

**OHIO STATE DENTAL BOARD**  
**Board Meeting**  
**June 12th and 13th, 2002**

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**OHIO STATE DENTAL BOARD**  
**Board Meeting**  
**June 12th and 13th, 2002**

**M I N U T E S**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on June 12th, 2002 beginning at 3:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President  
Eleanore Awadalla, D.D.S., Secretary  
Scott Borgemenke  
William J. Lightfoot, D.D.S.  
T. Michael Murphy, D.D.S.  
Lynda L. Sabat, R.D.H.  
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Mary Crawford, Esq. and Robert Angell, Esq., Assistant Attorneys General, Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the *Ohio Dental Association* (ODA), Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Jayne A. Rasmussen, Licensing Coordinator, Malynda Franks, Executive Secretary, and other guests.

**CALL TO ORDER**

Dr. Hills extended greetings to everyone and called the meeting to order at 3:15 p.m.

**EXECUTIVE SESSION**

***Motion by Dr. Murphy, second by Dr. Lightfoot, 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 imminent or pending court action.***

Roll call vote.

Motion carried unanimously.

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

## **OPEN SESSION**

At 4:32 p.m., the Board resumed open session. Dr. Hills approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to extenuating circumstances.

## **REVIEW OF THE APRIL BOARD MEETING MINUTES**

The Board reviewed the minutes of the April, 2002 Board meeting.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve the June, 2002 Board meeting minutes as presented.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF LICENSE APPLICATION(S)**

### **REGIONAL BOARD DENTAL APPLICATION(S)**

The following person has applied for a dental license, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* (NERB) examination or another regional board examination and the NERB Dental Simulated Clinical Exercise (DSCE), National Board examination, and the Ohio examination on the statute and regulations:

Dr. Bradley A. Gregory

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve Dr. Gregory's regional board dental license application.***

Roll call vote.

Motion carried unanimously.

## **REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)**

The following persons have 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:

Sarah E. Crookston  
Tara J. Griffis  
Leigh M. Langston  
Purvi C. Patel

Kelly J. Schaeffer  
Joy D. Stigall  
Leah Wright  
Stephanie R. Zarse

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve these eight (8) 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 recommended for approval:

Dr. Fabrizio K. Amador  
Dr. Karen E. Anderson  
Dr. Gregory W. Anderson  
Dr. Robert T. Armstrong  
Dr. Amber L. Ausnehmer  
Dr. Rashni Bekal  
Dr. Sobia N. Bhutta  
Dr. John J. Bigby  
Dr. Gerard Bruno  
Dr. Jennifer M. Bryk  
Dr. Dayana N. Coffler  
Dr. Maria T. Cook  
Dr. Lourdes M. Cortes  
Dr. Todd R. Coy  
Dr. Joseph A. Curtin  
Dr. Richard R. Dryer  
Dr. Craig F. Duhaime  
Dr. Babak Emami  
Dr. Shahin Etamadi

Dr. Chad-Yun Fan  
Dr. Todd D. Flere  
Dr. Anna Fona  
Dr. Lora M. Foster  
Dr. Erin J. Fuson  
Dr. Rayba J. Gant-Johnson  
Dr. Amanda A. Goodman  
Dr. Kevin R. Haddle  
Dr. John E. Hammen  
Dr. Sharikia S. Harris  
Dr. Alfredo I. Hernandez  
Dr. Farmaz Iranpour-Boroujeni  
Dr. Nader S. Jahshan  
Dr. Joanne M. Jensen  
Dr. Igor Kantorovich  
Dr. Richard A. Kapitan  
Dr. Jeffrey M. Karp  
Dr. Vladimir Khramoy  
Dr. Robert King

Dr. Brennan R. Lee  
Dr. Hsin-Juei Lee  
Dr. Monte E. Masonbrink  
Dr. Jeffrey T. Milton  
Dr. Michael J. Mindiola  
Dr. Joel J. Napenas  
Dr. Vishant Nath  
Dr. Hyun W. Park  
Dr. Taeen Park  
Dr. Lavedita L. Parker  
Dr. Suketu N. Patel  
Dr. Thomas J. Pesarchick  
Dr. Stephen C. Phillips  
Dr. Natalie A. Polon  
Dr. Bradley A. Purcell  
Dr. Rockland A. Ray  
Dr. Tomoral Sams

Dr. Erin M. Slattery  
Dr. Jason R. Smithberger  
Dr. Angela W. So  
Dr. Jeffrey M. Solerno  
Dr. Jason D. Sperati  
Dr. Janice A. Struckhoff  
Dr. Kuma Subramanian  
Dr. Chad C. Taylor  
Dr. Lee W. Thach  
Dr. Gregory C. Thiel  
Dr. Kevin J. Urbanek  
Dr. Lance T. Vernon  
Dr. James W. Voyles  
Dr. Glenn S. Waters  
Dr. Brian C. Weaver  
Dr. Shane M. Wellington  
Dr. Douglas A. Wolfe

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve these seventy-two (72) applications for limited resident's licenses.***

Roll call vote.

Motion carried unanimously.

## **DENTAL LICENSE APPLICATION(S) WITH SPECIALTY DESIGNATION**

The Board reviewed the following dental license applications. The applications are recommended for approval based on completion of an accredited specialty program, National Board examination, regional board examination and consent agreement promising to limit their practice to the designated specialty, and the Ohio examination of the statute and rules.

Dr. Kenneth D. Fryer – Pediatric dentistry  
Dr. Robert B. Hardy – Orthodontics  
Dr. Matthew W. Sprows – Orthodontics

***Motion by Ms. Sabat, second by Dr. Murphy, to approve these three (3) applications for licensure as dentists in the state of Ohio limited to the specialty designated, pending acceptance of a signed consent agreement with the Board.***

Roll call vote.

Motion carried unanimously.

## **DENTAL ASSISTANT RADIOGRAPHER APPLICATION(S)**

The Board executive office reviewed the applications for the dental assistant radiographer licenses, and all applicants were found to have submitted satisfactory proof of certification for the *Dental Assisting National Board*, or the *Ohio Commission on Dental Assistant Certification*, or licensure or certification from a similar state board. A list of candidates follows:

Jo A. Alderman  
Kandi K. Bails  
Lori R. Bandy  
Litanya M. Barnes  
Justine L. Beatty  
Molly J. Becker  
D'Ann K. Bertrand  
Amy L. Bletsh  
Denise L. Blosser  
Teresa A. Boatwright  
Adrienne N. Bocook  
Kirsten H. Bohlke  
Melissa D. Boilinger  
Kathy S. Borton  
Brenda S. Boyes  
Amber K. Branham  
Vicki A. Brewer  
Kelly A. Brown  
Nicole E. Burger  
Stephanie A. Burgess  
Amanda A. Calanche  
Khristine M. Campbell  
Jessica L. Caraballo  
Christina M. Chaney  
Kathryn M. Chapman  
Margaret A. Charvat  
Tatyana Church  
Sharla D. Cochran  
Mendy K. Cokes  
Heidi M. Collier

