

**Ohio State Dental Board
Board Meeting
June 4-5, 2003**

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**Ohio State Dental Board
Board Meeting
June 4-5, 2003**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday June 4, 2003, beginning at 3:00 p.m. Board members present were:

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

The following guests were also in attendance: Mary Crawford, Esq., Assistant Attorney General; Keith Kerns, Esq. of the Ohio Dental Association (ODA); Sandy Held, R.D.H. of the Ohio Dental Hygienists' Association; Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Jayne A. Rasmussen, Licensure Coordinator, and Theresa A. Grimmett, Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 3:05 p.m.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Crawford, Ms. Reitz, and Mr. Everhart to attend the executive session.

OPEN SESSION

At 3:40 p.m., the Board resumed open session. Dr. Hills approved the agenda for the evening as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

INTRODUCTION OF NEW BOARD MEMBERS

Dr. Hills stated that he would like to take a moment to introduce the newest members of the Board, Dr. Gregory McDonald and Mr. Mark Landes. He informed the members that Dr. McDonald is a general dentist who practices in Springboro, Ohio. Dr. Hills stated that Dr. McDonald also serves as an Investigator for the Warren County Coroner's Office and as a forensic dentist for the Montgomery County Coroner's Office. Further, he stated that Dr. McDonald has been a president of the Dayton Dental Society and has served on the Board of Directors for several councils for the Ohio Dental Association. Dr. Hills informed the members that Dr. McDonald attended the University of Dayton for his undergraduate degree and the University of Tennessee for his Doctorate degree.

Introducing Mr. Landes, Dr. Hills informed the Board that he is an attorney in Columbus with the law firm of Isaac, Brandt and in this capacity is entrusted with the defense of fifty-two (52) counties in Ohio, as well as other government entities and businesses. Dr. Hills stated that in the past, Mr. Landes has been a prosecutor with the cavalry stationed on the Iron Curtain and has served as a civil litigator at the Pentagon.

Continuing on, Dr. Hills informed the Board that Mr. Landes was appointed special monitor for the U.S. District Court and is Special Counsel for the Ohio Attorney General. He stated that Mr. Landes is also on the Drafting Committee of the Ohio Jury Instruction for employment discrimination cases. Dr. Hills stated that Mr. Landes has been the President of the local chapter of the Federal Bar Association, the Chair of the Employment Law Section of the Columbus Bar Association, and is the current Chair of the Federal Courts Committee of the Ohio State Bar Association.

Dr. Hills congratulated them and welcomed both new members to the Board.

REVIEW OF THE APRIL 2003 BOARD MEETING MINUTES

The Board reviewed the minutes of the April 23, 2003 Board meeting.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the April 23, 2003 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

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

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

DENTAL

Syed Masihuddin, D.D.S.
Jennifer A. McBee, D.D.S.
Philip L. Michaelson, D.D.S.
Lisa K. Mulkin, D.D.S.
Robert H. Reineck, D.D.S.
Jason L. Richards, D.D.S.
Robert T. Armstrong, D.D.S.
Julie A. Beegan, D.D.S.

Rashni Bekal, D.D.S.
Saranna M. Berger, D.D.S.
Marvin Conrad, D.D.S.
Mark C. Durkee, D.D.S.
Thomas J. Robinson, D.D.S.
John M. Segnini, D.D.S.
Shea M. Walkup, D.D.S.

DENTAL HYGIENE

Tina M. Badaracco, R.D.H.
Andrea K. Seborg-Eckles, R.D.H.
Tiffany A. Budd, R.D.H.
Dawn E. Burnett, R.D.H.
Melissa M. Dunlap, R.D.H.
Sandra L. Giannini, R.D.H.
Nicole R. Giesey, R.D.H.
Paula K. Hartzell, R.D.H.
Laura R. Janchar, R.D.H.
Kelly M. Kanouff, R.D.H.
Dawn M. Kwiatkowsit, R.D.H.
Catherine E. Miller, R.D.H.

