

OHIO STATE DENTAL BOARD
Board Meeting
January 15th and 16th, 2003

M I N U T E S

The Ohio State Dental Board (Board) met in room 1948, 19th floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on January 15th, 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, Keith Kerns, Esq., Stacy Wendt and Dennis Burns, D.D.S. of the *Ohio Dental Association* (ODA), Sandy Held, R.D.H. and Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Barron Farrier, CCDC III of the Ohio Physicians Effectiveness Program (OPEP), 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 3:30 p.m.

EXECUTIVE SESSION

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

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 4:35 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 DECEMBER 2002 BOARD MEETING MINUTES

The Board reviewed the minutes of the December 4th and 5th, 2002 Board meeting.

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the December 4th and 5th, 2002 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

LICENSURE REPORT

Ms. Reitz explained that the Licensure Coordinator, Jayne Rasmussen, had prepared a report for Board member review of the licenses issued since the December 2002 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:

Dental

James B. Flynn, D.D.S.

David A. Beck, D.D.S.

Wahid M. ElBahr, D.D.S.

Jeffrey C. LaFuria, D.D.S.

Nidhi Rajput, D.D.S.

Dominic L. Vitangeli, D.D.S.

Amanda A. Goodman, D.D.S.

Dental Hygiene

Knicole C. Cassesa, R.D.H.
Heidi M. Criniti, R.D.H.
Tricia J. Hanis, R.D.H.
Amanda S. Hogan, R.D.H.
Claire A. Hughes, R.D.H.
Laura B. Icenhouwer, R.D.H.
Elizabeth J. Kelly, R.D.H.

Eric D. Lewis, R.D.H.
Carol A. Murdock, R.D.H.
Nicole L. Nottingham, R.D.H.
Emily S. Recker, R.D.H.
Susan A. Morton, R.D.H.
Heather M. Snyder, R.D.H.
Jennifer L. Taylor, R.D.H.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Awadalla, second by Dr. Murphy to approve the licensure report for the following dental assistant radiographer licenses issued by certification or the Dental Assisting National Board (DANB) examination:

Melissa Ariola
Vanessa P. Baiera
Kerry L. Banks
Sally J. Baumle
Patricia E. Beamer
Barbette L. Benson
Holly A. Billenstein
Lauretta F. Brenner
Ericka M. Carter
Felicia E. Cawley
Cassandra N. Clark
Saundra D. Clark
Monica D. Collins
M. Janalle Craig
Kelly M. Dittimore
Rebecca L. Fedor
Amanda L. Gates
Rebecca K. Gezze
Miranda L. Grady
Jennifer L. Green
Jessica A. Hamilton
Kimberly A. Heath
Traci L. Helmick
Amanda L. Hoagland
Andrea N. Hohenberger

Donna J. Howard
Teresa B. Hubbard
Michele L. Hunter
Anne-Marie Incorvaia
Janell M. Jeffers
Ashley E. Kaiser
Megan L. Kapper
Marie Keppler
Heidi A. Kirk
Kendra A. Lane
Leona L. Long
Mercyann B. Lopez
Tammy L. Love
Tinothea A. Marquez
Sarita A. Martin
Derya A. Massa
Janet D. Nieschwitz
Holly Nowakowski
Stacy M. Olesky
Hollyann Page
Julie Pische
Holly J. Powalie
Cindy L. Rudy
Stephanie J. Shook
Joy L. Sidol

Jennifer Speck
Rosemary L. Steinbauer
Sandra T. Turrell

Andrea M. Wagner
Sara L. Wolf
Tracy D. Womack

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

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

Mariam S. Fallahzeheh, D.D.S.

Motion by Ms. Sabat, second by Dr. Murphy, to approve Dr. Fallahzeheh's regional board dental license application pending receipt of a passing score on the jurisprudence examination.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Tracy Marie Hale

Motion by Ms. Sabat, second by Dr. Awadalla, to approve Ms. Hale's regional board dental hygiene license application.

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. Hamad A. Alzoman

Dr. Tasha A. Woodson

Motion by Ms. Sabat, second by Mr. Borgemenke, to approve these two (2) applications for limited resident's licenses.

Roll call vote.

Motion carried unanimously.

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland. 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 hygienist member from Brecksville and Mr. Scott Borgemenke the Board's public member from Columbus.

