

**Ohio State Dental Board  
Board Meeting  
February 12 and 13, 2003**

**M I N U T E S**

The Ohio State Dental Board (Board) met in room 2921, 29th Floor of the James A. Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio on Wednesday, February 12, 2003, 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 Rebecca Hockenberry, Esq., Assistant Attorneys General; 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); Dr. Stanley Sateren and Ed Peczekaj of the *Ohio Physicians Effectiveness Program*; Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Jayne A. Rasmussen, Licensing Coordinator, Thomas Smith, Dental Board Enforcement Officer, Malynda Franks, Executive Secretary 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 3:12 p.m.

**EXECUTIVE SESSION**

***Motion by Dr. Vesoulis, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action and Ohio Revised Code Section 121.22(G)(1) to discuss matters involving employment of a public employee***

Roll call vote.

Motion carried unanimously.

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

## **OPEN SESSION**

At 3:58 p.m., the Board resumed open session. Dr. Hills approved the agenda for the evening as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

## **REVIEW OF THE JANUARY 2003 BOARD MEETING MINUTES**

The Board reviewed the minutes of the January 15 and 16, 2003 Board meeting.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the January 2003 Board meeting minutes as presented.***

Roll call vote.

Motion carried unanimously.

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

### **LICENSURE REPORT**

Jayne Rasmussen, Licensure Coordinator, had prepared a report for Board member review of the licenses issued since the January 2003 meeting. She then requested the Boards vote of approval for the Licensure Report.

***Motion by Ms. Sabat, second by Dr. Murphy 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 certification or the Dental Assisting National Board (DANB) examination:***

**Dental**

**Bradley J. Stanciu, D.D.S.**  
**Todd R. Coy, D.D.S.**  
**Todd D. Flere, D.D.S.**  
**Sarah A. Kirsch, D.D.S.**  
**Dawn M. Parsons, D.D.S.**  
**Jeffrey M. Salerno, D.D.S.**  
**Lesia R. Woodson, D.D.S.**

**Vladimir Khramoy, D.D.S.**  
**Nizar N. Merheb, D.D.S.**  
**Michael S. Scherer, D.D.S.**  
**Amin Tabatabaian, D.D.S.**  
**Douglas A. Wolfe, D.D.S.**  
**Kenneth J. Wolnik, II, D.D.S.**

**Dental Hygiene**

**Debra A. Fleming, R.D.H.**  
**Carol A. Flynn, R.D.H.**  
**Robin M. Stealey, R.D.H.**  
**Kendra A. Hodgkiss, R.D.H.**  
**Michelle L. Nottingham, R.D.H.**

**Rebecca A. Andreano, R.D.H.**  
**Jamie E. Hurd, R.D.H.**  
**Megan L. Mudd, R.D.H.**  
**Pamela K. Zenk, R.D.H.**

**Dental Assistant Radiographer**

**Teresa D. Alexander**  
**Jackie A. Barker**  
**Dana S. Broestle**  
**Wendy S. Brown**  
**Sara D. Butz**  
**Alisa D. Conard-Collins**  
**Jennifer M. Crocker**  
**Amy N. Cunningham**  
**Angela D. Dearwester**  
**Diana Durosko**  
**Tara M. Flory**  
**Deborah I. French**  
**Maureen J. Gates**  
**Stephanie L. Groves**  
**Kelli A. Grudd**  
**Sharon A. Hood**  
**Patricia A. Housel**  
**Jill M. Jackson**  
**Alicia A. Kolesar**  
**Abby M. Latynski**  
**Heather L. Lucas**  
**Salatha Marshall**

**Kimberly D. Martin**  
**Amanda M. Mayse**  
**Marilyn E. McClure**  
**Judith Medley**  
**Janet K. Porter**  
**Christine L. Ranalli**  
**Jessika L. Ruber**  
**Stephanie L. Ruddle**  
**Michelle M. Schultz**  
**Shaunta M. Sexton**  
**Ameenah Shakoor**  
**Cheryl M. Sherer**  
**Kendra A. Shriver**  
**Kristy L. Snider**  
**Farrah L. Steele**  
**Ne'Chelle L. Taylor**  
**Christine E. Walsh**  
**Mary E. Weekly**  
**Ashley N. Welker**  
**Tyson J. Whited**  
**Cynthia C. Widner**  
**Natasha V. Basow**