Carrie L. Moore, R.D.H.
Angela M. Myers, R.D.H.
Martha M. Robinson, R.D.H.
Tamara L. Ruffin, R.D.H.
Karen L. Russell, R.D.H.
Sara M. Scanion, R.D.H.
Danielle R. Schaff, R.D.H.
Sheri L. Thaxton, R.D.H.
Sarah E. Tringhese, R.D.H.
Tamara S. Turanski, R.D.H.
Kristy L. Walker, R.D.H.
Jerri D. Webb, R.D.H.

DENTAL ASSISTANT RADIOGRAPHER

Jessica A. Adams
Melissa A. Amill
Michelle M. Barbarossa
Healthier L. Beam
Tawana N. Bell
Misty D. Brannan
Kathy R. Breitingger
Tauna L. Brininger
Diane N. Brown
Kelly A. Bruccieri
Sara R. Cunningham
Laura L. Damon
Julie A. Davis

Leighann M. Decot
Amanda M. Emery
Shannon E. Fritz
Wendy J. Gallagher
Christine R. George
Holly J. Gerardo
Debbie L. Graham
Machiel K. Hindall
Linda r. Hines
Shannon D. Howell
Amanda Jull
Annette M. Jageman
Kristen J. Jurewicz

*Leigh Ann Klem
Erika M. Kline
Tina M. Lewis
Debra L. Manor
Anna M. McCracken
Coleen M. Naeder
Mary E. Napier
Rachel M. Neely
Stephanie L. Osborne
Betheny K. Palmer
Jennifer L. Powers
Danielle Y. Rawl
Kristia M. Reckart
Amber L. Renkamp
Danielle C. Reyna
Helen M. Riebel
Rebecca M. Starner
Dorsey A. Stern
Jennifer L. Stricker
Katie J. Thompson
Lisa A. Ulrich
Angela M. Weiss
Tresa M. Adams
Edward W. Antoniewicz
Donna J. Avondet
Peggy M. Coffelt
Jennifer M. DeGarmo
Stacey L. Donaldson
Margie R. Drake
Nancy E. Easter
Julie M. Federi
Melissa L. Goodman
Valarie K. Grams
Alla Liaudanskaya
Christy M. Mason
Maria R. Materson
Suzanne M. McKillips
Jennifer A. Meiners*

*Natalie S. Parks
Angela A. Platfoot
Julie R. Quick
Samantha D. Skaggs
Christina G. Smith
Gwen R. Spahr
Rebecca A. Stanaford
Shaunic N. Stanford
Keishana N. Stewart
Shara M. Thomsa
Lisa K. Williamson
LaShandra L. Anthony
Lisette Benitez
Deborah R. Blazek
Shay A. Bradbury
Melissa D. Browand
Nina Brown
Nikkia M. Casuccio
Shelly A. Caudill
Lauren T. Deran
Tanya D. Folden
Jacquelyn M. Haladay
Cynthia L. Hall
Mohamed I. Hassan
Heather L. Jones
Pamela S. Jones
Guadalupe Kinsworthy
Nizam A. Lazzari
Kathy I. Leno
Diane M. Mershman
Kimberly Nettles
Laurie L. Probert
Katrina J. Rogier
Amber D. Rutherford
Melissa A. Shockley
Christy L. Starcher
Jamie M. Suglio
Pamela J. Tack*

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

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

Michael B. Loftis, D.D.S.
Jason S. Woodside, D.D.S.

Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve these two (2) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Nicola A. Frabott, R.D.H.
Wendy M. Whitaker, R.D.H.

Motion by Dr. Vesoulis, second by Ms. Sabat, to approve these two (2) regional board dental hygiene license applications.

Roll call vote.

Motion carried unanimously.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

The following persons have applied for limited resident's licenses, have been evaluated and are recommended for approval:

Madiha Basit, D.D.S.
Joseph P. Brennan, D.D.S.
Douglas W. Brower, D.D.S.
Laurie M. Brown, D.D.S.
Shawn F. Catlos, D.D.S.
Allen D. Colic, D.D.S.
Jennifer A. Conroy, D.D.S.
Sukhdeep S. Dhaliwal, D.D.S.
Jason C. Doublestein, D.D.S.
Sameh S. Eid, D.D.S.
Guhjan Jain, D.D.S.
Brent A. Jenkins, D.D.S.
Faizullah Khan, D.D.S.
Jimmy K. Kim, D.D.S.
Anne E. Laughlin, D.D.S.
Marcus W. Lin, D.D.S.

