

**Ohio State Dental Board  
Board Meeting  
July 20, 2005**

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**Ohio State Dental Board  
Board Meeting  
July 20, 2005**

**MINUTES**

**ATTENDANCE**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, July 20, 2005, beginning at 1:00 p.m. Board members present were:

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

The following guests were also in attendance: Barbara Pfeiffer, Esq., Assistant Attorney General; Michele Carr, Program Director, The Ohio State University Dental Hygiene Program; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H. and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Mike Flugge, and Harry Pasku, Enforcement Officers, Gail Davis, Investigator Assistant, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

## **CALL TO ORDER**

Dr. Vesoulis extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:15 p.m. He requested all members and guests sign the attendance roster.

## **EXECUTIVE SESSION**

*Motion by Dr. Beckwith, 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 and pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss matters involving personnel.*

Roll call vote.

Motion carried unanimously.

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

## **OPEN SESSION**

At 1:44 p.m. the Board resumed open session. Dr. Vesoulis approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

## **INTRODUCTION OF BOARD MEMBERS**

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

## REVIEW OF THE JUNE BOARD MEETING MINUTES

The Board reviewed the minutes of the June 8, 2005 Board meeting.

*Motion by Dr. Murphy, second by Ms. Wise, to approve the June 8, 2005 Board meeting minutes as presented.*

Roll call vote.

Motion carried unanimously.

## REVIEW OF LICENSE APPLICATIONS

### LICENSURE REPORT

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

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

#### DENTAL

Alexander, Kelly C.  
Astley, Erin L.  
Ballrick, John W.  
Bargren, Andrew R.  
Bell, Thomas E  
Bobst, Jeffrey S.  
Bourgeois, Brian P.  
Burdett, Victoria A.  
Burris, Julie R.  
Cacchio, Chad N.  
Carmean, Aaron M.  
Carner, Virginia D.  
Casellas, Jorge C.  
Chanda, Christina R.  
Chou, Hsing-Hsien  
Crowder, Wilshonda E.  
Dankulich-Huryn, Tatyana  
Dickerson, Michael C.  
Diepenbrock, Ryan M.

Fair, Michael C.  
Fioritto, Nicole A  
Frye, John F.  
Geiss, Paul R.  
Genrich, Mikala A.  
Gibellato, Catherine M.  
Giovannitti, Joseph A.  
Greenwood, Nicole M.  
Harmon, Bradley R.  
Hertzel, Martin S.  
Hoge, Chad J.  
Homan, Stephanie L.  
Hong, Yunggi  
Jeffery, Jessica A.  
Johns, Sarah M.  
Johnson, Benjamin P.  
Johnson, Thomas M.  
Kim, Kyeongseon  
Kin, Samantha R.

Krivichkin, Oleg P.  
LaCute, Christina M.  
Lall, Sheila U.  
Lape, Jennifer J.  
Lee, James S.  
Lee, Diane E.  
Liller, Thomas J.  
Lindman, Mikal V.  
Losey, Theresa R.  
Love, Stacy A.  
Luu, Judy T.  
McClary, Randall L.  
Morek, Aubrey M.  
Morris, Brian K.  
Nagy, Michelle C.  
Nicklow, Akrivoula (Rhea) A.  
Noel, Rubins  
Patel, Amit H.

Peterson, Andrew A.  
Peterson, Matthew W.  
Pham, Dat Van  
Potaraju, Satyavati  
Prather, Paige M.  
Relle, Ferenc N.  
Riebe, Michael J.  
Schwamberger, Nathan T.  
Shoffstal, Sarah A.  
Sinha, Sunil P.  
Smith, Sarah E.  
Thompson, Christopher A.  
Wallace, Heath R.  
White, Karyn  
Wojtyna, Alexander E.  
Wolfson, Sara E.  
Yim, Hae Su  
Zatroch, Jessica K.

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

Motion carried.

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

**DENTAL HYGIENE**

Abbott, Melissa L.  
Adamson, Christine L.  
Alphin, Jacqueline A.  
Arapi, Dhurata  
Avina, Gloria Z..  
Bach, Laura L.  
Badurina, Erin L.  
Bennett, Erin N.  
Berczik, Stephanie R.  
Bilimek, Lindsay K.  
Blackburn, Dana R.  
Bradford, Sara B.  
Brannon, Darla L.  
Brauen, Jennifer L.  
Brinker, Connie L.  
Brinkman, Amanda B.  
Broestle, Dana S.  
Bundy, Lori R.  
Buttermore, Julie L.  
Calvert, Monica L.  
Campana, Gina M.  
Campbell, Kaylee M.  
Campbell, Jennifer M.  
Cioba, Dana  
Cline, Jennifer L.  
Dalrymple, Kacey J.  
Danhauer, Casey J.  
Davis, Kristi L.  
Detweiler, Jennifer L.  
Dippel, Coleen M.  
Donahue, Sarah A.  
Dopkosky, Wendi L.  
Dunlevy, Amber L.  
Egbert, Carla A.  
Eisert, Stephanie S.  
Elbin, Rebecca S.  
Elwell, Amy L.  
Emerine, Katie A.  
Erisman, Lynn E.  
Evans, Amanda L.

Fascinato, Jennifer L.  
Feddersen, Julie A.  
Fishback, Patricia A.  
Fisher, Jamie L.  
Flynn, Kelly N.  
Frederick, Stephanie L.  
Fuda, Jennifer L.  
Fye, Tammy J.  
Gardner, Erin E.  
Gattrell, Jennifer L.  
Gettler, Nichole R.  
Giacomazzi,Carolynn G.  
Gibson, Wendy E.  
Grimes, Casey L.  
Guenther, Amy N.  
Guiler, Kendra L.  
Haak, Georgene L.  
Hall, Cynthia L.  
Harnett, Leigh S.  
Harster, Erin E.  
Haubert, Jennifer R.  
Heft, Chelsey N.  
Helsley, Johnnie M.  
Hemmelgarn, Heidi A.  
Hendrickson, Debra E.  
Hess, Ashlie R.  
Hicks, Roxanna G.  
Higbee, Carolyn R.  
Holland, Theresa A.  
Hughes, Molly L.  
Hunt, Megan R.  
Ingalls, Diana L.  
Isfort, Kristina M.  
Ispan, Karen E.  
Johnson, Bridgett O  
Jones, Rachel M.  
Kaufman, Katey L.  
Kay, Jessica A.  
Kearney, Rachel C.  
Klepper, Deborah A.

Kluber, Phyllis M.  
Kosinski, Kristen A.  
Kremer, Kathryn N.  
Krug, Anthony A.  
Kuenning, Kendra M.  
Kurtz, Jayne S.  
Lally, Terri A.  
Laskodi, Kathleen J.  
Lawhead, Katherine C.  
Lawson, Sherrie L.  
Leibforth, Sara E.  
Linstedt, Felicia K.  
Lipps, Christina R.  
Lusk-Koeller, Freda L.  
Maas, Tonya F.  
Maple, Ginger A.  
Marksberry, Meagan L.  
Martz, Jill M.  
Maximovich, Kristin M.  
McPheron, Chantel A.  
Michalak, Amy L.  
Miller, Lorinda M.  
Mobley, Lori A.  
Morgeson, Christina R.  
Morris, Heather L.  
Morrow, Natalie J.  
Mueller, Sarah J.  
Muhlenkamp, Jan S.  
Murdock, Erin E.  
Myers, Carlie D.  
Nadeem, Mehreen  
Nalder, Jocelyn M.  
Norris, Heather L.  
Novey, Sara A.  
Okuley, Sarah A.  
Olinger, Lindsay A.  
O'Loughlin, Leah M.  
Paul, Amy L.  
Pecnik, Renee L.  
Phillips, Diane M.  
Powers, Jennifer J.  
Raper, April D.  
Rassie, Nisanne  
Ratliff, Christina M.  
Re, Julie M.  
Reese, Lorri L.  
Rinehart, Jade C.  
Roberts, Shannon L.  
Rymarquis, Sarah E.  
Santiago, Sondra A.  
Santiago, Marisol  
Schauseil, Angelina M.  
Schepers, Catherine L.  
Schneider, Tammy J.  
Schooley, Andrea D.  
Seguin, Amanda J.  
Shaw, Andrea F.  
Shuffle, Nancy L.  
Sizmina, Yelena O.  
Slane, Tara T.  
Smith, Kathryn M.  
Smith, Erika R.  
Stas, Kristina L.  
Stokes, Jennifer A.  
Stoneburner, Stephanie J.  
Sturgill, Tracie L.  
Stutzman, Ashley L.  
Sweeney, Tiffany S.  
Triplett, Diane R.  
Turkelson, Dawn R.  
Ulrey, Sarah C.  
Unverferth, Jenny L.  
Vance, Randie R.  
Vargas, Deborah B.  
Veno, Heidi M.  
Vigeant, Laura D.  
Walls, Chelsea L.  
Walter, Lisa N.  
Watson, Jessamin M.  
Waugh, Amanda M.  
Weber, Mindy A.  
Webster, Stephanie M.  
Weinandy, Vickie M.  
Wilcoxon, Elizabeth A.  
Wolfe, Heather D.  
Wozniak, Jessica J.