CRITERIA APPROVAL INTERVIEW(S)

Fred R. Smith, D.D.S.

The only applicant for criteria approval interview with the Board was Fred R. Smith, D.D.S., and a 1965 graduate of the *University of Pittsburgh* in Pennsylvania. He is currently licensed in Pennsylvania and has been practicing since his initial licensure there. He has not taken a regional board examination, as they were unavailable at the time of graduation. Dr. Smith explained to the Board that he originally owned three (3) dental practices prior to his semi-retirement at the age of forty-five (45). He stated that at that time he sold two (2) of his practices to his son and continued to practice one to two (1-2) days per week. Dr. Smith stated that he has been offered a temporary position with American Dental Centers in Ohio for approximately a year and a half.

When questioned by the Board as to whether Dr. Smith intended to relocate to Ohio, Dr. Smith informed the Board that he is close to the Ohio-Pennsylvania border and will continue to reside in Pennsylvania and practice one to two (1-2) days per week there. Board members then questioned Dr. Smith regarding the issue of non-completion of his

continuing education requirement for Pennsylvania. Dr. Smith informed the Board that that issue had been taken care of and offered to provide documentation of such.

Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve Dr. Fred R. Smith's criteria approval application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT INTERVIEW(S)

Melissa A. High, R.D.H.

The first applicant for interview was Melissa A. High, R.D.H., whose license was suspended for failure to renew on January 1, 2002. Ms. High was found to be practicing dental hygiene during a routine infection control evaluation by Dental Board Enforcement Officer, Thomas Smith, on January 7, 2003. At that time, Ms. High informed Mr. Smith that she was aware of the suspended status of her dental hygiene license, that she had served a two (2) week suspension, and was awaiting notice of an interview before the Board. Ms. High told Mr. Smith that she had spoken with Mr. Everhart several months ago with regards to her dental hygiene license and upon Mr. Smith's request produced a xerographic copy of a renewal card that had been supplied by her to her employer.

Mr. Smith noted that the expiration date on the renewal had been hand-written and when questioned Ms. High explained that the renewal card had gotten wet and consequently the expiration date was smeared, therefore, she had written in what she had thought to be the expiration date of 12-31-03, which was false. Additionally, Ms. High could produce no records or receipts that indicated that she had filed either her original renewal application for the 2002-2003 biennium or any reinstatement applications of which she had claimed to have filed with the Board executive office. At that time, Mr. Smith instructed Ms. High to file a reinstatement application, pay the license reinstatement application fee, and appear before the Board for an interview before she could return to practice.

Ms. High explained to the Board that in December 2001 she had mailed her completed 2002-2003 renewal application along with the fee to the Board. She stated that she had found out that her license to practice dental hygiene had not been renewed in February and contacted the Board executive office at that time to request another renewal application. Ms. High informed the Board that she had received the second renewal application, promptly mailed it and went on with her life.

In August 2002, Ms. High stated that she received a certified letter notifying her that her license was suspended for failure to renew. She stated that she again requested a renewal application, completed it, and submitted it to the Board executive office along with a personal check in the amount of the license fee plus the late fee. Ms. High claimed that on or about the end of September or the first part of October she received a packet from the Dental Board office. She stated that the packet contained her most recently submitted renewal application, her check, and a reinstatement application with instructions to complete the application and submit it along with a money order made out to the Ohio State Dental Board in the correct amount.

Ms. High stated that at that time she contacted the Dental Board office and spoke with Mr. Everhart who explained that pursuant to Board policy, she had to serve a two (2) week suspension. She stated that she did that and upon completion of the suspension she contacted the Mr. Everhart regarding the status of her reinstatement application. She claimed that at that time Mr. Everhart informed her that the Board executive office had not yet received the application materials but that she could return to work temporarily until hearing from the Board with regards to a personal appearance.

Continuing on, Ms. High informed the Board that shortly thereafter she thought that she had received her renewal receipt in the mail, as her daughter had opened the mail one day, gotten the renewal card wet, and that she (her daughter) had attempted to dry the renewal receipt only to wipe off or smear the expiration date. Ms. High stated that she had assumed this renewal receipt was the new one for the 2002-2003 biennium as she was in the habit of throwing the old receipts away. Therefore, she stated that since the expiration date was illegible she wrote in what she thought was her current date of expiration of her dental hygiene license: 2003.

