

# Ohio State Dental Board

## Board Meeting

### September 15, 2004

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**Ohio State Dental Board  
Board Meeting  
September 15, 2004**

**MINUTES**

**ATTENDANCE**

The Ohio State Dental Board (Board) met in room 1932, 19<sup>th</sup> Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, September 15, 2004, beginning at 1:00 p.m. Board members present were:

Lynda L. Sabat, R.D.H., President  
Paul Vesoulis, D.D.S., Vice-President  
Edward R. Hills, D.D.S., Secretary  
Mark T. Armstrong, D.D.S.  
Phillip J. Beckwith, D.D.S.  
Berta I. Howard, D.D.S.  
Billie Sue Kyger, D.D.S.  
Mark Landes, Esq.  
Gregory A. McDonald, D.D.S.  
T. Michael Murphy, D.D.S.  
Ann E. Naber, R.D.H.  
Sandra L. Wise, R.D.H.  
Frank A. Wright, D.D.S.

The following guests were also in attendance: Jonathan Fulkerson, Esq., Assistant Attorney General, Tiffany Midlam-Mohler of the Joint Committee on Agency Rule Review (JCARR); Sandy Held, R.D.H. and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Alice J. Smith, CDA, CDPMA of the Ohio Dental Assistants Association (ODAA); Lili Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Jayne A. Smith, Licensure Coordinator, and Malynda Franks, Executive Secretary, of the Ohio State Dental Board; and other guests.

**CALL TO ORDER**

Ms. Sabat extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:10 p.m. She requested all members and guests sign the attendance roster and proceeded to introduce the Board.

## **INTRODUCTION OF BOARD MEMBERS**

Ms. Sabat took a moment to introduce the Board. She introduced herself as the Board President, a dental hygiene member from Brecksville. She then introduced the other Board members: Dr. Paul Vesoulis, the Board Vice-President, a general dentist from Toledo, Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Gregory McDonald, a general dentist from Springboro, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phillip Beckwith, an orthodontist from Columbus, Dr. Berta Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Dr. Frank Wright, a general dentist from Cincinnati, Mr. Mark Landes, the Board's Public member from Gahanna, Ms. Ann Naber, a dental hygienist from Bellbrook, and Ms. Sandra Wise, a dental hygienist from Fremont.

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

The Board reviewed the minutes of the July 21<sup>st</sup>, 2004 Board meeting.

*Motion by Dr. McDonald, second by Ms. Naber, to approve the July 21<sup>st</sup>, 2004 Board meeting minutes as presented.*

Roll call vote.

Motion carried unanimously.

## **PUBLIC ADMINISTRATIVE RULES HEARING**

An administrative rules hearing was held on amended Ohio Administrative Code 4715-12-04.

A court reporter was present to take down and transcribe the details of the testimony and discussions of the Board. The original transcript and any written testimony shall be maintained in the exhibits section of this journal.

The Board first heard testimony and received evidence (Appendix A - State's Exhibit's 1 through 7) from Rebecca Hockenberry, Esq., Assistant Director, Ohio State Dental Board.

Upon completion of Ms. Hockenberry's testimony, Mr. Fulkerson inquired whether the Board had received any written testimony. Ms. Hockenberry indicated that there had had not been any written testimony submitted.

Mr. Fulkerson indicated that concluded the testimony and the Board took a brief recess.

*Motion by Dr. Wright, second by Ms. Naber, to final file 4715-12-02 and 4715-12-04 as amended with the Joint Committee on Agency Rule Review (JCARR), subsequent to their rules hearing in October.*

Roll call vote.

Motion carried unanimously.

Ms. Sabat stated that this concluded the administrative rules hearing. She stated that the Board would resume its regular meeting agenda beginning with item #3, Executive Session.

## **EXECUTIVE SESSION**

*Motion by Dr. Wright, second by Dr. Armstrong, 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.

Ms. Sabat invited Ms. Reitz, Ms. Hockenberry, and Mr. Fulkerson to attend the executive session.

## **OPEN SESSION**

At 2:00 p.m., the Board resumed open session. Ms. Sabat approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

## REVIEW OF LICENSE APPLICATIONS

### LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the June 2004 meeting, for Board member review. Ms. Sabat then requested the Board's vote of approval for the Licensure Report.

*Motion by Dr. Vesoulis, second by Ms. Naber, to approve the licensure report for the following dental licenses issued by North East Regional Board, Inc. (NERB) examination:*

#### DENTAL

*Safarutu Y. Aranmolate, D.D.S.  
Safiya R. Ashraf, D.D.S.  
Philip D. Bomeli, D.D.S.  
Trevor A. Bourgeois, D.D.S.  
Emma K. Branch, D.D.S.  
Scott T. Brown, D.D.S.  
James M. Christian, D.D.S.  
Duane A. Degenhardt, D.D.S.  
Sukhdeep S. Dhaliwal, D.D.S.  
Shaun P. Doherty, D.D.S.  
Nicholas B. DuVall, D.D.S.  
Mabelle El-Khoury, D.D.S.  
Matthew D. Frey, D.D.S.  
Casey J. Hammond, D.D.S.  
Joy L. Harr, D.D.S.  
Jamison P. Hendricks, D.D.S.  
Kyle R. Hickman, D.D.S.  
Trent A. Hire, D.D.S.  
Piyush B. Hirpara, D.D.S.  
Steven A. Horn, D.D.S.  
Bart L. James, D.D.S.  
Philip A. Jensen, D.D.S.  
Gayle A. Kostyack, D.D.S.  
Jeffrey C. Kwong, D.D.S.  
Benjamin R. Lamielle, D.D.S.  
Ryan T. Leaman, D.D.S.*

