

**OHIO STATE DENTAL BOARD**  
**Board Meeting**  
**November 6th and 7th, 2002**

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**OHIO STATE DENTAL BOARD**  
**Board Meeting**  
**November 6th and 7th, 2002**

**M I N U T E S**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on November 6th, 2002 beginning at 3:00 p.m. Board members present were:

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

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Assistant Attorneys General, David Owsiany, Executive Director, Keith Kerns, Esq., Stacy Wendt, and Dennis Burns, D.D.S. of the *Ohio Dental Association* (ODA), Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Mark Knutsen, R.D.H., M.A. of *The Ohio State University Dental Hygiene Program*, Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Thomas Smith, Dental Board Enforcement Officer, 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 3:16 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)(1) to discuss matters involving employment of a public employee and Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of imminent or pending court action.***

Roll call vote.

Motion carried unanimously.

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

## **OPEN SESSION**

At 4:26 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 SEPTEMBER BOARD MEETING MINUTES**

The Board reviewed the minutes of the September 11<sup>th</sup>, 2002 Board meeting.

***Motion by Dr. Lightfoot, second by Dr. Awadalla, to approve the September 11<sup>th</sup>, 2002 Board meeting minutes as presented.***

Roll call vote.

Motion carried unanimously.

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

### **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:

Misti D. Mills

***Motion by Ms. Sabat, second by Dr. Lightfoot, to approve Ms. Mills' regional board dental hygiene license application pending receipt of a criminal record clearance from the state of Virginia.***

Roll call vote.

Motion carried unanimously.

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

## **REINSTATEMENT INTERVIEW(S)**

### **James B. Kendrick, D.D.S.**

The first applicant for reinstatement interview with the Board was James B. Kendrick, D.D.S., who retired his dental license in 1972. Dr. Kendrick informed the Board that he has been licensed and practicing in Florida since that time, except for one (1) year wherein he attended an oral and maxillofacial surgery residency program. He stated that he wishes to return to Ohio and begin practicing in the Dayton area. Dr. Kendrick is current in his continuing education requirements.

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

Roll call vote.

Motion carried unanimously.

### **Brenda R. Barnhart, R.D.H.**

The next applicant for reinstatement interview with the Board was Brenda R. Barnhart, R.D.H., whose license was suspended for failure to renew on January 1, 2002. Ms. Barnhart continued to practice dental hygiene until she was notified of the suspended status of her license. Ms. Barnhart informed the Board that at the time of renewal she had been in the process of a divorce and was unaware that her now ex-husband had not paid her licensure renewal fees. She stated that once she became aware of the suspension she immediately ceased practicing, notified the Dental Board executive office, and served a two (2) week suspension. Ms. Barnhart informed the Board that she is currently certified in CPR and has maintained her continuing education requirement.

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

Roll call vote.

Motion carried unanimously.

**William R. Dodge, D.D.S.**

The Board next interviewed William R. Dodge, D.D.S., who retired from the active practice of dentistry in 1997, however, maintained his license until December 31, 1999. Dr. Dodge informed the Board that he wishes to reinstate his license in order to assist colleagues who require an orthodontist to fill in for them when they are sick or on vacation. He explained to the Board members that he does not wish to have his own practice. Dr. Dodge stated that he would probably inform the *Ohio Association of Orthodontists* of his availability if the Board chose to reinstate his license. Dr. Dodge indicated that he is current in his continuing education requirement.

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

Roll call vote.

Motion carried unanimously.

**Wayland A. Easley, D.D.S.**

Wayland A. Easley, D.D.S. was the next applicant for reinstatement interview. Dr. Easley's license was suspended for failure to renew on January 1, 2002. He informed the Board that he is currently enrolled in an oral and maxillofacial surgery residency program in Pennsylvania. Dr. Easley stated that Pennsylvania had recently changed their requirements for their training license in that he must now hold current unrestricted licensure in another state. He stated that his non-renewal was an oversight as he had previously practiced in Ohio with Dr. Stiggers in the Cleveland area.

***Motion by Mr. Borgemenke, second by Dr. Vesoulis, to approve Wayland A. Easley's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Yvonne H. Fekete, R.D.H.**

The next applicant for reinstatement interview was Yvonne H. Fekete, R.D.H. whose license was suspended for failure to renew on January 1, 2002. Ms. Fekete continued to practice until she was informed of the suspended status of her license when she had called the Dental Board executive office. She informed the Board that she had ceased practicing dental hygiene immediately and has served a two (2) week suspension. Ms. Fekete informed the Board that she had moved subsequent to a divorce and had not notified the Dental Board office of her current address. She indicated that she had forgotten to renew her license due to the family situation and moving. Ms. Fekete is currently certified in CPR and has maintained her continuing education requirement.

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

Roll call vote.

Motion carried unanimously.

**Sandra S. Hayes, R.D.H.**

The next applicant for reinstatement interview with the Board was Sandra S. Hayes, R.D.H., whose license was suspended for failure to renew on January 1, 2002. Ms. Hayes informed the Board that she had filled out the renewal form and written a check to renew her license. However, she stated that the envelope had gotten wedged down between the seats in her vehicle and that upon finding the renewal application she submitted it to the Board executive office. She stated that when she contacted the Board office to report the situation she had been informed that her license was suspended, she ceased practicing dental hygiene immediately, and served a two (2) week suspension. Ms. Hayes has submitted documentation indicating compliance with the continuing education requirement for renewal and is currently certified in CPR.