Kimberly A. Lindquist, D.D.S.
Ihab F. Messiha, D.D.S.
Melissa M. Mullane, D.D.S.
Dawn L. Polasky, D.D.S.
Angela V. Pompili, D.D.S.
Jahnivi Rao, D.D.S.
Douglas N. Robertson, D.D.S.
Paul R. Robinson, D.D.S.
Charles E. Sackett, IV, D.D.S.
Avneet K. Sandhu, D.D.S.
Jackie S. Schilcher, D.D.S.
Naimisha Y. Shah, D.D.S.
Jocelyn R. Sharpless, D.D.S.
Sunil P. Sinha, D.D.S.
Amy L. Smith, D.D.S.
Rodney C. Stigall, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve these thirty-two (32) applications for limited resident's licenses.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Murphy, second by Dr. Awadalla, that for the purposes of Ohio Revised Code Sections 4715.16(S), the Ohio State Dental Board Executive Office shall process applications meeting the requirements for licensure as a Limited Resident in the State of Ohio, for those applicants who furnish the Board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state.

Roll call vote.

Motion carried unanimously.

LIMITED TEACHING LICENSE APPLICATION(S)

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

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

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

DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION

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

GRADUATE OF FOREIGN DENTAL COLLEGE APPLICATION(S)

The Board reviewed the license application of Dr. Haitham Aziz Hadeed a 1981 graduate of the University of Damascus, in Syria. Dr. Hadeed has received a certificate of completion in oral and maxillofacial surgery from the University of Pittsburgh, has taken and passed the National Board examination, Michigan State Only NERB examination, and the Ohio examination on statute and regulations.

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

Roll call vote.

Motion carried unanimously.

DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)

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

INTRODUCTION OF BOARD MEMBERS

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland, and the President of the Ohio State Dental Board.

He then introduced the other Board members: Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Dr. McDonald, a general dentist from Springboro, Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville, and Mr. Mark Landes, an attorney and the Board's public member from Gahanna.

CRITERIA APPROVAL LICENSE APPLICATION(S)

SCOTT A. JAMIESON, D.D.S.

The Board interviews began with Scott A. Jamieson, D.D.S., a 1972 graduate of Northwestern University. Dr. Jamieson completed his Master of Science degree in Orthodontics in 1974 and has been currently licensed and practicing in the state of Michigan since 1972. He did not take a regional board examination as it was unavailable at the time of graduation.

Upon questioning by the Board, Dr. Jamieson explained that he currently teaches two (2) days per month at Marquette University but is now seeking licensure in Ohio in order that he may practice in Lima, Ohio.

Motion by Dr. Vesoulis, second by Ms. Sabat, to approve Dr. Jamieson's criteria approval application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

DIANA L. TINGLEY, R.D.H.

Diana L. Tingley, R.D.H. was the second applicant for interview for licensure by criteria approval. Ms. Tingley is a 1973 graduate of the Southern Illinois University in Carbondale, Illinois. She has held licenses in Illinois and Nebraska but has not actively practiced dental hygiene since 1981. Ms. Tingley did not take a regional board examination as they were unavailable at the time of her graduation. She has completed the dental hygiene refresher course at The Ohio State University (OSU) in October of 2002.

Upon questioning by the Board, Ms. Tingley stated that the refresher course at OSU had been very informative. She stated that she is currently teaching

preschool but wishes to return to the practice of dental hygiene and is planning on practicing in the Worthington, Ohio area.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve Ms. Tingley's criteria approval application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT LICENSE APPLICATION(S)

MADALENA COCCA, R.D.H.