Angela R. Collins  
Paula Colombo  
Janet I. Cooper  
Claudia Curran  
Angelina F. DeGarmo  
Jennifer L. Detty  
Darla J. Dotson  
Lynsi B. Dunkle  
Michelle L. Dusterhoft  
Karen D. Earnsberger  
Lisa S. Englander  
Lindsay A. Fattori  
Melissa A. Fitch  
Dawn A. Ford  
Kristine R. Freeland  
Amy R. Goedel  
Belinda J. Grenno  
Kendra L. Guiler  
Amy C. Hartmann  
Ronda R. Harvey  
Stanley Hauryluk  
Vickie L. Hayes  
Michele D. Helter  
Pamela S. Hill  
Amanda B. Himes  
Ludmila Hooke  
Jessica A. Johnson  
Terri A. Jones  
Amy L. Jones  
Shawna R. Jones

Sheila R. Kesling  
Alla F. Korotkin  
Susan M. Kozlowski  
Deidre N. Laivala  
Diana K. Lake  
Tracy J. Laverenz  
Cheryl S. Lewis  
Karen A. Lewis  
Jennifer M. Lewis  
Jessica M. Loney  
Angela M. Loving  
Rebecca L. Manore  
Celia M. Marce  
Brandie S. Martin  
Melissa R. McFarren  
Deana M. McKay  
Michelle L. McLaughlin  
Marion E. Meeks  
Maria T. Meredith  
Carrie A. Mickey  
Patricia A. Midcap  
Michelle Y. Mowery  
Rhonda L. Munroe  
Karly T. Nahra  
Shirley M. Nau  
Kim E. Nicklin  
Syndey A. Olson  
Brittney N. Pegram  
Jessica M. Pliner  
Katie L. Pulver  
Sharon E. Purdum  
Heather O. Quillen  
Elizabeth A. Raver  
Heather L. Reed

Adena M. Reier  
Tricia E. Riddell  
Janet Riley  
Deanna M. Risner  
Shudina M. Roberts  
Krista E. Roosa  
Molly A. Schellin  
Theresa A. Schuman  
Brendaly Segarra  
Greta G. Shock  
Davina C. Sims  
Ruby A. Smith  
Sarah E. Smith  
Wendee L. Smith  
Monica M. Smith  
Leslie D. Snelling  
Sara E. Stahlheber  
Nancy E. Stout  
Jennifer L. Stover  
Kathleen Summy  
Cynthia A. Taylor  
Amanda L. Tucker  
Angela S. Tully  
Sara N. Varner  
Michele L. Vislay  
Kellie K. Wahl  
Rochel B. Watson  
Jessica P. West  
Lana J. White  
Debra A. Williams  
Patsy G. Wood  
Victoria Zhaltunets  
Rebecca A. Zimmerly

***Motion by Ms. Sabat, second by Dr. Murphy, to approve these one hundred and twenty-seven (127) dental assistant radiographer applications.***

Roll call vote.

Motion carried unanimously.

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. Paul Vesoulis, a general dentist from Toledo, Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. William J. Lightfoot, an orthodontist from Columbus, and Ms. Lynda Sabat, the Board's dental hygienist member from Brecksville.

## **CRITERIA APPROVAL INTERVIEW(S)**

### **Cecil S. Ash, D.D.S.**

The first applicant for criteria approval interview with the Board was Cecil S. Ash, D.D.S., a 1990 graduate of *Dalhousie University*. He has been licensed and practicing since that time and currently holds a limited teaching license in the state of Ohio. Dr. Ash took and passed the *Western Regional Examining Board (WREB)* examination in 1998. Dr. Ash explained to the Board that he had originally come to the United States from Canada on a one (1) year teaching appointment at Case Western Reserve University (CWRU). He stated that he currently holds a limited teaching license at *MetroHealth Medical Center* working for Dr. Hills. Dr. Ash stated that he is a Canadian citizen in the United States on a work permit. However, he stated that he is requesting full licensure due to recent changes in the permit requirements that mandate he must be fully licensed in order to continue working in the United States. Additionally, Dr. Ash stated that a full license would permit him the opportunity to work in private practice.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve Cecil S. Ash's criteria approval application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

### **H. Lawrence Richards, D.D.S.**

The next applicant for criteria approval interview with the Board was H. Lawrence Richards, D.D.S., and a 1963 graduate of the *University of Pittsburgh*. He has been licensed and practicing in Pennsylvania since that time. Dr. Richards has not taken a regional board examination, as they were unavailable at the time of original licensure. Dr. Richards explained to the Board that he has been practicing for the last thirty-three (33) years in Pennsylvania and now has an opportunity to practice for Dr. Barnett in Ohio. He stated that he lives on the border between Ohio and Pennsylvania. He stated that his most recent practice was as a missionary dentist. However, due to health

problems within his family he is electing to return to private practice two to three (2-3) days per week and vacation fill-in for Dr. Barnett. Dr. Richards informed the Board members that he is current in his continuing education.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve H. Lawrence Richards' criteria approval application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Kathy E. Huys, R.D.H.**

The final applicant for criteria approval interview with the Board was Kathy E. Huys, R.D.H., a 1972 graduate of *Indiana University*, who has been licensed and practicing in Indiana since that time. Ms. Huys has not taken a regional board examination, as they were unavailable at the time of original licensure. Ms. Huys briefly stated that she had been divorced for a number of years and recently remarried someone from Columbus, Ohio. She stated that she wishes to obtain her license in order to practice dental hygiene in the Columbus area. She stated that she has practiced full-time since her original licensure with the exception of seven (7) months.

When questioned by the Board as to whether she had employment opportunities in Columbus, Ms. Huys stated that she does not yet live here and therefore, has not interviewed for a position. However, she stated that she has considered temporary work in the meantime prior to seeking full-time work in a general practice office.

***Motion by Ms. Sabat, second by Dr. Murphy, to approve Kathy E. Huys criteria approval application for licensure as a dental hygienist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**REINSTATEMENT INTERVIEW(S)**

**Venitress R. Bryant, D.D.S.**

The first applicant for reinstatement interview with the Board was Venitress R. Bryant, D.D.S., who retired her license in December 1999. She is currently licensed in Illinois, Michigan and Georgia. Dr. Bryant explained that she wishes to reinstate her license in order to complete a residency program in Ohio. Additionally, she stated that the

director of the program informed her that she would be permitted to practice dentistry on the weekends.

***Motion by Dr. Awadalla, second by Dr. Murphy, to approve Dr. Bryant's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**John R. Blankenship, D.D.S.**

John R. Blankenship, D.D.S., whose license was suspended for failure to renew on January 1, 1996, was the next applicant for reinstatement interview. He was also licensed in the state of Michigan until August of that same year. Included in Dr. Blankenship's reinstatement application is a documented history of bi-polar disorder. Dr. Blankenship explained to the Board that he wished to reinstate his license in Ohio in order to provide dental care to his mother and sister who currently reside in the Dayton area. He stated that he had held diplomate status with the *American Board of Prosthodontics* at the time when he gave up practice. He informed the Board that he has been in contact with colleagues in the Dayton area who have agreed to rent their office space to him. Dr. Blankenship stated that he must hold current licensure in order to contract with dental laboratories for work on his family members. He stated that he did not intend to see the general public as patients as he has not actively practiced dentistry since 1996.