Yaros, Emily E.

Zerick, Jessica A

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

Motion carried.

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

**DENTAL ASSISTANT RADIOGRAPHER**

Allison, Elizabeth A.  
Arocho, Melanie R.  
Beach, Patricia M.  
Beringer, Tammy L.  
Biser, Kristen M.  
Bosler, Dena M.  
Brake, Nicole M.  
Brewer, Jessica L.  
Bryant, Shaneaia M.  
Burdick, Teresa A.  
Cameron, Shelly L.  
Canovi, Kimberly M.  
Casteel, Lori K.  
Casteel, Amber M.  
Cheney, Barbara D.  
Cook, Leandrese G.  
Cooper, Varonica M.

Davis, Kari D.  
Dolcich, Sandra J.  
Eby, Cathleen M.  
Emming, Karen S.  
Fisher, Jill M.  
Fitzpatrick, Aja M.  
Fitzsimmons, Samantha M.  
Fleming, Linda S.  
Foster, Felicia R.  
Fox, Heather  
Garcia, Mindy M.  
Gillette, Sara J.  
Guzman, Peggy S.  
Hall, Cheryl L.  
Hardrick, Quijuanna L.  
Harper, Sasha E.  
Heibel, Teresa L.

Hensley, Georgeann M.  
Hogeback, Tara G.  
Johnson, Elizabeth M.  
Kirk, Bridget G.  
Kowatsch-Beyer, Kristina  
Kytzu, Oana L.  
Mackeigan, Dianne M.  
Malson, Lonnie L.  
Markley, Sabrena F.  
Maslar, Kerri M.  
Matson, Amanda J.  
McDowell, Alisa M.  
Minor, Amy S.  
O'Connell, Amy N.  
Osborn, Jr., Andre L.  
Owino, Christina L.  
Park, Lindsey C.  
Patrick, Brenda M.  
Peer, Christine R.  
Peters, Amanda M.  
Ramsey, Ronda K.  
Raney, Staci D.  
Rippberger, Laura J.  
Roberts, Julia M.

Robinson, Gerry A.  
Rochemont, Claudia E.  
Rogers, Tara L.  
Romer, Georgia G.  
Sedlatschek, Guadalupe J.  
Shauburger, Shawna M.  
Shaw, Laraine M.  
Shipman, Malinda A.  
Silva, Annette  
Sparks, Melanie K.  
Stollar, Angela M.  
Thacker, Tarra L.  
Turley, Kelli M.  
Tyree, Elizabeth A.  
Vasel, Peggy A.  
Vaughan, Holly L.  
Vaughn, Mary E.  
Wagstaff, Cheryl H.  
Wainio, Jessica E.  
Walker, Regina L.  
Whatley, Linda L.  
Zureick, Carole A.

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

Motion carried.

*Motion by Dr. Kyger, second by Ms. Leshner, to approve the licensure report for the following limited resident licenses issued to participate in residency programs:*

**LIMITED RESIDENT**

Ahn, Changwon  
Andrews, Curtis K.  
Barton, Jason A.  
Brijade, Sheila L.  
Chambers, Jennifer E.  
Chan, Richard W.  
Chang, Huei-Ling  
Chou, Hsing-Hsien  
Cox, Annie C.  
Decker, Molly S.  
DeRose, Patrick A.  
Eitter, Giselle C.  
Elison, Mark T.  
Goel, Gunjan  
Haws, Anneliese T.  
Huynh, Gwen  
Jabero, Marvin F.  
Jacobs, James O.  
Jones, Michael B.  
Kayastha, Jimmy

Ker, Alan J.  
Lingg, Brian C.  
Maney, Pooja  
Martin, Boyd D.  
Moreno, David F.  
Pabst, Lindsay A.  
Pafford, Jeffrey B.  
Pafford, Katherine D.  
Pappas, Eleni E.  
Patalia, Mohit  
Rice, Jason M.  
Rosvall, Michael D.  
Rutter, Andrew W.  
Sayegh, Tariq  
Scholzen, Jeremy J.  
Shreefter, Alison B.  
Smith, Michael L.  
Troy, Beth A.  
Webb, Adrienne L.

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

Motion carried.

*Motion by Dr. Kyger, second by Dr. Murphy, to approve the licensure report for the following coronal polishing certificates issued by; certification by the Dental Assisting*

***National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of requirements necessary to obtain certificate:***

**CORONAL POLISHING**

Bender, Lisa M.  
Bielecki, Anne M.  
Birchfield, Tracy L.  
Earley, Tiffany M.  
Incze, Hazel D.  
Olson, Sydney A.  
Pierce, Christina

Poe, Sarah R.  
Polidori, Michele L.  
Remllong, Eileen M.  
Rice, Cynthia A  
Sauer, Sheri L.  
Weatherby, Deborah M.  
Weber, Teri L.

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

Motion carried.

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

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

Dr. Khaldoun Attar  
Dr. Malvin T. Calimlim  
Dr. Mary E. Endres  
Dr. Ryan G. Harris

Dr. Tiffany A. Harris  
Dr. Craig T. Mueller  
Dr. Jeremy J. Scholzen  
Dr. Sanghee Yun

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

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

Motion carried.

## **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:

Julia A. Beck, R.D.H.

Madhu B. Thammappa, R.D.H.

***Motion by Ms. Wise, second by Ms. Naber, to approve these two (2) regional board dental hygiene license applications.***

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

Ms. Wise - Yes  
Dr. Wright - Yes

Motion carried.

## LIMITED TEACHING LICENSE APPLICATION(S)

The following individual has applied for a limited teaching license:

Dr. Alfredo J. Hernandez has been appointed to Case Western Reserve University, School of Dental Medicine.

*Motion by Dr. Armstrong, second by Ms. Leshner, to approve this application for a limited teaching license.*

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

Motion carried.

## LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

The following individuals have applied for limited continuing education licenses for the purpose of participating in an I.V. conscious sedation externship offered at the *Miami Valley Hospital* under the direction of Dr. Daniel Becker:

Dr. Dwayne E. Brown

Dr. Dowlat G. Hasso

*Motion by Dr. Kyger, second by Dr. Howard, to approve these two (2) applications for limited continuing education licenses.*

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

Motion carried.

## REINSTATEMENT LICENSE APPLICATION(S) - NO INTERVIEW

### LORRAINE H. BENZ, R.D.H.

The Board reviewed and considered the licensure information for Lorraine H. Benz, R.D.H. that was prepared by Ms. Smith.

*Motion by Dr. Murphy, second by Ms. Wise, to approve Ms. Benz's reinstatement application for dental hygiene licensure in the state of Ohio.*

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

Motion carried.

**CONSTANCE R. KUFNER, R.D.H.**

The Board reviewed and considered the licensure information for Constance R. Kufner, R.D.H. that was prepared by Ms. Smith.

***Motion by Ms. Leshner, second by Ms. Wise, to approve Ms. Kufner's reinstatement application for dental hygiene licensure in the state of Ohio.***

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

Motion carried.

**CAROL A. SMITH, R.D.H.**

The Board reviewed and considered the licensure information for Carol A. Smith, R.D.H. that was prepared by Ms. Smith.

***Motion by Ms. Wise, second by Dr. Howard, to approve Ms. Smith's reinstatement application for dental hygiene licensure in the state of Ohio.***

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Absent  
Dr. Hills - Yes  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes – Yes  
Ms. Leshner - Yes

Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber - Yes  
Dr. Vesoulis - Yes  
Ms. Wise - Yes  
Dr. Wright - Yes

Motion carried.