Madalena Cocca, R.D.H. was the only applicant for reinstatement interview. Ms. Cocca retired her license to practice dental hygiene in 1995. Ms. Cocca has completed a Bachelor of Science degree in Integrated Health Studies from Kent State University in 2001, has taken the dental hygiene refresher course at OSU in October 2002, is current in her CPR certification, and has obtained the requisite twelve (12) hours of continuing education.

Upon questioning by the Board, Ms. Cocca explained that she had taken time off from dental hygiene to spend time with her family and to obtain her degree from Kent State University. She indicated that she had originally thought it would be easy to reinstate her dental hygiene license, however, she felt the refresher course at OSU was inconveniently located and that only some portions of the course were worthwhile.

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

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATION(S)

Dr. Hills noted that there were no Report and Recommendations for review at this time.

PERSONAL APPEARANCE(S)

RICHARD J. SCHOONMAKER, D.M.D.

Dr. Schoonmaker began by stating that it had been seventeen (17) months since his last appearance before the Board. He stated that since that time, he felt he had been doing well despite personal issues such as the prolonged death of his father and his wife's treatment at the Arthur G. James Cancer Hospital. Dr. Schoonmaker explained that he was approaching five (5) years of sobriety and was here to seek guidance from the Board with regards to opening a general practice office. He stated that there will be a general practitioner that will be the practicing dentist in the new office located in a separate building from the one in which he (Dr. Schoonmaker) practices.

When asked by the Board, Ms. Crawford indicated that there was no legal impediment if the issue was in ownership of the practice.

Dr. Schoonmaker then stated that he had been released from certain restrictions in 1999 and had submitted a letter requesting release from the second part of the restrictions in his Consent Agreement. He indicated that he was requesting to apply for a conscious sedation or anesthesia permit.

Dr. Hills inquired as to what specific further impact the agreement with the Board held for Dr. Schoonmaker. Dr. Schoonmaker indicated that the insurance companies had dropped him as a provider due to the limitations of being unable to provide anesthetic services as an oral surgeon.

Further discussion ensued wherein Dr. Schoonmaker explained that he had not relapsed in the nearly five (5) years since first appearing before the Board. He stated that in December 2001 he had appeared before the Board requesting a modification of his consent agreement in which he sought permission to prescribe. He stated that at that time he was permitted prescription abilities but not the ability to order or dispense controlled substances.

In addition, Dr. Schoonmaker stated that he had made the decision to wait another two (2) years before appearing before the Board again. He stated that during this time he has sought advice from his counselors, his wife receives care from those same counselors, has medications in the house due to her illness but deals with the situation daily. Further, he stated that currently the counselors are supportive of his decision to seek a permit, that life is good for him and that he is appearing before the Board in an effort to be forward and to not mess up.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

OPEN SESSION

The Board resumed open session at 4:40 p.m.

Dr. Murphy explained that the Board was inclined to look favorably with regards to this issue. However, he stated that there were still issues that needed to be resolved and more information required before the Board could make a determination. Dr. Murphy stated that there would be no decision rendered by the Board today and then suggested that Dr. Schoonmaker have his attorney contact the Board's attorney, Ms. Crawford, to work on clearing up the issues.

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

SHERMAN L. ALLEN, D.D.S.

Dr. Awadalla stated for the record:

"This is an evidentiary review in the matter of Sherman L. Allen, 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. Allen had requested a hearing. The Board's minutes will serve as the record of this proceeding."

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

Ms. Crawford said yes and called Lili Reitz, Esq, Executive Director and Michael Everhart, Assistant Director, to give testimony in this matter. Dr. Awadalla asked Ms. Reitz 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. Reitz said yes. Then Dr. Awadalla asked Mr. Everhart to raise his right hand and said:

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

The State called Lili Reitz, the Executive Director of the Ohio State Dental Board and an attorney. She testified that she had the opportunity to review the judicial structure in Michigan. State's Exhibit 9 was identified as an excerpt from the directory of State Clerks of County Courthouses and it set forth a flow chart of the Michigan court system. Ms. Reitz testified that the District Courts have jurisdiction over felony preliminaries and then the case is transferred to the Circuit Court, which has exclusive jurisdiction over felonies. Ms. Reitz also identified State Exhibit 10, MCL Section 600.8125, State Exhibit 11, MCL Section 600.531, and State Exhibit 12, MCL Section 600.8311. Ms. Reitz testified that the 54th District Court is located in Lansing, Michigan, which is located in Ingham County, Michigan. The 30th Circuit Court is also located in Ingham County.

