

**Ohio State Dental Board
Board Meeting
June 8, 2005**

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**Ohio State Dental Board
Board Meeting
June 8, 2005**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1960, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, June 8, 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: Jonathan Fulkerson, Esq. and Barbara Pfeiffer, Esq., Assistant Attorney's General; Michele Carr, Program Director, The Ohio State University Dental Hygiene Program; Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Mike Flugge and Larry Powell, Enforcement Officers, Gail Davis, Investigator Assistant, Jayne Smith, Licensure Coordinator, Janet Martina, Enforcement Secretary, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

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

EXECUTIVE SESSION

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

OPEN SESSION

At 1:41 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 APRIL BOARD MEETING MINUTES

The Board reviewed the minutes of the April 27, 2005 Board meeting.

Motion by Dr. Murphy, second by Ms. Naber, to approve the April 27, 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 April 2005 meeting, for Board member review. Dr. Vesoulis then requested the Board's vote of approval for the Licensure Report.

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

DENTAL

Alison M. Allin
Kyle D. Amspaugh
Robert F. Andrus
Dilyana V. Angelova
Todd D. Barnett
Karla M. Bayer
Maria I. Bustamante
Brooke L. Campbell
Kyung Choi
Ashley R. Cornils
Sara E. Crouch
John L. Daugherty
Craig F. Duhaime
Husam G. Elias
William V. Genkin
Nicholas C. Greashaber
Mark S. Halversen
Chad B. Hoecker

Aric A. Kuehner
Michael E. Mack
Matthew R. Maley
David L. Mandel
Anna B. Moreau
Natalie A. Nechvatal
Daniel M. O'Connell
Ian M. Rae
Roger M. Sepich
Glenn B. Shtarkman
Abraham E. Stein
Valentine Stephen
Shannon R. Stevens
Clare E. Tannehill
Tuyet T. To
Timothy G. Wigal
Daniel K. Wilfong
Azadeh Yavari

Anne E. Young

Matthew M. Zavarella

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

Motion passed.

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

DENTAL HYGIENE

Kathryn J. Anton
Kathleen E. Barrett
Donella J. Brown
Christina Byrne
Rachel A. Christner
Justine M. Coticchia
Yelena Denisyuk
Jacqueline B. Dolan
Marina Familiant
Mary R. Hull
Crystal L. Hurst
Darleta D. Hurt
Emily C. Johnson
Amanda L. Kellerman
Erika M. Kettler
Sarah D. Klamut

Rhonda L. Macca
Brea D. McClendon
Mariann E. Pallone
Tricia A. Pilat
Wanda L. Piscione
Erica D. Shoemaker
Robin N. Spisak
Kleoniki Tsafarides

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

Motion passed.

Motion by Dr. Murphy, second by Ms. Nabor, 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

Tiffany K. Bacher
Yelena Baraz
Theodore T. Bauer
Michelle M. Beal
Jill L. Bennett
Dreama S. Beringer
Rebecca A. Best
Ashley N. Blackburn
Pamela A. Brown
Tricia A. Brown
Lindsay A. Brush
Charlotte M. Bunch
Cherith B. Burcham
Alicia L. Burick
Todd J. Capo
Denise M. Champion
Tara R. Chapman
Tammy S. Chapman

Jennifer L. Childers
Tonya E. Connolly
Nanette M. Cox
Candace M. Crites
Kimberly J. Cummins
Lorrita R. Day
Darlene J. Demarchi
Lisa M. Demarchi-Guinn
Amy B. DeMarco
Karen L. Duncan
Kari A. Edwards
Alana R. Egolf
Marquitta D. Elliott
Christie L. Endres
Sarah R. Everett
Casey A. Fagnano
Jessica L. Farrow
Valerie A. Fischer

Jameeleh T. Frazier
Charles J. Furrey
Gloria Gallis
Mamie M. Garrison
Tabitha M. Given
Michele A. Gomori
Lawanika T. Graham-Woody
Nicole M. Griffin
Jessica K. Gugel
Amy K. Hahne
Jessica R. Hall
Tiffany M. Hall
Amy N. Harless
Sandra M. Hasenpflug
Jessica A. Hatfield
Cathryne B. Heeb
Brandy M. Henderson
Patricia B. Hendricks
Teanna L. Hill
Rachel L. Hinkle
Jennefer L. Holland
Cynthia M. Holley
Debra L. Homan
Deborah A. Hunter
Monica L. Hyde
Ellen A. Isfort
Shadia Jaber
Krista A. Jackson
Donita M. Jacobs
Sheryl M. Jager Kockentiet
Melissa D. James
Tasha N. Jones
Shannon L. Kennedy
Janice E. Kirnberger
Jeannie M. Klawuhn
Rita P. Kolarik
Alyssa A. Koskovics
Patricia A. Kostelnik
Chelsea L. Kruse
Andrea K. Lancey
Brandy L. Leary
Charity A. Leiter
Amy J. Lindhe