Upon questioning by the Board, Mr. Everhart clarified that as this was his first renewal cycle as an employee of the Dental Board, and being unaware fully of the procedures, he would not have given the authority to inform Ms. High to return to practicing dental hygiene. Further, he stated that his recollection of his discussion with Ms. High was to instruct her to wait for her two (2) week suspension to end before contacting the Board executive office to confirm the receipt of her reinstatement application. He stated that Ms. High must have experienced a serious misunderstanding of the conversations to have returned to work and not contacted the Board again. Mr. Everhart further explained that the Dental Board executive office never received Ms. High's original reinstatement application and had finally received an application from her on Friday, January 10th, 2003.

Upon further questioning by the Board, Ms. High stated that she could not produce any copies of money orders, mail receipts, or copies of any of the renewal or reinstatement applications claimed to have been previously submitted. Dr. Lightfoot questioned

whether Ms. High was aware that not only had she placed her own license in jeopardy but also those licenses of the two (2) employers for which she worked since January 1, 2002. He explained that by practicing without a current license, Ms. High's employer dentists could be found guilty of permitting an unlicensed person to practice and therefore could result in disciplinary action against their dental licenses also.

Executive Session

Motion by Dr. Awadalla, second by Ms. Sabat, to move the Board into executive session pursuant to Ohio Revised Code section 121.22(G)(1) to consider the matter involving Melissa A. High, R.D.H.

Roll call vote.

Motion carried unanimously.

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

Open Session

At 5:06 p.m., the Board resumed open session.

Decision in the Matter of Licensee Melissa A. High, R.D.H.

Motion by Dr. Murphy, second by Ms. Sabat, to deny the reinstatement application of Melissa A. High, R.D.H. to practice dental hygiene in the state of Ohio until further investigation has been completed.

Roll call vote.

Motion carried unanimously.

Karen P. Nagem, R.D.H.

Dr. Hills called the next applicant for reinstatement interview, Karen P. Nagem, R.D.H. Ms. Rasmussen informed the Board that Ms. Nagem was not in attendance.

Dr. Hills then called the final applicant for reinstatement interview, Alfred Scott Santucci, D.D.S.

Alfred Scott Santucci, D.D.S.

The final applicant for reinstatement interview was Alfred Scott Santucci, D.D.S., whose license was suspended from February 16, 2001 to September 11, 2002 for chemical impairment issues. Dr. Santucci's license was reinstated at the September 2002 Board meeting and it was subsequently discovered that he had failed to renew his license for the 2002-2003 biennium. Additionally, Dr. Santucci failed to obtain the requisite forty (40) hours of continuing education for licensure renewal.

Upon questioning by the Board, Dr. Santucci stated that when his license had been reinstated in September he had not been requested to submit evidence of obtaining the appropriate continuing education. He stated that he had submitted information on the continuing education that he had obtained to Dental Board Enforcement Officer, Thomas Smith. Dr. Santucci claimed that he had called Mr. Smith four (4) days later and confirmed that everything had been received and was told that his license would remain active until December 2003.

Dr. Santucci explained to the Board, that on December 2, 2002, he had received a letter informing him that he had not renewed his license for the 2002-2003 biennium and had not completed the required amount of continuing education for renewal. He stated that he had contacted the Board executive office and immediately ceased practicing. Dr. Santucci stated that he obtained the required amount of continuing education and filed a reinstatement application with the Board on December 21, 2002. Dr. Santucci stated that he did not wish to put the blame on anyone, however, he had relied heavily on his attorney and Mr. Smith to keep him apprised of all he had to accomplish or complete in order to return to actively practicing dentistry.

Discussion ensued wherein Ms. Reitz explained that Board procedure was to mail renewal forms to licensees whose licenses were suspended, as well as to currently active licensees. Dr. Santucci stated that he could not recall receiving a renewal application at the end of 2001; however, it was possible that he had not received it and therefore had not thought to renew his license since it was under a current suspension.

Motion by Dr. Murphy, second by Ms. Sabat, to reinstate the license of Alfred Scott Santucci, D.D.S. to practice dentistry 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

REPORT AND RECOMMENDATIONS

Victor J. Dubel, D.D.S.

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Victor J. Dubel, D.D.S. that was filed by Christopher B. McNeil, Esq., Hearing Examiner on November 22nd, 2002.