## **ENFORCEMENT REPORT**

### **INVESTIGATOR INTRODUCTION - HARRY PASKU**

Ms. Hockenberry introduced Harry Pasku, Investigator for the Ohio State Dental Board. She stated that Mr. Pasku was employed by the Ohio State Highway Patrol for 31 years prior to beginning his employment with the Board in Spring 2001.

Mr. Pasku stated that he works predominantly in the northeast area of the state around Youngstown and some parts of Cleveland handling all types of complaints. When questioned by the Board, Mr. Pasku indicated that most of the complaints he investigates are regarding standard of care issues that he reviews with the Board Secretary, Dr. Hills, in Cleveland, as it is closer than driving to the office in Columbus.

Ms. Hockenberry stated that Mr. Pasku has become the Board's denture "guru" regarding complaints. Dr. Vesoulis thanked him for coming today to meet the Board.

## **REPORT AND RECOMMENDATIONS**

### **REPORT AND RECOMMENDATION IN THE MATTER OF NANCY L. ZAGUNIS, D.D.S.**

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Nancy L. Zagunis, D.D.S. that was filed by Christopher B. McNeil on May 24, 2005.

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

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

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

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

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

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

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

Dr. Wright – Yes

Dr. Hills stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. Dr. Hills then asked if Dr. Zagunis or her attorney were present. Noting no response, Dr. Hills asked if the State's Attorney General would like to make a statement.

***BARBARA PFEIFFER, ESQ., ASSISTANT ATTORNEY GENERAL***

Ms. Pfeiffer directed the Board's attention to page 9 of the Report and Recommendation, specifically item 2 of the Findings of Fact. She proceeded to read Findings of Fact number 2 and expressed to the Board the connection that "...Dr. Zagunis routinely prescribed and distributed to Sandra Nelson, D.D.S., ..." that was made by the Hearing Examiner was in error. She stated that at no time during the hearing was any testimony provided to support that assumption. Ms. Pfeiffer stated that the testimony indicated that Dr. Zagunis' life partner, Dr. Nelson, had been deceased for approximately a year prior to the issues brought before the Board and that there was never any allegation of prescriptions or medications being distributed to Dr. Nelson. Therefore, she stated that the Board should take this information into consideration when making the basis of their decision in this matter.

**EXECUTIVE SESSION**

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

Roll call vote.

Motion carried unanimously.

Dr. Hills did not attend the executive session.

***OPEN SESSION***

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

## DECISION IN THE MATTER OF NANCY L. ZAGUNIS, D.D.S.

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

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

*Motion by Dr. Vesoulis, second by Dr. Kyger, that Count 1 of the Notice of Opportunity for Hearing is found to be true however, with respect to finding of fact #2 of the Report and Recommendation, the Board did not find evidence to support this finding as it relates to prescribing to Sandra Nelson, D.D.S.*

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

Motion carried.

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

*It is hereby ORDERED:*

- 1. The license of NANCY L. ZAGUNIS, DDS to practice dentistry in the state of Ohio is SUSPENDED for an INDEFINITE period of time. Dr. Zagunis shall not be permitted to apply for reinstatement for a period of no less than six (6) months. During the term of suspension:*

- A. *No one in the dental office may perform dentistry or dental hygiene duties or otherwise treat patients during the period of suspension.*
  - B. *A receptionist may answer the phones with "Dr. Zagunis' Office", or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.*
  - C. *DR. ZAGUNIS may not receive any income either from a legal or a beneficial interest in the dental practice during the period of suspension.*
2. *The BOARD shall not consider REINSTATEMENT of DR. ZAGUNIS' license to practice unless and until all the following requirements are met:*
- A. *DR. ZAGUNIS shall make a written request to the Board Secretary for reinstatement.*
  - B. *DR. ZAGUNIS shall appear before the Board for an interview.*
  - C. *DR. ZAGUNIS shall submit to a drug/alcohol assessment at a Board approved treatment facility within thirty (30) days of the effective date of this agreement, and shall ensure that the results of that assessment are submitted to the Board. DR. ZAGUNIS shall immediately comply with any treatment recommendations of the facility.*
  - D. *DR. ZAGUNIS shall submit documentation satisfactory to the Board that she has completed continuing education (CE) approved in advance by the Board Secretary as follows:*
    - 50 CE hours in Pharmacology*
    - 25 CE hours in Ethics*
    - 25 CE hours in Substance Abuse*
3. *If reinstated, DR. ZAGUNIS' license to practice dentistry shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of five (5) years:*

***A. DR. ZAGUNIS shall submit quarterly declarations under penalty of Board discipline stating that she is in compliance with the terms of this Order.***

***B. DR. ZAGUNIS shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio. These hours shall be approved in advance by the Board Secretary. These hours are in addition to the forty (40) hours required for licensure renewal.***

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

Discussion ensued regarding the modification of the recommended order. Dr. Wright stated that the Board had concerns with a potential bigger problem indicated by the evidence that Dr. Zagunis admitted to self prescribing 20 Vicodin tablets a day. He stated that the Board was taking measures to ensure the public will be protected and that Dr. Zagunis is able to safely treat Ohio's dental care consumers.

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

Motion carried.

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

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

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

Motion carried.

## PERSONAL APPEARANCE(S)

### MELISSA L. LAVANCE, DENTAL ASSISTANT RADIOGRAPHER

Ms. Hockenberry explained to the Board members that this is Ms. LaVance's first appearance before them subsequent to successful completion of Laurelwood Hospital's (Laurelwood) Aftercare program on June 7, 2005. She stated that the Board office has not received any documentation from Northwest Counseling Services regarding Ms. LaVance's counseling sessions to date. Ms. Hockenberry also pointed out that Ms. LaVance was required to provide random drug screenings and that on at least one (1) occasion this was not completed or reported in a timely manner. However, she stated that Ms. LaVance apparently was unable to pay for the drug screening at that time and has filed for the Charity Program at Riverside Methodist Hospital (Riverside Hospital) in order to obtain assistance in that regard.

Ms. LaVance began by clarifying that she had arrived at Riverside Hospital before the Financial Aid office opened and therefore could not afford to have the drug screening performed. She stated that she had provided copies of the documentation from the lab for her most recent drug screening to the Board office immediately prior to the meeting today.

When questioned by the Board as to how her treatment was progressing, Ms. LaVance stated that she had completed treatment at Laurelwood and MaryHaven and has been sober for ten (10) years. When asked if Ms. LaVance felt stable and more confident since she has completed her treatment, Ms. LaVance stated that she did not have any trouble managing alcohol she was just pulled over for a DUI [Driving Under the Influence of Alcohol and Drugs].

The Board members questioned Ms. LaVance regarding her counseling, to which she stated that she was seeing a counselor every week as Laurelwood had directed her to

show the Board that this was being done weekly. She then stated that she has been sober for eighteen (18) months. When questioned about her earlier statement of being sober for ten (10) years, Ms. LaVance adamantly stated that she had never made a statement to that affect and reiterated that she has been sober for eighteen (18) months. She informed the members that she has been seeing an A & D (Alcohol and Drugs) counselor and a social worker.

Ms. LaVance was then asked repeatedly if she believed that she had a problem prior to her DUI conviction to which she inquired of her attorney, Doug Graff, if this information was on the Internet. Mr. Graff instructed Ms. LaVance talk to the Board and to answer the question, she replied that she had quit years ago but that alcohol is a problem. She then stated that she has been sober since October, 2003.

The Board members asked Ms. LaVance if she is currently on any medications. After a long pause, and again inquiring of her attorney, Ms. LaVance said that she could have her personal physician fax that information to the Board office. The Board members clarified that they did not need to know now the specific type, quantity, or amount of medications but rather only if she were currently on any medications. Upon a brief discussion with Mr. Graff, Ms. LaVance said yes that she was on medication and could have her physician fax the information if the Board so required.

Ms. LaVance was asked if she were currently working in a dental office. She stated that she is currently working for a mortgage company but is looking for employment as a healthcare provider.

For clarification, the Board asked Ms. LaVance how she was convicted of a DUI charge in November, 2003 if she claimed to the Board to have been sober since October, 2003. Mr. Graff explained that the arrest had been in October with the subsequent conviction being in November of that year.

Upon being questioned by the Board as to the number of hours per week Ms. LaVance was attending counseling, she stated that she had counseling once a month but more often usually once a week. She stated that letters have been forwarded to the Board office regarding her counseling. Ms. Hockenberry indicated that the Board office has only received a couple of letters indicating the types of counseling Ms. LaVance is being required to attend, but that we were unsure as to what she was actually doing in that regard.