Carolyn J. Loveday
Jo Ann M. Lupica
Jennifer L. Lusk
Lisa K. Marksberry
Raychelle L. McGuire
Nichole L. McNelly
Amanda R. Medina
Thourikhanh Meuanchanh
Stephanie M. Miller
Kayde M. Miller
Charlene W. Miller
Amanda N. Mitch
Kathleen M. Moody
Kristin C. Moore
Jennifer L. Morgan
Cassandra M. Nyktas
Jennifer L. Pasquinelli
Andrea P. Perri
Mary E. Petrucci
Danielle Phillips
Ruslana Pidgorodetskaya
Julia L. Plum
Nancy A. Ponziani
Mary D. Raabe
Nancy E. Radtke
Angela D. Reinhardt
Ascension Retsch
Maichelle M. Reynolds
Jenniffer Rodriguez-Turpeau
Linda D. Schuman
Tracy L. Sease
Julie A. Seiberling
Janine M. Sharp
Mandy B. Shovlin
Janell L. Sloan
Lacey N. Smith
Kimberly R. Smith
Sandra K. Smolen
Selena N. Soto
Julia A. Spohn
Tricia R. Thompson
Shelly A. Throckmorton
Meleane V. Tidmore

Janet E. Toepfer
Jennifer P. Van Gunten
Sarah B. Warren

Diana L. White
Kristin D. Zawodniak

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

Motion passed.

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

LIMITED RESIDENT

Abdu , Salma M.
Abro , Abdul J.
Alto , Dale L.
Atwood , Aaron M.
Au , Alphonsus P.
Baran , Emily J.
Carrico , Benjamin L.
Choi , Sunwoong S.
DeKay , Robert E.
Dohar , Amanda L.
Elison, Mark T.
Exelbert , Jessica L.
Foster , Roy D.
Franco , Junot J.
George , Sheryl
Girn , Namninder S.
Guo , Wei
Hasty , Todd W.

Hennessey , Bridget K.
Kim , Stephen L.
Ku , Joyce J.
Lindemann , Matthew V.
Lunt , Darin R.
Maisch , Jane W.
Mikulec , Renee T.
Patel , Ulpa A.
Patel , Neel
Peacock , Jason J.
Prather , Paige M.
Ramunno , James C.
Rekos , Greg A.
Schmidt , Brian P.
Shapiro , Vladimir M.
Timperman , Teresa L.
Townsend , Janice A.
Viswanathian , Kayitha

Waisath , Theron C.
Williamson , Robert

Yu , Ming

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

Motion passed.

Motion by Ms. Wise, second by Ms. Nabor, 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

Almonte, Margaret A.
Belzer, Rhonda B.
Blevins, Caylyn N.
Bowers, Diane M.
Butler, Kimberly A.
Deaton, Darcy L.
Froman, Tiffany N.
Gnabah, Pamela A.
Guay, Tamela
Gugliotti, Rebecca L.
Hendrix, Christina A.
Hill, Denise A.
James, Lisa R.
Kelly, Sheila M.
Kilkenny, Mary Lynn
Kochik, Claire M.

LaMunyan, Mandi R.
Laquaglia, Brandie A.
Medina, Amanda R.
Moyer, Malynda R.
Myers, Nicole L.
Orgel, Stephanie M.
Polish-Marinelli, Christina
Price, Victoria L.
Ritner, Deanna H.
Rogers, Tara L.
Roth, Danielle C.
Smith, Theresa A.
Smith, Marcy G.
Swaninger, Debra A
Tabellion, Angelica L.
Ulliman, Deborah J.

Vargo, Patricia A.

Wittman, Sherri L.

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

Motion passed.

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. Thomas E. Bell
Dr. Jeffrey S. Bobst
Dr. Mikala A. Genrich
Dr. Chad J. Hoge

Dr. Randall L. McClary
Dr. Akrivoula (Rhea) Nicklow
Dr. Alexander F. Wojtyna

Motion by Dr. Murphy, second by Ms. Leshner, to approve these seven (7) regional board/other state for 5 years dental license applications.

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

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

Motion passed.

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:

Georgene L. Haak, R.D.H.
Diana L. Ingalls, R.D.H.

