-552	03-57-1251
03-22-478	03-52-884	03-12-270	03-31-1265
03-64-986	03-01-190	03-16-315	03-07-1262
03-52-898	03-31-650	03-76-1049	03-57-1268
03-57-951	03-25-542	03-25-530	03-25-1281

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

Roll call: Dr. Awadalla - Abstain
 Dr. Hills - No
 Mr. Landes - No
 Dr. McDonald - Abstain
 Dr. Murphy - No
 Ms. Sabat - No
 Dr. Vesoulis - No

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

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the enforcement report and close the above three hundred and twenty (320) cases.

Roll call vote: Dr. Awadalla - Yes
Dr. Hills - Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Sabat - Yes
Dr. Vesoulis - Yes

Motion carried.

Dr. Hills thanked Mr. Everhart for the Enforcement Report. He then stated that the Board would now recess until Thursday, July 10, 2003.

RECESS

Motion by Dr. Murphy, second by Dr. McDonald, to recess the meeting until Thursday, July 10, 2003 at 9:00 a.m. in room 1952 of the Vern Riffe Center for Government and the Arts.

Roll call vote.

Motion carried unanimously.

CALL TO ORDER

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Thursday July 10, 2003, beginning at 9:00 a.m. Board members present were:

Edward R. Hills, D.D.S., President
Eleanore Awadalla, D.D.S., Secretary
Mark Landes, Esq.
Gregory A. McDonald, D.D.S.
T. Michael Murphy, D.D.S.
Lynda L. Sabat, R.D.H.
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorneys General; Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the Ohio Dental Association (ODA); Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 9:00 a.m.

BOARD MEMBER TRAINING

Ms. Reitz provided a Board Training presentation to the members. Topics covered were:

- Board responsibilities
- Mission Statement
- Table of Organization
- Staff
- Ohio Ethics Law
- Licensure
- Continuing education
- Complaint process
- Disciplinary process
- Permissible Duties
- F.A.Q.'s
- Infection Control
- Public Records Policy
- Open Meetings Act
- Administrative Procedures Act
- Workplace Violence and Aggression
- Sexual Harassment

Ms. Crawford and Ms. Hockenberry assisted during the presentation, providing information on the Disciplinary Process, Workplace Violence and Aggression, and Sexual Harassment topics.

Dr. Hills thanked Ms. Reitz for her presentation and thanked Ms. Crawford and Ms. Hockenberry for their assistance.

ANYTHING FOR THE GOOD OF THE BOARD

BOARD COMMITTEE APPOINTMENTS

Ms. Reitz distributed copies of the new committee appointments to the Board members. She specifically noted that Dr. Murphy would now succeed Dr. Lightfoot as the chair of the Law and Rules Review Committee and that Dr. Awadalla would be chair of the Policy and Treatment Center Approval Committees. Ms. Reitz noted also that she was now the chair of the Communications Committee.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES

Dr. Murphy stated that the following individual has applied for an Anesthesia permit. He explained that the application was reviewed by the Anesthesia Committee and is recommended to receive provisional privileges:

Brian T. Kernan, D.D.S. – Tipp City, Ohio

Motion by Dr. Murphy, second by Ms. Sabat, to approve Dr. Kernan's application for receipt of temporary anesthesia privileges.

Roll call vote.

Motion carried unanimously.

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

Dr. Murphy stated that there were no provisional conscious sedation permit applications for review at this time.

REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S)

Continuing on, Dr. Murphy stated that the following individual has applied for an Anesthesia permit and successfully completed an on-site examination administered by the Anesthesia Consultant. He explained that the Committee has reviewed the application and is recommending privileges for the following:

Mari C. Fukami, D.D.S. – Columbus, Ohio

Motion by Dr. Murphy, second by Dr. McDonald, to approve Dr. Fukami's application for receipt of an Anesthesia Permit.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

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

Steve Shufflebarger, D.D.S. - Centerville, Ohio
Intravenous Conscious Sedation

Motion by Dr. Murphy, second by Mr. Landes, to approve Dr. Shufflebarger's application for receipt of conscious sedation permit privileges for intravenous conscious sedation.

Roll call vote.

Motion carried unanimously.

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

COMMUNICATIONS COMMITTEE REPORT

NEWSLETTER

Ms. Reitz distributed copies of the Summer 2003 Newsletter and informed the Board that the Newsletter has been mailed. She noted that this issue was the first to utilize the new Board logo.

Dr. Hills thanked Ms. Reitz for her report.