Dr. Vesoulis informed Ms. LaVance that the Board requires more information/documentation on the types and amounts of medications, types and number of hours of counseling, and copies of the results of a psychological evaluation prior to her request for reinstatement being considered. Ms. LaVance indicated that she did not understand the Board's request since she has provided copies of documentation, and she

expressed frustration at having to wait until September. Ms. Reitz informed Ms. LaVance that the Board will not consider her request for reinstatement at this time and is requesting more information in addition to the copies she brought with her today prior to any further discussions in this matter. She stated that the Board will be inviting Ms. LaVance to appear at the September meeting and that she would be notified by letter of the invitation and the required documents that must be submitted prior to the meeting.

Ms. LaVance thanked the Board.

**PETER G. WOLFRAM, JR., D.D.S.**

Ms. Hockenberry that this was Dr. Wolfram's third appearance before the Board. She informed the Board that Dr. Wolfram completed his treatment program and intensive outpatient aftercare through Comprehensive Addiction Service System (COMPASS). She stated that he is in the admissions process of the Ohio Physicians Health Program (OPHP) and that once the paperwork is completed he will be attending his first meeting at 3:30 p.m. today. She commented that Dr. Wolfram is in substantial compliance with the terms of his consent agreement with the Board.

Upon questioning by the Board, Dr. Wolfram stated that he has continued doing everything that has been required of him since his last appearance before the Board in June, including aftercare at St. Rita's Medical Center, caduceus meetings once a week, and attends Alcoholics Anonymous (AA) meetings five (5) times per week. Dr. Wolfram said that he reads and works out in his free time and is still going into his office to process paperwork/bills but not as often as he does not have the money. He indicated that he still has another dentist performing procedures in his office to cover his patient schedule.

When questioned whether he has a support system in place, Dr. Wolfram stated that he calls his AA sponsor and his brother every morning, that he has been seeing an individual counselor through COMPASS once a week for an hour, and had been seeing his psychiatrist once a week for treatment of his Bipolar Disorder. Dr. Wolfram indicated that he is still on the same medications for his disorder with the addition of a mood stabilizer. He indicated that the new prescription has made a big difference when he is taking the medication as opposed to when he is not and that unless there are any significant problems his psychiatric sessions have been reduced to once every three to four (3-4) weeks. He stated that his mother, father and soon to be ex-wife have all been very supportive in his efforts, in addition to his teenage daughter and brother.

The Board members inquired as to the status of any formal charges against Dr. Wolfram, to which he explained that a pretrial hearing was scheduled for August 5, 2005. He indicated that it was his understanding that this would not go to trial, as the prosecutor would be speaking with Dr. Wolfram's attorney in this matter.

Dr. Beckwith remarked that during the last Board meeting, Dr. Richard Whitney, Medical Director at Shepherd Hill, spoke to the Board regarding addiction. He stated that during the question and answer session after the presentation, Dr. Whitney expressed his skepticism of crack cocaine abusers rehabilitating in less than one (1) year. Dr. Beckwith said Dr. Whitney informed them that crack cocaine addicts are at a higher risk for relapse within the first year than alcohol abusers, based on past experience. Dr. Beckwith repeated Dr. Whitney's comments that less than a year for rehabilitation was questionable, and he asked Dr. Wolfram to explain why his case was the exception to this general view.

Dr. Wolfram explained that all of his counselors were in agreement that he was ready to return to practicing dentistry. He stated that in light of the fact that he holds a consent agreement with the Board and a monitoring contract with OPHP the Board would know immediately should he relapse.

Dr. Hills questioned why the Board should consider Dr. Wolfram's situation differently in light of their awareness of the high risk of relapse with crack cocaine addicts. Dr. Wolfram posed the possibility that most crack cocaine addicts are on the drug for several years prior to entering into rehabilitation. He speculated that possibly because he had only abused crack cocaine for less than five (5) months, his recognition of the damage he had inflicted on his life and family, and his absolute desire not to return to that situation were the driving forces in his recovery. Dr. Wolfram said the potential loss of his daughter, practice, home and freedom were big motivators guiding his recovery.

Dr. Hills stated that the Board understands and appreciates Dr. Wolfram's effort thus far, however, the higher priority for the Board is to protect the public and they do not want to provide an opportunity for injury to a patient. Dr. Wolfram stated that for the record that in the thirteen (13) years he has been practicing he has never received any standard of care violations, malpractice suits against him, or has he ever abused crack cocaine while practicing dentistry.

### EXECUTIVE SESSION

*Motion by Dr. Wright, second by Ms. Naber, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the matter of Peter G. Wolfram, Jr., D.D.S.*

Roll call vote

Motion carried unanimously.

## **OPEN SESSION**

The Board resumed open session at 3:14 p.m.

*Motion by Dr. Vesoulis, second by Murphy, that Dr. Wolfram may return to the active practice of dentistry limited to not more than twenty (20) hours per week until further notice, that Dr. Wolfram shall provide weekly urine screening results to the Board and shall be suspended immediately if said results are positive, that Dr. Wolfram shall continue with the contract process with the Ohio Physicians Health Program and comply with all the terms of his consent agreement with the Board.*

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

Motion carried.

Discussion followed wherein Board members suggested that weekly submission of patient scheduling should be provided to the Board in order to ensure compliance with the maximum twenty (20) hours worked per week and additionally, if the results of the weekly urine screening is not received on time, the Board will assume the result positive.

*Motion by Dr. Murphy, second by Ms. Naber, to amend the proposed restrictions on Dr. Wolfram's license to practice dentistry to include weekly submission of patient schedules and urine screenings to the Board office.*

Dr. Vesoulis clarified that the results of the weekly urine screen will be assumed positive should even one (1) weekly reporting be missed. Dr. Wolfram indicated that he understood the Board's request.

Roll call vote.

Motion carried unanimously.

**RICHARD SCHOONMAKER, D.D.S.**

Ms. Hockenberry informed the Board that Richard J. Schoonmaker, D.D.S. had completed his inpatient treatment at LaurelWood on June 8, 2005 and was currently enrolled in an aftercare program at Parkside Behavioral Healthcare (Parkside). She reminded the Board members that this is Dr. Schoonmaker's third impairment consent agreement.

Upon questioning by the Board, Dr. Schoonmaker stated that he feels he has been doing very well with everything he has been taught. He stated that he has been attending meetings, morning prayer sessions, caduceus and the aftercare program. He said that for the first time in sixteen (16) years he has been offered hope from chronic pain, management of pain and addiction in the form of a new drug that contains an antagonist that makes it impossible for him to relapse. Dr. Schoonmaker indicated that along with starting this prescription today he has signed an agreement with OPHP and provides weekly drug screenings.

Dr. Schoonmaker commented that he never woke up in the mornings wanting to be an addict in that his addiction was not alcohol or street drugs, but rather prescriptions drugs from repeated injuries to bones and joints and pain in joints that do not function as they once did. He stated that he has been seeking assistance through the pain management clinic at The Ohio State University and is looking at going on disability. He stated that he would like to go back to actively practicing in order to take care of his children. Dr. Schoonmaker commented that with this new medication he has been offered he may be about to function without being in misery from pain.

Dr. Beckwith commented that during the previous Board meeting Dr. Schoonmaker had repeated his story, which had evoked a considerable amount of sympathy from the Board members. However, he stated, subsequent to that presentation the Board members were informed that this is the same or similar story that Dr. Schoonmaker has been telling the Board for at least the past ten (10) years.

Dr. Beckwith said that with Dr. Schoonmaker's repeated relapses, a picture begins to emerge similar to a tape loop of treatment and relapse. He stated that for whatever reasons, Dr. Schoonmaker does not deal well with pain or the medications to treat the pain. Dr. Beckwith commented that this appears to be the cycle of Dr. Schoonmaker's existence in that the substances keeps calling him back and that he cannot say "No."

Continuing on, Dr. Beckwith stated that these were probably rhetorical questions, but asked:

- If by some chance, should/would you consider a career change so that the mortal public would not be threatened by your continued practice?
- What would happen if while you were under the influence you did harm?
- What makes this relapse and subsequent treatment and appearance before the Board any different from the previous times?

Dr. Beckwith remarked that while Dr. Schoonmaker appears to be a nice guy there clearly is a pattern here, and these are the questions that he cannot escape in evaluating this matter as a Board member.