Dr. Lightfoot then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Victor J. Dubel, D.D.S.?

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

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

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

Dr. Lightfoot then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Victor J. Dubel, D.D.S.?

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

Dr. Lightfoot asked if Dr. Dubel or his attorney, David C. Bree, Esq. were present. Noting that there was no response, he then requested if the Assistant Attorney General in this matter would like to comment. Ms. Crawford indicated that she did not wish to comment.

Dr. Lightfoot then stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. He then called for a motion for the Board to go into executive session.

Executive Session

Motion by Dr. Awadalla, second by Dr. Vesoulis, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of licensee, Victor J. Dubel, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 5:13 p.m.

Dr. Lightfoot did not attend the executive session.

Open Session

At 5:20 p.m. the Board resumed open session.

Decision in the Matter of Victor J. Dubel, D.D.S.

Dr. Lightfoot stated:

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

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Ms. Sabat, second by Dr. Murphy, that Count #1 of the charges as contained in the Board's notice of opportunity for hearing is found to be true.

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. Awadalla, second by Ms. Sabat, that the proposed Hearing Examiner's Recommended Order be amended as follows:

It is hereby ORDERED:

- 1. The license of Victor J. Dubel, D.D.S., to practice dentistry in the state of Ohio shall be SUSPENDED for a period of ninety (90) days.***
 - A. No one in the dental office may perform dentistry or dental hygiene duties or otherwise treat patients during the period of suspension.***
 - B. A receptionist may answer the phones with "Dr. Dubel's Office", or the name of the practice, for the sole purpose of answering questions, scheduling/rescheduling appointments, and making referrals.***
 - C. Dr. Dubel may not receive any income either from a legal or a beneficial interest in the dental practice during the period of suspension.***

- 2. Upon reinstatement, Dr. Dubel's license shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of not less than one (1) year:**
 - A. Dr. Dubel shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.**
 - B. Dr. Dubel shall submit quarterly declarations under penalty of Board disciplinary action stating whether or not there has been compliance with all of the provisions of probation.**
 - C. Dr. Dubel shall fully cooperate with the Board investigators in future inspections and evaluations.**
 - D. Dr. Dubel shall obtain twenty (20) hours of continuing education in infection control approved in advance by the Board Secretary. Dr. Dubel shall notify the Board of completion of these hours within three (3) months of the effective date of this Order. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.**
 - E. Dr. Dubel shall appear in person for interviews before the full Board or its designated representative as requested by the Board.**
- 4. Upon successful completion of all probationary terms and conditions, Dr. Dubel's license shall be restored.**

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

Discussion followed wherein Dr. Awadalla stated that the recommendation for revocation was a bit harsh, however, she noted this was not the first time Dr. Dubel has been before the Board. She stated that the Board needed to address the matter appropriately as the law and rules were not followed by Dr. Dubel.

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 Dr. Murphy, to approve the Proposed Order as amended.

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.

PERSONAL APPEARANCES

Richard Lapp, D.D.S.

Mr. Everhart informed the Board that this was Dr. Lapp's second appearance before the Board and that he was appearing this month at the Board's request.

Dr. Lapp informed the Board that he has experienced no new challenges since his last appearance. He then commented that he wished to make a statement of appreciation to the Board. Dr. Lapp stated that in the beginning he had reluctantly submitted to treatment and was in denial due to the fact that he had been following the prescriptions written by his physicians. He stated that he did not have a true understanding of chemical dependency until his admission to GlenBeigh Hospital.

Dr. Lapp stated that he was appreciative that his condition was discovered and was grateful to the Board for assisting him in getting straightened out. He indicated that his family is also grateful, as none of them had realized that it had become such a problem. Continuing on, Dr. Lapp informed the Board that he has not felt this well in decades. He stated that he just received a report from his therapist about a week ago and continues to see Dr. Cole in addition to his required four (4) per week follow-up meetings to Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). Additionally, he stated that he electively attends more meetings on the weekends.

Motion by Dr. Awadalla, second by Dr. Murphy, to reinstate the dental license of Richard Lapp, D.D.S. to practice dentistry in the state of Ohio subject to the probationary terms of his consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

Konrad Omeltschenko, D.D.S.

Mr. Everhart informed the Board members that this was Dr. Omeltschenko's first appearance before the Board and that Dental Board Enforcement Officer, Thomas Smith, had prepared a brief overview of Dr. Omeltschenko's treatment to date.