*Carlo V. Luna, D.D.S.  
Kevin M. Madjarac, D.D.S.  
Rebecca I. Mintz-Gecovich, D.D.S.  
Manjula Natarajan, D.D.S.  
Dana M. Nichols, D.D.S.  
Elizabeth L. Osterday, D.D.S.  
Brittany L. Potts, D.D.S.  
Priya P. Rao, D.D.S.  
Charles R. Reed, D.D.S.  
Caleb A. Robinson, D.D.S.  
Stephanie E. Salter, D.D.S.  
Rishad Shaikh, D.D.S.  
Sharone Shamir, D.D.S.  
Bansri S. Shroff, D.D.S.  
Kathryn M. Shroyer, D.D.S.  
Gregory S. Simpson, D.D.S.  
Christopher R. Smith, D.D.S.  
Brian S. Stratman, D.D.S.  
Lee A. Taito, D.D.S.  
Prashanthi Vadhi, D.D.S.  
Darcy A. Wakefield, D.D.S.  
Christopher T. Wegley, D.D.S.  
Jennifer N. Wenner, D.D.S.  
Leigh S. Westee, D.D.S.  
Amber N. Wright, D.D.S.*

Roll call vote.

Motion carried unanimously.

*Motion by Dr. Murphy, second by Ms. Wise, to approve the licensure report for the following dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination:*

DENTAL HYGIENE

*Amanda L. Adams, R.D.H.  
Pamela R. Adams, R.D.H.  
Autumn K. Adams, R.D.H.  
Angela M. Ames, R.D.H.  
Jennifer M. Arp, R.D.H.  
Erica L. Barker, R.D.H.  
Jennifer M. Barr, R.D.H.  
Annette M. Bartyzel, R.D.H.  
Stacy L. Bierbaum, R.D.H.  
Elena Bilyashevich, R.D.H.  
Leslie A. Brown, R.D.H.  
Amanda L. Buss, R.D.H.  
Sofia Bykhovskaya, R.D.H.  
Rachel L. Calder, R.D.H.  
Hallie M. Casterline, R.D.H.  
Hollie R. Caudill, R.D.H.  
Rhonda K. Collins, R.D.H.  
Ryan M. Davis, R.D.H.  
Erica A. Day, R.D.H.  
Dalla M. DelSignore, R.D.H.  
Dorothee B. Dickman, R.D.H.  
Miranda J. Dodge, R.D.H.  
Laura A. Donahue, R.D.H.  
Jaimee K. Elsea, R.D.H.  
Camia M. Estle, R.D.H.  
Jeanne M. Falat, R.D.H.  
Rebekah V. Fisher, R.D.H.  
Carrie S. Fleitz, R.D.H.  
Melissa L. Foreman, R.D.H.  
Lisa A. Fraley, R.D.H.*

*Anna K. Gacek, R.D.H.  
Deborah M. Gay, R.D.H.  
Nancy L. Gildner, R.D.H.  
Jodi K. Gilliam, R.D.H.  
Andrea P. Ginn, R.D.H.  
Shara N. Golak, R.D.H.  
Brandie A. Hagar, R.D.H.  
Kelly A. Hart, R.D.H.  
Katherine E. Hill, R.D.H.  
Rebecca L. Hobson, R.D.H.  
Heather D. Howell, R.D.H.  
Georgia E. Hoying, R.D.H.  
Jody E. Hudik, R.D.H.  
Allison L. James, R.D.H.  
Kimberly A. Jensen, R.D.H.  
Pamela L. Johnson, R.D.H.  
Tonya A. Jones, R.D.H.  
Heather L. Jones, R.D.H.  
Melissa A. Kendall, R.D.H.  
Elizabeth A. Koenig, R.D.H.  
Kerrie L. Koepke, R.D.H.  
Toni M. Koontz, R.D.H.  
Alissa M. Kovach, R.D.H.  
Shilas R. Kromenacker, R.D.H.  
Connie R. Laing, R.D.H.  
Christi D. Lanzara, R.D.H.  
Stephanie L. Lichty, R.D.H.  
Lindsay L. Lucas, R.D.H.  
Cherry A. Mahdee, R.D.H.  
Renee M. Mason, R.D.H.*

*Lindsay E. McBurney, R.D.H.*  
*Amber N. McEldowney, R.D.H.*  
*Stacey J. McSavaney, R.D.H.*  
*Amber E. Meacham, R.D.H.*  
*Heidi M. Medors, R.D.H.*  
*Tawnya M. Meseroll, R.D.H.*  
*Deborah S. Miller, R.D.H.*  
*Lesha R. Oliver, R.D.H.*  
*Jill M. Orosz, R.D.H.*  
*Shivani P. Patel, R.D.H.*  
*Tracy L. Patrzalek, R.D.H.*  
*Elizabeth A. Payton, R.D.H.*  
*Michelle R. Porter, R.D.H.*  
*Jessica W. Rader, R.D.H.*  
*Brooke M. Roberts, R.D.H.*  
*Courtney A. Robinson, R.D.H.*  
*Ryan A. Ruebel, R.D.H.*  
*Kelly R. Sanchez, R.D.H.*  
*Jennifer L. Sandusky, R.D.H.*  
*Gretchen Schulz, R.D.H.*  
*Melissa M. Sena, R.D.H.*  
*Aki Shibata, R.D.H.*  
*Jennifer J. Siferd, R.D.H.*

*Katrina M. Skaggs, R.D.H.*  
*ReAnnen L. Smith, R.D.H.*  
*Jennifer M. Smith, R.D.H.*  
*Mary C. Smith, R.D.H.*  
*Carina N. Snare, R.D.H.*  
*Danielle M. Solomacha, R.D.H.*  
*Leslie A. Stein, R.D.H.*  
*Audri B. Stewart, R.D.H.*  
*Jessica L. Stone, R.D.H.*  
*Christine L. Strong, R.D.H.*  
*Brooke E. Talbott, R.D.H.*  
*Lisa G. Tekavec, R.D.H.*  
*Andre C. Thomas, R.D.H.*  
*Katherine A. Toler, R.D.H.*  
*Janet L. Vian, R.D.H.*  
*Kathy E. Warrene, R.D.H.*  
*Courtney L. Wehr, R.D.H.*  
*Kelli K. Windisch, R.D.H.*  
*Holly M. Winters, R.D.H.*  
*Julia R. Wulber, R.D.H.*  
*Tiffany M. Zaleski, R.D.H.*  
*Susana Zsoldos, R.D.H.*  
*Ruth A. Zwiesler, R.D.H.*

Roll call vote.