***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)(1) to confer with counsel and consider the matter of John R. Blankenship, D.D.S.***

Roll call vote.

Motion carried unanimously.

Open Session

At 5:00 p.m., the Board resumed open session.

***Motion by Dr. Lightfoot, second by Ms. Sabat, to deny Dr. Blankenship's reinstatement application for licensure as a dentist in the state of Ohio.***

Discussion followed wherein Dr. Awadalla stated the Board's concern with regards to Dr. Blankenship not having actively practiced dentistry since 1993. She stated that the Board was concerned that it has been almost ten (10) years since Dr. Blankenship had held a handpiece or given a patient an injection.

Dr. Blankenship informed the Board that he had been in practice thirty-five (35) years without incident. He stated that he realized that nine (9) years without practicing seemed like a long time, however, he felt that it would only take a short while to get his skills up to where they were when he stopped practicing.

Dr. Hills explained that the Board had concerns with regards to Dr. Blankenship's skill level, as well as his level of dexterity. He stated that one of the reasons that the Board requested reinstatement interviews was to allow the Board members to better evaluate the applicant since not everything can be addressed in paper documentation. Dr. Hills stated that he was not comfortable in considering approval of Dr. Blankenship's reinstatement for dental licensure at this time.

Dr. Blankenship stated that he had included his letter documenting his bi-polar disorder in an effort to be honest with the Board regarding his medical condition. He stated that he had experienced several episodes from 1976 to 1993, however, he had always been placed back at the worksite and reinstated without penalty to his license or employment.

Dr. Awadalla informed Dr. Blankenship that his record of incidents regarding the bi-polar disorder was not an issue of concern. She stated that his stability and the number of years of inactivity were the primary issues of concern.

Dr. Blankenship stated that the only way to return to his previous skill level was to return to active practice. He stated that he required a currently active license in order to practice on patients.

Dr. Hills explained that it is the Board's mission to protect the public. He agreed that practice on patients MAY return his skills to the minimum standard of care. However, Dr. Hills stated that additional clinical training could also return Dr. Blankenship to an acceptable level of clinical skill. Therefore, he stated that the Board's vote today would be to deny reinstatement of Dr. Blankenship's dental license. Dr. Hills suggested that Dr. Blankenship could contact the Board executive office to obtain information on clinical courses to increase his dental skills and possibly return at a later date to request reinstatement of his dental license.

Roll call vote.

Motion carried unanimously.

**John S. Eckels, D.D.S.**

The next applicant for reinstatement interview with the Board was John S. Eckels, D.D.S. whose license was suspended for failure to renew in January 1994. He is currently licensed and practicing in West Virginia. Dr. Eckels informed the Board that he had received his dental degree and completed an orthodontics residency at *West Virginia University*. He stated that he had taken the NERB upon completion of the dental program and applied for licensure in Ohio and West Virginia at that time. However, he stated that he had never practiced in the state of Ohio since he had continued in the residency program and subsequently practiced in West Virginia upon completion of the program. Dr. Eckels stated that he has an orthodontics practice in Parkersburg, West Virginia and is now wishing to open a satellite office in Marietta, Ohio.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve John S. Eckels' reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Frank F. Omerza, D.D.S.**

Frank F. Omerza, D.D.S., was the next applicant for reinstatement interview. Dr. Omerza retired his Ohio dental license in November 1995 and is currently practicing in Illinois. Dr. Omerza informed the Board members that he had obtained his initial licensure in Ohio and that after he completed a residency program he had moved to Illinois and became a full-time faculty member at the *University of Illinois - Chicago*. He stated that he has recently completed a tour of duty with the military, which included practice at the *National Naval Medical Center* and he currently wishes to reinstate his Ohio license in order to open an orthodontic practice.

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve Frank F. Omerza's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Veronica W. Ng, D.D.S.**

The final applicant for reinstatement interview was Veronica W. Ng, D.D.S. whose license was suspended for failure to renew in January 1998. Dr. Ng is currently licensed and practicing in Michigan. Dr. Ng informed the Board that she had practiced in Ohio for five (5) years prior to moving to Michigan. She stated that she has an opportunity to practice in a Toledo, Ohio office, as well as remain practicing at her current location in Monroe, Michigan. Additionally, she informed the Board that her husband is currently attending an oral surgery residency program at CWRU.

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

Roll call vote.

Motion carried unanimously.

**ENFORCEMENT REPORT**

Dr. Hills stated the first order of business under the Enforcement Report was a request for modification of a Consent Agreement. He then asked Ms. Crawford to explain.

Ms. Crawford stated that Dr. Victor J. Dubel had filed a Request For Modification of Consent Agreement on May 13th, 2002. She stated that the basis of the modification request was to reinstate his DEA registration. Ms. Crawford explained that she had filed a Memorandum Contra Request for Modification of Consent Agreement on the Board's behalf. She stated that both documents were included in their notebooks for their review. Ms. Crawford explained that at this time the issue required a Board vote to either approve or deny Dr. Dubel's request.

***Motion by Mr. Borgemenke, second by Dr. Murphy, to deny the request for reinstatement of Dr. Dubel's DEA registration.***

Roll call vote:

- Dr. Awadalla – Yes
- Mr. Borgemenke - Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

## **REVIEW OF PROPOSED CONSENT AGREEMENT(S)**

The Board reviewed five (5) Proposed Consent Agreement(s).

### **Kenneth D. Fryer, D.D.S.**

***Motion by Mr. Borgemenke, second by Dr. Lightfoot, to approve the proposed consent agreement for Kenneth D. Fryer, D.D.S., limiting his practice to pediatric dentistry.***

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

Motion carried.

### **Robert B. Hardy, D.D.S.**

***Motion by Dr. Murphy, second by Mr. Borgemenke, to approve the proposed consent agreement for Robert B. Hardy, D.D.S., limiting his practice to orthodontics.***

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

Motion carried.

### **Yuri Y. Pushkin, D.D.S.**

***Motion by Mr. Borgemenke, second by Dr. Murphy, to approve the proposed consent agreement for Yuri Y. Pushkin, D.D.S., license number 30-02-0369.***

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

Motion carried.

**Matthew W. Sprowls, D.D.S.**

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposed consent agreement for Matthew W. Sprowls, D.D.S., limiting his practice to orthodontics.***

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

Motion carried.

**William F. Wadsworth, D.D.S.**

***Motion by Dr. Murphy, second by Mr. Borgemenke, to approve the proposed consent agreement for William F. Wadsworth, D.D.S., license number 30-01-2361.***

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

Motion carried.