Dr. Schoonmaker stated that with regards to this appearance before the Board being different, he attended a different treatment facility and he has obtained more continuing education and information regarding substance abuse. He stated that on the previous two (2) occasions, he had attended Shepherd Hill that was very “cookie-cutter”, “draconian”, and abusive. Dr. Schoonmaker clarified that the treatment was abusive in nature by being “in your face” and confrontational with loud voices and screaming. He remarked that Shepherd Hill is very good at this “cookie-cutter” approach to treatment.

Continuing on, Dr. Schoonmaker claimed that during his treatment at Shepherd Hill they had misdiagnosed acute chronic pain as just his way of seeking drugs. He commented that there were other missed diagnoses made also.

Dr. Beckwith remarked that the Board recognizes the terrible struggle Dr. Schoonmaker must face in confronting this issue. However, he stated that in the meantime while Dr. Schoonmaker is attempting to find the answers, the Board is a regulatory agency charged with the protection of the public. He then questioned Dr. Schoonmaker as to how long the Board is supposed to wait as he pursues an end to this problem? Dr. Beckwith reiterated that the “tape loop” is back on with the new medication/new deal, but once that starts to work he questioned what would be the next event to trigger relapse.

Ending the discussion, Dr. Vesoulis stated that Dr. Schoonmaker must submit reports earlier and that the burden is on him to ensure that the Board receives the necessary documentation in a timely manner if Dr. Schoonmaker plans to be invited to the September Board meeting. He stated that in the meantime this would allow sufficient opportunity to see how the new medication is working for Dr. Schoonmaker.

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

### GEORGE A. LANGA, D.D.S.

Dr. Vesoulis turned the meeting over to Dr. Hills to conduct the evidentiary review. Dr. Hills then stated for the record:

“This is an evidentiary review in the matter of George A. Langa, D.D.S., pursuant to Chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the Administrative Hearing that would have occurred if Dr. Langa had requested a hearing. The Board’s minutes will serve as the official record of this proceeding.”

Dr. Hills asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing.

Ms. Pfeiffer said yes and called Ms. Rebecca Hockenberry, Assistant Director of the Dental Board, to give testimony in this matter. Dr. Hills asked Ms. Hockenberry to raise her right hand and said:

“Do you swear that the testimony you are about to give will be the truth so help you God?”

Ms. Hockenberry said yes and upon questioning by Ms. Pfeiffer she described her duties as the Assistant Director of the Dental Board. She stated she oversees the enforcement unit of the Dental Board.

Ms. Pfeiffer proceeded to address State’s Exhibits 1 thorough 5 by asking Ms. Hockenberry questions regarding each Exhibit. Ms. Hockenberry identified State’s Exhibit 1 as a copy of Dr. Langa’s consent agreement with the Board that was approved on January 7, 2004. She stated that page 2, paragraph 1 stipulated that Dr. Langa was to complete sixty (60) hours of continuing education in diagnosis and treatment planning, diagnosis of decay, dental radiography, record keeping, restorative dentistry and periodontal treatment, diagnosis and charting at an American Dental Association accredited Dental College prior to April 1, 2004. Ms. Hockenberry said that a copy of the Amended Notice of Opportunity for Hearing indicating seven (7) Counts of violations of the standard of care was attached to the consent agreement as background documentation.

Continuing on, Ms. Hockenberry stated that State’s Exhibit 2 is a copy a letter dated March 25, 2004 from Dr. Langa that was received March 29, 2004. She stated that the

letter indicated that Dr. Langa did not have the \$9,000 required to pay for the mandated continuing education and therefore he was placing his license on an inactive status and would not be practicing dentistry in the state of Ohio until further notice. She indicated that Dr. Langa had also noted a change in address in the letter. Ms. Hockenberry said that the Board does not statutorily have the authority to place a license on inactive status.

State's Exhibit 3 is a copy of a letter dated December 22, 2004 and addressed to Dr. Langa at P.O. Box 636, Grand River, Ohio 44045 from Deputy Attorney General Jonathan Fulkerson. Ms. Hockenberry indicated that this letter was an attempt to locate Dr. Langa to inform him that the Board does not have an "inactive hold" status and guide him in efforts to resolve this issue. She stated that Mr. Fulkerson had delineated Dr. Langa's three (3) options as, entering into a new consent agreement with the Board restating the time permitted to obtain the required continuing education, the option of voluntarily retiring his license to practice dentistry in Ohio, or that he could be charged with failure to comply with the current consent agreement with the Board. She stated that page 2 of State's Exhibit 3 is a copy of the letter envelope returned to the Office of the Attorney General unopened and marked "Unable to Forward, Return to Sender".

Ms. Hockenberry said that State's Exhibit 4 is a copy of a letter dated January 5, 2005 that was sent to Dr. Langa from Deputy Attorney General Fulkerson at 7166 Mentor Avenue, TRLR 44, Willoughby, Ohio 44094-7977, which was another address in Dr. Langa's file. She indicated that the body of the letter is the same as that of State's Exhibit 3 and that this was another attempt to locate Dr. Langa and resolve this issue. Ms. Hockenberry stated that neither Mr. Fulkerson nor the Board have received a response to this request. Ms. Hockenberry stated that Mr. Fulkerson spoke with Eric Plinke, Esq., Dr. Langa's attorney representation at the time of the consent agreement, in an attempt to locate Dr. Langa or to determine if he had complied with the continuing education requirements stipulated in the consent agreement. She stated that there has been no evidence to support that Dr. Langa has complied with these terms to date.

State's Exhibit 5 is a copy of the April 27, 2005 Notice of Opportunity for Hearing mailed to Dr. Langa at 325 Angelico Drive, Nokomis, Florida 34275 which indicates one (1) count of failure to comply with the January 26, 2004 Consent Agreement with the Board. Ms. Hockenberry stated that page 2 and 3 of State's Exhibit 5 are copies of the Certified Mail receipt that was returned to the Board office on June 6, 2005. She indicated that Dr. Langa had signed the original return receipt card.

Ms. Pfeiffer asked Ms Hockenberry if the Board office had ever received a request for Hearing from Dr. Langa. Ms. Hockenberry said "No."

When questioned by Ms. Pfeiffer as to whether Dr. Langa has ever complied with the continuing education stipulated as terms of his consent agreement with the Board and prior to Ms. Hockenberry's testimony that day, Ms. Hockenberry stated that Dr. Langa has not submitted any proof that he is in compliance with the continuing education terms of the consent agreement.

Ms. Pfeiffer stated that she had no further evidence to present and requested that State's Exhibit's 1 through 5 be entered into evidence.

*Motion by Dr. Kyger, second by Dr. McDonald, to accept State's Exhibits 1 through 5 into evidence.*

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

Motion carried.

Dr. Hills stated that the Board would hear the testimony in the matter of Wendy Howard, R.D.H. prior to going into executive session where they will be discussing both matters at that time.

**WENDY HOWARD, R.D.H.**

Dr. Hills then stated for the record:

“This is an evidentiary review in the matter of Wendy Howard, R.D.H., pursuant to Chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the Administrative Hearing that would have occurred if Ms. Howard had requested a hearing. The Board's minutes will serve as the official record of this proceeding.”

Dr. Hills asked if the State would like to present any additional information to support the charges outlined in the Notice of Opportunity for Hearing.

Ms. Pfeiffer said yes and called on Ms. Hockenberry. Dr. Hills reminded Ms. Hockenberry that she was still under oath and directed Ms. Pfeiffer to continue her questioning.

Ms. Pfeiffer proceeded to address State's Exhibits 1 through 9 by asking Ms. Hockenberry questions regarding each Exhibit. Ms. Hockenberry identified State's Exhibit 1 as a copy of a dental hygiene renewal application issued and submitted by Wendy Howard, R.D.H. She stated that it was due December 1, 2003 and returned to the Dental Board with a signature by Ms. Howard dated December 16, 2003. Ms. Hockenberry said that the "yes" checkbox is marked on the backside of the renewal application wherein the licensee indicates that she has fulfilled the twelve (12) hours of continuing education requirement for renewal of her dental hygiene license and that she is currently certified in basic life support.