Dr. Omeltschenko began by informing the Board that he felt that he has done well with the treatment, was feeling much better, and hardly experiencing any pain at all. He stated that he felt that his addiction began after an automobile accident in 2001. Dr. Omeltschenko stated that he has had two (2) surgeries on his back since that time and feels that the second surgery was more successful. However, he stated that he had begun self-medicating for the pain with increased dosages over the past year.

Dr. Omeltschenko informed the Board that he had attempted to discontinue his use of Vicodin in August, however he experienced withdrawal symptoms and was therefore, unsuccessful. He stated that he voluntarily admitted himself to Bethesda Oak Hospital around the middle of September, 2002 for treatment and has been sober since that time.

Continuing on, Dr. Omeltschenko informed the Board that he has since received treatment at Shepherd Hill Hospital and was discharged with treatment complete in January, 2003. He stated that he wishes to comply with the Board's requests but has not yet received a written report from Shepherd Hill Hospital with regards to suggested aftercare.

Discussion ensued wherein it was decided that Dr. Omeltschenko should appear before the Board at its meeting in February. Dr. Hills stated that should Dr. Omeltschenko maintain the requirements and conditions of his consent agreement with the Board to that time, the Board may consider reinstatement of his dental license effective March 3, 2003, at that time.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed three (3) Proposed Consent Agreement.

Frederick J. Burger, D.D.S.

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposed consent agreement for Frederick J. Burger, D.D.S., license number 30-01-7007.

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

Motion carried.

Michael D. Ginder, D.D.S.

Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve the proposed consent agreement for Michael D. Ginder, D.D.S.

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

Motion carried.

Randall M. Speer, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Randall M. Speer, D.D.S., license number 30-01-4474.

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

Motion carried.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

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

Alexander J. Vigh, D.D.S.

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve the notice of opportunity for hearing and forward it to Alexander J. Vigh, D.D.S., case numbers 02-31-558, license number 30-01-0911.

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 UPDATE

Mr. Everhart reported that there were five (5) cases pending hearings of which three (3) have been settled by consent agreement and the other two (2) have been scheduled for hearings. He stated that and nineteen (19) licensees currently under suspension.

Mr. Everhart indicated that there were thirty-eight (38) cases listed that had been investigated and reviewed by the Board Secretary and 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 the cases to be closed with the Board.

The following cases are to be closed:

01-18-293	02-43-578	02-25-215	02-18-601
02-18-213	02-25-596	02-43-263	02-25-613
02-18-234	02-18-612	02-18-517	02-76-624
02-31-514	02-25-609	02-04-527	02-78-616
02-78-529	02-76-606	02-18-537	02-25-634
02-77-535	02-23-632	02-03-560	02-77-641
02-78-567	02-23-630	02-77-589	02-25-646
02-43-562	02-25-642	02-18-583	02-25-673
02-18-580	02-25-658	02-25-585	
02-18-584	02-78-169	02-18-594	

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 Murphy, second by Ms. Sabat, to approve the enforcement report and close the above thirty-eight (38) cases.

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

Motion carried.

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

RECESS

Motion by Dr. Murphy, second by Ms. Sabat, that the Board recess the meeting until Thursday morning, January 16th, 2003 at 9:00 a.m.

Roll call vote.

Motion carried unanimously.

MEETING RESUMED

The Ohio State Dental Board (Board) met in room 1952, 19th floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on January 16th, 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, Keith Kerns, Esq., Stacy Wendt and Dennis Burns, D.D.S. 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, and Malynda Franks, Executive Secretary.

CALL TO ORDER

Dr. Hills extended greetings to everyone and called the meeting to order at 9:25 a.m. He then informed the attendees that the Board would continue the agenda beginning with the committee reports.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES

Dr. Murphy stated that the following individuals have submitted applications for Conscious Sedation Permits. He explained that the applications were reviewed by the Anesthesia Committee and are recommended for approval of provisional privileges while awaiting facility evaluations by the Board's Anesthesia Consultant:

Dr. Mari C. Fukami - Columbus, Ohio

Dr. Pasquale M. Franceschelli - Steubenville, Ohio

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

Roll call vote.

Motion carried unanimously.