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

The Board reviewed six (6) Notices of Opportunity for Hearing. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposal to deny licensure and notice of opportunity for hearing and forward it to Michael Ginder, D.D.S.***

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

Motion carried.

***Motion by Ms. Sabat, second by Mr. Borgemenke, to approve the notice of opportunity for hearing and forward it to Steven J. Cohen, D.D.S., case numbers 02-18-144, license number 30-01-1979.***

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

Motion carried.

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Robert M. Rouzaud, D.D.S., case number 02-18-014, license number 30-01-1903.***

Roll call vote:       Dr. Awadalla – Yes  
                          Mr. Borgemenke - Yes  
                          Dr. Hills – Yes

Dr. Lightfoot – Abstain  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis – Yes

Motion carried.

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Daniel G. O'Brien, D.D.S., case number 02-29-095, license number 30-02-0555.***

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

Motion carried.

***Motion by Ms. Sabat, second by Mr. Borgemenke, to approve the notice of opportunity for hearing and forward it to Victor J. Dubel, D.D.S., case number 02-57-084, license number 30-01-8499.***

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

Motion carried.

***Motion by Ms. Sabat, second by Mr. Borgemenke, to approve the notice of opportunity for hearing and forward it to Craig M. Gentile, D.D.S., case number 01-23-279, license number 30-02-0686.***

Roll call vote: Dr. Awadalla – Yes  
Mr. Borgemenke - Yes  
Dr. Hills – Yes  
Dr. Lightfoot – Abstain

Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis – Yes

Motion carried.

## **ENFORCEMENT UPDATE**

Mr. Everhart reported that there were six (6) cases pending hearings of which two (2) have been scheduled and that there were currently four (4) cases under appeal. He stated there were two (2) cases pending the Hearing Officer's Report and Recommendation and ten (10) licensees currently under suspension.

Mr. Everhart indicated that there were eighty-four (84) cases listed that had been investigated and reviewed by Dr. Awadalla as the Board Secretary and twenty-two (22) cases listed that had been investigated and reviewed by Dr. Lightfoot as the Board Secretary. He stated that all one hundred and six (106) cases were now 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 Dr. Awadalla's cases to be closed with the Board.

The following cases are to be closed:

00-18-753	01-18-472	02-83-073	02-31-104
01-18-104	02-72-011	02-48-075	02-07-113
01-06-331	02-18-030	02-48-076	02-25-115
01-51-333	02-48-037	02-25-091	02-25-119
01-25-294	02-30-041	02-25-083	02-25-121
01-27-364	02-48-035	02-76-090	02-31-124
01-51-387	02-12-038	02-31-082	02-18-126
01-79-382	02-18-044	02-57-089	02-18-127
01-77-370	02-18-049	02-18-094	02-31-131
01-67-395	02-45-053	02-60-097	02-18-138
01-04-396	02-25-061	02-21-098	02-77-139
01-18-415	02-64-065	02-18-099	02-87-137
01-48-412	02-64-069	02-52-109	02-31-130
01-18-427	02-23-066	02-36-111	02-31-132
01-18-441	02-18-071	02-48-108	02-25-136
01-18-453	02-25-072	02-25-107	02-31-129

02-18-135	02-25-172	02-31-155	02-31-148
02-70-147	02-18-163	02-31-154	02-57-153
02-25-156	02-25-160	02-31-152	02-45-176
02-31-151	02-25-159	02-31-150	02-13-199
02-48-173	02-18-158	02-31-149	01-78-366

Prior to a 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 involving Dr. Awadalla as the Board Secretary that were being voted on today involve either themselves or a personal friend.

Roll call:           Dr. Awadalla – Abstain  
                          Mr. Borgemenke - No  
                          Dr. Hills – No  
                          Dr. Lightfoot – No  
                          Dr. Murphy – No  
                          Ms. Sabat – No  
                          Dr. Vesoulis - No

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 Dr. Lightfoot’s cases to be closed with the Board.

The following cases are to be closed:

99-25-306	01-76-275	02-52-007	02-78-067
00-18-458	01-18-300	02-18-012	02-25-078
00-18-530	01-87-340	02-31-017	02-57-088
00-48-531	01-18-384	02-31-033	02-52-117
01-76-086	01-21-417	02-31-034	
01-25-110	01-25-457	02-25-058	

Prior to a 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 involving Dr. Lightfoot as the Board Secretary that were being voted on today involve either themselves or a personal friend.

Roll call:           Dr. Awadalla – No  
                          Mr. Borgemenke - No  
                          Dr. Hills – No  
                          Dr. Lightfoot – Abstain

Dr. Murphy – No  
Ms. Sabat – No  
Dr. Vesoulis – No

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

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the enforcement report and close the above eighty-four (84) cases wherein Dr. Awadalla was the Board Secretary.***

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

Motion carried.

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the enforcement report and close the above twenty-two (22) cases wherein Dr. Lightfoot was the Board Secretary.***

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

Motion carried.

Dr. Hills thanked Mr. Everhart for his assistance with the *Enforcement Report*.

## **COMMUNICATIONS COMMITTEE REPORT**

Mr. Borgemenke informed the Board that the current edition of the Board's Newsletter was at the contracted mailing company and that they should be receiving a copy in the mail soon. He passed around a copy of the Newsletter for their early review.

Continuing on, Mr. Borgemenke stated that legislation had been introduced earlier in the week that would affect the Board's construction. He stated that he would further

address specific issues with proposed H.B. 604 later in the meeting during Anything for the Good of the Board. Mr. Borgemenke informed the members that he had one (1) comment to make from a personal standpoint, that being that the proposed Bill expanded the Board to include more dentists and dental hygienists. He stated that he was offended by the fact that they would consider leaving the public representation at one (1) member when this Board is a regulating body in charge of protecting the public.

## **POLICY COMMITTEE REPORT**

### **POLICY REGARDING PARTICIPANTS OF CONTINUING EDUCATION PROGRAMS THAT UTILIZE LIVE PATIENTS**

Dr. Awadalla stated that copies of the Policy Regarding Participants of Continuing Education Programs That Utilize Live Patients (Appendix A) had been provided in the Board notebooks for the members to review. She stated that this policy was to clarify the Board's position regarding continuing education courses that utilize live patients to demonstrate certain dental procedures and/or techniques. Dr. Awadalla informed the Board that a policy was required to address this issue since there was a recent case wherein a dentist from California had been permitted to provide clinical instruction on live patients without benefit of an Ohio license. She stated that the Dental Practice Act is clear on who can practice on live patients, as outlined in the third paragraph. She then gave each member a chance to review and comment.

**Motion by Dr. Murphy, second by Ms. Sabat, to approve the Policy Regarding Participants of Continuing Education Programs That Utilize Live Patients.**

Roll call vote.

Motion carried unanimously.

### **POLICY REGARDING ABANDONMENT OF A PATIENT**

Dr. Awadalla stated that the Committee had one (1) additional policy to consider at this time. That policy being the Policy Regarding Abandonment of a Patient (Appendix B). She stated that this policy is to clarify the Board's position regarding what constitutes abandonment of a patient and the ramifications of this conduct on the part of the licensed dentist.