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

Roll call vote.

Motion carried unanimously.

**Jan E. Kronmiller, D.D.S.**

The Board next interviewed Jan E. Kronmiller, D.D.S. whose license was suspended for failure to renew on January 1, 2002. Dr. Kronmiller has practiced in Pennsylvania and Kentucky prior to returning to Ohio. He stated that he wishes to reinstate his license in order to practice orthodontics outside the auspices of *The Ohio State University College of Dentistry* where he is currently employed. Board members expressed their appreciation for Dr. Kronmiller's comments in support of the *NorthEast Regional Board Examination (NERB) Curriculum Integrated Test (CIT)* which were recently printed in the ODA Today.

***Motion by Dr. Murphy, second by Mr. Borgemenke, to approve Jan E. Kronmiller's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Deborah L. Marchese, R.D.H.**

The next applicant for criteria approval interview with the Board was Deborah L. Marchese, R.D.H. who retired her license on June 22, 2000. Ms. Marchese explained that she had retired her license when she had started her family and would now like to return to the active practice of dental hygiene on a part time basis. She stated that she has already researched getting back into dental hygiene as a substitute in the northwest Columbus area. Ms. Marchese has completed her continuing education requirement and is currently certified in CPR.

***Motion by Mr. Borgemenke, second by Dr. Vesoulis, to approve Deborah L. Marchese's reinstatement application for licensure as a dental hygienist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Tamera L. McIntyre, R.D.H.**

Tamara L. McIntyre, R.D.H. was the next applicant for reinstatement interview before the Board. Ms. McIntyre retired her Ohio dental hygiene license in 1996 and is currently licensed and practicing in the state of Arizona. Ms McIntyre informed the Board that she is licensed and had practiced in the state of Washington prior to obtaining her license to practice dental hygiene in Arizona. She stated that she is

returning to Ohio and therefore wishes to reinstate her license in order to continue to practice dental hygiene.

When questioned by the Board, Ms. McIntyre informed the members that she had taken the Washington State Board clinical examination which included examination areas on anesthesia and nitrous oxide. She stated that she administered both anesthesia and nitrous oxide on a daily basis without incident in the periodontic practice where she was employed. Ms. McIntyre indicated that she was aware that she could not perform those functions in the state of Ohio as it was not permitted by law.

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

Roll call vote.

Motion carried unanimously.

**Stacy L. Moses, R.D.H.**

The next applicant for reinstatement interview was Stacy L. Moses, R.D.H., who retired her dental hygiene license in 1997. Ms. Moses has been licensed and practicing in California and most recently Connecticut. Ms. Moses stated that she has relocated to Ohio and now wishes to reinstate her dental hygiene license. She indicated that she is current in her continuing education requirements and is certified in CPR.

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

Roll call vote.

Motion carried unanimously.

**Robert A. Nassif, Jr., D.D.S.**

Robert A. Nassif, Jr., D.D.S. whose license was suspended for failure to renew on January 1, 2002, was the next applicant for reinstatement interview. Dr. Nassif's license was suspended for failure to renew on January 1, 2002. Dr. Nassif continued to practice until he was informed of the suspended status of his license when he contacted the Dental Board executive office to request a duplicate receipt. He informed the Board that he had ceased practicing immediately and has served a two (2) week suspension. Dr. Nassif stated that he had not renewed his license because he had not received the renewal in the mail. He stated that during this time it had been determined that the

Board executive office had the wrong street address, as well as, the wrong building number and therefore his renewal notice had not been delivered. Dr. Nassif informed the Board that he is current in his continuing education requirements for renewal.

***Motion by Dr. Awadalla, second by Dr. Murphy, to approve Robert T. Nassif's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**David H. Strack, D.D.S.**

The next applicant for reinstatement interview with the Board was David H. Strack, D.D.S. who retired his license on April 16, 2001. Dr. Strack informed the Board that he had retired his license because he felt that he no longer wanted to perform dentistry. However, he stated that after almost two (2) years of non-practice (he had quit practicing prior to actually retiring his license) he has decided that he wishes to return to the practice of dentistry on a part time basis. Dr. Strack stated that he has offers in the Cleveland area should the Board decide to reinstate his license. He informed the Board that he has completed his continuing education requirements for renewal.

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

Roll call vote.

Motion carried unanimously.

**Colleen A. Wulf, R.D.H.**

The final applicant for reinstatement interview with the Board was Colleen A. Wulf, R.D.H. who retired her license to practice dental hygiene on December 15, 1989. Ms. Wulf informed the Board that she has not practiced clinical dental hygiene since 1989. However, she stated that she has an opportunity to work with Mark Siegal, D.D.S., Chief of the Bureau of Oral Health Services at the Ohio Department of Health. Ms. Wulf stated that as a prerequisite to her employment she must hold a current Ohio dental hygiene license.

When questioned by the Board, Ms. Wulf indicated that although she has no intention of practicing clinical dental hygiene, as a condition of reinstatement, she has signed the

prepared consent agreement with the Board indicating that she will attend a two (2) day dental hygiene refresher course prior to May 31, 2003.

***Motion by Dr. Murphy, second by Ms. Sabat, to approve Colleen A. Wulf's reinstatement application for licensure as a dental hygienist in the state of Ohio, subject to the terms and pending execution of the consent agreement.***

Roll call vote.