**Jean A. Blazenyak**  
**Brandie Boileau**  
**Angela L. Brinkman**  
**Veronica I. Bushey**  
**Julie A. Butler**  
**Candice P. Cohen**  
**Ashley K. Collins**  
**Kimberley I. Damron**  
**Dawn M. Dellinger**  
**Nancy J. Dickey**  
**Marlene A. Edwards**  
**Angel Y. Evans**  
**Erica R. Fleury**  
**Tamara Hansen**  
**Brandy L. Haught**  
**Josie R. Henricks**  
**Angela S. Hensley**  
**Samantha N. Hopkins**  
**Erica D. Hughes**  
**Jill L. Jackson**

**Misty D. Kistler**  
**Jo Ellen Link**  
**Marcia L. Marosek**  
**Barbara M. Minnich**  
**Wishona S. Moore**  
**Nicole L. Myers**  
**Stephanie A. Oser**  
**Maria E. Pemo**  
**Leslie N. Prince**  
**Heather A. Roland**  
**Candace K. Seller**  
**Valeeta J. Shifflett**  
**Rebekah L. Sotak**  
**Amber D. Swartz**  
**Holly M. Todd**  
**Jamie L. Weiss**  
**Michelle C. Wolfe**  
**Lisa M. Yafanaro**  
**Tammy S. Zink**  
**Jacqueline E. Williams**

Roll call vote.

Motion carried unanimously.

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

The following persons applied for dental licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Bradley A. Dorsch, D.D.S.

***Motion by Dr. Awadalla, second by Ms. Sabat, to approve this regional board dental license application.***

Roll call vote.

Motion carried unanimously.

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

Dr. Hills noted for the record that there were no Regional Board Dental Hygiene applications for review at this time.

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. William J. Lightfoot, an orthodontist from Columbus, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Ms. Lynda Sabat, the Board's dental hygiene member from Brecksville, and Mr. Scott Borgemenke, the public member of the Board from Columbus.

## **REINSTATEMENT INTERVIEW(S)**

### **Carie S. Costello, R.D.H.**

The Board interviews began with Carie S. Costello, R.D.H. whose license was suspended for failure to renew in January 2000. Ms. Costello informed the Board that she has been licensed and practicing dental hygiene on a full time basis in the state of Pennsylvania for the past nine (9) years. She stated that she had allowed her license to lapse because at that time, she had not intended to return to Ohio to practice. However, Ms. Costello stated that she had recently relocated to Mineral City, Ohio and is now seeking reinstatement of her dental hygiene license in order to obtain employment. She indicated that she is currently certified in CPR and has completed Ohio's twelve (12) hour continuing education requirement.

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

Roll call vote.

Motion carried unanimously.

### **Lorene J. Lash, R.D.H.**

The Board interviews continued with Lorene J. Lash, R.D.H. who retired her dental hygiene license in January 2001. Ms. Lash explained to the Board that she had moved in

1999 and had chosen not to renew her license to practice in January 2001. She stated that she had not been practicing at that time. However, Ms. Lash stated that she has the opportunity to return to practicing dental hygiene on a part time basis in Grafton, Ohio and is currently seeking reinstatement of her license. Ms. Lash has completed the continuing education requirements for reinstatement.

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

Roll call vote.

Motion carried unanimously.

**Karen P. Nagem, R.D.H.**

The next applicant for reinstatement interview was Karen P. Nagem, R.D.H. whose license was suspended for failure to renew in January 1996. Ms. Nagem informed the Board that she has been licensed and practicing dental hygiene on a full time basis in the state of Pennsylvania for the past twenty-seven (27) years. She stated that she had originally applied and obtained a license to practice dental hygiene in Ohio but had not ever practiced in this state. Ms. Nagem indicated that she had allowed her license to lapse because at that time, she had not intended to practice in Ohio. However, Ms. Nagem stated that she had recently relocated to Cincinnati, Ohio and is now seeking reinstatement of her dental hygiene license in order to obtain employment. She indicated that she has completed the continuing education requirement.

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

Roll call vote.

Motion carried unanimously.