Bridgett O. Johnson, R.D.H.

Motion by Ms. Wise, second by Ms. Naber, to approve these three (3) regional board dental hygiene license applications.

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

Motion passed.

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES

The following person applied for a license to practice dentistry in the state of Ohio. He has completed the requirements necessary to obtain a license as a graduate of unaccredited dental schools located outside the United States.

Dr. Jorge C. Casellas

Motion by Dr. Kyger, second by Ms. Leshner, to approve Dr. Casellas' license application to practice dentistry in the state Ohio.

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

Motion passed.

LIMITED TEACHING LICENSE APPLICATION(S)

The following individuals have applied for limited teaching licenses:

Dr. Marcio A. DaFonseca has been appointed to The Ohio State University, Primary Care Section.

Motion by Dr. Kyger, second by Ms. Naber, to approve this application for a limited teaching license.

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

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

Motion passed.

REINSTATEMENT LICENSE APPLICATION(S) - NO INTERVIEW

MAHER MAMARI, D.D.S.

The Board reviewed and considered the licensure information for Dr. Mamari that was prepared by Ms. Smith.

Motion by Dr. McDonald, second by Dr. Murphy, to approve Dr. Mamari's reinstatement application for licensure in the state of Ohio.

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

Motion passed.

MERRILL A. MEYERS, R.D.H.

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

Motion by Dr. McDonald, second by Dr. Murphy, to approve Ms. Meyers' reinstatement application for licensure in the state of Ohio.

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

Motion passed.

MICHELLE D. PASCH, R.D.H.

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

Motion by Dr. McDonald, second by Dr. Murphy, to approve Ms. Pasch's reinstatement application for licensure in the state of Ohio.

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

Motion passed.

SUSAN F. URELL, R.D.H.

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

Motion by Dr. McDonald, second by Dr. Murphy, to approve Ms. Urell's reinstatement application for licensure in the state of Ohio.

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

Motion passed.

ENFORCEMENT REPORT

Larry Powell, Investigator for the Ohio State Dental Board was introduced. Mr. Powell stated that he works predominantly in the southwest area of the state handling all types of complaints. Dr. Vesoulis thanked him for coming today to meet the Board.

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL C. DAHM, D.D.S.

Dr. Hills announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Michael C. Dahm that was filed by R. Christopher McNeil on May 4, 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 Michael C. Dahm, D.D.S. along with the record, including the transcript and objections.

Roll call: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Absent
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 - Absent
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 Michael C. Dahm, D.D.S.?

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

Dr. Kyger – Yes
Mr. Landes - Absent
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 stated that Respondent filed a Motion to Re-Open Record of Proceedings to Take Additional Testimony.

Motion by Dr. Wright, second by Ms. Leshner, to deny Respondent's request to re-open the record in the Matter of Michael C. Dahm, D.D.S.

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

Motion carried.

MICHAEL C. DAHM, D.D.S.

Dr. Hills asked Dr. Dahm to address the Board. Dr. Dahm stated that he was sorry for the loss of life and that he has been in practice for 25 years and has never had anything like this happen. Dr. Dahm stated that he has reviewed this matter in an effort to determine what he could have done to prevent this from happening. He expressed his belief in reviewing the records, that he provided appropriate care and would have done more harm to the patient to have left the teeth.

FRANK R. RECKER, ESQ.

Frank R. Recker, Esq., attorney for Dr. Dahm, next addressed the Board. Mr. Recker expressed his disagreement with the report stating that the patient dying was the elephant in the room. He stated that even the patient's physician testified that he would have done the same. Attorney Recker further opined that the finding of facts were that there was not a thorough examination and the medical history was insufficient on the part of Dr. Dahm.

JONATHAN R. FULKERSON, ESQ.

Deputy Attorney General Jonathan Fulkerson, then addressed the Board. He stated that the evidence showed that the patient presented with alcohol on his breath at the initial evaluation, as indicated by Dr. Dahm. He stated further that the patient's medical history chart noted alcohol, that liver disease was checked and circled, and multiple medications were noted. Mr. Fulkerson further stated that the diagnosis of diabetes was not noted by the patient on the chart. He stated that the case was not urgent, yet despite the warning signals, Dr. Dahm proceeded to pull the patient's teeth without first consulting with the patient's family physician, or conducting further medical follow-up. He stated that these factors demonstrated that Dr. Dahm failed to comply with the standard of care in his treatment of this patient.

EXECUTIVE SESSION

Motion by Dr. Wright, second by Dr. Murphy, 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 Michael C. Dahm, DDS.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Hills - Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Absent
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 did not attend the executive session.