Motion carried unanimously.

### **PRESENTATION BY ERIC M. CHEVLEN, M.D.**

Ms. Reitz reminded the members that at the September Board meeting they had met with Mary Ann Chlysta, D.D.S. and her attorney, Donald A. Antrim, Esq. She stated that at that time Dr. Chlysta and Mr. Antrim had requested the Board to speak with Erick M. Chevlen, M.D. in order to clarify any questions regarding his evaluation and management of Dr. Chlysta. Ms. Reitz explained that Dr. Chevlen had been requested to appear simply to provide the Board with information.

### **DONALD A. ANTRIM, ESQ.**

Mr. Antrim thanked Ms. Reitz and the Board for the opportunity to allow Dr. Chevlen to address some of their concerns regarding Dr. Chlysta's request to return to the active practice of dentistry. He briefly reiterated to the members the history of the case to date from Dr. Chlysta's perspective.

Dr. Hills reminded Mr. Antrim that there would be no consideration of reinstatement of Dr. Chlysta's license to practice dentistry today as this meeting was to get additional information regarding Dr. Chlysta's particular case.

### **ERIC M. CHEVLEN, M.D.**

Dr. Hills thanked Dr. Chevlen for meeting with the Board and explained that the Board was not convinced that Dr. Chlysta was ready to return to the practice of dentistry based on the amount of medication she is currently taking.

Dr. Chevlen began by stating that he had Dr. Chlysta's permission to discuss her care and therefore this information was not a violation of patient confidentiality. He then stated there are many misconceptions regarding the differences between acute and

chronic pain and the foundation of the terms; addiction, dependence, tolerance and pseudoaddiction. He then defined those terms as follows:

- addiction: an impaired control over drug use, compulsive use, despite harm
- dependence: a state of adaptation which is manifested by withdrawal symptoms caused by cessation or reduction of a particular drug
- tolerance: a state in which drug exposure induces changes that require higher doses to obtain the same resultant effects over time
- pseudoaddiction: distinguished from true addiction in that the behaviors resolve when the pain is effectively treated.

Dr. Chevlen explained that acute pain is pain in response to a specific, limited, medical problem, whereas the chronic pain such as that which Dr. Chlysta experiences is long-term in that the original medical problem is healed and the pain itself has become the disease. He stated that treatment of chronic pain is a fine balance of medication levels between benefit to the patient and risks from side affects. Dr. Chevlen explained that neurologic pain such as Dr. Chlysta's requires higher dosages due to resistance. He stated that the short-term treatment of chronic pain includes sedation for three to seven (3-7) days in which the sedated state of the patient goes away with time. Dr. Chevlen indicated that Dr. Chlysta was well beyond the state of sedation for chronic pain.

Continuing on, Dr. Chevlen stated that when he first met with Dr. Chlysta in August, 1998, she was in a state of uncontrolled pain and that the loss of her career was causing her constant anguish. He stated that at that time she was drug avoidant which is not symptomatic of a person who is chemically addicted. He indicated that she has become tolerant to her medications and has remained stable on the current dosages for the past three (3) years. Dr. Chevlen stated that in his opportunity to assess Dr. Chlysta, he has noted that she is alert and calm now and functions normally. Further, he stated that Dr. Chlysta keeps a journal in which he noted that her penmanship and detailed handwriting are reflective of her fine motor skills. Dr. Chevlen further supported his findings on Dr. Chlysta by stating that he had asked her if she felt she needed more medication to which she declined and stated that she only utilized the "as needed" medications for breakthrough pain. Dr. Chevlen explained to the Board members that a true addict would never decline additional medications.

Dr. Chevlen stated that it was his opinion that Dr. Chlysta has abided by the terms of her consent agreement completely, excepting her attendance to Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). He stated that his medical advice to Dr. Chlysta had been for her **not** to attend AA or NA meetings as their basis is dependent on the truth of the individual admitting chemical addiction. Dr. Chevlen indicated in the four (4) years since meeting Dr. Chlysta, she is **chemically dependent** not **chemically**

**addicted** and therefore attendance in AA or NA would be detrimental to her in sending her the wrong message.

Mr. Borgemenke stated that Dr. Chevlen had spoken to the issues of addiction and tolerance. He stated that with that in mind, he was reminded of a story about drinking in his college days wherein the more often he drank the higher his tolerance level became. However, he questioned whether a higher tolerance level would preclude him from driving a vehicle and possibly getting into an accident.

Dr. Chevlen explained that the difference was in the chemical. He stated that opioids used chronically have no upper limit or ceiling effect and therefore some persons on opioids have tested the same as non-opioids on driving tests. Further, he explained that an intolerant person would be addictive. Dr. Chevlen stated that Dr. Chlysta is tolerant to the opioids and that self-medication delivers relief from pain as opposed to a soporific effect.

Dr. Vesoulis commented that dentistry is stressful as a profession. He stated that while he recognizes that Dr. Chlysta has remained on the same dosage levels for the past three (3) years he questioned how long it would be before those medication levels increased due to stress if Dr. Chlysta were to return to practicing. Dr. Chevlen stated that he would expect little or no dosage adjustment as the stress variable is only a small percentage of the total scientific background of Dr. Chlysta's problems. He stated that her diagnosis is chronic pain from osteopathic problems.