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

COMMUNICATIONS COMMITTEE REPORT

NEWSLETTER

Mr. Borgemenke distributed copies of the Winter 2002 Newsletter and commended Ms. Reitz on its eloquence.

Continuing on, Mr. Borgemenke stated that on the legislative front, all bills from the previous year would need to be reintroduced. He informed the Board members that he had spoken with Darryl Dever and was informed that the Ohio Dental Association (ODA) would be drafting a Bill early in the session, possibly sometime in January or February. He stated that he was not sure of the content, however, he thought it likely that it would address access to care issues, expansion of the Board, and possibly dental reform. Mr. Borgemenke also stated that he was unsure of the level of involvement that the Ohio Dental Hygienists' Association (ODHA) has had in the preparation of this bill.

Dr. Hills thanked Mr. Borgemenke for the Communications Report.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

Herbert J. Mills, D.D.S.

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve Dr. Mill's application for Biennial Sponsorship of continuing education for the 2002-2003 biennium.

Roll call vote:

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

Motion carried.

REVIEW OF CONSCIOUS SEDATION AND 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:

Ohio Society of Oral & Maxillofacial Surgeons - "Review of Ambulatory General Anesthesia" presented by Jeffrey B. Dembo, D.D.S., M.S.

Motion by Dr. Vesoulis, second by Dr. Lightfoot, to approve the Ohio Society of Oral & Maxillofacial Surgeons course as acceptable continuing education for Anesthesia permit renewal.

Roll call vote:

- Dr. Awadalla – Yes

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

Motion carried.

CONTINUING EDUCATION WAIVER REQUEST(S)

Ms. Sabat informed the Board that Leah J. Stanovich, R.D.H., had requested a waiver of the continuing education requirement for renewal. She stated that Ms. Stanovich was requesting the Board to consider accepting inclusion of a course she had taken in November 2001 to complete her renewal requirement. Ms. Sabat stated that the Committee was not recommending approval due to the fact that the course was completed during the previous biennium and that Ms. Stanovich has eleven (11) months remaining in which to complete the current biennial requirements.

Motion by Ms. Sabat, second by Dr. Vesoulis, to deny Leah J. Stanovich's request for waiver of the continuing education requirement for licensure renewal.

Roll call vote:

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

Motion carried.

Dr. Hills thanked Ms. Sabat for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot informed the Board that at the previous meeting the Board had voted to initial file all the rules reviewed by the Law and Rules Review Committee during the last year and that the Board would hold its Public Rules Hearing on February 13th, 2003 at 9:00 a.m. He stated that rules 4715-5-05, 4715-5-06, and 4715-5-07 had been included in the vote to be initially filed with the Joint Committee on Agency Rule Review (JCARR) but were excluded from the rule filing. Dr. Lightfoot stated that members of

the Committee had brought forth questions that he, as the Committee Chair, had determined required further discussion.

Therefore, Dr. Lightfoot stated that the Committee had met the previous day to continue its discussions on 4715-5-05, 4715-5-06, and 4715-5-07. He stated that copies of the revised amended rules had been provided in the Board notebooks for the members review. Dr. Lightfoot explained that the main issue addressed during the Committee's discussion on Wednesday was paragraph (B)(3) of rule 4715-5-05 which states:

- "(B) In order to receive such permit, the dentist must apply on a prescribed application form to the Ohio state dental board, submit the application fee, and produce evidence showing that he or she: ...
- ... (3) Has completed a minimum of one year advanced clinical training beyond the pre-doctoral level in anesthesiology from a Joint commission on accreditation of healthcare organization (JCAHO) accredited institution that meets the objectives set forth in Part Two of the American dental association's "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry"; and ..."

Dr. Lightfoot explained that the Board and the executive office staff must be advised and clear in their explanations to the public and/or anesthesia permit applicants that the **objectives** in Part Two of the American dental association's "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry" (Guidelines) must be met in order for the applicants training to be considered acceptable.

Continuing on to rule 4715-5-06, Dr. Lightfoot stated that previously the Board required that a licensee must report "any untoward anesthetic event" to the Board within seventy-two (72) hours and submit a complete written report within thirty (30) days of the occurrence. However, he stated that while this rule was originally implemented to coincide with rules 4715-5-05 and 4715-5-07, the Committee and the Board felt that to better protect the public the Board should be notified of "any untoward event requiring hospital admission". Dr. Lightfoot stated that the word "anesthetic" had been removed in order to address this issue.