OPEN SESSION

The Board resumed open session at 2:50 p.m.

DECISION IN THE MATTER OF MICHAEL C. DAHM, DDS.

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

Dr. Hills then questioned, “Is there a motion concerning the Hearing Examiner’s Report and Recommendation?”

Motion by Dr. Vesoulis, second by Dr. Murphy, that Count 1 of the Notice of Opportunity for Hearing is 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
Ms. Leshner - Yes
Dr. McDonald - Abstain
Dr. Murphy – Yes
Ms. Naber – Yes
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright – Yes

Motion carried.

Motion by Dr. Murphy, second by Ms. Naber, to modify the Hearing Examiner’s recommended order as follows:

1. The license of Michael C. Dahm, D.D.S. to practice dentistry in the state of Ohio is subject to the following PROBATIONARY terms, conditions and limitations for a period of one (1) year:

- A. Dr. Dahm shall successfully complete forty (40) hours of continuing education in pharmacology, history and physical, diagnosis and treatment planning, taken at an ADA approved college of dentistry, approved in advance by the Board Secretary. Dr. Dahm shall notify the Board of completion of these hours within six (6) 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 of Dr. Dahm's license as set forth in section 4715.141 of the Ohio Revised Code.*
- B. Dr. Dahm shall submit quarterly declarations under penalty of Board discipline stating that he is in compliance with the terms of this Order.*
- C. Dr. Dahm shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.*

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

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.

Motion by Dr. Vesoulis, second by Dr. Murphy, that the proposed Order be approved as amended.

Discussion ensued regarding the modification of the recommended order. Dr. Murphy stated that the Board believed that Dr. Dahm was not directly responsible for

the patient's death, and therefore, they were not going to punish him for that. Dr. Murphy further stated that many dentists are guilty of not keeping accurate treatment records. Dr. Murphy stated that Dr. Dahm's records were not what they should have been in this case, and that the standard of care was not met in that regard.

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.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed one (1) proposed consent agreement. The name of the individual/licensee was not included in the documents reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes.

RICHARD J. SCHOONMAKER, D.D.S.

Motion by Dr. Vesoulis, second by Ms. Wise, to approve the proposed consent agreement for Richard Schoonmaker, D.D.S., license number 30-019719.

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 APPEARANCES

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

Ms. Hockenberry began by stating that this was Dr. Wolfram's second appearance before the Board. She informed the Board that Dr. Wolfram completed his treatment program and is now attending outpatient aftercare through Comprehensive Addiction Service System (COMPASS) and attending Alcoholics Anonymous (AA) meetings seven days a week along with personal counseling once a week. Upon questioning by the Board, Dr. Wolfram stated that he is attending caduceus meetings, is feeling better and is ready to resume practicing dentistry. Dr. Wolfram emphasized that he has a nice dental practice and patients waiting on him to return.

Dr. Vesoulis asked Dr. Wolfram if he felt that attending AA seven days a week was too much. Dr. Wolfram responded that he did not feel that it was too much at this time and that was his sponsor's recommendations. Dr. Wolfram informed the Board that he prays every morning and calls his sponsor every morning. Dr. Vesoulis asked Dr. Wolfram if he felt that with the cocaine addiction was he really ready to return to the practice of dentistry. Dr. Wolfram stated yes and commented that he feels that not practicing creates more pressure than practicing since he is now having financial difficulties. Dr. Wolfram stated that in his free time he enjoys reading and he goes in the office four days a week. Dr. Wolfram stated that patients are being seen in the office 3 to 4 days a week. He has a hygienist and periodontist in the office. Dr. Beckwith asked Dr. Wolfram how he handles pressure. Dr. Wolfram stated that he has relapse prevention tools such as learning to recognize the signs, calling his sponsor and/or contacting someone within his AA group.

EXECUTIVE SESSION

Motion by Dr. McDonald, second by Dr. Murphy, 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 3:10 p.m.

Dr. Vesoulis stated that the Board would not be considering reinstatement of his license today and invited him to reappear before the board in July.

MICHAEL POWERS, JR., D.D.S.

Ms. Hockenberry introduced Michael Powers, D.D.S. and stated that this is his second appearance before the Board. Dr. Powers stated that he is continuing to get support from The Cleveland Clinic in the Back-to-Basics 12-step program. He stated that he has a great support system, is feeling strong and ready to get back to work.

Motion by Dr. Murphy, second by Dr. McDonald, to approve reinstatement of Dr. Power's license to practice dentistry in the State of Ohio, pursuant to 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 – Yes

Motion carried.