**Vickie E. Mooney, R.D.H.**

Vickie E. Mooney, R.D.H. whose license was suspended for failure to renew in January 2000 was the next applicant for reinstatement interview. Ms. Mooney informed the Board that she has been licensed and practicing dental hygiene on a full time basis in the state of West Virginia since 1995. She stated that she had allowed her license to lapse because at that time, she had not intended to return to Ohio to practice. However, Ms. Mooney stated that she had recently relocated to Powell, Ohio and is now seeking

reinstatement of her dental hygiene license in order to obtain employment. She indicated that she has completed twelve (12) hours of continuing education, however, she must still take and pass the Jurisprudence examination in order to complete the requirements for reinstatement of her dental hygiene license.

***Motion by Ms. Sabat, second by Dr. Lightfoot, to approve Ms. Mooney's reinstatement application for licensure as a dental hygienist in the state of Ohio, pending receipt of passing scores of the Jurisprudence examination for Ohio.***

Roll call vote.

Motion carried unanimously.

**Laury J. DiMichaelangelo, D.D.S.**

The final application for consideration of reinstatement was that of Laury J. DiMichaelangelo, D.D.S., whose license had been suspended by Board action on September 1, 2001. Ms. Reitz explained to the Board that Dr. DiMichaelangelo was required to apply for reinstatement of his license to practice dentistry in Ohio but not required to appear before the Board for interview pursuant to the terms of his Consent Agreement with the Board.

Dr. Lightfoot, as Acting Secretary in the matter regarding Dr. DiMichaelangelo, informed the Board members that he has received and reviewed documentation indicating compliance with the terms of the Consent Agreement. He stated that at this time Dr. DiMichaelangelo may now request reinstatement of his license to practice dentistry, and if reinstated, he will be subject to probationary terms.

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

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 REPORT**

### **PERSONAL APPEARANCE(S)**

#### **Frederick J. Burger, D.D.S.**

Mr. Everhart explained to the Board that this was Dr. Burger's first personal appearance before the Board and that Mr. Smith had provided a brief summary and copies of documentation in the Board notebooks with regards to Dr. Burger's Consent Agreement.

When questioned by the Board, Dr. Burger stated that he had been discharged from GlenBeigh Hospital (GlenBeigh) upon completion of the required twenty-eight (28) day in-patient treatment program on January 19, 2003. He stated that it had been almost four (4) weeks since his discharge and felt that he was doing well since his last drink on December 11, 2002.

Dr. Burger informed the Board that he had received five (5) days of in-patient treatment at MetroHealth Medical Center (MetroHealth) in December 2002 when he experienced gastric bleeding caused by an esophageal tear. He stated that at that time he had been diagnosed as an alcoholic and had been encouraged by the medical staff at MetroHealth to self-report his condition to the Board in addition to their encouragement to seek further treatment for the alcoholism. Dr. Burger informed the Board that the Monday following his discharge from MetroHealth he had been admitted to GlenBeigh for their twenty-eight (28) day in-patient program.

Continuing on, Dr. Burger informed the Board that he currently is attending three (3) Alcoholics Anonymous (AA) and one (1) caduceus meetings per week. He stated that he is feeling better than he has in years with regards to his health. Dr. Burger stated that he has been utilizing prayer and his faith in a "higher power" to manage his stress and is looking forward to returning to his practice. He informed the Board that his is a sole practitioner, working three and a half to four (3½-4) days per week, in a practice consisting of two (2) chairs, one (1) dental assistant, and one (1) employee who manages the front desk and reception area. He stated that during his suspension he has taken the time to get caught up on paperwork and has a few fellow practitioners taking care of emergency situations for his practice.

When questioned by the Board, Dr. Burger stated that he had been drinking after work for approximately nine (9) years and was willing to admit to his alcoholism. He indicated that the treatment he had received at GlenBeigh was in small groups of six to eight (6-8) people and in his opinion, very professional. Dr. Burger stated that he had

hoped for the Board to consider reinstatement of his license to practice dentistry at this time since he was in compliance with the terms of his Consent Agreement.

Dr. Awadalla explained to Dr. Burger that the Board rarely granted reinstatement of a licensee upon their first appearance before the Board. She indicated that the Board was aware of the financial burden placed on the licensee, however, the Board has had past experience with individuals who have rushed back to the active practice of dentistry, failed and often experienced worse situations due to the tremendous amount of stress caused by practicing dentistry. Further, Dr. Awadalla explained that almost ten (10) years of illness is not treated within thirty (30) days of treatment.