Ms. Hockenberry stated State's Exhibit 2 is a copy of a letter dated September 1, 2004 indicating that Ms. Howard had been randomly selected for audit of her continuing education records. She stated that the letter informed Ms. Howard that she was required to submit documentation evidencing completed continuing education for the period from January 1, 2002 to December 31, 2003. Ms. Hockenberry said that each of the audit letters was mailed with a copy of the Log of Continuing Education For the Period of January 1, 2002 – December 31, 2003 which was to be completed by the licensee and submitted to the Board office along with copies of their continuing education documentation within fourteen (14) days from receipt of the letter.

Continuing on, Ms. Hockenberry said that State's Exhibit 3 is a sample copy of the Log of Continuing Education For the Period of January 1, 2002 – December 31, 2003 which was sent to all current dental and dental hygiene license holders at the time of renewal in December 2003. She stated that licensure renewal procedures require the log to be completed and submitted along with the renewal form and fee in order for the license to be renewed.

When questioned by Ms. Pfeiffer as to whether Ms. Howard had ever submitted the required log for renewal or whether the Board office had ever received a response to the audit letter request, Ms. Hockenberry stated that a thorough search of the Board's records was performed and there was no evidence to support that Ms. Howard had submitted a log of continuing education to renew her license or responded to the request for audit letter.

State's Exhibit 4 was a copy of the Final Notice letter dated November 15, 2004 that was mailed to Ms. Howard to the same address that the original audit request letter was mailed, her last known address: 7601 Glenover Drive, Cincinnati, Ohio 45236. Ms. Hockenberry said that this letter was sent Certified Mail Receipt and indicated that Ms. Howard had received the letter and signed and returned the Return Receipt card as evidenced by her signature on page 2 of the exhibit.

Ms. Hockenberry stated that State's Exhibit 5 is a checklist document created by Ms. Franks, Continuing Education Coordinator, which is used to review submitted audits for compliance. Ms. Hockenberry indicated that at the bottom of the document, Ms. Franks had made several notes with regards to the handling of Ms. Howard's continuing education audit. Ms. Hockenberry read through the notations made by Ms. Franks, stating that on November 16, 2004 a "Final Notice" letter was sent Certified Mail Return Receipt and that on November 29, 2004, Ms. Franks had received a voicemail message from Ms. Howard wherein she stated that she had just received the "Final Notice" letter. On December 7, 2004 the Return Receipt card was received in the Dental Board office and Ms. Franks attempted to call Ms. Howard but received no response, was unable to leave a message, and forwarded Ms. Howard's file to enforcement at that time. Ms. Franks received a phone call from Ms. Howard on December 16, 2004 wherein she claimed to have submitted the audit information to the Board office. However, Ms. Franks had explained to Ms. Howard that the Board had never received the information and that she must submit the information as soon as possible since this matter had been forwarded to enforcement for further processing.

Ms. Hockenberry noted that Ms. Franks had not received any documentation or information from Ms. Howard and discussed this matter with her on December 7, 2004. She stated that the second page of State's Exhibit 5 is a copy of a message dated February 8, 2005 to Ms. Hockenberry from Ms. Howard wherein Ms. Franks stated that Ms. Howard had contacted the Dental Board regarding her continuing education audit, that she could not locate her Cardiopulmonary Resuscitation (CPR) certification and was informed that the file had been forwarded to enforcement on December 7, 2004 due to non-response within the thirty (30) days allowed. Ms. Howard had asked to have Ms. Hockenberry return her call to discuss this matter.

Ms. Hockenberry stated that she had spoken with Ms. Howard on February 8, 2005, wherein Ms. Howard stated that she was in compliance with the continuing education but just needed to go to the local fire station to obtain a copy of her CPR certification. Ms. Hockenberry stated that she informed Ms. Howard to obtain the information, fax it to the Dental Board office the next day and then informed Ms. Howard of the contact information. She noted that the information from Ms. Howard was not received the next day as was requested.

State's Exhibit 6 is a copy of the Notice of Automatic Suspension and Notice of Opportunity for Hearing that was mailed to Ms. Howard on February 16, 2005. Ms. Pfeiffer asked if there was any evidence that Ms. Howard had received the Notice. Ms. Hockenberry stated that it was unclear as to whether Ms. Howard had received the letter and therefore she requested that Larry Powell, Dental Board Enforcement Officer, deliver it to her personally. Personal service was completed.

Continuing on, Ms. Hockenberry identified State's Exhibit 7 as a copy of a letter from Jim Imholte, Paramedic/BLS/CPR Instructor from Sycamore Township EMS & Fire Department indicating that Ms. Howard had taken and passed the American Heart Association BLS/CPR-Adult-Child-Infant Class and AED on April 4, 2005. Ms. Pfeiffer asked Ms. Hockenberry if this letter had any bearing or relevance of compliance with the 2002-2003 audit. Ms. Hockenberry said no. Ms. Pfeiffer asked if Ms. Howard had submitted any other documentation of continuing education compliance to date and Ms. Hockenberry again stated that there has been no additional continuing education documentation submitted to the Board office by Ms. Howard.

State's Exhibit 8 is a copy of the May 11, 2005 letter sent to Ms. Howard indicating that the Board had received a copy of the correspondence from the Sycamore Township EMS & Fire Department reflecting her successful completion of the American Heart Association CPR course. Ms. Hockenberry stated that the letter attempted to clarify that Ms. Howard did not obtain certification in CPR in 2003 and again requested her documentation for any continuing education she had taken in 2003-2003 as the Board office had not received any documentation to date. Ms. Hockenberry stated that the Board has received no response from Ms. Howard in regards to this correspondence.

The final exhibit, State's Exhibit 9 is a copy of an investigative report written by Mr. Powell wherein he states that on May 17, 2005 he had hand-delivered the Notice of Automatic Suspension and Notice of Opportunity for Hearing to Ms. Howard. Ms. Hockenberry pointed out that Mr. Powell's report indicates that at first Ms. Howard refused to answer the ringing of her doorbell and knocking by Mr. Powell. She stated that Mr. Powell proceeded to telephone Ms. Howard and upon answering, explained his reasons for hand-delivery of the Notice.

Mr. Landes asked Ms. Hockenberry if there were any likelihood that Ms. Howard's continuing education documentation disappeared. Ms. Hockenberry indicated that she had no doubt that the documentation was never submitted and that according to that last time she spoke to Ms. Howard, she is not working in any dental office.

***Motion by Dr. Murphy, second by Dr. McDonald, to accept State's Exhibits 1 through 9 into evidence.***

Roll call vote.

Motion carried unanimously.

**EXECUTIVE SESSION**

*Motion by Dr. Wright, second Dr. Kyger, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the matters of George A. Langa, D.D.A. and Wendy Howard, R.D.H.*

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

Motion carried.

**OPEN SESSION**

The Board resumed open session at 4:16 p.m. Dr. Hills then stated:

“Let the record reflect that I, Dr. Edward R. Hills was the secretary in these matters, and therefore I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in these matters.”

**DECISION IN THE MATTER OF GEORGE A. LANGA, D.D.S.**

*Motion by Dr. Vesoulis, second by Dr. McDonald, that the Counts in the Notice of Opportunity for Hearing are found to be true.*

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

Motion carried.

*Motion by Dr. Vesoulis, second by Ms. Wise, that:*

*It is hereby ORDERED:*

*The license of GEORGE A. LANGA, D.D.S. to practice dentistry in the state of Ohio is hereby REVOKED.*

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

Dr. Vesoulis commented that the Board feels that Dr. Langa's apparent disregard for the opportunity to speak before them and the opportunity presented to him to retire his license indicates his neglect and that Dr. Langa should not be permitted to pursue licensure to practice dentistry in the State of Ohio in the future.

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

Ms. Naber – Yes  
Ms. Leshner - Absent  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**DECISION IN THE MATTER OF WENDY HOWARD, R.D.H.**

*Motion by Dr. Wright, second by Dr. Vesoulis, that the Counts in the Notice of Opportunity for Hearing are found to be true.*

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

Motion carried.