RICHARD SCHOONMAKER, D.D.S.

Ms. Hockenberry introduced Richard J. Schoonmaker, D.D.S. and advised the Board that this is his first appearance since completing inpatient treatment. She explained that he has been under two prior impairment Consent Agreements. Dr. Schoonmaker stated that he has been in a lot of pain from previous injuries and has been on pain medications. He stated that he had been doing well for six years. His wife was diagnosed with melanoma in November, 2003. Dr. Schoonmaker acknowledged that he is

currently under a lot of stress from raising three teenagers on his own and maintaining two dental practices. He stated that Mr. Flugge presented him with a consent agreement at which time he signed and entered a 28-day program at Laurelwood.

Dr. Hills reminded the Board members that Dr. Schoonmaker had been before them on numerous occasions and advised them of Dr. Schoonmaker's history with the Board. He told Dr. Schoonmaker that based on this history, Dr. Schoonmaker is well aware of what is required of him under the circumstances. He expressed his belief that Dr. Schoonmaker is very fortunate that he is being given another chance given his past impairment issues and history with the Board.

Dr. Vesoulis advised Dr. Schoonmaker that the Board would not be considering reinstatement of his dental license at this time and would invite him back to address the Board at a future meeting.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed four (4) Notices of Opportunity for Hearing. 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 Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Frank E. Cordray, D.D.S. license number 30-01-7637, case number 05-25-0113.

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.

DAVID G. HAAS, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald to approve the proposed notice of opportunity for hearing and forward it to David G. Haas, DDS, license number 30-01-2470, case number 05-77-0114.

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.

JOSEPH R. SCHMIDBAUER, D.D.S.

Motion by Dr. McDonald, second by Dr. Murphy to approve the proposed notice of opportunity for hearing and forward it to Joseph R. Schmidbauer, D.D.S., license number 30-06-115, case number 05-48-0245.

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 YORK, D.D.S.

Motion by Dr. Murphy, second by Ms. Naber to approve the proposed notice of opportunity for hearing and forward it to Victor York, D.D.S., license number 30-01-8447, case number 05-44-0278.

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 seven (7) cases pending hearings, of which three (3) have been scheduled. We currently have one (1) case under appeal. Five (5) cases are pending the Hearing Officers Report and Recommendation. Currently we have three (3) cases wherein no hearing was requested. Twenty-two (22) licensees are currently under suspension. No cases were referred to the Quality Intervention Program (QUIP) since the last Board meeting so we currently have eleven (11) cases pending QUIP. Ms. Hockenberry stated that eighty-two (82) 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:

01-18-0240	05-09-0264	05-47-0146
04-08-0662	05-12-0285	05-47-0187
04-09-0496	05-13-0306	05-48-0291
04-18-0472	05-18-0143	05-50-0139
04-18-0526	05-18-0147	05-51-0254
04-18-0564	05-18-0149	05-57-0203
04-18-0634	05-18-0186	05-57-0206
04-22-0102	05-18-0195	05-57-0223
04-28-0473	05-18-0208	05-57-0229
04-31-0571	05-18-0226	05-57-0277
04-31-0666	05-18-0246	05-57-0341
04-31-0667	05-18-0261	05-70-0307
04-31-0668	05-18-0304	05-76-0210
04-31-0669	05-18-0309	05-77-0110
04-42-0539	05-22-0248	05-77-0305
04-43-0618	05-24-0213	05-78-0108
04-45-0066	05-25-0193	05-83-0240
04-49-0566	05-25-0194	05-83-0279
04-50-0361	05-25-0260	05-84-0250
04-53-0515	05-31-0197	05-85-0150
04-57-0441	05-31-0231	05-85-0188
04-57-0605	05-31-0241	05-87-0256
04-57-0670	05-31-0255	05-87-0310
04-76-0089	05-31-0267	05-89-0308
04-76-0480	05-31-0275	05-89-0327
04-77-0269	05-31-0293	05-78-0329
04-77-0623	05-35-0253	
04-87-0671	05-45-0273	

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 – Absent
Dr. Hills - Absent

Dr. Howard – No
Dr. Kyger – No
Mr. Landes – No
Ms. Leshner - No
Dr. McDonald - No
Dr. Murphy - No
Ms. Naber – No
Dr. Vesoulis – Yes
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. Howard, second by Dr. McDonald, to approve the enforcement report and close the above eighty-two (82) cases.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Absent
Dr. Hills - Absent
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Ms. Leshner - Yes.
Dr. McDonald - Yes
Dr. Murphy - Yes
Ms. Naber – Yes
Dr. Vesoulis – Abstain
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. Carlos M. Alvarez
Dr. David Mandel
Dr. Brian Stern

Motion by Dr. McDonald, second by Dr. Armstrong, to approve these three (3) general anesthesia applicants to receive provisional anesthesia privileges.