Dr. Hills stated that the Board's primary mission is to protect the public. He then enumerated the high number of units and dosages of the medications that Dr. Chlysta is currently taking to maintain control of pain. He questioned if Dr. Chevlen felt that this was a lot of medication for a person to be taking who might be in charge of patient care and cause potential harm to the public. Dr. Chevlen agreed that while the amount seemed like a lot, in the case of Dr. Chlysta it is a delicate balance of medications between the benefits and side effects wherein she is not sedated, yet not in uncontrolled pain. He said he understands the widespread misunderstanding of opioids held by the general public. Dr. Hills stated that while the Board is open to hearing the scientific evidence, the reality is in the perception of the public for which the Board serves to protect.

Dr. Awadalla expressed concern whether Dr. Chlysta would continue to perform as well at controlling her pain should she return to practicing dentistry. She stated that currently Dr. Chlysta's level of medication is based on non-stressful activities and questioned what would happen should Dr. Chlysta return to dentistry and overmedicate due to stress.

Dr. Lightfoot asked Dr. Chevlen if he had been aware of the terms of Dr. Chlysta's consent agreement with the Board regarding attendance to AA or NA meetings when he began treatment for her chronic pain. Dr. Chevlen indicated that he did not recall if he was originally aware of the terms of the consent agreement as his first issue as her treating physician was to get Dr. Chlysta's pain under control. He stated that his first duty was to her health. Subsequently, he was made aware of the terms of Dr. Chlysta's consent agreement and had only recommended that she not attend the AA or NA meetings within the past year. Therefore, he stated that they had not approached the Board regarding modification of the consent agreement with regards to this issue.

Dr. Murphy stated that the Board members had read various files on Dr. Chlysta and commented that with the number and types of medications listed he did not recall seeing anything prescribed to Dr. Chlysta to help her sleep since pain usually causes spasms. He also questioned whether Dr. Chlysta could be diagnosed as having chronic pain syndrome and asked Dr. Chevlen if he had noticed any clinical depression or if she had any restrictions of daily activities for any reason. Dr. Chevlen indicated that he did not recall where Dr. Chlysta had ever been prescribed any additional medications for sleep or any anti-depressants. He stated that the only restriction of her daily activities is that she may not perform any heavy labor due to a respiratory problem caused by complications from one of her twenty-plus (20+) surgeries.

Mr. Borgemenke asked if the level of medications that Dr. Chlysta were taking would be enough to kill a non-tolerant individual such as himself. Dr. Chevlen stated that those levels of opioids would indeed kill a person who was intolerant.

Dr. Hills then thanked Dr. Chevlen for speaking with the Board regarding this issue and informed everyone that the Board would be taking a brief recess.

At 5:45 p.m. the Board resumed the meeting.

## **ENFORCEMENT REPORT**

### **PERSONAL APPEARANCES**

#### **James E. Butler, D.D.S.**

Mr. Everhart informed the Board that Dr. Butler was before the Board today to request revision to his work schedule which is currently limited to twenty (20) hours per week.

Dr. Butler thanked the Board for their cautious decision to allow him to return to work part time. He stated that in allowing him to remain in practice he has been able to catch

up on back child support, alimony, and other bills. He stated that his aftercare providers and psychologists have recommended that it is time for him to return to work full time and that they have worked out a schedule wherein he would be seeing patients only four (4) days per week in order to limit the amount of stress.

Dr. Hills questioned whether Dr. Butler's girlfriend had ever sought treatment for her addictions. Dr. Butler informed the Board that since his last appearance before the Board his girlfriend had attended a twelve (12) week program and was currently attending meetings to help with her addiction problem.

***Motion by Dr. Murphy, second by Mr. Borgemenke, to remove Dr. Butler's twenty (20) hour work limitation and restore him to full time active practice, limited to the terms and conditions of his consent agreement with the Board.***

Roll call vote:

Motion carried unanimously.

**Richard Lapp, D.D.S.**

Mr. Everhart explained to the Board that Richard Lapp, D.D.S. and his attorney, Kevin P. Byers, Esq., were here for Dr. Lapp's first personal appearance before the Board subsequent to his signing the consent agreement in September, 2002.

***Kevin P. Byers, Esq.***

Mr. Byers began by stating that representing Dr. Lapp was a unique situation for him in that Dr. Lapp was here before the Board due to following his physician's orders for pain management. He stated that Dr. Lapp has closed his practice temporarily, had not practiced dentistry since September 9th, 2002, and had signed a consent agreement with the Board on September 26th, 2002.

Mr. Byers stated that Dr. Lapp had completed a three (3) day evaluation at GlenBeigh Hospital wherein it had been determined that Dr. Lapp was not chemically addicted but rather chemically dependent. He stated that the evaluation concluded that Dr. Lapp was dependent upon narcotics and analgesics which had been prescribed over the years for a medical condition.

However, he continued by stating that since that time, with the help of his physicians, Dr. Lapp is now completely off medications and is virtually pain-free. Mr. Byers concluded by stating that the pain had become the disease, that with Dr. Lapps

completed treatment, and compliance with the terms of the consent agreement, they were now requesting reinstatement of his dental license.