Continuing on, Dr. Awadalla noted that Dr. Burger's counselor had recommended a minimum of twelve (12) weeks of outpatient group therapies along with attendance to AA meetings and continued individual counseling as recommended by his primary care physician. She stated that the Board would like to see Dr. Burger again for a personal appearance possibly at the next Board meeting in March, once the Board has received additional reports from GlenBeigh. Dr. Awadalla concluded by stating that Mr. Smith would work with Dr. Burger in appropriating the additional information and reports required for the Board to consider possible reinstatement at the March meeting. She stated that eight (8) weeks from Dr. Burger's discharge from GlenBeigh would be an early consideration, however, she felt that Dr. Burger was on the right track towards recovery.

Dr. Burger quoted to the Board, "An idle mind is the devil's work." but stated that he accepted their decision at this time.

**Konrad Omeltschenko, D.D.S.**

Mr. Everhart explained to the Board that this was Dr. Omeltschenko's second personal appearance before the Board and that Mr. Smith had provided a brief summary and copies of documentation in the Board notebooks with regards to this matter.

When questioned by the Board, Dr. Omeltschenko stated that he felt everything was going well. He stated that in addition to another day of sobriety, the cast from his carpal tunnel surgery had been removed from his arm. He informed the Board that he was looking forward to returning to his normal thirty-two (32) hour per week practice of dentistry and has his sponsor and a number of people whom he can call if he experiences trouble with stress. Dr. Omeltschenko explained that he would be returning to a large practice consisting of one (1) previously retired dentist, one (1) part-time dentist, and two (2) dental hygienists.

Upon further questioning by the Board, Dr. Omeltschenko agreed that at two (2) months of treatment for the disease, the alcoholic is feeling worn out and emotionally unstable. He stated that at that point in treatment it would be all too easy to return to old habits to deal with pressures and stress. Dr. Omeltschenko explained that he felt he could not have been able to handle returning to the stresses of dentistry after only two (2) months of sobriety. He stated that he understood well the situation of not making enough money to pay for the expenses involved, however, he had personally talked with financiers to explain his situation and was able to make arrangements for payments.

Continuing on, Dr. Omeltschenko explained that he had completed three (3) weeks of outpatient treatment prior to his inpatient treatment at Shephard Hill Hospital. He stated that the outpatient treatment had been ineffective and felt that the in-patient treatment he received had been more complete.

***Motion by Dr. Awadalla, second by Dr. Murphy, to reinstate the license of Konrad Omeltschenko, D.D.S. to practice dentistry in the state of Ohio effective March 3, 2003, pursuant to the terms set forth in the Board's Consent Agreement.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF PROPOSED VOLUNTARY SURRENDER OF LICENSE(S)**

### ***Jennifer D. Rice***

The Board reviewed the proposed voluntary surrender of license for Jennifer D. Rice, license number 51-00-7357.

***Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve the proposed voluntary surrender of license to practice dental assistant radiography for Jennifer D. Rice, license number 51-00-7357.***

Roll call vote.

Motion carried unanimously.

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

The Board reviewed three (3) 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. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to David E. Henry, D.D.S., license number 30-01-6341, case numbers 01-70-418 and 01-70-448.***

Roll call vote.

Motion carried unanimously.

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Edward N. Robertson, D.D.S., license number 30-01-7465, case number 02-18-290.***

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 Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Melissa A. High, R.D.H., license number 31-00-7777, case number 02-25-471.***

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.

## **ENFORCEMENT REPORT**

Mr. Everhart informed the Board that there were currently three (3) cases pending hearing of which two (2) have been assigned hearing dates. He stated that there were currently seven (7) cases under appeal. Mr. Everhart continued by informing the Board that there was one (1) case pending the Hearing Examiner's Report, thirteen (13) licensees currently under suspension, forty-three (43) 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:

01-76-383	02-57-640	03-25-030	02-31-624
02-25-064	02-31-660	03-25-026	02-31-639
02-76-077	02-25-671	02-25-022	02-50-675
02-47-377	02-25-668	02-17-070	02-50-676
02-43-420	02-57-664	02-77-298	02-77-669
02-43-509	02-31-662	02-18-402	02-31-659
02-18-448	02-25-649	02-18-447	02-31-663
02-50-571	02-55-680	02-43-508	
02-25-633	03-33-004	02-43-481	
02-77-645	03-57-012	02-64-617	

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 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 - No
- 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 forty-three (43) cases.***

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

Motion carried.