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

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

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

Dr. Erin Biehle
Intravenous

Dr. Nimisha Somaiya
Intravenous

Dr. Bradley Welsh
Intravenous

Motion by Dr. McDonald, second by Dr. Armstrong, to approve these conscious sedation applicants to receive provisional conscious sedation privileges.

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

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Murphy stated that the following individuals have applied for Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the applications, evaluations were completed and the applicants are recommended to receive a permit:

Dr. Douglas R. Bowman
Conscious Sedation permit for intravenous

Dr. Anthony A. Kamp
Conscious Sedation permit for oral for children 12 years or younger

Motion by Dr. McDonald, second by Dr. Armstrong, to approve these applicants to receive a conscious sedation permit for the appropriate modality.

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

EDUCATION COMMITTEE REPORT

REVIEW OF PERMANENT CONTINUING EDUCATION SPONSOR APPLICATION(S)

Dr. Howard stated that the following individual/organization has applied for approval as a permanent sponsor of continuing education and have been recommended for approval by the Education Committee:

The Ohio State University Student Health Services

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:

Kenneth D. Jones, Jr., D.D.S., J.D.
Wieland Dental Systems

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

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

Composite Study Club
O.K.I. Study Club

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:

Ohio Dental Association
“Dental Radiography for the Dental Assistant”
– presented by Mark Armstrong, D.D.S.

DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE(S)

Dr. Howard stated that the following permanent continuing education sponsor has applied to present a dental hygiene medical emergency recognition course to dental hygienists wishing to complete the requirements that allow them to practice while the dentist is not present and has been recommended for approval by the *Education Committee*:

Akron Dental Society
“Medical Complications in Dental Practice”
– video presentation by Daniel E. Becker, D.D.S.

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:

Composite Study Club
“Substance Abuse Awareness”
- presented by Stephen R. Sorka., Ph.D.

Ohio Dental Association
“Drugs of Abuse and Their Impact on You, Your Family and Your Dental Practice”
- presented by Harold L. Crossley, D.D.S., Ph.D.

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*:

Dental Assistant Training School (DATS) – (approval for content only – examination must be resubmitted upon completion of reformatting)

Motion by Ms. Wise, second by Ms. Naber, to accept the Education Committees recommendations and approve all the above applications and requests.

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

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 there had been a lot of discussion regarding the advertising rules that would again be revisited during the next meeting in July. He stated that a few of the Education Committee members would be meeting earlier in the month of July to draft amendments to the education rules and would subsequently present them to the full Education Committee for consideration prior to presentation to the Law and Rules Review Committee.

SCOPE OF PRACTICE COMMITTEE REPORT

Dr. Wright reported that the Scope of Practice Committee met earlier in the day and discussed three (3) issues. He stated that the Committee considered the first issue, hospital admitting privileges of oral surgeons. He said that it was decided that admitting privileges should be left to the policy of the admitting hospital.

Next, Dr. Wright stated that the Committee had revisited whether a dental hygienist should be permitted to administer "Oraqix". He stated that this issue was being addressed by an amendment to the rules by separating "topical application" from the language defining "local anesthesia".

Dr. Wright stated that the third and final discussion was regarding whether neuro-muscular dentistry was within the scope of practice for dentists. He stated that since there are therapeutic indications, the Committee was agreed that it was within the scope of practice of dentists, albeit with reservations.

Dr. Vesoulis thanked Dr. Wright for the report.

WAIVER COMMITTEE REPORT

Dr. McDonald informed the Board that the Waiver Committee had reviewed two (2) Hepatitis B Waiver Request applications and decision to recommend approval of a one (1) year waiver for Georgia Pitzen and Dara Webb. Dr. McDonald stated that concluded the Waiver Committee report.

Motion by Dr. Kyger, second by Ms. Wise, to approve these hepatitis B waivers

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

Dr. Vesoulis thanked Dr. McDonald for his report.

POLICY COMMITTEE REPORT

POLICY REGARDING HANDLING OF INVESTIGATIONS INVOLVING SITTING BOARD MEMBERS

Dr. Beckwith informed the Board members that the committee had provided copies of two (2) policies in the Board notebooks for their review. He stated that the first policy, Policy Regarding Handling of Investigation Involving Sitting Board Members, was as a direct result of a recent Inspector General's Report involving the State Board of Chiropractic Examiners. Dr. Beckwith stated that the concern involved the perceived bias of the staff when addressing an investigation involving a sitting Board member. He explained that this policy permits the Board to consult with a similar board via contract or agreement to assist in any investigation involving a Board member to avoid conflicts and/or appearances of impropriety. He requested that the Board members review this draft policy for possible vote at the next meeting in July.