**Richard Lapp, D.D.S.**

Dr. Lapp explained to the Board that he had been diagnosed with a rheumatoid disease which caused recurring pain. He stated that additionally, the medications prescribed cause chronic depression and that the medication prescribed for the depression caused fatigue and discomfort. Dr. Lapp stated that he had only been following his physician's orders in taking the NSAID's and narcotics and that the use of hydrocodone worked well in the treatment of his pain.

However, he informed the Board that when his wife encouraged him to taper off the drugs he would experience repeated occurrences of the pain. He stated that he was unaware that the pain he was experiencing was a symptom of the withdrawal and not the pain of the original medical condition.

Dr. Lapp stated that through listening to this counselor at Shepherd Hill Hospital he began to realize that he had the traits inherent with withdrawal symptoms. He stated that he had been feeding the withdrawal symptoms all those years thinking that he was treating the chronic pain. He informed the Board that once the cycle was broken he became drug free.

He concluded by stating that it was for these reasons he was here before the Board to request reinstatement of his dental license. He informed them that this has been a financial hardship on him since he has two (2) large practices and seven (7) employees.

Mr. Byers then briefly addressed three (3) factual errors in the reports received from Shepherd Hill Hospital. Those errors being in regards to:

1. Dr. Lapp's age was wrongly recorded;
2. An inaccurate reference to Dr. Lapp receiving overseas shipments of drugs;  
and
3. That Dr. Lapp had prior psychiatric treatment.

Mr. Borgemenke commented that he found it odd that there would be that many recorded errors in a medical report such as this.

***Executive Session***

***Motion by Dr. Murphy, second by Dr. Lightfoot, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and discuss the matter of Richard Lapp, D.D.S.***

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 6:08 p.m.

*Open Session*

The Board resumed open session at 6:19 p.m.

Dr. Murphy explained to Dr. Lapp that the Board would like for him to return for a personal appearance in January, 2003. He stated that the Board recognizes his financial hardship, however, they are unanimous in this decision.

***Scott D. Schumann, D.D.S.***

Mr. Everhart informed the Board that this was Dr. Schumann's second appearance before the Board although it is his first since his return to treatment due to a relapse.

Dr. Schumann informed the Board that life has been pretty good since the last time he had appeared before the Board. He reminded them that he had relapsed due to some practice issues involving the purchase of another practice, issues with his dental assistant and her brother who was threatening a class action suit against him. He stated that at that time he had given up and made a poor decision which he regrets. Dr. Schumann explained that his guilt from that incident spiraled into shame which led him to talk it over with his sponsor. He stated that a random urine screen the following week came up with a positive result for drugs.

Dr. Schumann stated that since his last visit with the Board he has completed subsequent treatment for chemical dependency at GlenBeigh Hospital. He stated that on a daily basis he continues to make the right decisions. He stated that he has seen a marked change in himself that includes high energy, a more positive attitude, and he is more accepting of the situation. Dr. Schumann stated that in a way he is glad that he had the relapse as it has forced him to deal with these issues and he is now looking forward to getting back to work.

Continuing on, Dr. Schumann stated that he lives life day by day and that he has learned to rely on others to help him through the tough times as he cannot always deal with issues by himself. He stated that he now has the tools to deal with his depression in a positive manner.

Upon questioning by the Board, Dr. Schumann indicated that he is able to maintain financially through help from his girlfriend. He stated that along with many of his new friends, she has been very supportive of him. He stated that he no longer associates with old friends or returns to that area of town in which he obtained cocaine. Dr. Schumann stated that with regards to his practice, he has another dentist seeing his patients on an emergency basis. However, he stated that basically the practice is going under and he will eventually have to begin all over. He stated that he has already spoken with a cousin who is willing to help out as a dental assistant once he begins practicing again.

Dr. Awadalla stated that she felt that Dr. Schumann was on the right road this time but that he still needs more time. She stated that he does not have family around to support him, only his girlfriend and some friends. She reminded him that while he has been out of practice for six (6) months it has been only three (3) months since he last abused cocaine.

Dr. Murphy asked Dr. Schumann that with all the education he has received in dental school how he rationalized using cocaine that first time. Dr. Schumann briefly explained that even though he had received training in substance abuse he still had issues of abandonment, two (2) divorces, and self-esteem issues. He stated that he has been on his own for a long time and that he had hated himself when he had hit low points. He stated that it was during those low points when he used and by using it gave the perception of being accepted for who you are and the pain goes away for a time with that acceptance, and that you do not think of the consequences. Further, he explained that when his mind is working right he does not abuse.

Dr. Awadalla informed Dr. Schumann that the Board would like for him to return for another personal appearance at the December, 2002 meeting. She informed him that while it is tough, he is doing the right thing and doing a good job of it. She also suggested that he bring his girlfriend along with him to the next personal appearance.

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

The Board reviewed thirteen (13) Proposed Consent Agreements.

**Andrew C. Basinger, D.D.S.**

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve the proposed consent agreement for Andrew C. Basinger, D.D.S., license number 30-01-9171.***

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.

**David R. Carman, D.D.S.**

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposed consent agreement for David R. Carman, D.D.S., license number 30-01-4224.***

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.

**Thomas Carratola, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Thomas Carratola, D.D.S., license number 30-01-7926.***

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

Motion carried.

**Charles W. Chow, D.D.S.**

***Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for Charles W. Chow, D.D.S., license number 30-01-2192.***

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.

**Martin E. Jordan, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Martin E. Jordan, D.D.S., license number 30-01-9465.***

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

Motion carried.