Lastly, Dr. Lightfoot informed the Board that since these three (3) rules were originally relevant to sedation and anesthesia, the Committee made a final review of 4715-5-07. He stated that the only amendments to this rule were the addition of paragraph (L) to comply with S.B. 265 regarding the use of reference materials, and grammar/spelling corrections.

Motion by Dr. Lightfoot, second by Dr. Awadalla, to initial file amended rules 4715-5-05, 4715-5-06, and 4715-5-07 as presented.

Roll call vote:

- Dr. Awadalla – Yes
- Mr. Borgemenke - Absent
- Dr. Hills – Yes
- Dr. Lightfoot – Yes
- Dr. Murphy – No
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

Dr. Lightfoot concluded his report by informing the Board that the Committee would meet again in February to begin working on the rules 4715-9-02, 4715-9-04, and 4715-21-01 for the next rule review year.

Dr. Hills thanked Dr. Lightfoot for his report.

POLICY COMMITTEE REPORT

Dr. Awadalla informed the Board that there were no new policies for consideration at this time.

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.

WAIVER COMMITTEE REPORT

REVIEW OF HEPATITIS B WAIVER REQUEST(S)

Ms. Sabat informed the Board that the Waiver Committee had reviewed three (3) Hepatitis B Waiver Request applications. However, she noted that copies had not been placed in the Board notebooks and requested the Board to continue with the next agenda item and return to the Waiver Committee Report once she located copies of the requests.

Dr. Hills granted her request and moved on to the next agenda item, the Secretary's Expense Report.

SECRETARY'S 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. Lightfoot, second by Dr. Murphy, to approve the Secretary's expense report.

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the office expense report and approve payment of the November and December Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

WINTER 2002 NEWSLETTER

Ms. Reitz distributed copies to the Board members of the Winter 2002 Newsletter. She noted that along with the Disciplinary Action listing, this Newsletter had included articles on the following:

- Board Policy on Sargenti Paste;
- New Dental Assistant Radiographer licensure application, policies, and procedures;
- Dental Board Website information;
- Ohio Dental Forensic Team, and
- Introduction of the Administrative Office Staff.

MARVIN M. FISK, D.D.S.

Ms. Reitz then distributed copies of a booklet memorializing Dr. Marvin M. Fisk. Ms. Reitz explained that among the many friends and associates who have known Dr. Fisk, Dr. Frank C. Williams, past Dental Board member, had attended the memorial service and provided Ms. Reitz with a copy to share with the Board members.

AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE)

Ms. Reitz informed the Board she had been requested by Molly Nadler, Executive Director of the American Association of Dental Examiners (AADE) to be the Chair of the Legislative Review Committee for the AADE. She stated this position entails keeping current on proposed federal legislation changes and writing reports and recommendations on how such legislation will affect dental boards across the country.

LOGO DEVELOPMENT - UPDATE

Concluding her report, Ms. Reitz informed the Board members that letterhead, envelopes, and business cards had been ordered with the new logo that had been approved at the December, 2002 Board meeting. She stated that the executive office would use up all of the current supplies prior to delivery of the new paper products.

WAIVER COMMITTEE REPORT (Continued)

REVIEW OF HEPATITIS B WAIVER REQUEST(S)

Ms. Sabat informed the Board that the Waiver Committee had reviewed three (3) Hepatitis B Waiver Request applications and recommended approval of a one (1) year waiver based on medical reasons to the following individuals:

Alexa J. Bush
Thomas Carratola

Motion by Ms. Sabat, second by Dr. Murphy, to approve these applications for Hepatitis B waivers renewal for one (1) year.

Roll call vote.

Motion carried unanimously.

Ms. Sabat informed the Board that the Waiver Committee had reviewed the Hepatitis B Waiver Request application for Alanel Kreuzsch and recommended that the Board deny a one (1) year waiver based on lack of medical documentation to support the request.

Motion by Ms. Sabat, second by Dr. Murphy, to deny Ms. Kreuzsch's Hepatitis B waiver request for lack of appropriate documentation.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her report.