Motion carried unanimously.

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

DENTAL ASSISTANT RADIOGRAPHER

*Ann M. Barker*  
*Amanda R. Beaver*  
*Heather A. Beaver*  
*Amanda G. Black*  
*Elisa F. Brock*

*Lisa M. Cass*  
*Nicolette M. Cassini*  
*Renee L. Chasteen*  
*Kimberly J. Christian*  
*Heather J. Cornwell*

*Tamara T. Dalrymple*  
*Nicole L. Davis*  
*Michelle L. Davis*  
*Renee M. Davisson*  
*Laura J. Dillon*  
*Lisa L. Duncan*  
*Deanna K. Dunlap*  
*Robin L. Dykes*  
*Tonya L. Edgell*  
*Franchesca R. Faucette*  
*Kristen R. Green*  
*Mindy J. Guyan*  
*Tina M. Hayes*  
*Amanda J. Hayes*  
*Charlotte E. Hicks-Guest*  
*Melissa A. Hivick*  
*Theresa L. Hobson*  
*Patricia L. Hollingsworth*  
*Chassidy D. Hottinger*  
*Lisa L. Houser*  
*Kathy Howson*  
*Lindsay J. Huffman*  
*Veronica Hughton*  
*Paula F. Humes*  
*Stephanie A. Humphrey*  
*Jammie N. Ingels*  
*Sarah Jeffery*  
*Carol A. Johngrass*  
*Jennifer L. Jordon*  
*Sara C. Kilmurry*  
*Jessica D. Lee*  
*Mei Ying Lei*  
*Elena Leon*  
*Tawnya M. Lewis*  
*Cynthia M. Martinelli*  
*Evelyn M. Maurer*  
*Adrian E. McKee*  
*Brittany L. Miller*

*Anita M. Mitchell*  
*Mariana Moore*  
*Nancy M. Musick*  
*Cassidy L. Nicholson*  
*Kristina D. Norberg*  
*Brooke C. Palm*  
*Andrea M. Parks*  
*Shannon M. Pence*  
*Dara M. Pfister*  
*Diana D. Phillips*  
*Oanh T. Pickens*  
*Katherine L. Raines*  
*Melonie L. Rapp*  
*Lisa L. Reagan*  
*Mandy L. Recker*  
*Tara N. Rhoads*  
*Cynthia S. Riesterer*  
*Erica S. Romine*  
*Lisa M. Saville*  
*Michael J. Schoepf*  
*Cara C. Schweitzer*  
*Jessica A. Sember*  
*Carol A. Shaw*  
*Kelly C. Shoemaker*  
*Neeta Shukla*  
*Tara J. Slocum*  
*Pamela S. Smith*  
*Angela M. Spinelli*  
*Elizabeth N. Sternberg*  
*Kelly N. Stewart*  
*Joan M. Surace*  
*Mehrasa Tavakoli*  
*Jennifer M. Thurmond*  
*Loretta O. VanHouter*  
*Heather M. Wagner*  
*Jenifer D. Walker*  
*Linda M. Ware*  
*Jeri L. Watts*

Roll call vote.

Motion carried unanimously.

## REGIONAL BOARD DENTAL APPLICATION(S)

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

Angelina L. Blass, D.D.S.

Christopher W. Herzog, D.D.S.

Brent D. Johnson, D.D.S.

Anthony A. Kamp, D.D.S.

Stacey R. Kutsch, D.D.S.

Heather A. Maupin D.D.S.

Jane E. Mays, D.D.S.

Felicia A. McNeal, D.D.S.

Thomas J. Reynolds, II, D.D.S.

Brian S. Shumway, D.D.S.

Jeffrey L. Weisbrot, D.D.S.

*Motion by Dr. Kyger, second by Dr. McDonald, to approve these eleven (11) regional board dental license applications.*

Roll call vote.

Motion carried unanimously.

## REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Amy C. Lentivich, R.D.H.

Christy L. Roukema, R.D.H.

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

Roll call vote.

Motion carried unanimously.

## **GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES**

The following person applied for a license to practice dentistry in the state of Ohio, he has completed the requirements necessary to obtain a license as a graduate of an unaccredited dental school located outside the United States.

Dr. Samer A. Bsoul

*Motion by Dr. Murphy, second by Ms. Naber, to approve Dr. Bsoul's license application to practice dentistry in the state Ohio.*

## **LIMITED RESIDENT'S LICENSE APPLICATION(S)**

Ms. Sabat noted that there were no Limited Resident's license applications for review at this time.

## **LIMITED TEACHING LICENSE APPLICATION(S)**

Ms. Sabat noted that there were no Limited Teaching license applications for review at this time.

## **LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)**

Ms. Sabat noted that there were no Limited Continuing Education license applications for review at this time.

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

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

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

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

## **CRITERIA APPROVAL LICENSE APPLICATION(S)**

Ms. Sabat noted that there were no criteria approval license applications for review at this time.

## **REINSTATEMENT LICENSE APPLICATION(S) INTERVIEWS**

Ms. Sabat noted that there were no reinstatement license interviews at this time.

## **REINSTATEMENT LICENSE APPLICATION(S) NO INTERVIEW**

Ms. Sabat noted that there were no reinstatement license applications for review at this time.

## **APPLICATION(S) FOR APPROVAL**

### **CORONAL POLISHING CERTIFICATION APPLICATION**

The Board members reviewed a draft application for certified dental assistants to obtain the Coronal Polishing Certificate prepared by the Licensing Coordinator, Jayne Smith.