The State called Michael Everhart, the Assistant Director of the Ohio State Dental Board. Mr. Everhart testified that as part of his duties as Assistant Director, he oversees the enforcement duties of the Board and is the custodian of records of these enforcement files. He stated that State's Exhibits 1-8, inclusive, are records kept in the ordinary course of business of the Board. Mr. Everhart further stated that Dr. Allen did not request a hearing as to the charges against him as set forth in State's Exhibit 1.

Mr. Everhart identified State's Exhibits 1-8, 13, and 14, inclusive. State's Exhibit 1 was the Notice of Opportunity for Hearing sent to Sherman Allen, DDS; the last page of the exhibit had a copy of the signed certified mail receipt. State's Exhibit 2 was the Notice of Appearance of Counsel on behalf of the State. State's Exhibit 3 was the Application for License to Practice Dentistry in the State of Ohio filled out by Sherman Allen and received by the Board on July 17, 2001. On page 5 of State's Exhibit 3, Dr. Allen signed an affidavit indicating that he had read all the questions in the foregoing application and answered them truthfully, fully and completely. On page 3 of State's Exhibit 3, question 21A states, "Have you been convicted of or pled guilty to any felony or misdemeanor (exclude all traffic violations other than those involving driving while under the influence of alcohol or drugs)?" Dr. Allen answered no to this question. Question No. 21B asks, "Do you have any criminal charges pending against you?" Dr. Allen answered no to this question.

State's Exhibit 4 was a copy of a court entry from the Sixth Judicial Circuit, Oakland County, Michigan in which the court found that the defendant, Sherman Allen, had pled guilty/found guilty on November 22, 1999 of embezzlement, in violation of MCL 750.1742, a copy of which was identified as State's Exhibit 13. State's Exhibit 5 was a copy of a court order from the 30th Judicial Circuit, State of Michigan indicating that Sherman L. Allen was convicted on August 22, 2001 of a felony, Medicaid Fraud-False Claim, in violation of MCL 400-6071, a copy of which was identified as State's Exhibit 14. State's Exhibit 6 was the docket sheet for the case in which Sherman Allen was convicted on August 22, 2001, as set forth in State's Exhibit 5. This docket sheet indicated that Dr. Allen was charged with over 100 counts of Medicaid Fraud. On page 8 of State's Exhibit 6, the docket sheet showed that on April 4, 2001, Dr. Allen was arraigned on these criminal charges. On page 9 of State's Exhibit 6, the docket sheet showed that Dr. Allen pled guilty on August 22, 2001 and was sentenced on September 19, 2001. State's Exhibit 5 indicated that Sherman Allen was to make restitution in the amount of \$101,554.83. State's Exhibit 7 was identified as a letter received at the Ohio State Dental Board from the Michigan Attorney General's Office regarding Sherman Allen, indicating that an arrest warrant was served on him on February 1, 2001 and that he was arraigned. State's Exhibit 8 was a copy of the complaint felony charging Dr. Allen with the allegations of Medicaid Fraud.

Ms. Crawford moved into evidence State's Exhibits 1-14, inclusive, and they were admitted. She stated the evidence showed that Dr. Allen completed an application for a license to practice dentistry in the State of Ohio and swore in his affidavit, signed on April 24, 2001, that he had truthfully answered all the questions. He indicated in the application that he had not been convicted of or

pled guilty to any misdemeanor. However, in November, 1999, he had pled or been found guilty of a misdemeanor involving embezzlement. Furthermore, Dr. Allen had indicated in his application that he did not have any criminal charges pending against him as of April 24, 2001. At that time, however, Dr. Allen had pending against him felony charges of over 100 counts of Medicaid Fraud. Ms. Crawford further stated that on or about August 22, 2001, Dr. Allen was convicted of Medicaid Fraud, a felony, and was ordered to pay restitution in an amount over \$100,000.00. The documentation presented by the State substantiated all the allegations against Dr. Allen as set forth in the Notice of Opportunity for Hearing sent to him on March 25, 2003.