*Motion by Dr. Vesoulis, second by Dr. McDonald, that:*

*It is hereby ORDERED:*

- 1. The license of WENDY HOWARD, RDH to practice dental hygiene in the state of Ohio is hereby SUSPENDED for an indefinite period of time.*
- 2. The BOARD shall not consider REINSTATEMENT of MS. HOWARD's dental hygiene license unless and until the following requirements are met:*

- A. *MS. HOWARD shall submit a written application to the BOARD for reinstatement.*
- B. *MS. HOWARD shall submit to the Board documentation acceptable to the Board Secretary indicating she has satisfied all continuing education requirements as required by the Board for reinstatement of her dental hygiene license.*
- C. *MS. HOWARD shall appear for an interview before the BOARD.*
- D. *MS. HOWARD shall, within three (3) months of the effective date of this agreement, complete twenty (20) hours of continuing education in dental ethics approved in advance by the Board Secretary. These hours shall be in addition to the twelve (12) hours necessary for renewal.*
3. *Once reinstated, MS. HOWARD's license shall be subject to the following PROBATIONARY terms, conditions and limitations as follows, and if not otherwise specified, for a period of one (1) year:*
- A. *MS. HOWARD shall be subject to continuing education audit for the next three (3) bienniums.*
- B. *MS. HOWARD shall take Board's jurisprudence examination within three (3) months of reinstatement of her dental hygiene license.*
- C. *MS. HOWARD shall obey all federal, state and local laws, and all rules governing the practice of dental hygiene in Ohio.*

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

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

Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – No  
Ms. Leshner - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

## REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed five (5) proposed consent agreements. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes.

### FRANK E. CORDRAY, D.D.S.

*Motion by Dr. McDonald, second by Ms. Naber, to approve the proposed consent agreement for Frank E. Cordray, D.D.S., license number 30-01-7637.*

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

Motion carried.

**MARTIN G. LEBOEUF, D.D.S.**

*Motion by Dr. Murphy, second by Ms. Naber, to approve the proposed consent agreement for Martin G. Leboeuf, D.D.S., license number 30-01-1038.*

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

Motion carried.

**FELICIA J. MCGEE, R.D.H.**

It was noted that paragraph one (1) on page two (2) of the proposed consent agreement be amended to state “Ms. M’s license to practice dental hygiene shall be suspended...”

*Motion by Dr. Murphy, second by Ms. Leshner, to approve the proposed consent agreement for Felicia J. McGee, R.D.H., license number 31-01-0014.*

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

Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

MICHAEL S. TILSON, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for Michael S. Tilson, D.D.S., license number 30-02-0344.*

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

Motion carried.

VICTOR S. YORK, D.D.S.

*Motion by Dr. Murphy, second by Ms. Wise, to approve the proposed consent agreement for Victor S. York, D.D.S., license number 30-01-8447.*

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

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

Motion carried.

## REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

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

### VICTORIA CONSTANTINESCU, D.D.S.

*Motion by Dr. Kyger, second by Dr. McDonald, to approve the proposed notice of opportunity for hearing and forward it to Victoria Constantinescu, D.D.S. license number 30-01-7128, case number 05-18-0342.*

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

Motion carried.

MICHAEL C. SOULT, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger to approve the proposed notice of opportunity for hearing and forward it to Michael C. Soult, DDS, license number 30-01-3986, case number 05-25-0160.*

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

Motion carried.

SAMUEL NATOLI, D.D.S.

*Motion by Dr. McDonald, second by Ms. Leshner, to approve the proposed notice of opportunity for hearing and forward it to Samuel Natoli, D.D.S., license number 30-01-1054, case number 05-25-0298.*

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

Motion carried.

NICHOLAS J. TOMASI, D.D.S.

*Motion by Dr. Kyger, second by Ms. Wise, to approve the proposed notice of opportunity for hearing and forward it to Nicholas J. Tomasi, D.D.S., license number 30-01-4168, case number 05-31-0388.*

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

Motion carried.

TIMOTHY A. TSCHANZ, D.D.S.

*Motion by Dr. Murphy, second by Ms. Naber to approve the proposed notice of opportunity for hearing and forward it to Timothy A. Tschanz, D.D.S., license number 30-01-4261, case number 05-83-0604.*

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

Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

## ENFORCEMENT UPDATE

Ms. Hockenberry informed the Board that there were currently five (5) cases pending hearings, of which four (4) have been scheduled. We currently have one (1) case under appeal. Seven (7) cases are pending the Hearing Officers Report and Recommendation. Currently we have four (4) cases wherein no hearing was requested and twenty-five (25) licensees are currently under suspension. She stated that no additional cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting so we currently have six (6) cases pending QUIP. Ms. Hockenberry stated that sixty-four (64) cases have been investigated and reviewed by the Board Secretary and are recommended to be closed.

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

The following cases are recommended to be closed:

00-25-720	CE Audit	05-13-0415	Ulicensed Practice
00-77-739	CE Audit	05-18-0151	Unlicensed
00-89-737	CE Audit		Radiographer
00-89-738	CE Audit	05-18-0152	Unlicensed
01-18-133	CE Audit		Radiographer
01-89-100	CE Audit	05-18-0153	Unlicensed
03-18-1442	Standard Of Care	05-18-0336	Standard Of Care
04-18-0221	Standard Of Care	05-18-0341	Standard Of Care
04-18-0222	Standard Of Care	05-23-0361	Standard Of Care
04-18-0223	Standard Of Care	05-25-0282	Advertising
04-18-0519	Fraud	05-25-0292	Standard Of Care
04-18-0577	Standard Of Care	05-25-0311	Advertising
04-25-0346	Standard Of Care	05-25-0337	Permitting/
04-31-0665	Failure To Renew		Infection Control
04-52-0220	Standard Of Care	05-25-0345	Advertising
04-87-0671	Impairment	05-25-0360	Advertising
04-89-0531	CE Audit	05-25-0364	Standard Of Care
05-09-0302	Advertising	05-25-0381	Standard Of Care
05-13-0173	Standard Of Care	05-25-0387	Prescribing

05-25-0388	Infection Control	05-57-0340	Standard Of Care
05-31-0272	Standard Of Care	05-57-0386	CE Audit
05-31-0323	Abandonment	05-57-0416	Misrep/Billing
05-31-0344	Improper Prescribing	05-77-0318	Standard Of Care
05-31-0355	Improper Prescribing	05-77-0321	Standard Of Care
05-31-0368	Standard Of Care	05-77-0346	Standard Of Care
05-31-0371	Standard Of Care	05-80-0283	Advertising
05-43-0259	Standard Of Care	05-80-0284	Advertising
05-48-0211	Fraud	05-83-0286	Advertising
05-48-0281	Permitting	05-83-0376	Advertising
05-48-0324	Standard Of Care	05-85-0145	Standard Of Care
05-48-0334	Abandonment	05-87-0256	Standard Of Care
05-48-0335	Abandonment	05-89-0358	CE Audit
05-57-0331	Advertising	05-89-382	Improper Prescribing
05-57-0339	Advertising		

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

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

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

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the enforcement report and close the above sixty-four (64) cases.*

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

Motion carried.

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

## **ANESTHESIA COMMITTEE REPORT**

### **REVIEW OF PROVISIONAL GENERAL ANESTHESIA PRIVILEGES**

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

Dr. Michael Clear - Cincinnati, Ohio

### **REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES**

Dr. Murphy reported that the following individual has applied for a Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the application and the applicant is recommended to receive provisional privileges:

Dr. Darrin M. Wiederhold - Swanton, Ohio  
Intravenous

## 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 Anesthesia Committee has reviewed the application, an evaluation was completed and the applicant is recommended to receive a permit:

Dr. Jennifer M. Bryk – Reynoldsburg, Ohio  
Conscious Sedation permit for intravenous

*Motion by Dr. Murphy, second by Dr. McDonald, to accept the Anesthesia Committee recommendations and approve all applicants to receive permits or privileges for the appropriate modality.*

Roll call vote

Motion carried unanimously.

## EDUCATION COMMITTEE REPORT

### REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

Cincinnati Society of Oral & Maxillofacial Surgeons  
Dresch Tolson Dental Laboratories  
Michael J. Gray, DMD, PSC

### REVIEW OF REQUIRED TRAINING COURSE(S)

#### DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Dr. Howard stated that the following permanent continuing education sponsor has applied to provide the dental assistant radiographer initial training course to dental assistant radiographer candidates and has been recommended for approval by the Education Committee:

Stark State College of Technology

“Dental Assisting” presented by Patricia Gandee, C.D.A., E.F.D.A. and Jacqueline Rutan, C.D.A., E.F.D.A.

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

Dr. Howard stated that the following individuals/organizations have submitted requests for approval of substance abuse continuing education courses for dental licensure renewal. Dr. Howard stated that the courses have been reviewed and are recommended for approval by the Education Committee:

Kentucky Professionals Recovery Network

“Clinical Applications of the Principles in Treatment of Alcoholism and Substance Abuse”

Harold L. Crossley, D.D.S., Ph.D.