*Motion by Dr. Kyger, second by Dr. Howard, to approve the Coronal Polishing Certificate Application as presented.*

Roll call vote.

Motion carried unanimously.

### **VOLUNTEER CERTIFICATE APPLICATION**

The Board members reviewed a draft application for Volunteer Certificate prepared by the Licensing Coordinator, Jayne Smith.

*Motion by Dr. Murphy, second by Dr. Howard, to approve the Volunteer Certificate Application as presented.*

Roll call vote.

Motion carried unanimously.

## **ENFORCEMENT REPORT**

### **ENFORCEMENT UPDATE**

Ms. Hockenberry informed the Board that there were currently sixteen (16) cases pending hearings, of which seven (7) have been scheduled. There were currently five (5) cases under appeal, twenty (20) licensees currently under suspension, two (2) additional cases have been referred to QUIP in addition to the six (6) cases currently pending. She commented that the QUIP program is moving along well. Ms. Hockenberry stated that seventy-two (72) cases have been investigated and reviewed by the Board Secretary and are 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,..." Ms. Hockenberry reviewed the cases to be closed with the Board.

The following cases are to be closed:

03-25-1404	04-18-0188	04-25-0281	04-57-0320
03-25-1445	04-25-0205	04-25-0279	04-71-0307
03-77-1484	04-89-0219	04-25-0282	04-14-0319
04-18-0031	04-18-0228	04-25-0283	04-50-0291
04-69-0039	04-06-0244	04-21-0284	04-18-0311
04-73-0060	04-25-0245	04-25-0285	04-31-0290
04-12-0097	04-25-0240	04-25-0280	04-18-0295
04-42-0104	04-25-0239	04-25-0286	04-18-0300
04-18-0116	04-18-0238	04-45-0287	04-18-0301
04-81-0129	04-48-0237	04-25-0288	04-18-0302
04-76-0133	04-70-0235	04-18-0321	04-18-0303
04-18-0156	04-25-0256	04-25-0312	04-25-0304
04-18-0157	04-72-0261	04-71-0314	04-47-0305
04-77-0160	04-18-0254	04-31-0315	04-25-0360
04-48-0176	04-12-0264	04-49-0317	04-31-0326
04-50-0195	04-18-0268	04-47-0308	04-57-0327

04-31-0328  
04-57-0330  
04-31-0334  
04-31-0337  
04-31-0339  
04-31-0324  
04-77-0270  
04-04-0126

Prior to the vote to close the above listed cases, Ms. Sabat 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 vote: Dr. Armstrong – No  
Dr. Beckwith – No  
Dr. Hills - Abstain  
Dr. Howard – No  
Dr. Kyger – No  
Mr. Landes – No  
Dr. McDonald - No  
Dr. Murphy - No  
Ms. Naber – No  
Ms. Sabat - No  
Dr. Vesoulis – No  
Ms. Wise – No  
Dr. Wright - No

Ms. Sabat then called for a motion to close the cases and approve the enforcement report.

***Motion by Dr. Murphy, second by Dr. Kyger, to approve the enforcement report and close the above seventy-two (72) cases.***

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

Ms. Sabat thanked Ms. Hockenberry for the Enforcement Report.

## REPORT AND RECOMMENDATIONS

Ms. Sabat noted that there were no Report and Recommendations for the Board to consider at this time.

## PERSONAL APPEARANCE(S)

### DOUGLAS A. KENNY, D.D.S.

Dr. Hills informed the Board members that he had requested Dr. Kenny to appear before them in order to explain his imposed suspension and to request a reinstatement of his license to practice dentistry. Dr. Hills explained that Dr. Kenny's license lapsed in January but that he continued to practice until August 4<sup>th</sup>, 2004 without a license. He then asked Dr. Kenny to further explain his circumstances.

Dr. Kenny stated that he had found out about the minimum substance abuse continuing education requirement at the time of licensure renewal in mid-December of last year. He stated that since he had not completed or submitted his renewal in December and allowed his license to lapse because he knew that he had not completed the continuing education requirements and felt that he could not complete the interactive substance abuse course before the end of December.

Continuing on, Dr. Kenny stated that he did not attempt to obtain the interactive substance abuse course over the next six (6) months because he did not contact the Board office and therefore incorrectly interpreted that the course must be taken via a live presentation. He stated that his license was suspended on August 4<sup>th</sup>, 2004 for failure to renew and at that time found out that there were two (2) on-line courses which fulfilled the interactive requirement. Dr. Kenny stated that he took one of the interactive courses the day following initiation of his suspension.

When questioned by the Board as to why he had not contacted the Board office, nor sought to obtain the required interactive substance abuse course in over six (6) months, Dr. Kenny responded that he had just procrastinated.

Concluding the interview, Ms. Sabat stated that the Board would be addressing a consent agreement later in the meeting regarding the reinstatement of Dr. Kenny's license to practice dentistry.

### JAMES JEFFREY YOUNT, D.D.S.

Ms. Hockenberry and Dental Board Enforcement Officer, Tom Smith explained that this was Dr. Yount's second appearance before the Board subsequent to being discharged as treatment complete from The Cleveland Clinic. She stated that the Board has received and reviewed more documentation since that time and Dr. Yount was requested at the last meeting in July to return to appear before the Board in September.

When questioned by the Board, Dr. Yount explained that he had last practiced on May 13<sup>th</sup>, 2004. He stated that since being discharged from The Cleveland Clinic he has attended aftercare treatment, caduceus, and participated in AA and support groups. He stated that his focus has been on his care and receiving the best treatment. However, he stated that he has been working with his father on the side in order to receive an income to help pay bills.