CORRESPONDENCE

The Board members reviewed an E-mail correspondence to Mr. Everhart from Cindy Rabe regarding the start-up of a teeth whitening business. Ms. Rabe's correspondence stated in pertinent part:

"Customers would be given impression putty or a teeth tray filled with alginate. They would then TAKE THEIR OWN teeth impression and hand the tray back to me (or my employee). I (or my designate) would make a custom teeth tray for the customer based on the impression. I would then provide them with the teeth tray and 22% carbamide peroxide whitening gel.

At no time would I or anyone providing this service place hands in the mouth of the customer or attempt to diagnose or treat any dental condition. We would simply [be] providing the materials to the customer to MAKE THEIR OWN impression."

Discussion followed wherein Board members commented that this was currently not permissible under the Dental Practice Act. Members indicated that just because this same type of process/service was currently being offered over the Internet did not make it acceptable or right.

Dr. Lightfoot clarified that there was more to making an impression than mixing materials. He stated that the placement of the correct amount of material in the tray was crucial. Dr. Lightfoot stated that Ms. Rabe's letter was incomplete in that it did not address key issues such as infection control procedures for blood and saliva.

Dr. Hills directed Ms. Reitz to respond to Ms. Rabe indicating the points delineated during the discussions.

ANYTHING FOR THE GOOD OF THE BOARD

CLEVELAND PLAIN DEALER

Ms. Sabat read excerpts of an article from the Sunday, December 29th, 2002 edition of the Cleveland Plain Dealer. She indicated that the article had possibly misquoted Ron Occhinero, D.D.S. as stating that the Ohio Dental Association would soon be licensing Expanded Function Dental Auxillary (EFDA).

POLICY COMMITTEE REPORT (Continued)

Dr. Awadalla indicated that the Policy Committee did have one (1) policy for consideration at this time. She stated that by rule the Board is required to vote on the acceptable examinations for initial licensure at the first meeting of every year. Therefore, she stated that she was requesting the Board to vote on the Policy Regarding Initial Ohio Licensure in the State of Ohio.

Motion by Dr. Lightfoot, second by Ms. Sabat, to adopt the following policy for licensure requirements for 2003:

INITIAL LICENSURE

For purposes of Ohio Revised Code Sections 4715.11, 4715.12 and 4715.21, the Board shall require that for those wishing to satisfy initial licensure requirements for licensure as a dentist or dental hygienist in the state of Ohio, all applicants must be required to take and successfully pass the examination administered by the Northeast Regional Board of Dental Examiners (NERB), as this is the regional testing agency for the state of Ohio.

Further, other regional board examinations, (CRDTS, WREB, SRTA) will be accepted for those applying for initial licensure in Ohio, under the following circumstances:

The applicant must demonstrate that he/she has successfully passed all parts of the examination based on a conjunctive scoring method.

The applicant must also successfully pass the Dental Simulated Clinical Examination given by NERB (dental applicants only).

CRITERIA APPROVAL

Other regional board examinations, (CRDTS, WREB, SRTA) will be accepted for those applying for licensure in Ohio by criteria approval pursuant to Ohio Revised Code Sections 4715.15 and 4715.27, under the following circumstances:

For dental applicants, the other regional examinations will be accepted only if the applicant is licensed in another state, and only if the applicant can demonstrate that he/she has been practicing dentistry in that state for a minimum of five years, in accordance with Section 4715.15 of the Ohio Revised Code, and Sections 4715-1-02, 4715-1-03, and 4715-5-03 of the Ohio Administrative Code.

For dental hygiene applicants, the other regional board examinations will be accepted pursuant to Section 4715.27 of the Ohio Revised Code, and Section 4715-9-03 of the Ohio Administrative Code.

This policy supercedes all other policies regarding general requirements for initial licensure and licensure by criteria approval (not to include those policies regarding licensure to practice a particular specialty, etc., which are currently in effect).

This policy shall become effective immediately.

Roll call vote.

Motion carried unanimously.

EXECUTIVE SESSION

MARY ANN CHLYSTA, D.D.S.

Motion by Dr. Lightfoot, second by Ms. Sabat, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the matter of Mary Ann Chlysta, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 5:13 p.m.

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

Open Session

At 10:32 a.m. the Board resumed open session.

DECISION IN THE MATTER OF MARY ANN CHLYSTA, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to deny Dr. Chlysta's licensure reinstatement request base on non-compliance with the terms of the consent agreement with the Board.

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.

ADJOURN

Motion by Dr. Murphy, second by Ms. Sabat, to adjourn the meeting until Wednesday, February 12th, 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