**James E. Kirkpatrick, III, D.D.S.**

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for James E. Kirkpatrick, III, D.D.S., license number 30-01-9110.***

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

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

Motion carried.

**Richard Lapp, D.D.S.**

***Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for Richard Lapp, D.D.S., license number 30-01-1423.***

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.

**Philip D. Miller, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Philip D. Miller, D.D.S., license number 30-01-6098.***

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

Motion carried.

**Daniel G. O'Brien, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Daniel G. O'Brien, D.D.S., license number 30-02-0555.***

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.

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

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the proposed consent agreement for Konrad Omeltschenko, D.D.S., license number 30-01-4129.***

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.

**David M. Raiffe, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for David M. Raiffe, D.D.S., license number 30-01-9625.***

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

Motion carried.

**Harold L. Voss, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Harold L. Voss, D.D.S., license number 30-01-3775.***

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

Motion carried.

**Colleen A. Wulf, R.D.H.**

***Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for Colleen A. Wulf, R.D.H., license number 31-00-3173.***

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.

**Mary C. Lesinski-Lauer, D.D.S.**

***Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Mary C. Lesinski-Lauer, D.D.S., case numbers 01-18-367, license number 30-01-7941.***

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.

**ENFORCEMENT UPDATE**

Mr. Everhart reported that there were five (5) cases pending hearings of which three (3) have been scheduled and that there were currently five (5) cases under appeal. He stated that there were thirteen (13) licensees currently under suspension.

Mr. Everhart indicated that there were one hundred fifty-seven (157) 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:

01-25-091	02-02-237	02-31-336	02-76-171
01-50-237	02-25-258	02-18-349	02-02-184
01-77-394	02-18-282	02-18-351	02-76-235
01-18-438	02-04-283	02-18-318	02-50-254
02-18-110	02-77-292	02-77-307	02-18-259
02-18-120	02-67-301	01-50-421	02-18-287
02-76-167	02-50-323	02-77-039	02-22-284
02-47-186	02-28-325	02-77-116	02-39-295
02-41-214	02-31-334	02-50-141	02-18-348

02-18-324	02-18-411	02-48-414	02-57-555
02-31-333	02-73-401	02-04-404	02-29-554
02-31-335	02-50-423	02-18-399	02-83-575
02-31-338	02-70-477	02-48-499	01-50-635
02-18-350	02-57-503	02-28-482	02-78-506
02-47-352	02-21-476	02-09-501	02-77-429
02-31-337	02-48-497	02-48-500	02-50-432
02-52-322	02-18-493	02-83-495	02-76-435
02-77-308	02-49-489	02-22-492	02-57-436
02-77-310	02-77-309	02-83-475	02-31-443
02-18-317	02-77-311	02-31-438	02-31-445
02-04-314	02-76-313	02-77-428	02-25-458
02-22-512	02-04-315	02-29-431	02-57-466
02-47-378	02-77-312	02-23-433	02-31-522
02-18-380	02-18-379	02-31-444	02-76-519
02-02-390	02-36-382	02-57-473	02-76-526
02-18-387	02-25-383	02-42-483	02-76-532
02-18-386	02-57-385	02-25-449	02-25-544
02-25-363	02-15-376	02-25-459	02-25-546
02-57-374	02-77-384	02-18-520	02-23-549
02-57-372	02-57-373	02-12-523	02-45-551
02-25-366	02-77-368	02-31-524	02-31-540
02-25-362	02-25-364	02-57-530	02-25-572
02-25-360	02-25-361	02-25-536	02-39-559
02-48-398	02-25-359	02-25-545	02-57-556
02-18-421	02-25-365	02-25-547	02-57-553
02-50-396	02-76-394	02-25-548	02-76-577
02-50-424	02-50-425	02-25-543	01-18-455
02-60-427	02-25-422	02-25-574	
02-18-418	02-78-419	02-18-561	
02-55-416	02-18-417	02-31-557	

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

Roll call:           Dr. Awadalla – Abstain  
                          Mr. Borgemenke - Absent  
                          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 Ms. Sabat, to approve the enforcement report and close the above one hundred fifty-seven (157) cases.***

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.

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

## **RECESS**

Dr. Hills then stated that the Board would be recessed until Thursday morning, November 7th, 2002 at 9:00 a.m.

## **MEETING RESUMED**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on November 7<sup>th</sup>, 2002 beginning at 9:00 a.m. Board members present were:

Edward R. Hills, D.D.S., President  
Eleanore Awadalla, D.D.S., Secretary  
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, Assistant Attorneys General, Stacy Wendt of the *Ohio Dental Association* (ODA), Connie Clark, R.D.H. and Linda Hewetson, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Sherry Maxfield of the *Attorney General's Office*, Lili C.

Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Malynda Franks, Executive Secretary, and other guests.

## **CALL TO ORDER**

Dr. Hills extended greetings to everyone and called the meeting to order at 9:21 a.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)(1) to discuss matters involving employment of a public employee and Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of imminent or pending court action.***

Roll call vote.

Motion carried unanimously.