EXECUTIVE SESSION

Motion by Dr. Awadalla, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to deliberate and consider the charges filed in the matter of licensee Sherman L. Allen, DDS.

Roll call vote.

Motion carried unanimously.

OPEN SESSION

The Board resumed open session. Dr. Awadalla then stated:

"Let the record reflect that I, Dr. Eleanore Awadalla 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 the deliberations in this matter."

DECISION IN THE MATTER OF SHERMAN L. ALLEN, DDS

Motion by Dr. Murphy, second by Dr. McDonald, that it is hereby ORDERED:

The license of Sherman L. Allen, D.D.S. to practice dentistry in the state of Ohio is permanently REVOKED.

This ORDER shall become effective immediately upon receipt of this ORDER.

Discussion followed wherein Dr. Murphy stated that had the Board known of the conduct engaged in by Dr. Allen at the time of application, he would have never qualified for licensure in the state of Ohio, as he would not have demonstrated proof of good moral character. Therefore, Dr. Murphy stated that the revocation was in order based on violations set forth in sections 4715.30(A)(1), (2), and (4) of the Ohio Revised Code.

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

Motion carried.

Dr. Awadalla stated that this concluded the matter and then turned the floor back over to Dr. Hills.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed one (1) proposed consent agreement.

DAVID E. HENRY, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for David E. Henry, D.D.S., license number 30-01-6341.

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

Motion carried.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

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

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

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

MARY M. BROWN, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Mary M. Brown, D.D.S., license number 30-02-1292, case number 02-25-194.

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

Motion carried.

ENFORCEMENT UPDATE

Mr. Everhart informed the Board that there were currently nine (9) cases listed as pending hearings of which seven (7) have been scheduled to appear before a Hearing Examiner and one (1) case had been settled. He stated that there were currently five (5) cases under appeal and one (1) case pending the Hearing Examiner's Report. Continuing on, Mr. Everhart indicated that there were twelve

(12) licensees currently under suspension and one hundred thirty-nine (139) cases that had been investigated and reviewed by the Board Secretary and recommended to be closed.

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

The following cases are to be closed:

02-18-225	03-52-035	03-31-700	03-57-959	03-12-287
02-18-533	03-31-060	03-09-252	03-83-1177	03-31-653
02-47-652	03-31-068	03-09-223	03-31-685	03-57-964
03-09-014	03-57-070	03-31-697	03-57-941	03-12-278
03-29-016	03-18-079	03-09-256	03-09-251	03-09-221
03-43-036	03-09-096	03-57-922	03-83-1165	03-83-1176
03-31-067	03-18-081	03-12-276	03-83-1178	03-31-665
03-31-069	03-31-072	03-12-283	03-31-692	03-12-279
03-57-087	03-36-100	03-12-282	03-09-258	03-31-657
03-48-098	03-18-108	03-31-673	03-31-695	03-68-1014
03-18-085	03-31-112	03-31-709	03-31-706	03-12-1208
03-31-071	03-18-122	03-29-632	03-12-281	03-31-181
03-09-082	03-31-135	03-12-277	03-09-224	03-83-1164
03-25-106	03-31-141	03-57-953	03-13-296	03-09-250
03-18-107	03-31-139	03-12-286	03-83-1172	03-31-686
03-31-119	03-31-136	03-31-668	03-12-274	03-31-662
03-18-123	03-31-134	03-09-249	03-09-248	03-31-655
03-23-154	03-31-169	03-57-940	03-31-696	03-83-1167
03-31-140	03-31-172	03-31-702	03-12-284	03-12-280
03-31-137	03-31-177	03-31-704	03-31-703	03-31-690
03-09-133	03-31-175	03-12-275	03-29-628	03-09-220
03-31-138	03-57-935	03-09-253	03-31-699	03-31-689
03-31-171	03-31-687	03-31-178	03-31-693	03-31-680
03-25-176	03-31-682	03-12-285	03-31-708	03-09-254
02-18-266	03-57-954	03-68-1015	03-31-654	03-31-683
02-57-638	03-83-1168	03-83-1169	03-31-641	03-31-647
02-18-666	03-31-681	03-31-712	03-57-937	03-31-180
03-29-015	03-31-684	03-68-1012	03-12-271	