Dr. Awadalla stated that currently there is no statute or regulation within the Dental Practice Act to address this issue. She clarified that this not a one-sided issue about patients who do not pay their charges. She stated that this policy is based on the right

of the patient to seek treatment from another provider dentist. She requested the Board members to review the document.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the Policy Regarding Abandonment of a Patient.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for presenting these two (2) new policies.

### **TREATMENT CENTER APPROVAL COMMITTEE REPORT**

Dr. Lightfoot informed the Board that there has been no activity for *the Treatment Center Approval Committee* since the last Board meeting.

Dr. Hills thanked Dr. Lightfoot for his report.

### **WAIVER COMMITTEE REPORT**

Ms. Sabat informed the Board that there were no new Hepatitis B Waiver or Hepatitis B Waiver Renewal Requests for consideration at this time.

Dr. Hills thanked Ms. Sabat for her report.

### **RECESS**

***Motion by Ms. Sabat, second by Dr. Lightfoot, to recess the meeting until Thursday, June 13th, 2002, at 9:00 a.m.***

Roll call vote.

Motion carried unanimously.

### **MEETING RESUMED**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on April 18<sup>th</sup>, 2002 beginning at 9:00 A.m. Board members present were:

Edward R. Hills, D.D.S., President  
Eleanore Awadalla, D.D.S., Secretary  
William J. Lightfoot, D.D.S.  
T. Michael Murphy, D.D.S.  
Lynda L. Sabat, R.D.H.  
Paul Vesoulis, D.D.S.

Mr. Borgemenke, the Board's Public Member, joined the meeting in progress during the Education Committee Report.

The following guests were also in attendance: Mary Crawford, Esq. and Robert Angell, Esq., Assistant Attorneys General, Dennis Burns, D.D.S., 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* (ODHA), Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Malynda Franks, Executive Secretary, and other guests.

## **PERSONAL APPEARANCES**

### **JOHN A. CHEEK, D.D.S., M.D.**

Ms. Crawford informed the Board that Dr. Cheek was here for a personal appearance at the Board's request. She stated that Dr. Cheek had submitted a letter of request for reinstatement of his dental license. Dr. Hills then called upon Dr. Cheek to speak with the Board regarding his treatment for chemical dependency.

Dr. Cheek informed the Board that he had been in treatment at *Shepherd Hill Hospital* for ten (10) weeks. He stated that the State Medical Board of Ohio only requires twenty-eight (28) days of in-patient treatment, which he felt was not nearly enough time. He stated that at one (1) month a patient is beginning to feel overconfident in themselves and their treatment when in actuality they are not yet ready for outpatient treatment. Dr. Cheek stated that ten (10) weeks to three (3) months of in-patient treatment was adequate and allowed the patient to see the other successes of the program. He stated that at one (1) month a patient could begin to recognize that there is a problem and that at the beginning of two (2) months the patient can just begin to alter those behaviors.

When questioned by the Board regarding whether Dr. Cheek felt that the treatment program was difficult, he responded that he felt it had been a little easier this time in that he had received treatment before. Dr. Cheek stated that he now knows that this is a disease and for him it's a matter of fact. He stated that some patients seem to need a more intense program and he has now recognized that he can either stick to the program or fail.

Dr. Cheek informed the Board that a relapse has nothing to do with a bodily malfunction or just having to have a drink. He clarified that a relapse was not an event but rather a process that is going to occur if one does not change their behaviors. He stated that sobriety is an individual thing and directly related to whether one maintains the required behavior changes.

Continuing on, Dr. Cheek informed the Board that he used to work in a dental-medical urgent care facility, but is now looking for something less stressful. He stated that he has been reading a lot, working and playing with his new dog, attending meetings for chemical dependency, and his wife provides him with a "to do" list, until his Medical license gets reinstated in September and additionally his Dental license.

When asked by the Board as to where he sees himself in treatment in the future, Dr. Cheek informed them that he is currently attending meetings six (6) times per week now and does not intend to attend any less than two to three (2-3) times per week for the rest of his life. He stated that when a chemically dependent person starts slacking there is a higher incidence of relapse. He then went on to explain about the textbooks, discussions, speakers and religious aspects to the twelve (12) step program for chemical dependency.

Dr. Murphy stated that he was aware about the religious background to the program and asked Dr. Cheek how he dealt with it since he was not a publicly religious person. Dr. Cheek stated that the religion turns off many of the participants at first until it is explained that it is not supposed to be a particular entity insomuch as God as we understand him. He analogized that Einstein was a deeply religious man even though he had a scientific background. Dr. Cheek stated that it is difficult to reconcile the "God concept" with some of the education he has received.

Board members questioned Dr. Cheek as to how this has changed his life as a professional and oral surgeon. He stated that his chemical dependency did not affect his approach to dentistry so much as his approach and treatment of staff and patients. He informed the Board that with regards to the effect on his practice, he was unaware of any physical harm done to any of his patients, however he was very unhappy and angry and felt that definitely had an effect on his patients.

Board members thanked Dr. Cheek for coming for the interview and clarified that they would not be considering reinstatement of his license at this time. However, Dr. Hills stated that he should continue with his meetings and programs and the Board would see him again in September.

## **ANESTHESIA COMMITTEE REPORT**

### **REVIEW OF TEMPORARY ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES**

Dr. Awadalla stated that the following individual has submitted an application for Anesthesia Permit. She explained that the application was reviewed by the *Anesthesia Committee* and is recommended for approval of temporary privileges:

Dr. David R. Kimberly - Akron, Ohio

***Motion by Dr. Awadalla, second by Ms. Sabat, to approve temporary anesthesia privileges for Dr. Kimberly.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for her report.

## **EDUCATION COMMITTEE REPORT**

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

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

Jackie Berkowitz, DDS, MS  
Center for Advanced Dentistry  
Central Ohio Orthodontics, Inc.  
Sheri Y. Kay, RDH  
Constance R. Kuntupis, RDH, MA  
Scott I. Silverstein, DDS, MS  
Lillian Stoycheff Martinez

***Motion by Ms. Sabat, second by Dr. Awadalla, to approve these seven (7) sponsors of continuing education for Biennial Sponsors for the years 2002-2003, pending receipt of appropriate application materials.***

Roll call vote.

Motion carried unanimously.

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

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

Restorative Studies Club of Stark County

***Motion by Ms. Sabat, second by Dr. Murphy, to approve this applicant as a biennial sponsor of continuing education for the 2002-2003 biennium.***

Roll call vote.

Motion carried unanimously.