POLICY REGARDING PATIENT RECORDS

Dr. Beckwith stated that the second document provided in the Board notebooks for review was a revised policy of the Board. He stated that the paragraph regarding ownership of the records of the Policy Regarding Patient Records (Appendix A) was recommended to be amended. He said that there had been some discussion regarding ownership of the patient records in dental offices wherein the treating dentist was an employee and not the owner dentist. He explained that the revised language clarify that the original records belong to the owner dentist, or treating dentist (if agreed to by contract if not the owner), and that the patient has a right to a copy of the records.

Motion by Dr. Murphy, second by Ms. Naber, to approve the Policy Regarding Patient Records as amended.

Roll call vote: Dr. Armstrong – Absent
Dr. Beckwith – Yes
Dr. Hills - Absent
Dr. Howard – Yes
Dr. Murphy - Yes
Dr. Kyger – Absent

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

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

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

Roll call votes: Dr. Armstrong – Absent
Dr. Beckwith – Yes
Dr. Hills - Abstain
Dr. Howard – Yes
Dr. Murphy - Yes
Dr. Kyger – Absent
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. Murphy, second by Dr. McDonald, to approve the expense report and approve payment of the April and May, 2005 Board bills.

Roll call votes: Dr. Armstrong – Absent
Dr. Beckwith – Yes
Dr. Hills - Absent
Dr. Howard – Yes
Dr. Murphy - Yes
Dr. Kyger – Absent
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

QUALITY INTERVENTION PROGRAM

Ms. Reitz informed the Board members that a copy of a letter from Harris C. Bowman, D.D.S., Director of Refresher Dental Education at The Ohio State University had been provided for their review in the Board notebooks. She stated that the letter was addressed to Dr. Hills regarding a licensee who had completed the Quality Intervention Program (QUIP) and that this letter was indicative of the program's success in this case. She commented that she appreciated Dr. Bowman's closing comment regarding the licensee's focus and determination to make this quality intervention program self-enriching.

GOVERNOR'S CONSOLIDATION PLAN - UPDATE

Ms. Reitz provided an update of the testimony on House Bill 66 regarding the consolidation of twenty-seven (27) regulatory boards and commissions into the Ohio Department of Health, Department of Public Safety, or Department of Commerce. Ms. Reitz stated that last month Representatives from the House voted to accept the amendment which excluded the Dental Board from consolidation into the Department of Health along with six (6) additional Boards or Commissions. She stated that the Senate maintained the amendment and now the Bill must be reviewed by a Consensus Committee, which must complete its review by the end of this month.

OHIO PHYSICIANS HEALTH PROGRAM – MEMORANDUM OF UNDERSTANDING

Ms. Reitz stated that a letter had been sent to Stan Sateren, MD of the Ohio Physicians Health Program (OPHP), formerly the Ohio Physician Effectiveness Program (OPEP), regarding monitoring services for impaired licensees. She stated that it had come to the Board's attention at a recent Committee of Six meeting that OPHP had declined its services to a licensee based on the verbiage in the Memorandum Of Understanding (MOU) between OPHP and the Board which permits OPHP to address the impairment needs of dentists only. Ms. Reitz indicated that the letter was to address that the intent was for all licensees to be afforded the services and that the Board had never presumed there to be limitations on the services provided by OPHP to the Board.

HOUSE BILL 143

Ms. Reitz informed the Board that House Bill 143 regarding local anesthesia for the dental hygienist had been introduced and some testimony had been provided. She stated that the Dental Board has expressed support for the administration of local anesthesia by dental hygienists under appropriate dental supervision. Ms. Reitz stated however, that language was being considered regarding the licensure of expanded function dental auxiliary (EFDA) and there have been discussions on the elimination of the licensure for dental assistant radiographers. She stated that when questioned in this regard, she responded that the Board would not be opposed to renaming the license to a permit or similar language as the Board has always supported reviewing the radiographer language. However, Ms. Reitz indicated that radiographer licensure provides approximately \$200,000 in revenues for the Board, therefore, elimination of the license completely would have a huge impact financially.