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

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

Motion carried.

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

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the enforcement report and close the above one hundred thirty-nine (139) cases.

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

Motion carried.

Dr. Hills thanked Mr. Everhart for the Enforcement Report. He then stated that the Board would now consider the Secretary's Expense Report.

SECRETARY'S EXPENSE REPORT

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

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

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Ms. Sabat, second by Dr. Awadalla, to approve the expense report and approve payment of the March and April 2003 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

OVERVIEW OF SENATE BILL 51 (SB 51) AND HOUSE BILL 156 (HB 156)

Ms. Reitz explained that Senate Bill 51 (SB 51) passed the Senate and was now being considered by the House of Representatives (House). She stated that the bill was amended as follows:

- To allow the Board members to continue to be involved with the examination process;
- Remove the requirement that the Board accept all examinations; and
- To accept all regional board examinations of dental applicants who have demonstrated successful completion of all parts of the examination
- Increase in the number of Board members to fourteen (14); nine (9) dentists, three (3) dental hygienists, and two (2) public members.

Ms. Reitz stated that the Board would continue to meet with representatives from the House on the bill.

BOARD MEMBER TRAINING

Ms. Reitz explained that Board Member training would take place during the next meeting in July.

RECESS

Motion by Dr. Murphy, second by Ms. Sabat, to recess the meeting until Thursday, June 5, 2003 at 8:30 a.m. in room 1952 of the Vern Riffe Center for Government and the Arts.

Roll call vote.

Motion carried unanimously.

CALL TO ORDER

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Thursday June 5, 2003, beginning at 8:30 a.m. Board members present were:

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

The following guests were also in attendance: Mary Crawford, Esq., Assistant Attorney General; Keith Kerns, Esq. and Stacy Wendt of the Ohio Dental Association (ODA); Connie Clark, R.D.H. and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association; Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, and Theresa A. Grimmett, Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and noting that there was a quorum present called the meeting to order at 8:40 a.m.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES

Dr. Murphy stated that the following individuals have applied for Anesthesia permits. He explained that the applications were reviewed by the Anesthesia Committee and are recommended to receive provisional privileges:

Eric D. Ferrara, D.D.S. - Kent, Ohio
Shahin Shahgoli, D.D.S. - Marion, Ohio

Motion by Dr. Hills, second by Ms. Sabat, to approve these two (2) applicants for receipt of temporary anesthesia privileges.

Roll call vote.

Motion carried unanimously.

REVIEW OF PROVISIONAL CONSCIOUS SEDATION PRIVILEGES

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

Shea Walkup, D.D.S. - Maumee, Ohio
Jody Lynn Ball, D.D.S. - Cincinnati, Ohio
Terry Hughes, D.D.S. - Delaware, Ohio

Motion by Dr. Murphy, second by Ms. Sabat, to approve these three (3) applicants for receipt of provisional conscious sedation privileges.

Discussion followed wherein it was determined that Dr. Hughes had been previously approved for a conscious sedation permit for oral sedation only at a previous meeting. Further, it was pointed out that Dr. Hughes had a history of drug abuse in 1983 and had been convicted of a felony in 1986. A review of his documentation resulted in Dr. Hughes request for provisional privileges and subsequent permit was tabled. Dr. Awadalla stated that she would work with Ms. Crawford to resolve these issues.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the applications of Dr. Walkup and Dr. Ball for receipt of provisional conscious sedation privileges.

Roll call vote.