Upon further questioning, Dr. Yount explained that his consent agreement permitted him to have other dentists working in his office in order to keep his employees working, but he does not receive any income. He stated that members of the Dayton Dental Society had helped out through the first of August but then he has utilized Doctors per Diem since that time. Dr. Yount reiterated that he has been paying his bills from savings and that he has not received an income from the practice since signing his consent agreement with the Board. He stated that the dentists had been working in the office two (2) days per week in order to keep the dental hygienists and dental assistants working. However, he informed the Board that he is down to three (3) staff members from five (5) due to lack of work.

Dr. Yount stated that he has also been painting more to keep working and busy, receives great support from his family and friends, and has had a counselor for three (3) months now whom he considers a great friend. He commented his previous treatment at Shepherd Hill Hospital did not work because he was still in denial, but that the treatment from The Cleveland Clinic "opened his eyes".

*Motion by Dr. Armstrong, second by Dr. McDonald, to approve Dr. Yount's request to reinstate his license to practice dentistry in the state of Ohio pursuant to the terms of the consent agreement.*

Roll call vote.

Motion carried unanimously.

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

Ms. Sabat noted that there were no cases wherein notices of opportunity were issued and no hearing was requested for consideration at this time.

## REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed six (6) proposed consent agreements.

### DOUGLAS A. KENNY, D.D.S.

*Motion by Dr. Murphy, second by Ms. Naber, to approve the proposed consent agreement for Douglas A. Kenny, D.D.S., license number 30-01-9431.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

### JOHN F. ZAK, D.M.D., M.D.

*Motion by Dr. Vesoulis, second by Dr. Howard, to approve the proposed consent agreement for John F. Zak, D.M.D., M.D., license number 30-02-0816.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes

Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Absent  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

NICHOLAS C. DIAMANTIS, M.D.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for Nicholas C. Diamantis, M.D., expired limited teaching license number 71-00-0136.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

REGINALD A. GIBSON, D.D.S.

*Motion by Dr. Kyger, second by Ms. Naber, to approve the proposed consent agreement for Reginald A. Gibson, D.D.S., license number 30-01-5015.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes

Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**Mark S. Misencik, D.D.S.**

*Motion by Dr. Kyger, second by Dr. Murphy, to approve the proposed consent agreement for Mark S. Misencik, D.D.S., license number 30-01-7676.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

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

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

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain

Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**HARRY WOITH, D.D.S.**

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the proposed consent agreement for Harry Woith, D.D.S., license number 30-01-9516.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)**

The Board reviewed two (2) proposed voluntary retirement.

**Elefterius (Tedd) K. Markopoulos, D.D.S.**

*Motion by Ms. Wise, second by Ms. Naber, to approve the proposed voluntary retirement for Elefterius (Tedd) K. Markopoulos, D.D.S., license number 30-02-1641.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

*Darrell G. Selig, D.D.S.*

*Motion by Dr. Kyger, second by Ms. Naber, to approve the proposed voluntary retirement for Darrell G. Selig, D.D.S., license number 30-01-8547.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

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

The Board reviewed nine (9) Notices of Opportunity for Hearing. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

### DAVID R. ADELSTEIN, D.D.S.

*Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to David R. Adelstein, D.D.S., license number 30-01-3425, case numbers 02-18-218 and 03-18-179.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

### MARY ANN CHLYSTA, D.D.S.

*Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Mary Ann Chlysta, D.D.S., license number 30-01-4263, case number 04-67-0446.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes

Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

MICHAEL C. DAHM, D.D.S.

*Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Michael C. Dahm, D.D.S., license number 30-01-5738, case number 04-57-0184.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

NEAL B. FORBES, D.D.S.

*Motion by Ms. Naber, second by Dr. Kyger, to approve the notice of opportunity for hearing and forward it to Neal B. Forbes, D.D.S., license number 30-01-4577, case numbers 03-43-1276 and 03-43-1528.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

LYNN E. MACK, D.D.S.

*Motion by Dr. Murphy, second by Ms. Naber, to approve the notice of opportunity for hearing and forward it to Lynn E. Mack, D.D.S., license number 30-01-5865, case number 02-43-261.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

LINDA A. POMMIER, D.D.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve the notice of opportunity for hearing and forward it to Linda A. Pommier, D.D.S., license number 30-01-9624, case number 04-77-0259.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

SUSAN L. PROVINCE, D.D.S.

*Motion by Dr. Murphy, second by Ms. Naber, to approve the notice of opportunity for hearing and forward it to Susan L. Province, D.D.S., license number 30-02-0902, case number 04-04-0163.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes

Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**ROBERT M. ROUZAUD, D.D.S.**

*Motion by Dr. Vesoulis, second by Dr. Kyger, to approve the notice of opportunity for hearing and forward it to Robert M. Rouzaud, D.D.S., license number 30-01-9103, case number 02-18-014.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

**RICHARD S. WEISER, D.D.S.**

*Motion by Dr. Kyger, second by Dr. Murphy, to approve the notice of opportunity for hearing and forward it to Richard S. Weiser, D.D.S., license number 30-01-9586, case number 04-18-0341.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Abstain  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes

Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – Yes  
Dr. Wright – Yes

Motion carried.

## **ANESTHESIA COMMITTEE REPORT**

### **REVIEW OF PROVISIONAL ANESTHESIA PRIVILEGES**

Dr. Murphy stated that there were no provisional Anesthesia Permit applications for review at this time.

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

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

Jennifer Marie Bryk, D.D.S.

Provisional conscious sedation privileges for non-intravenous parenteral

Alan J. Cline, D.D.S.

Provisional conscious sedation privileges for non-intravenous parenteral

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

Dr. Murphy stated that the following individual has applied for an Anesthesia permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation was completed and the applicant is recommended to receive a permit:

Michael Scherer, D.D.S. – Cleveland, Ohio

## REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Murphy stated that the following individual has applied for a Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation was completed and the applicant is recommended to receive a permit:

Stephen Girdlestone, D.D.S.

Conscious Sedation permit for children twelve (12) years or younger

*Motion by Dr. Kyger, second by Dr. Murphy, to approve provisional privileges and permits for these four (4) applicants.*

Roll call vote.