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

Ms. Sabat informed the Board that the following sponsor has submitted an application for the substance abuse continuing education course. She stated that the *Education Committee* has reviewed the course, determined that it fulfills all the necessary requirements, and has recommended the following course for approval:

Columbus Dental Society  
"Substance Abuse Continuing Education"

***Motion by Ms. Sabat, second by Dr. Murphy, to approve this application for substance abuse continuing education course.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE APPLICATION(S)**

Ms. Sabat stated that the following permanent continuing education sponsor has applied to present the dental hygiene medical emergency recognition course and has been recommended for approval by the *Education Committee*:

Northcoast Spring Meeting - "Medical Emergencies in the Dental Office: Strategies for Dentists, Hygienists & Staff" presented by L. Sangrik, DDS

***Motion by Ms. Sabat, second by Dr. Murphy, to approve this dental hygiene medical emergency recognition course.***

Roll call vote.

Motion carried unanimously.

Ms. Sabat stated that she had some correspondence for the Education Committee but would be addressing it later under Anything for the Good of the Board. She then asked Ms. Rasmussen to present the new draft of a Dental Assistant Radiographer Packet that she had been asked to develop.

## **DENTAL ASSISTANT RADIOGRAPHER LICENSURE PACKET**

Ms. Rasmussen distributed copies of the draft dental assistant radiographer licensure packet to the members for their review. She explained that within the packet was all the information required for the applicant to obtain a dental assistant radiographer license including information on the Dental Assisting National Board (DANB), Initial Training course sponsors contact information, and Sylvan/Prometric Testing Centers.

Ms. Rasmussen explained that the intent of the packet was to assist in simplifying the process. She indicated that the licensure application itself was located on the last page of the packet.

Discussion ensued wherein Board members expressed discontent with the current process and questioned whether the difficulty was the DANB examination or the process itself. Ms. Reitz stated that this is one of the issues to be addressed within the Access to Care discussions, that of easing the licensure process for dental assistants. Board members discussed alternative possibilities regarding the examinations including:

- Consideration of another testing agency to provide the examination;

- Inclusion of the examination as part of the seven (7) hour Initial Training course;
- Have the Initial Training educator provide the examination directly following the course; and
- Have the Dental Board develop and provide a radiography examination.

Board members discussed validity, access, funding, and security issues with regards to the aforementioned suggestions.

Dr. Murphy stated that based on information received from colleagues, the DANB examination itself was not the problem but rather the whole process. He stated that he had run into many of the same difficulties when one of his dental assistants was attempting to obtain her dental assistant radiographer license. Dr. Murphy explained that much of the confusion and delay was found in which organization to contact regarding particular steps throughout the process.

Mr. Borgemenke commented that the last thing that the Dental Board should consider was to take on another task or project and not provide is successfully to the satisfaction of its licensees.

Dr. Hills concluded the discussion on the DANB examination by directing Ms. Sabat to research the alternatives to the DANB *Radiation, Health and Safety* examination and to report back at the next meeting. He suggested including information on those examinations other states were using.

Dr. Awadalla directed the members back to discussions on the licensure packet. She pointed out that the current draft did not include information on the front page indicating the licensure process for a currently certified dental assistant. Dr. Vesoulis noted that the Toledo Dental Society was listed twice as a provider of the Initial Training Course. Other discrepancies were discussed and Ms. Sabat stated that she and Ms. Rasmussen would work on revising the draft to address their concerns. She stated that she would be providing another draft for their review at the next meeting.

Dr. Hills thanked Ms. Sabat for her informative report.

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

Dr. Lightfoot informed the Board that the *Law and Rules Review Committee* had met earlier that day to continue their first year of the second five-year rule review. He stated that the Committee had reviewed the new proposed rules to implement the Quality Intervention Program (QUIP). He stated that the Committee would be submitting a letter to Dr. Harris Bowman at The Ohio State University and to Dr. Louis Castellarin at

Case Western Reserve University requesting their input and/or suggestions regarding the workplace monitoring issue and whether the educational remediation requirements were too onerous or burdensome.

Concluding his report, Dr. Lightfoot stated that the rules from the previous review year had gone into effect in April and that copies of the newest version of the Dental Practice Act were now available. He stated that they would be hard to miss, as the cover color picked was "Hunter Orange".

Dr. Lightfoot informed the Board that the Committee would be meeting again on July 18th, 2002, at noon.

Dr. Hills thanked Dr. Lightfoot for his report.

### **SECRETARYS EXPENSE REPORTS**

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

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve Dr. Awadalla's expense report.***

Roll call vote.

Motion carried unanimously.

### **OFFICE EXPENSE REPORT**

The report of the Board expenditures was reviewed.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the office expense report and approve payment of the April and May Board bills.***

Roll call vote.

Motion carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

### **AMERICAN ASSOCIATION OF DENTAL EXAMINERS**

Ms. Reitz began her report by distributing *American Association of Dental Examiners 2002-2003* membership cards to the Board members.

### **MATERNITY LEAVE - WORKING PLAN**

Ms. Reitz then directed the Board members to a memorandum she had prepared regarding work on Dental Board matters as necessary during her maternity leave. She informed the Board members that there were specific occasions of which she was being requested to work during her time off, as well as there might be other instances wherein her assistance would be required. Ms. Reitz stated that she had detailed in the document specific instances and projects that she intended on completing while she was on leave. She noted that she had provided a copy of a work schedule form to track specific blocks of time worked on projects. Ms. Reitz stated that she was requesting the Board's approval for this proposal.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve Ms. Reitz request for compensation for work performed during her scheduled maternity leave.***

Roll call vote.

Motion carried unanimously.

### **DENTAL BOARD LOGO**

Ms. Reitz passed around samples of new Dental Board logos that she had been in charge of working on for several months. She stated that originally she had attempted to work with the design team at the *Department of Administrative Services Office of State Printing*. However, she stated that the draft logos provided by their team would not work well with many of the current business documents (i.e. letterhead, envelopes, business cards, etc.).

Ms. Reitz stated that she would like the Board's opinion with regards to the current draft logos provided. She stated that she has been working on this project since September 2001, but until recently has not had any drafts that she was comfortable presenting to the Board.

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

### **H.B. NO. 604**

Ms. Reitz informed the Board members that just yesterday she had been informed of a proposed House Bill that was introduced earlier this week that would change the construction of the Board in the following manner:

- Changes the members' terms from five (5) years to three (3) years;
- Increases the number of dentists on the Board to nine (9);
- Increases the number of dental hygiene members of the Board to three (3);
- Limits the number of dental specialists on the Board to no more than two (2) members;
- Limits the number of dental hygiene members who are full-time educators of dental hygiene students to no more than one (1); and
- Changes the terms "may" to "shall" in ORC 4715.39 with regards to coronal polishing by dental assistants.

Mr. Borgemenke stated that he had expressed himself with regards to the increase in Board members not to include an increase in public representation. He stated the Board should decide whether to take a position and testify regarding these issues.

Ms. Reitz commented that with regards to ORC 4715.39, the change would require that the Board MUST issue a coronal polishing certificate to those dental assistants who fulfilled the requirements set forth in rule. However, she stated that since the Board has not implemented rules to permit this duty, it is still the same world with the same issues.