Dr. Hills thanked Mr. Everhart for his assistance with the Enforcement Report. He the stated that the Board would consider the next item on the agenda the Anesthesia Report.

## **ANESTHESIA REPORT**

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

Dr. Murphy stated that the following individuals have submitted applications for an Conscious Sedation Permits. He explained that the applications were reviewed by the Anesthesia Committee and are recommended for approval of temporary privileges:

Dr. Firas Al-Habaj  
    All modalities

Dr. Thomas J. Birong  
    All modalities

***Motion by Dr. Murphy, second by Dr. Awadalla, to approve temporary conscious sedation privileges for Dr. Al-Habaj and Dr. Birong for the appropriate modalities.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF ANESTHESIA PERMIT APPLICATION(S)**

Dr. Murphy stated that the following individuals have submitted applications for Anesthesia Permits. He stated that the applications have been reviewed by the Anesthesia Committee and recommended for approval for the following individuals:

Dr. Guillermo Chacon  
Dr. Thomas E. Fisher  
Dr. Bradley Gregory

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve these three (3) applicants for 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 under the appropriate modality:

Dr. Michael A. DeBellis - Concord, Ohio  
All modalities

Dr. Jason C. Stoner - Gahanna, Ohio  
All modalities

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

Roll call vote.

Motion carried unanimously.

## **COMMUNICATION COMMITTEE REPORT**

Mr. Borgemenke reported that there was legislation currently being circulated in the Senate to revise the Dental Practice Act. He stated that the proposed legislation came

from the Ohio Dental Association (ODA) in conjunction with the Ohio Dental Hygienists' Association (ODHA). Mr. Borgemenke informed the Board while he has not actually reviewed any draft language, it is his understanding that there was proposed language regarding:

- Board composition;
- Coronal polishing;
- North East Regional Board (NERB) examinations;
- Volunteer immunity; and
- Tuition reimbursement for dentists who practice in distressed areas.

Mr. Borgemenke stated that he has built a rapport with representative of the ODA and ODHA and has specifically expressed that with regards to the expansion of the Board that the number of appointed consumer members either be increase to three (3) proportionately to the number of dental hygiene members or to remove consumer representation altogether, thereby allowing the profession to monitor itself. Additionally, Mr. Borgemenke stated that he had discussed with the new Executive Director of the ODA, David Owsiany, JD, the fiscal impact this would have on the Board since there are no existing funds to cover this expense. He stated that Mr. Owsiany had indicated that this was not an attempt to harm the Board fiscally and that the ODA would support language that increased fees to cover this expense.

When questioned with regards to H.B. 598 regarding dental amalgams, Mr. Borgemenke informed the Board that he has not seen any additional attempts to revisit this Bill.

Upon concluding his report, Mr. Borgemenke stated that he would be willing to work with the rest of the Board with regards to discussing or amending any proposed revisions to the Dental Practice Act.

Dr. Hills thanked Mr. Borgemenke for his informative report.

## **POLICY COMMITTEE REPORT**

Dr. Awadalla stated that there were no new policies for the Board to consider at this time. However, she informed the members that the Board executive office has received several correspondence regarding the policy on the use of Sargenti Paste. She stated that she was pleased to have received the information supplied in the correspondence. Dr. Awadalla stated that members of the Policy Committee had worked in conjunction with representatives and information supplied by the American Dental Association and the American Society of Endodontists. She stated that the Board stands by its policy on Sargenti Paste and that while this is not mandated by statute or rule, if challenged, the

Board will provide expert testimony clearly indicating that its use is below the standard of care.

Dr. Awadalla concluded by stating that it should be noted that there are no dental schools in the United States that teach the use of Sargenti Paste.

Dr. Hills thanked Dr. Awadalla for the Policy Committee Report.

## **TREATMENT CENTERS APPROVAL COMMITTEE REPORT**

Dr. Lightfoot informed the Board that there was nothing new to report at this time.

Dr. Hills thanked Dr. Lightfoot for his report.

## **WAIVER COMMITTEE REPORT**

Ms. Sabat informed the Board that the Waiver Committee had reviewed one (1) Hepatitis B Waiver Request application and recommended approval of a one (1) year waiver based on medical reasons. The Waiver Committee recommended a waiver for the following individual:

Barbara Withrow

Motion by Ms. Sabat, second by Dr. Murphy, to approve Ms. Withrow's application for Hepatitis B waiver for one (1) year.

Roll call vote.