“Street Drugs and Their Impact on You, Your Family and Your Dental Practice”

Lorain County Dental Society

“Substance Abuse” presented by Ron Possy, LICDC

Western Ohio Dental Society

“Substance Abuse Training” presented by Robert H. Straker, CCDC-I

## **REVIEW OF REQUEST(S)**

### **DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING EXAMINATION SITE(S)**

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

Ohio Dental Association

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

Roll call vote

Motion carried unanimously.

Dr. Howard informed the Board members that the Committee had discussed the on-going Continuing Education Audits. She stated that as a result of their discussions the Education Committee was formally requesting the Board office to pursue a request to return to auditing ten percent (10%) rather than the current twenty percent (20%) random audit for the next auditing period. Ms. Reitz stated that she would check into their request.

Dr. Vesoulis thanked Dr. Howard for the Education Committee report.

## **LAW AND RULES REVIEW COMMITTEE REPORT**

Dr. Vesoulis stated that the Law and Rule Review Committee had met earlier in the day to continue their review of the rules for 2005. He stated that the Committee had reviewed the recommended amendments to the rules regarding definitions, advertising and graduates of unaccredited dental colleges located outside the United States.

Dr. Vesoulis stated that the rules regarding Continuing Education have been tabled. He commented that the way the Board currently processes continuing education does not appear to be working and has recommended revamping the whole process. In that regard, he has suggested and has held some discussions with Ms. Reitz, Ms. Hockenberry, and Education Committee members to consider options. Dr. Vesoulis stated that they would be meeting again prior to development of any amendments to the rules in this regard.

## **POLICY COMMITTEE REPORT**

### **POLICY REGARDING HANDLING OF INVESTIGATIONS INVOLVING SITTING BOARD MEMBERS**

Dr. Beckwith informed the Board members that during the previous Board meeting in June the committee had provided copies of the proposed policy, Policy Regarding Handling of Investigation Involving Sitting Board Members (Appendix A). He stated that the rationale for proposing this policy was that an Inspector General's Report regarding problems experienced by a similar board had been released and within the report regulatory boards were recommended to adopt a policy to address this potential problem.

A short discussion ensued wherein a few typographical errors were corrected.

**Motion by Ms. Leshner, second by Dr. Kyger, to approve the Policy Regarding Handling of Investigation Involving Sitting Board Members as amended.**

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

Motion carried.

## **SECRETARY'S EXPENSE REPORT**

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

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

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

Motion carried.

## OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

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

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

Motion carried.

## EXECUTIVE DIRECTOR'S REPORT

### HOUSE BILL 143

Ms. Reitz updated the Board on the status of House Bill 143 regarding local anesthesia for the dental hygienist. She stated that the amended bill now includes registration of expanded function dental auxiliary (EFDA's), and certification versus licensure for dental assistant radiographers. She stated that an amendment was made to the bill that places limitations regarding specialists on the Board. Ms. Reitz stated that the recent amendment would limit the number of specialists on the Board to two (2), permitted to only serving two (2) terms limited to one (1) year of duration, and that all the specialties must be represented via rotation.

Ms. Reitz stated that due to a mix-up between ongoing legislation, the Board had not been aware of this most recent amendment and therefore had not provided testimony in this regard. However, she stated that she has submitted a written response indicating that specialists serving on the Board provide no further duties than general dentists and that limiting them to one-year terms would not be serving the best interest of the public.

She stated that in speaking with representatives of the ODA, they seem to be in concurrence with the Board in this regard. She stated she would keep the Board updated as 143 makes its way through the Senate and that we would testify at that time.

## **NEW EMPLOYEE – FELECIA LUCAS**

Ms. Reitz briefly informed the Board that on Friday, Felecia Lucas will be offered the position of Secretary/Receptionist for the Board.

## **OHIO PHYSICIANS HEALTH PROGRAM AND SHEPHERD HILL PRESENTATION**

Concluding her report, Ms. Reitz stated a presentation to the Dental Board Enforcement Officers by representatives from the Ohio Physicians Health Program and Shepherd Hill had been provided the previous day. She commented that the question and answer presentation had been very informative and thanked Ms. Hockenberry for her efforts in coordinating the presentation.

## **ANYTHING FOR THE GOOD OF THE BOARD**

### **BOARD MEETING SCHEDULE**

Board members discussed possible meeting dates for the year 2006 and decided on the following tentative schedule:

January 11	August 23
February 8	September 27
March 29	November 8
April 26	December 6
June 14	

With the exception of the August meeting, all meetings will begin at 1:00 p.m.

## **GPS TRACKING SYSTEM**

Dr. Beckwith acknowledged that the Dental Board appeared to be on the cutting edge of technology after recently reading an article in The Columbus Dispatch, regarding the Liquor Control Investigators having GPS tracking systems.

## **HOMELAND SECURITY – DR. MCDONALD**

Dr. McDonald briefly informed the Board members that, as a Township Trustee in his area, he had attended a meeting hosted by the Federal Emergency Management Agency (FEMA) and held by the Office of Homeland Security for Ohio. He stated that they had discussed the emergency responses of Fire Departments, Police Departments, etc., the dangers involved, and the role of dental office in case of a National Security attack or natural disaster.

## **ADJOURN**

The Board meeting was adjourned at 5:00 p.m. The next meeting will be on September 14, 2005 beginning at 1:00 p.m.

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Paul Vesoulis, D.D.S.  
*President*

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

## APPENDIX A

## POLICY REGARDING HANDLING OF INVESTIGATIONS INVOLVING SITTING BOARD MEMBERS

Preamble: The purpose of this policy is to set forth guidelines for the handling of investigations against sitting Ohio State Dental Board (Board) members.

The Dental Practice Act, Ohio Revised Code (ORC) Section 4715.03(D), states in pertinent part:

"The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. \*\*\*

If after investigation the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall conduct disciplinary proceedings pursuant to Chapter 119 of the Revised Code, or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code. The Board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members.

\* \* \*

\*\*\*proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action."

Board investigations must be conducted in a fair, impartial and consistent manner. Conflicts of interest and appearances of impropriety must be avoided.

Concerns may arise when a complaint is received that involve a sitting Board member, or involves a dentist that a Board member may know personally, socially, or professionally.

When a complaint is received that involves a licensee that a Board member knows personally, socially, or professionally, to the extent that impartiality is compromised, that Board member must recuse him or her self from participating in and/or voting on the case.

Further, prior to closing investigative cases, Board members attest that to their knowledge, none of the cases they are about to vote to close involve them or a personal friend. If that is the case, they will recuse and abstain from voting.

To date, no formal procedures are in place for handling a complaint that is filed against a sitting Board member. The concern is the appearance of impropriety that arises the complaint in question is investigated by staff members who report to the Executive Director, who reports ultimately to the Board.

Therefore, the policy of the Board is as follows:

When a complaint is received against a sitting Board member that potentially is grounds for licensure discipline under the Dental Practice Act, the Executive Director will enter into an agreement with a comparable regulatory board for assistance in conducting the investigation of that specific complaint. The agreement will authorize the selected board to perform the investigation, set forth the confidentiality requirements, and outline the chain of command regarding maintaining investigatory records and communication involving status of the investigation. The assisting regulatory board will conduct the investigation based upon investigative experience and protocol, adhering to all confidentiality provisions set forth in the Dental Practice Act. The assisting regulatory board may confer with the Assistant Director or Executive Director for guidance in determining how to proceed with the investigation, if necessary. The completed investigation file will then be forwarded to the Executive Director for review and determination by the Board Secretary, consistent with the handling of all investigative matters of the Board.

If the Board Secretary recommends closure of the case, typical protocols for closure will be followed. The Board member in questions will be instructed to abstain from voting.

If the Board Secretary determines that the case must proceed to the Quality Intervention Program, that protocol will be followed.

If the decision is to proceed with formal disciplinary action, current procedures will be adhered to, and the sitting Board member will be apprised of the situation by the Board Secretary.

The sitting Board member will then consider any appropriate action regarding future membership on the Board. Any Board members that cannot be impartial will then have to recuse themselves from any deliberations and final decisions regarding the case.

Any complaints and/or information that may be received by the Board concerning a sitting Board member that involve matters unrelated to his/her license, but rather involve issues surrounding his/her status as a Board member, should be directed by the Executive Director to the Inspector General's office for review and follow up.

(June 8, 2005)