CORRESPONDENCE

WESTERN REGIONAL EXAMINING BOARD

Ms. Reitz indicated that copies of a letter from the Western Regional Examining Board (WREB) had been provided in the Board notebooks for their review. She stated that WREB was requesting all state dental boards to consider accepting the WREB examination, which is accepted currently in 32 states, in addition to the American Board of Dental Examiners, Inc. (ADEX) examination, which has acceptance in 42 states, for the national clinical licensure exam. She stated that their reasoning was outlined in their letter.

Discussion ensued wherein Dr. Wright pointed out that applicants must pass all parts of the proposed ADEX examination in order to pass the full exam, whereas the WREB

examination is based on a cumulative scoring mechanism. Dr. Kyger expressed that PGY-1 was the driving force behind this issue and that if the American Dental Association (ADA), the American Dental Educators Association (ADEA), and the American Student Dental Association (ASDA) had the opportunity to provide input as is suggested in the second paragraph of the letter, there would possibly be a national licensing examination in place.

Further discussions resulted in the decision for a draft letter of response to be submitted to the Board members for their review, indicating the Board's support for ADEX as the national clinical exam for licensure regarding the Board's position in this matter.

AMERICAN DENTAL ASSOCIATION – NEW DEFINITION

Ms. Reitz informed the Board members that copies of a letter from the American Dental Association (ADA) regarding a proposed revised definition of the specialty of endodontics had been provided in the Board notebooks for their review. She stated that this had been provided to the members for informational purposes.

ANYTHING FOR THE GOOD OF THE BOARD

PRESENTATION BY RICHARD N. WHITNEY, M.D.

Dr. Whitney thanked the Board for inviting him to present on "Recognition & Management of the Chemically Dependent Dentist".

Upon conclusion of the presentation and a lengthy question and answer period, the Board members thanked Dr. Whitney for his time in appearing.

ADJOURN

The Board meeting was adjourned at 5:30 p.m. The next meeting will be on July 20, 2005 beginning at 1:00 p.m.

Paul Vesoulis, D.D.S.
President

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

APPENDIX A

POLICY REGARDING PATIENT RECORDS

Preamble: The purpose of this policy is to clarify the Board's position regarding the ownership and release of patient records.

The American Dental Association calls upon dentists to follow high ethical standards which have the benefit of the patient as their primary goal. To that end, the Board adopts the following policy regarding patient records.

Currently, the Dental Practice Act does not specifically address the issue of ownership and release of patient records. However, based on relevant law and other source material, it is the Board's position that a dentist must release a copy of the patient record upon request of the patient or the patient's parent/legal guardian. Failure to do so could be a potential violation of the standard of care for the profession, which is grounds for discipline pursuant to Ohio Revised Code 4715.30 (A)(7).

Record, defined:

For purposes of this policy, a patient record includes any document or combination of documents that pertains to a patient's medical/dental history, diagnosis, prognosis, or medical/dental condition, and that is generated and maintained in the process of the patient's dental treatment. Patient records include:

- medical/dental history
- written progress notes
- radiographs
- models
- billing information
- insurance claims

A patient record should not include:

- care related to another patient
- peer review/quality assurance information/documents
- correspondence/notes from attorneys
- aberrant/deviant statements

Ownership:

Patient records belong to the owner dentist, or treating practitioner if so provided for under contract, however, the patient has an absolute right to a copy of his/her patient records.

Providing copies of records:

A dentist has the ethical obligation on request of the patient, the patient's parent/legal guardian, or the patient's subsequent treating dentist with appropriate patient authorization and release, to furnish copies of patient records. This can be done either gratuitously or for a nominal, reasonable cost for copying. The copies, including dental x-rays and the like, should include any and all information as will be beneficial for the future uninterrupted, consistent treatment of the patient.

Costs:

This obligation to provide a copy of records exists whether or not the patient's account is paid in full. Since the patient has an absolute right to a copy of his/her records, a dentist may not ignore a request for records due to an unpaid balance for services rendered. Further, a dentist cannot demand payment for copies up front. The dentist may add the fee for copies to the unpaid balance, and include this in any claim for reimbursement, but records cannot be held hostage for payment of any kind.

Ramifications:

It is the Board's position that failure of a dentist to provide to a patient a copy of his/her records is unethical. Further, failure to do so would be a potential violation of the standard of care for the profession, which is grounds for discipline pursuant to Ohio Revised Code 4715.30 (A)(7).

Disclaimer:

Nothing in this policy supercedes the confidentiality requirements outlined in the Health Insurance Portability and Accountability Act. Further, this policy does not apply to records subpoenaed for Ohio State Dental Board investigation/enforcement purposes as those requests are exempted from the protections under HIPPA.

(March 9, 2005; amended June 8, 2005)