Motion carried unanimously.

## **EDUCATION COMMITTEE REPORT**

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

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

Vincent A. Linz, D.D.S., Inc.  
Matrix Dental Computing

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the above two (2) applicants as biennial sponsors 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 sponsors have submitted applications for the substance abuse continuing education courses. She stated that the Education Committee has reviewed the courses, determined that they fulfill all the necessary requirements, and have recommended the following courses for approval:

Ohio Physicians Effectiveness Program - "Recognition and Management of Addictive Disease"

Sunbury Seminars, Inc. - "Abuse & Addiction in Dentistry: Provider and Patient"

***Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) applications for substance abuse continuing education courses.***

Roll call vote.

Motion carried unanimously.

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 pending actual testing by the Education Committee members:

Manhattan Consultants, Incorporated - "Substance Abuse Awareness"

***Motion by Ms. Sabat, second by Dr. Murphy, to approve this application for substance abuse continuing education course, pending successful testing by Education Committee members.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)**

Ms. Sabat stated that the following course has been reviewed and approved by the Anesthesia Committee and Education Committee for appropriate content material and compliance with the continuing education guidelines set forth in the Dental Practice Act and Board Policy and is recommended for approval for Anesthesia Permit renewal by the Education Committee:

Sunbury Seminars, Inc. - "Current Concepts in Office Anesthesia 2003" presented by Joel M. Weaver, D.D.S., Ph.D., Steven Ganzberg, D.M.D., M.S., and Carl R. Fleser, D.D.S., M.S.

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the Sunbury Seminars, Inc. course as acceptable continuing education for Anesthesia permit renewal.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)**

Ms. Sabat stated that the following course has been reviewed and approved by the Anesthesia Committee and Education Committee for appropriate content material and compliance with the continuing education guidelines set forth in the Dental Practice Act and Board Policy and is recommended for approval for Conscious Sedation Permit renewal by the Education Committee:

American Society for the Advancement of Anesthesia and Sedation in Dentistry - "Parenteral Conscious Sedation" presented by David Crystal, D.D.S.

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the American Society for the Advancement of Anesthesia and Sedation in Dentistry's course as acceptable continuing education for Conscious Sedation Permit renewal.***

Roll call vote.

Motion carried unanimously.

### **SECRETARY'S EXPENSE REPORT**

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

***Motion by Dr. Lightfoot, second by Dr. Vesoulis, 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 Dr. Murphy, second by Dr. Lightfoot, to approve the expense report and approve payment of the January 2003 Board bills.***

Roll call vote.

Motion carried unanimously.

### **EXECUTIVE DIRECTOR'S REPORT**

#### **DENTAL BOARD LOGO**

Ms. Reitz informed the Board that the Board executive office had received the first order of envelopes and letterhead with the new logo. However, she indicated that there would

be a reprinting of the order due to fading of the seal and some of the blue ink on the logo.

## **JOURNAL OF THE AMERICAN DENTAL ASSOCIATION - NORTH EAST REGIONAL BOARD (NERB) ARTICLE**

Ms. Reitz continued by informing the Board that the North East Regional Board, Inc. (NERB) had received good reviews on the cover of the latest issue of the Journal of the American Dental Association (JADA) NEWS. She stated that the article commended NERB for the new format for the examinations and noted that NERB was working hard in response to suggestions made three to four (3-4) years ago at the American Dental Association Annual Session. Ms. Reitz explained the new examination format which allows for the dental student to sit for portions of the examination in September (Typodont) and February (Clinical) during their final year of dental school. She further explained that this allows any students who do not pass those portions of the examination to retake the examination with the rest of their class during April or May. Ms. Reitz stated that this helps in that the student can receive educational remediation while still in their final year of dental school.

Additionally, Ms. Reitz explained that by providing the examinations in this manner will allow the dental students to receive their license upon graduation rather than possibly having to wait for examination results.

Dr. Awadalla commented that currently New York, Michigan, and West Virginia are utilizing the new examination format and have reported that it was much better. She stated that currently The Ohio State University College of Dentistry and Case Western Reserve University School of Dentistry are not using this format as they are not convinced that this is not a "gimmick". She concluded by stating that possible pressure from the student population would convince the dental schools to provide for this type of examination format.