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

## **OPEN SESSION**

At 10:14 a.m., the Board resumed open session. Dr. Hills informed the attendees that the Board would continue the agenda and begin 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 Anesthesia or Conscious Sedation Permits. He explained that the applications were reviewed by the *Anesthesia Committee* and are recommended for approval of provisional privileges:

- Dr. Michael A. DeBellis - Concord, Ohio
- Dr. Dan Hillis - Cincinnati, Ohio
- Dr. Charles B. Spriggs - Lima, Ohio

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve temporary anesthesia or conscious sedation privileges for these three (3) applicants.***

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 explained that the applications were reviewed by the *Anesthesia Committee* and were recommended for approval of Anesthesia Permits.

Dr. Raymond Bonomo - Cincinnati, Ohio  
Dr. Daniel M. Gindi - Elyria, Ohio  
Dr. Pankaj R. Goyal - Maple Heights, Ohio

***Motion by Dr. Murphy, second by Ms. Sabat, to approve these three (3) applications for anesthesia permits.***

Roll call vote.

Motion carried unanimously.

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

## **COMMUNICATIONS COMMITTEE REPORT**

Ms. Reitz began by passing around a draft of the new Board logo which will be used for the Board letterhead, newsletter, business cards, etc. She was requesting their approval to proceed with this change. Dr. Murphy inquired as to whether Ms. Reitz had considered using purple, the color representative of dentistry, as an option. Some of the members expressed that they liked the new logo as presented. Ms. Reitz stated that she would take the draft back for more consideration to present again at the December meeting.

Mr. Borgemenke informed the Board that the Legislature was now in session. However, he stated that there would be no movement regarding H.B. 604 at this time. He stated that he would keep the Board updated on any progress.

Dr. Hills thanked Mr. Borgemenke and Ms. Reitz for the Communications Report.

## **EDUCATION COMMITTEE REPORT**

### **DENTAL ASSISTANT RADIOGRAPHER LICENSURE RENEWAL**

Ms. Sabat informed the Board that the members of the Education Committee had met the previous day at 2:00 p.m. She stated that one (1) of the topics for discussion was the two (2) hour continuing education requirement for dental assistant radiographers.

Ms. Sabat explained that by policy the Board currently waives the continuing education requirement for initial dental and dental hygiene licensees for recent graduates in the first biennium in which they are licensed. Therefore, she was requesting the Board to consider similarly waiving the continuing education requirement for those candidates who have obtained their initial dental assistant radiographer license.

***Motion by Ms. Sabat, second by Dr. Awadalla, that effective immediately, the board waive the 2-hour continuing education requirement for dental assistant radiographers for the first biennium in which they receive initial radiographer licensure in Ohio.***

Roll call vote:

Motion carried unanimously.

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

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

Thomas E. Fulton, D.D.S.  
James R. Murrin, D.D.S., M.S.

***Motion by Ms. Sabat, second by Mr. Borgemenke, to approve these two (2) applications for Biennial continuing education Sponsors for the years 2002-2003.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her report.

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

Dr. Lightfoot informed the Board that the Law and Rules Review Committee had met the previous day to continue the rule review for this year. He stated that the Committee would be meeting again on December 4<sup>th</sup>, 2002 at 12:30 p.m., in order to finalize changes made to new and amended rules prior to submission to the full Board for initial filing consideration.

Dr. Hills thanked Dr. Lightfoot for his report.

## **POLICY COMMITTEE REPORT**

Dr. Awadalla informed the Board that the Policy Committee was utilizing information obtained from the *American Association of Endodontists* (Association) to develop a policy regarding the use of Sargenti Paste. She stated that the Academy does not recommend its use and that the committee would have a draft policy for the Board to review in December.

Dr. Hills thanked Dr. Awadalla for her report.

## **TREATMENT CENTER APPROVAL COMMITTEE REPORT**

Dr. Lightfoot informed the Board that located under Tab 11 of the Board notebooks was a copy of an Application for Approval as a Treatment Provider for Impaired Dentists and Dental Hygienists for the Interval Brotherhood Home. He stated that this provider meets all the necessary requirements set forth in Board policy including twenty-eight (28) days of inpatient evaluation and treatment. Dr. Lightfoot stated that Mr. Everhart and Mr. Smith had performed a facility inspection and that all supplemental documentation was being presented to the Board for approval.

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the Application for Approval as a Treatment Provider for Impaired Dentists and Dental Hygienists for the Interval Brotherhood Home.***

Roll call vote.

Motion carried unanimously.

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:

Georgia Pitzen

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the application for Hepatitis B waiver for one (1) year for Georgia Pitzen.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her 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. Hills, second by Ms. Sabat, to approve Dr. Awadalla's expense report.***

Roll call vote.

Motion carried unanimously.

## **OFFICE EXPENSE REPORT**

The report of the Board expenditures was reviewed. Ms. Reitz noted that due to budgetary constraints, the Department of Administrative Services would no longer be approving the purchase of bottled water for the executive office.

***Motion by Dr. Hills, second by Dr. Lightfoot, to approve the office expense report and approve payment of the September Board bills.***

Roll call vote.

Motion carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

### **AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS**

Ms. Reitz began her report by stating that she had attended the American Association of Dental Administrators (AADA) meeting in October in New Orleans. She informed the Board that she had been elected president for the upcoming year. Board members expressed their congratulations on her appointment. Ms. Reitz explained that as president, she would be responsible for organizing next year's AADA meeting in San Francisco.