Motion carried unanimously.

## COMMUNICATIONS COMMITTEE REPORT

Ms. Reitz reported that the Communications Committee had nothing new to report at this time.

## EDUCATION COMMITTEE REPORT

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

Ms. Sabat stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee:

Nelson R. Diers, D.D.S., M.S.D.

David M. Sorboro, D.D.S., M.S.

*Motion by Dr. Murphy, second by Dr. Kyger, to approve this application for biennial sponsorship of continuing education for the 2004-2005 biennium.*

Roll call vote.

Motion carried unanimously.

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

Ms. Sabat stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee, pending receipt of additional information:

Marion Academy of Dentistry

*Motion by Ms. Sabat, second by Dr. Murphy, to approve this renewal application for biennial sponsorship of continuing education for the 2004-2005 biennium pending receipt of the requested additional information.*

Roll call vote.

Motion carried unanimously.

## REVIEW OF SPECIFIC TRAINING REQUIRED COURSE(S) DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Ms. Sabat noted that there were no dental assistant radiographer initial training courses for review at this time.

## CORONAL POLISHING COURSE(S) FOR CERTIFIED DENTAL ASSISTANTS

Ms. Sabat stated that the following individuals/organizations have submitted requests for approval of coronal polishing training courses for certified dental assistants. Ms. Sabat stated that they have been reviewed and are recommended for approval by the Education Committee:

The Ohio State University

“Coronal Polishing Course for Certified Dental Assistants”

Beverly A. McClure, RDH, BS, Instructor

Janet M. Uldricks, RDH, MA, Instructor

Choffin School of Accredited Dental Assisting

“Coronal Polishing for the Certified Dental Assistant in Ohio”

Tina Davis, RDH, Instructor

*Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) courses as acceptable training for coronal polishing certification by the certified dental assistant.*

Roll call vote.

Motion carried unanimously.

**DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)**

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

**CONSCIOUS SEDATION PERMIT COURSE(S)**

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

**REVIEW OF SPECIAL CONTINUING EDUCATION REQUIREMENT COURSE(S)**

**ANESTHESIA CONTINUING EDUCATION COURSE(S)**

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

**CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)**

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

**SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)**

Ms. Sabat stated that the following individuals/organizations have submitted requests for approval of substance abuse continuing education courses for dental licensure renewal. Ms. Sabat stated that the courses have been reviewed and are recommended for approval by the Education Committee:

Delta Sigma Delta Dental Fraternity  
"Substance Abuse" by William E. Bart, D.D.S.

David M. Sorboro, D.D.S., M.S.

“Abuse and Addiction in Dentistry: Provider and Patient” by John M. Sorboro, M.D.

*Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) courses as acceptable substance abuse continuing education for dental licensure renewal.*

Roll call vote.

Motion carried unanimously.

## **REVIEW OF SPECIAL REQUEST(S)**

### **SPECIAL NEEDS PROGRAM(S)**

Ms. Sabat noted that there were no special needs program requests for review at this time.

### **CONTINUING EDUCATION REQUIREMENT WAIVER(S)**

Ms. Sabat informed the Board that there had been no requests for waiver of the continuing education requirement for review at this time.

## **CORONAL POLISHING COURSE; APPROVAL PROCEDURES**

Continuing on, Ms. Sabat stated that the committee had continued their discussions on approval of coronal polishing courses, the application, and procedures. She stated that the committee had supplied a final draft of the application for Board review and approval.

*Motion by Ms. Naber, second by Dr. Kyger, to approve the “Application for Sponsorship of Coronal Polishing Program in the State of Ohio” as presented.*

Roll call vote.

Motion carried unanimously.

Dr. Kyger asked Ms. Sabat to take a moment and explain the process for obtaining a coronal polishing certificate.

Ms. Sabat stated that the qualified candidate, either certified through the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC), applies and successfully completes a Board-approved seven (7) hour course in coronal polishing which includes the following:

- A minimum of three (3) hours of didactic instruction;
- A minimum of four (4) hours of pre(clinical) instruction; and
- A clinical skills assessment which assesses minimal competence levels of at least seventy-five percent (75%).

Ms. Sabat stated that once the course, along with the clinical skills assessment, is completed the certified dental assistant will then be permitted to sit for the written standardized examination. She stated that once the certified dental assistant has completed the course and passed the examination they can apply for a certificate. She stated that the applicant can obtain an application by either contacting the Board office for or by downloading the application from the Board's website. Once completed, she said, the applicant can submit the application along with the appropriate fifteen dollar (\$15.00) fee and supplemental documentation.

Continuing on, Ms. Sabat suggested that the Board members entertain a motion to provide the Board executive office the authority to approve the coronal polishing certificate applications so that the applicants would not have to wait for the next available Board meeting in order to be approved to perform this duty.

*Motion by Dr. Wright, second by Dr. Kyger, to authorize the Board executive office to approve those applicants who apply and provide sufficient documentation that they have completed the requirements to receive a coronal polishing certificate.*

Roll call vote.

Motion carried unanimously.

Concluding, Ms. Sabat informed the Board that the approval procedures that the committee considered stipulate that the processing of completed applications will take only seven to ten (7-10) working days.

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

Dr. Murphy informed the Board that the Law and Rules Review Committee had met earlier that day and reviewed the items on the agenda, as well as received a status update on the rules filings for this year. He stated that based on the discussions during the public rules hearing held earlier he was recommending that the Board consider a motion

to final file both amended rules regarding dental assistant radiographer licensure in order to implement the new licensure examination language.

*Motion by Dr. Armstrong, second by Dr. Murphy, to final file amended Ohio Administrative Code 4715-12-02 with the Joint Committee on Agency Rule Review(JCARR) and to final file amended Ohio Administrative Code 4715-12-04 once JCARR completes its public rules hearing.*

Roll call vote.

Motion carried unanimously.

Ms. Sabat thanked Dr. Murphy for the Law and Rules Review Committee report.