## **CORRESPONDENCE**

### **AMERICAN DENTAL HYGIENISTS' ASSOCIATION**

Ms. Sabat requested the Board members to review two (2) letters of correspondence received from the American Dental Hygienists' Association (ADHA) regarding the latest edition changes for Current Dental Terminology (CDT-4). She explained that the current code 1110 for a prophylaxis added the words "or polishing" which opens the door

to individuals who have been trained to perform polishing but not cleaning of teeth. She stated that this could lead to misconception by the general public who may believe that they are receiving a cleaning. Ms. Sabat explained that she had also provided copies of an article regarding CDT-4 for their review.

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

### **BOARD SECRETARY - AUTHORITY**

Ms. Reitz explained to the Board that she was seeking permission to grant the Board Secretary the authority to recommend to the Attorney General's Office to suspend a licensee when the Board executive office had received sufficient evidence indicating that the licensee posed potential threat to the public.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to grant the Board Secretary the authority to suspend a license upon sufficient evidence that the licensee poses a potential threat to the patient.***

Roll call vote.

Motion carried unanimously.

### **BOARD MEMBER TRAINING - REFRESHER**

Ms. Reitz noted that the last Board member training had been a few years ago and stated that we had at least two (2) members who had received the manuals but had not received the training. She inquired whether the Board members would like to consider a refresher training session when the new Board member begins their five (5) year term in April. Board members agreed that it was a good idea, and recommended that the refresher be held the second day of the April meeting (Thursday, May 1, 2003).

### **INFECTION CONTROL EVALUATION CERTIFICATES**

Mr. Everhart informed the members that a suggestion had been made to provide a certificate or letter of acknowledgement indicating that a dental office was in compliance with regards to infection control procedures upon successful evaluation by the dental board enforcement officers. He suggested that this could provide a "win-win" resolution for the dentist and the Dental Board executive office. Board members agreed that this would be a good idea but indicated that the certificate or letter of acknowledgement

could indicate the date of the evaluation but should not reflect a set period of time of compliance.

## **FINANCIAL DISCLOSURE STATEMENTS**

Mr. Everhart reminded the Board members that they should have received their Financial Disclosure Statements and that they were due to be returned by April 15, 2003. He stated that should they choose to submit them earlier that would be beneficial.

## **RECESS**

***Motion by Dr. Murphy, second by Ms. Sabat, to recess the meeting until Thursday, February 13, 2003 at 9:00 a.m. in room 2921 of the James A. Rhodes State Office Tower.***

Roll call vote.

Motion carried unanimously.

## **MEETING RESUMED**

The Ohio State Dental Board (Board) met in room 2921, 29th Floor of the James A. Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio on Thursday, February 13, 2003, beginning at 9:00 a.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 Rebecca Hockenberry, Esq., Assistant Attorneys General; Ronald Lemmo, D.D.S., Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the *Ohio Dental Association* (ODA); Denise Bowers, R.D.H., Jennifer Turk, Esq., Victor Hipsley, Esq., Connie Clark, R.D.H., and Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA); Pelton

Wheeler, D.D.S., of the *Ohio Association of Orthodontists*, Thomas Woodruff, D.D.S., *Fremont Community Health Services*, Lili C. Reitz, Esq., Executive Director, Michael R. Everhart, Assistant Director, Malynda Franks, Executive Secretary 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 9:15 a.m. He then stated that the Board would continue the agenda from the previous day beginning with the Public Administrative Rules Hearing.

## **PUBLIC ADMINISTRATIVE RULES HEARING**

An administrative rules hearing was held on the following proposed new, amended, and no change rules:

- 4715-3-01 Definitions (amended)
- 4715-5-01 Criteria for admission to dental licensing examination (amended)
- 4715-5-01.1 Requirements for initial licensure for dentists (new)
- 4715-5-02 Written work authorization (amended)
- 4715-5-03 "Criteria approval"; personal appearance and examination (rescind)
- 4715-5-03 "Criteria approval"; personal appearance and examination for dentists (new)
- 4715-5-04 Specialty designation (amended)
- 4715-5-08 Denture identification (amended)
- 4715-9-01 Permissible practices of a dental hygienist (amended)
- 4715-9-02.1 Requirements for initial licensure for dental hygienists (new)
- 4715-9-03 "Criteria approval"; personal appearance and examination (rescind)
- 4715-9-03 "Criteria approval"; personal appearance and examination for dental hygienists (new)
- 4715-9-05 Practice when the dentist is not physically present (amended)
- 4715-11-01 Basic qualified personnel - functions (no change)
- 4715-11-02 Expanded function dental auxiliaries; functions (no change)
- 4715-11-03 Non-delegable dental tasks and/or procedures (amended)
- 4715-11-04 Dentists may employ and supervise expanded function dental auxiliaries (amended)