### **NEWSLETTER**

Ms. Reitz stated that she and Ms. Franks had met with and were working in conjunction with an independent contractor, Dan Willis, to produce the next newsletter. She stated that Mr. Willis was also the contractor working on the new Dental Board logo. Ms. Reitz indicated that with the Board's earlier decision regarding the logo the next newsletter would remain in the old format.

### **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

Ms. Reitz distributed a document she had drafted explaining the Federal Health Insurance Portability and Accountability Act (HIPAA). She stated that the Board executive office had received many phone calls with questions regarding compliance with this legislation. Ms. Reitz explained that she intended to distribute the memo to the staff in order to assist them in answering questions regarding HIPAA.

## **CORRESPONDENCE**

### **DENTAL STAFF SERVICES - DIANE E. STRICKER**

Mr. Everhart explained the correspondence received from Diane Stricker of Dental Staff Services. He stated that Ms. Stricker was a licensed dental hygienist and owner of a temporary dental staffing service who was requesting clarification of the rules regarding dental hygiene practice while the dentist was not physically present. Mr. Everhart explained that it was his understanding and interpretation of the rules that the dental

hygienist could practice while the dentist was not physically present only if she was employed by or in contract with the supervising dentist. He stated that with regards to this letter the dental hygienists in question would be contracted by the temporary staffing agency who in turn would hold a contract with the dentist.

Dr. Lightfoot explained to Mr. Everhart that historically the intent of the rules was never meant to apply to temporary agencies but to permanent dental hygiene staff in dental offices wherein the supervising dentist has the opportunity to evaluate the dental hygienists skills.

Dr. Hills then directed Mr. Everhart to draft a response to Ms. Stricker stating the Boards position that the intent of these rules was not for temporary staffing purposes.

### **OHIO DENTAL ASSOCIATION - JEANNE NICOLETTE, DDS, PRESIDENT**

Ms. Reitz directed the members to the next correspondence, a letter from Dr. Jeanne Nicolette, President of the Ohio Dental Association. She stated that Dr. Nicolette requested clarification regarding the dentists' prescription writing authority of Diflucan.

Ms. Reitz stated that a recent article caused some confusion with regards to the treatment of yeast infections. She stated that during the Board meeting wherein this issue was discussed, it was clear that the yeast infections referred to were vaginal. However, she stated that in a recent article this information was not disseminated and therefore the ODA was requesting clarification as to whether the Board was also including oral yeast infections when limiting the dentists' prescribing ability.

Continuing on, Ms. Reitz explained that it clearly was not the intention of the Board to limit the dentists prescription writing authority of Diflucan when it is used in the instance of treating a yeast infection of the oral cavity and had included her draft response to this issue for their review. Dr. Hills then directed Ms. Reitz to mail the response letter.

### **EXECUTIVE DIRECTOR'S REPORT (Continued)**

Ms. Reitz then played a video of a news report that was aired in Cleveland in August, regarding the Dental Board. She informed the members that a similar news story would be run in the Columbus viewing area on November 12th, 2002. She stated that she would obtain a copy of the Columbus news story for viewing by the Board members at the December Board meeting.

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

### **2003 BOARD MEETING SCHEDULE**

Board members discussed possible meeting dates for the year 2003 and decided on the following schedule:

**January 16-17**  
**February 12-13**  
**March 12-13**  
**April 23-24**  
**June 11-12**

**July 9-10**  
**September 17-18**  
**November 5-6**  
**December 3-4**

With the exception of the September meeting, all meetings will begin at 3:00 p.m. It was noted that there would be one additional Board meeting in 2003. Dr. Hills instructed Ms. Franks to make hotel and meeting room reservations for the above dates.

### **COMBINED CHARITABLE CAMPAIGN**

Ms. Reitz introduced the Board Enforcement Secretary, Kim Gandee, and informed them that she had been the chairman of the Combined Charitable Campaign for the Dental Board this year. Ms. Reitz stated that she had asked Ms. Gandee to report on the campaign.

Ms. Gandee thanked Ms. Reitz and the Board members for the opportunity to personally thank everyone who had contributed to the campaign. She stated that when she had originally been asked to be the chairperson she had reviewed the past few campaign results to come up with a goal amount of \$2000. Ms. Gandee informed the Board members that their generous donations along with those donations from staff members had allowed her to exceed her original goal. She reported that the total contributions that the Dental Board would be making to the Combined Charitable Campaign would be \$3,443.00. She again thanked everyone for their generous contribution.

### **NORTH EAST REGIONAL BOARD (NERB) EXECUTIVE COMMITTEE**

Ms. Sabat gave a brief report on her attendance to the North East Regional Board (NERB) Executive Committee wherein they discussed the new Curriculum Integrated Testing (CIT) format. She informed the members that there were many students and

faculty in attendance who had expressed their delight at NERB's response to the needs of the dental schools.

Dr. Awadalla stated that NERB had been very responsive in recognizing the need to test the students during their final year in dental school in order to allow time for a student to correct educational deficiencies prior to graduation.

Ms. Sabat informed the members that NERB has also recently developed a jurisprudence and ethics examination that the Board may consider utilizing in the future.

## **ADJOURN**

***Motion by Dr. Murphy, second by Ms. Sabat, to adjourn the meeting until Wednesday, December 4<sup>th</sup>, 2002, at 3:00 p.m.***

Roll call vote.

Motion carried unanimously.

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

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Eleanore Awadalla, D.D.S.  
Secretary