Mr. Borgemenke questioned the rationale behind the proposed changes. He stated that he assumed that the ODA or ODHA were behind this legislation. Ms. Clark and Ms. Hewetson indicated that the ODHA is not opposing the Bill in its current form. Dr. Burns indicated that he was unable to answer the Board members questions with regards to the rationale, however, he suggested that the Board should write a letter detailing their questions to the ODA office to receive a response.

Ms. Reitz stated that there were practical concerns in increasing the size of the Board from seven (7) members to thirteen (13). She stated that would virtually double the size of the Board thereby almost doubling the expenses for the Board. Ms. Reitz stated that the Board's current budget would not be able to absorb the added cost and therefore questioned whether there was consideration of increasing fees to offset these costs.

Ms. Reitz stated that while more representative members might increase opinions regarding certain issues, this might create a bottleneck in certain situations.

Dr. Lightfoot commented that dental specialists are not held to a higher standard of care. He stated that the general dentist may have less knowledge regarding a specialty but they are held to the same standard of care. There is only one (1) standard of care and specialists and general dentists are held to that same standard.

Mr. Borgemenke stated that this increase would make the Dental Board the largest Board or Commission without multiple public members. He questioned whether the decrease in the term length was directly related to inclusion in the *Public Employees Retirement System* (PERS). However, he stated that this might be the perfect opportunity for the Board to air their forum on Access to Care issues. He stated that these issues could be tagged onto the Bill since the Board already has language drafted.

Ms. Reitz stated that the Board should take a significant look at licensing boards across the country. She stated that this increase would make the Dental Board the third largest Board in the state. She informed the members that the State Medical Board of Ohio has over 90 employees with thirteen (13) Board members serving seven (7) year terms.

Ms. Reitz stated that she would draft a letter to the ODA questioning their rationale and also a letter to the legislators expressing the Boards concerns regarding expansion of the Board, Public membership, restriction on dental specialties, and Board member terms.

## **OHIO REVISED CODE 4715.251 - DRAFT BILL**

Ms. Sabat informed the Board that the Education Committee had received and reviewed two (2) letters from Sue Hart of *Health Education Services* regarding the dental hygiene CPR requirement. Ms. Sabat stated that in her first letter, Ms. Hart informed the Committee that she would be contacting a State Representative to present a bill to change the law to accept the *American Safety and Health Institute* (ASHI) and the *National Safety Council* CPR for the dental hygiene requirement. To that end, Ms. Sabat stated, Ms. Hart submitted another letter to the Board on April 30th, 2002 updating the Board in her pursuit which included copies of her letters to two (2) State Representatives, Representative Jordan and Representative Fessler, along with a comparison chart for the four (4) CPR providers.

Ms. Sabat stated that the Committee was provided with copies of proposed changes to the Ohio Revised Code Section 4715.251; Life-support training certification for hygienists, wherein the proposed new language deletes the specific certification by the *American Red Cross* or the *American Heart Association* and replaces it with the following:

"...be currently certified to perform basic life-support procedures by having successfully completed a basic life-support training course that is based on

the guidelines for cardiopulmonary resuscitation and emergency cardiac care developed by the international liaison committee of resuscitation."

Ms. Sabat stated that the Committee had three (3) specific concerns regarding this change. Those concerns being:

1. If the original intent of the statute changes was for the Board to accept the *American Safety and Health Institute* and the *National Safety Council* CPR, the Committee would suggest simply adding the names of these organizations to the certification group.
2. As the proposed language reads, any person, organization, or entity can develop and provide a course based on the *International Liaison Committee of Resuscitation* (ILCOR) Guidelines 2000. Notwithstanding the fact that the Committee/Board generally is unfamiliar with these guidelines, the language proposed does not state that the course curriculum must meet or go beyond the minimum requirements set forth in the guidelines. Rather courses must merely be "based" on these guidelines. Therefore, since any person, organization, or entity could provide a course based upon these guidelines, the Committee/Board would be charged with the impractical task of regulating this stipulation for dental hygiene licensure renewal.
3. Lastly, the language stipulates that the licensee is to "be currently certified to perform basic life support procedures". Under the proposed language the Board has concerns regarding what constitutes the certification and what persons, institutions or organizations would the Committee/Board accept as valid certifying bodies when the curriculum is merely "based" on ILCOR guidelines.

Ms. Sabat suggested recommended language to current ORC 4715.251 to include the *American Safety and Health Institute* and the *National Safety Council* as approved providers of the CPR certification OR the inclusion of "obtained through a Board-approved Sponsor" within the newly proposed language. She stated that this new language could read as follows:

"...be currently certified to perform basic life-support procedures by having successfully completed a basic life-support training course certified by either the American red cross or the American heart association OR THROUGH A BOARD-APPROVED CONTINUING EDUCATION SPONSOR WHOSE CERTIFICATION CRITERIA IS BASED ON THE GUIDELINES FOR CARDIOPULMONARY RESUSCITATION AND EMERGENCY CARDIAC CARE DEVELOPED BY THE INTERNATIONAL LIAISON COMMITTEE OF RESUSCITATION."

Ms. Sabat stated that this language would then provide a definite number of CPR providers that the Board could regulate, thus virtually eliminating the possibility of unapproved or unacceptable courses.

## **H.B. 598**

Dr. Hills inquired as to whether the Board should be addressing House Bill 598 regarding the restriction of use of mercury and mercury amalgam fillings in dentistry. He stated that this bill was very age and gender specific regarding the elimination of amalgam fillings in patients. He stated that this bill would virtually eliminate any cost effective, safe and long lasting way to correct dental caries with regards to the Boards concerns on Access to Care.

Mr. Borgemenke stated that he had reviewed this proposed legislation and felt confident that it would not go any further. Dr. Hills stated that the Board might consider testifying regarding this proposal if only as an avenue to educate the public.

## **NERB EXECUTIVE COMMITTEE MEETING**

Ms. Sabat reported to the Board on her attendance to the NERB Executive Committee meeting. She stated that she was proud to announce that Ohio was very well represented by the following individuals:

- Frank Williams, DDS on the Long Range Planning Committee;
- Leonard Weiss, DDS on the Constitution and Bylaws Committee and the Nominating Committee;
- Eleanore Awadalla, DDS on the Examination Committee;
- William J. Lightfoot, DDS on the Disciplinary and Grievance Committee; and
- Lynda L. Sabat, RDH on the Development Committee.

Ms. Sabat stated that they were introducing a new format for the examination, the NERB Curricular Integrated Format. She stated this new format would allow the candidates three (3) opportunities during their senior year to test and remediate while still in dental school.

Ms. Sabat informed the Board that NERB had developed a new examination on jurisprudence and ethics. She stated that seventy-five (75) questions would be general in nature and the rest would be state specific. Ms. Sabat indicated that the testing would be available at Sylvan/Prometric Centers and could be utilized as a remediation tool.

Ms. Sabat concluded by informing the Board that Dr. Rosa had presented a document to the Illinois State Legislature regarding the comparisons of all the dental board examinations and how they are graded.