EDUCATION COMMITTEE REPORT

Ms. Sabat informed the Board members that the Committee had met the previous day to discuss the current applications for review and to discuss the status of the Dental Assistant Radiographer Licensure Packet. She stated that on September 1, 2002, the Board began a trial period utilizing the newly redesigned licensure application and several new processing policies. She stated that the purpose of the redesigned packet and policies was to expedite the licensure process for dental assistant radiographers.

Ms. Sabat noted that difficult issues surrounding the examination process and with the Dental Assisting National Board's procedures were not within the jurisdiction of the Board's control. However, she stated that she feels that the Education Committee has done its best to improve the process from the Board's perspective. In that light, Ms. Sabat explained that a survey has been developed requesting input from interested parties such as the Dental Societies and Initial Training Sponsors to see if the Board has met its initial objective; to expedite the licensure process. She stated that the Committee would report back to the Board on the results from the survey and some additional monitoring processes.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

Haywood Consulting
Healthtech Group

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

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Sabat noted that there were no Biennial Sponsor Renewal Applications for review at this time.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)

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

University of Michigan, Office of Continuing Dental Education – “Medical Emergencies in the Dental Office” by L. George Upton, D.D.S., M.S. and John Bobetti, D.D.S., M.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve this application for the dental hygiene medical emergency recognition education.

Roll call vote.

Motion carried unanimously.

REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)

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

REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)

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

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

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

Haywood Consulting – “Substance Abuse Education for Dental Professionals” presented by Jennifer Haywood, L.S.W., C.C.D.C. III

West Central Ohio Regional HealthCare Alliance – “Substance Abuse Education” presented by Garrett Kenney, D.D.S.

Western Ohio Dental Society – “The Important Facts of Substance Abuse” presented by Robert H. Straker, C.C.D.C. I

Motion by Ms. Sabat, second by Dr. Awadalla, to approve these three (3) applications for substance abuse continuing education courses.

Roll call vote.

Motion carried unanimously.

REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)

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

Athens City/County Health Department – Athens County Dental Sealant Program

Motion by Ms. Sabat, second by Dr. Murphy, to approve Athens County Dental Sealant Program as a special needs program.

Roll call vote.

Motion carried unanimously.

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

Ms. Sabat noted that there were no requests for waiver of the continuing education requirement for review at this time.

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Murphy noted that the Law and Rules Review Committee had not met this month and therefore, he had nothing new to report.

Dr. Hills thanked Dr. Murphy for his report.

POLICY COMMITTEE REPORT

Dr. Awadalla noted that there were no new policies for the Board to review at this time.

Dr. Hills thanked Dr. Awadalla for her report.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Dr. Awadalla noted that there was nothing to report for the Treatment Center Approval Committee at this time.

Dr. Hills thanked Dr. Awadalla for her report.

WAIVER COMMITTEE REPORT

Ms. Sabat noted that there were no new or renewal hepatitis B waivers for review at this time.

Dr. Hills thanked Ms. Sabat for her report.

SECRETARY'S EXPENSE REPORT

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

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

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the expense report and approve payment of the May 2003 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

HOUSE BILL 234

Ms. Reitz explained that there were copies provided in the Board notebooks of House Bill 234 (HB 234), which was recently introduced by Representative Willamowski. She briefly recapped that HB 234's two (2) pages propose to allow anesthesia by the dental hygienist.

Dr. Awadalla stated that the Board had been supportive of language that increased the duties of ALL dental auxiliary but was surprised to note that this bill only proposed one additional dental hygiene duty. She then asked the representatives of the ODA if they were in support of this bill. Mr. Kerns reported that the ODA had no position on the bill at this time.

Dr. McDonald questioned what prior coursework would be required.

Ms. Reitz explained that the bill was in the early stages of the process and that there would be time to address educational parameters during the testimony process.

CORRESPONDENCE

Ms. Reitz explained that copies of a recent correspondence to the Ohio Dental Association (ODA) from the Ohio Association of Orthodontists (OAO) wherein they expressed dismay that the ODA had officially supported House Bill 156 (HB156). The letter states that the ODA's support is in direct opposition to the interest of OAO's four hundred plus (400+) members. He further commented that OAO members were not aware that proposals regarding delegable duties were under consideration by the ODA, "since the proposals were not, to the best of our knowledge, discussed in the house of delegates."

Ms. Reitz stated that Dr. Beckwith concluded his letter by seeking explanation and clarification from the ODA.

ADJOURN

Motion by Dr. McDonald, second by Ms. Sabat, to adjourn the meeting until Wednesday September 10, 2003.

Roll call vote.

Motion carried unanimously.

Edward R. Hills, D.D.S.

President

Eleanore Awadalla, D.D.S.

Secretary