- 4715-20-02 Sterilization and disinfection (amended)
- 4715-40-01 Quality intervention program; definitions (new)
- 4715-40-02 Process and criteria to use when identifying an individual's practice deficiency (new)
- 4715-40-03 Eligibility requirements for participation in the quality intervention program (QUIP) (new)
- 4715-40-04 Provisions of the participatory agreement for the quality intervention program (QUIP) (new)
- 4715-40-05 Grounds for termination from the quality intervention program (QUIP) (new)
- 4715-40-06 Requirements for educational provider(s) offering remediation for the quality intervention program (QUIP) (new)
- 4715-40-07 Terms and conditions a participant must meet to successfully complete the quality intervention program (QUIP) (new)
- 4715-40-08 Confidentiality of records for the quality intervention program (QUIP) (new)

The Board first heard testimony and received evidence (Appendix A - State's Exhibit's 1 through 8) from Lili C. Reitz, Esq., Executive Director, Ohio State Dental Board. The Board then heard testimony and received written evidence (Appendix B - Exhibit's A through F) from the following individuals:

Ronald Lemmo, D.D.S., President-Elect  
On behalf of the *Ohio Dental Association*

Written and Oral testimony - State's Exhibit A

Denise Bowers, R.D.H., President, Ohio Dental Hygienists' Association  
On behalf of the *Ohio Dental Hygienists' Association*

Written and Oral testimony - State's Exhibit B

Jennifer M. Turk, *Bensch, Friedlander, Coplan and Aronoff LLP*  
On behalf of the *Ohio Dental Hygienists' Association*

Written and Oral testimony - State's Exhibit C

Keith R. Kerns, Esq., *Director of Legal and Legislative Services*  
On behalf of the *Ohio Dental Association*

Written and Oral testimony - State's Exhibit D

Thomas Woodruff, D.D.S., Dental Director  
On behalf of the *Community Health Services of Fremont County*  
Written and Oral testimony - State's Exhibit E

Mark Siegal, D.D.S., M.P.H., Chief, Bureau of Oral Health Services  
On behalf of the *Ohio Department of Health*  
Written testimony - State's Exhibit F

A court reporter was present to take down and transcribe the details of the testimony and discussions of the Board.

At the conclusion of the oral testimony, the Board took a brief recess. At 12:38 p.m., the Board returned to open session.

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

### **LOUIS R. MOTT, D.D.S.**

Ms. Crawford requested that, prior to consideration of the testimony presented at the Public Rules Hearing, the Board review and consider for approval the proposed consent agreement of Dr. Louis R. Mott which she had received during the break

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for Louis R. Mott, D.D.S., license number 30-01-3720.***

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

Motion carried.

## **PUBLIC ADMINISTRATIVE RULES HEARING (Continued)**

Dr. Lightfoot suggested the following amendments to the proposed rules:

4715-3-01(L)(2) - add "that do not require preparation or anesthesia".

4715-5-02(B) - delete the word "permanent"

4715-5-02(F) - delete the second paragraph

4715-5-02(G) - delete the words "at least"

4715-9-01(A)(2) - reinstate original language

4715-9-01(D) - delete

***Motion by Dr. Lightfoot, second by Dr. Awadalla, to amend 4715-3-01, 4715-5-02, and 4715-9-01 with the changes noted above.***

Roll call vote.

Motion carried unanimously.

***Motion by Dr. Lightfoot, second by Dr. Awadalla, to refile 4715-3-01, 4715-5-02, and 4715-9-01 with the amendments noted above with the Joint Committee on Agency Rule Review.***

Roll call vote.

Motion carried unanimously.

Dr. Lightfoot stated that this concluded the Public Rules Hearing portion of the meeting.

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

Dr. Lightfoot informed the Board members that the amended rules would be refiled with JCARR on Friday, February 14, 2003. He stated that JCARR would hold its Public Rules Hearing on March 3, 2003 regarding all the rules considered today.

## **ADJOURN**

***Motion by Dr. Awadalla, second by Dr. Vesoulis, to adjourn the meeting until Wednesday, March 19, 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