## **POLICY COMMITTEE REPORT (Continued)**

### **POLICY REGARDING ADMINISTRATION OF PUBLIC RECORDS REQUESTS**

Mr. Everhart explained to the Board that he had been requested to draft a policy to address public records requests. He distributed copies of the draft Policy Regarding Administration of Public Records Requests (Appendix C) and explained that most of the document was recitation of law with the main point being proper record keeping. He stated that the Board could ask for the public records request to be in writing thereby avoiding any misinterpretation, however they could not mandate that the request be submitted in writing. Mr. Everhart stated that this policy, if applied properly, would create a log of public record requests.

***Motion by Ms. Sabat, second by Dr. Lightfoot, to approve the Policy Regarding Administration of Public Records Requests as presented.***

Roll call vote.

Motion carried unanimously.

### **CORRESPONDENCE**

Ms. Reitz explained that she had received a letter from W. Robert Spettel, DDS, a past Board member, requesting a recommendation from the Board to NERB to grant him Examiner Emeritus status. She questioned the Board as to their response. Board members indicated that this is a process and to forward a letter to NERB recommending the Examiner Emeritus status for Dr. Spettel.

**ADJOURN**

***Motion by Ms. Sabat, second by Dr. Murphy, to adjourn the meeting until Wednesday, July 17th, 2002, at 3:00 p.m.***

Roll call vote.

Motion carried unanimously.

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

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Eleanore Awadalla, D.D.S.  
Secretary

# APPENDIX A

POLICY REGARDING PARTICIPANTS OF CONTINUING EDUCATION  
PROGRAMS THAT UTILIZE LIVE PATIENTS

Preamble: The purpose of this policy is to clarify the Board's position regarding continuing education courses that utilize live patients to demonstrate certain dental procedures and/or techniques.

Based upon the statute and rules governing the licensure and regulation of the dental profession, it is the Board's position that there is no mechanism which allows a dentist who does not hold a license in the state of Ohio to be permitted to work on live patients, even in a continuing legal education course setting.

Ohio Revised Code 4715.16 sets forth criteria for limited licenses. These can be issue by the Board for one of the following reasons:

- For those who qualify as residents in an accredited dental college (limited resident's license).
- For those who qualify as full time faculty in an accredited dental college (limited teaching license).
- For those who qualify to demonstrate clinical procedures necessary to complete a practicum/continuing education program, at the facility of the endorsing program, and only under the direct supervision of an Ohio licensed dentist responsible for the instruction provided by the endorsing program (limited continuing education license).

There exists no limited license for unlicensed participants in continuing education courses in the Dental Practice Act. Therefore, unless an individual is licensed to practice in the state of Ohio, he/she cannot work on live patients in any setting, including continuing education courses.

(June 12, 2002)

## APPENDIX B

## POLICY REGARDING ABANDONMENT OF A PATIENT

Preamble: The purpose of this policy is to clarify the Board's position regarding what constitutes abandonment of a patient and the ramifications of this conduct on the part of the licensed dentist.

Currently, the Dental Practice Act does not specifically address the issue of abandonment of a patient. However, the Board has traditionally taken the position that if a dentist has abandoned a patient, he or she potentially has violated the standard of care for the profession, which is grounds for discipline pursuant to Ohio Revised Code 4715.30(A)(7).

Webster's New World Dictionary, Second College Edition states the following: abandonment "implies leaving a person or thing... ..as a complete rejection of one's responsibilities, claims, etc."

With that simple definition in mind, the Board issues this policy to set forth criteria that may be considered in making a determination as to whether abandonment of a patient has occurred. The reason for the termination is not necessarily important to the Board.

The key factor is whether the dentist has considered the effect of the termination of the dentist/patient relationship on the dental health of the patient. The criteria that the Board will review are:

- Lack of notification or adequate notification to patient. Lack of patient consent to the termination of a patient relationship with the dentist, or lack of documentation in the record referencing discussions with the patient in this regard.
- Failure to supply patient of patient's subsequent dentist (upon request) with necessary documentation, i.e. patient records, etc. (including x-rays and models). Failure to provide an appropriate referral when necessary.
- Patient's treatment plan and status of care. Unilateral termination of a patient relationship during the course of treatment plan. Placing patient's dental health in jeopardy.

Some risk is always inherent when a dentist decides to terminate a relationship with a patient. However, careful timing and cooperation with the patient can alleviate some of this risk, as well as documentation of the actions taken by the dentist.

Upon receipt of a complaint alleging patient abandonment, the Board Secretary will consider the above noted factors along with other relevant facts of the case to determine whether administrative charges are warranted.

It is important to keep in mind that this policy deals with important aspects of the dentist/patient relationship. It is advisable that when issues arise, that you contact your personal attorney for legal advice as necessary.

(June 12, 2002)

## APPENDIX C

## POLICY REGARDING ADMINISTRATION OF PUBLIC RECORDS REQUESTS

Preamble: The purpose of this policy is to provide guidelines for responding to records inspection requests from the public in accordance with Ohio Revised Code (ORC) Section 149.43, Availability of public records.

Ohio Revised Code (ORC) Section 149.43, Availability of public records, states:

"All public records shall be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, a person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, governmental units shall maintain public records in such a manner that they can be made available for inspection."

The Public Records Act is to be interpreted liberally to facilitate broader access to public records.

A "public record" is defined as any document, device, or item, regardless of physical form or characteristic (i.e. paper, documents, photocopies, maps, drawings, photographs, e-mail, computer disks, audio, and video tape recordings) that is created by a public office, received by a public office, or coming under the jurisdiction of a public office which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This definition is broad enough to encompass almost anything a governmental unit utilizes to carry out its duties and responsibilities.

This definition has been construed to include any material on which a public office can and does rely. The form in which a public office keeps a record is within the discretion of that office and ORC Section 149.43 does not require that a public office create new records to meet a public records request.

There are certain exceptions to disclosure under ORC Section 149.43 which include, but are not limited to, medical records, trial preparation records, confidential law enforcement investigatory record, and more specific to our office is ORC Section 4715.03, Organization; rules; investigations; examinations, specifically paragraph D, which states in pertinent part:

"The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination

whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action."

Additionally, ORC Section 4715.08, Official seal and records, states:

"The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated."

We cannot require that a public record request be placed in writing; however, an attempt should be made to obtain it in writing. Regardless, the request should be processed promptly and according to public record law. The executive director and/or the assistant director will be notified and review ALL public record requests immediately upon receipt. The executive director and /or assistant director will review and approve ANY records prior to their release.

The security of public records is the responsibility of each employee. All public records shall be protected from unapproved disclosure to, or destruction by, employees and the public who have not submitted an appropriate public records request.

A log of all public records requests will be maintained in the office. The log will consist of the name of the individual/group making the request, the date of the request and the date the items were sent, what specific items were released (i.e. number of pages, case number, copies, etc.) and the name of the individual completing the request.

(June 13, 2002)