Motion carried unanimously.

REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S)

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

Roger Harris, D.D.S. - Cincinnati, Ohio
Charles Brian Spriggs, D.D.S. - Lima, Ohio

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve these two (2) applicants for receipt of Anesthesia Permits.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Murphy stated that the following individuals have applied for Conscious Sedation permits. He explained that the applications were reviewed by the

Anesthesia Committee and are recommended to receive privileges for the appropriate modality:

Phillip Hahn, D.D.S. - Lakewood, Ohio
Intravenous Conscious Sedation

Dan Hillis, D.D.S. - Cincinnati, Ohio
All modalities

Motion by Dr. Murphy, second by Dr. Awadalla, to approve these two (2) applicants for receipt of conscious sedation permit privileges for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

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

COMMUNICATIONS COMMITTEE REPORT

NEWSLETTER

Ms. Reitz informed the Board that the most recent edition of the Newsletter was currently at the printer and was scheduled to be printed and to our mailing service within a few weeks.

Dr. Hills thanked Ms. Reitz for her report.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following individual/organization has applied for approval as a biennial sponsor of continuing education for the years 2002-2003 and have been recommended for approval by the Education Committee:

Dental Ceramics, Inc.

Motion by Ms. Sabat, second by Mr. Landes, to approve Dental Ceramics, Inc. for biennial sponsorship of continuing education for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

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

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)

Ms. Sabat noted that there were no dental hygiene medical emergency courses for review at this time.

REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)

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

REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)

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

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

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

REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)

Ms. Sabat noted that there were no Special Needs Program requests for review at this time.

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

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

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

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

Dr. Hills thanked Dr. Murphy for his report.

POLICY COMMITTEE REPORT

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

Dr. Hills thanked Dr. Awadalla for her report.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

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

Dr. Hills thanked Dr. Awadalla for her report.

WAIVER COMMITTEE REPORT

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

Dr. Hills thanked Ms. Sabat for her report.

CORRESPONDENCE

Dr. Hills noted that there was no correspondence for consideration by the Board at this time.

ANYTHING FOR THE GOOD OF THE BOARD

ACCESS TO CARE - EXPANSION OF DENTAL HYGIENE AND DENTAL ASSISTANT DUTIES

Dr. Awadalla explained that in light of discussions with members of the Legislature, the Board would be working with them for ideas to expand duties of dental auxiliaries in an effort to address the access to dental care issue. She reminded the Board that their current thoughts were to allow dental hygienists to see patients prior to examination by the licensed dentist for purposes of prophylaxis, fluoridation, data gathering, and taking of radiographs. She said they were also considering local anesthesia for dental hygienists under direct supervision of the dentists. Continuing on, Dr. Awadalla stated that the Board was supportive of delegating the placement of sealants and temporary restorations for trained dental assistants under direct supervision.

Dr. McDonald asked for some background and basis for the Board's position regarding these duties, especially with regards to local anesthesia for hygienists.

Dr. Awadalla stated that the Board was willing to do whatever it could to facilitate more care being rendered to people who need it.

Dr. Hills stated that as a profession, dentists are dinosaurs: we are slow to change. He reasoned that dentists and dental hygienists need to be more secure in their skills and allow more triage-type delegation of duties to take place, as occurs in the medical profession.

Discussion continued regarding access to care and what we as a Board can do to help in response to the numerous requests we have received over the past few years.

AMERICAN DENTAL ASSOCIATION - RESOLUTION ON TEETH WHITENING PROCEDURES

An American Dental Association (ADA) resolution regarding teeth whitening procedures was discussed. The resolution declared that this was the practice of dentistry and therefore licensure was required to perform this procedure on patients.

ADJOURN

Motion by Dr. Murphy, second by Dr. Vesoulis, to adjourn the meeting until Wednesday July 9, 2003, at 3:00 p.m.

Roll call vote.

Motion carried unanimously.

Edward R. Hills, D.D.S.
President

Eleanore Awadalla, D.D.S.
Secretary

9/26/2003 8:06 AM