## **POLICY COMMITTEE REPORT**

Dr. Vesoulis informed the Board members that the committee had met earlier that day and discussed three (3) key issues; clarifying renewal procedures for military personnel, provisional licensure for dental assistant radiographers, and dental team involvement with the Medical Associations during mass disasters.

Dr. Vesoulis directed the members to a copy of a memorandum that had been supplied in the Board notebooks regarding renewal procedures for military personnel. He reminded the members that this memo was distributed in April of last year and it clarifies renewal and continuing education options for those military dental personnel who have been called to active duty.

Continuing on, Dr. Vesoulis stated that the committee had attempted to discuss provisional licensure for dental assistant radiographers. However, he stated there are no statutory provisions for this type of license and therefore provisional licensure is not an option for any licensee.

Concluding, Dr. Vesoulis stated that they had begun discussions on dental personnel assistance during mass disasters. He stated that the discussions were preliminary in nature and may require a statutory change. Dr. Vesoulis stated that the committee is pursuing working with the medical board in this regard.

Ms. Sabat thanked Dr. Vesoulis for his report.

## **TREATMENT CENTER APPROVAL COMMITTEE REPORT**

Ms. Hockenberry informed the members that there were no Treatment Center Approval applications for consideration at this time.

Ms. Sabat thanked Ms. Hockenberry for her report.

## **WAIVER COMMITTEE REPORT**

Ms. Sabat informed the Board that the Waiver Committee had no waiver applications to review at this time.

## **SECRETARY'S EXPENSE REPORT**

Dr. Hills reported that he had spent in excess of twenty (20) hours per week attending to Board business.

*Motion by Dr. Kyger, second by Ms. Wise, 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. Kyger, second by Ms. Naber, to approve the expense report and approve payment of the July and August, 2004 Board bills.*

Roll call vote.

Motion carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Reitz stated that her report would be brief since she had just returned to work the previous Monday from maternity leave. She then reminded the members that the

Board would be introduced at the Ohio Dental Association's Annual Session on Friday morning and encouraged all members to be in attendance for President Sabat's address.

Ms. Reitz then informed the members that she and Ms. Hockenberry would both be attending the American Association of Dental Administrators (AADA) and American Association of Dental Examiners (AADE) meetings in Orlando, Florida the following week. She stated that they would be attending the Attorney Roundtable discussions and that she had been asked to participate in the panel discussions.

## **CORRESPONDENCE**

### **AMERICAN DENTAL HYGIENISTS ASSOCIATION (ADHA) SUPPORT OF ADVANCED DENTAL HYGIENE PRACTICE**

Ms. Sabat informed the Board that copies of a recent article regarding dental hygiene support of advanced practice for dental hygienists had been included in the Board notebooks for their review. She stated that the article noted that there are already advanced dental hygiene models in New Zealand, Singapore, and the United Kingdom which assist in the access to care. She stated that these models emerged from the advanced practice nursing models.

### **OHIO DENTAL ASSOCIATION AND OHIO STATE DENTAL BOARD: JULY 20, 2004 MEETING**

Ms. Sabat informed the Board that copies of correspondence from the ODA and the Board's response regarding the July 20, 2004 meeting of officers had been provided in the Board notebooks for their review. She stated that there were some follow-up issues that she needed to address. Ms. Sabat stated that there were some discrepancies with the minutes as presented by the ODA. She stated that she too had taken notes during the meeting and reiterated that there have been and continues to be issues concerning communication information.

Ms. Sabat stated that the ODA officers have agreed to consider placing articles in the ODA Today that have a "point – counterpoint" format for discussion of matters of contention. She stated that they had discussed issues regarding dental assistant radiographer licensure, as well as alternative pathways to dental licensure. Ms. Sabat reiterated that the Board was adamantly opposed to PGY1 as an alternative pathway to dental licensure. She stated that the Board questions the minimal competency abilities of the graduates of the PGY1 program in New York. She stated that the Board supports an independent third party assessment via the examination.

Continuing on, Ms. Sabat stated that the officers had also discussed Board rule versus Board policy and all were in agreement that there were many issues of miscommunication/misinformation. She asked Ms. Reitz to provide the recent example.

Ms. Reitz stated that as an example a recent article in the ODA Today noted that the Board had been **directed** by the legislature to implement the Quality Intervention Program (QUIP). However, she clarified that the Board in fact requested to have the statutory language changed in order to be granted the authority to provide this program to its licensees.

Ms. Sabat concluded the discussion on the meeting by indicating that the ODA had made suggestions for discussions at a follow-up meeting. She stated that the Board has not yet responded to this letter and therefore, members may suggest discussion topics. Ms. Wise noted that there had not been any discussion on dental hygiene issues at the previous meeting. Ms. Sabat responded that the officers from both organizations were just beginning to discover the issues during this first meeting. She reminded the Board members that they have not yet agreed upon the ODA's proposed discussion topics.

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

### **AMERICAN DENTAL HYGIENISTS' ASSOCIATION "ACCESS" - ANN NABER, RDH**

Ms. Sabat stated that she had included copies in the Board notebooks of an article recognizing Ms. Naber's appointment to the Board. She stated that the article, which highlighted some of Ms. Naber's accomplishments, appeared in the July, 2004 issue of the American Dental Hygienists' Association's Access.

## **FEDERAL BUREAU OF INVESTIGATION (FBI) BACKGROUND CHECKS**

Dr. Hills stated that the Board was experiencing problems regarding the Federal Bureau of Investigation (FBI) background checks. He stated that the agency that the Board was utilizing for processing the background checks, Secure Check, was unable to continue to process them because our statute does not specifically state that we require a criminal background check. Further, he stated that the background checks were months behind now that they were being processed directly through the FBI. Dr. Hills stated that he knew of a specific instance wherein a dental licensure applicant has been attempting to obtain his criminal background check since January or February of this year and to date the applicant still has not received the information. He clarified that the applicant had checked into the status of his request and was informed that the request was lost and he would have to reapply, thus further postponing his possible

licensure. Dr. Hills stated that the Board executive office has been in contact with representatives of the FBI in order to discuss a resolution to this problem, only to be told that dental, dental hygiene, and dental assistant radiographer licensees are not their priority since an FBI background check is not specifically required by our statute.

Ms. Reitz stated that it was obvious that the Board considered the FBI background check important in order to obtain the “proof of good moral character” required by statute. However, she agreed that the length of time it takes to process the background checks is still an issue that the Board needs to address. Ms. Reitz stated that a statute change would be required in order for our licensure candidates to be considered a priority by the FBI.

Ms. Hockenberry stated that letters of recommendation in lieu of the background check has been suggested, however she had concerns regarding liability issues. She stated that if it was determined after licensure that the licensee had convictions, etc., the Board could not automatically suspend their license and would have to afford due process before taking any action.

Ms. Sabat acknowledged Dr. Burns, who suggested that the Board inform the educators and thereby have the licensure candidates apply for their background checks while still in school. Board members agreed that was a possibility for dental and dental hygiene applicants, but that process would not be as feasible for the dental assistant radiographer candidate.

Dr. Armstrong went back to Ms. Hockenberry’s comment regarding due process and requested information from the four (4) attorneys present as to the difficulties involved. Ms. Reitz responded that due process was not really the problem, rather the issue is the Board’s responsibility to protect the public in terms of assuring an applicant’s “good moral character.” She stated that courts agree that a criminal history can be failure to show that. She informed the members that these types of cases were few and far between, however when they do come up the cases make the news and consequently the Board looks bad because they have licensed an individual who has had a criminal history.

Dr. Murphy questioned the ability to prosecute the licensee if they were found to be lacking good moral character. Ms. Reitz again informed Dr. Murphy that previous case law upheld the Board’s position wherein a criminal conviction was provided as evidence of lack of good moral character. She further explained that the Board could pursue disciplinary action based on falsification of the application once it was determined that the licensee had a criminal conviction. She reiterated that the primary issues of concern are the delay in the process and the potential liability of the Board. She stated that based on the Board’s intent, and the few number of cases, liability is not a major issue.

Dr. Kyger suggested considering the mandate of an FBI background check for the dental assistant radiographer licensure only. She also questioned whether this type of licensure could be changed to a certification to ease the process. Ms. Reitz explained that too would require a statute change and took the opportunity to point out that the proposed legislation for expanded function dental auxiliary (EFDA) licensure should require an FBI background check also, in terms of consistency.

Dr. Kyger stated that the level of responsibility to a patient is increased for dental and dental hygiene licensees and suggested the Board consider requiring the FBI background requirement only for those applicants who would be practicing without supervision. Discussion followed wherein it was decided that the requirements for licensure, as opposed to different types of certification, must be equivalent regarding providing evidence of good moral character.

After much discussion, Ms. Reitz clarified that the Board's options are:

- To require FBI background check results prior to licensure approval;
- To require an attestation form from the licensure candidate that they have applied to the FBI for a criminal background check, to issue a license based on the attestation and if an adverse report is subsequently submitted to the Board, then the disciplinary action will be pursued; or
- The Board can pursue a statutory change.

*Motion by Dr. Beckwith, second by Dr. Armstrong, to process license applications which include an attestation form from all candidates that states they have applied to the FBI for a criminal background check and to pursue a statutory change to require said background check.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Beckwith – Yes  
Dr. Hills - Yes  
Dr. Howard – Yes  
Dr. Kyger – Yes  
Mr. Landes - Yes  
Dr. McDonald - Yes  
Dr. Murphy - Yes  
Ms. Naber – Yes  
Ms. Sabat - Yes  
Dr. Vesoulis – Yes  
Ms. Wise – No  
Dr. Wright – Yes

Motion carried.

Dr. Wright stated that from the beginning the issue regarding the criminal background check punished the majority for the sins of the minority. However, he stated that licensing criminals does create a healthcare problem. Dr. Wright noted that this is the third discussion regarding this issue, its risks and appearances of the Board. He stated that he wanted it to be noted that currently the Board has been in discussions on this issue for more than an hour during its public meeting and that all the members of the Board universally agree that the risk to the citizens of Ohio is minimal and the Board is working to try to satisfy all interested parties. He concluded that the Board may be criticized at a later date because of this decision, however, it should be noted that the Board took the initiative to address the issue.

## DENTAL ASSISTANT RADIOGRAPHER LICENSURE

Dr. Armstrong questioned whether the Board members would consider alternative methods of licensure for dental assistant radiographers.

Dr. Vesoulis stated that he felt the ODA would support the Board in any efforts to eliminate dental assistant radiographer licensure. He suggested that the Board might want to consider the radiographer language when/if they pursue a legislative change for the FBI background check.

Dr. Wright suggested that a subcommittee be formed to assist the Board executive office in discussing these alternatives for licensure. A brief discussion resulted in a subcommittee being formed of the following individuals:

Dr. Hills, Chair  
Dr. Wright  
Dr. Beckwith  
Mr. Landes

Ms. Wise  
Ms. Reitz  
Ms. Hockenberry  
Mr. Fulkerson

## BOARD MEETING SCHEDULE

Board members discussed possible meeting dates for the year 2005 and decided on the following tentative schedule:

January 12  
February 16  
March 9  
April 27  
June 15

July 20  
September 14  
November 2  
December 7

With the exception of the September meeting, all meetings will begin at 1:00 p.m. Ms. Sabat instructed that the appropriate executive office staff member would make hotel and meeting room reservations for the above dates with the understanding that the dates will be confirmed in November.

## **NATIONAL LICENSURE EXAMINATION – AADE RESOLUTION**

Ms. Sabat informed the members that the American Association of Dental Examiners (AADE) has a resolution up for consideration regarding a national licensure examination. She stated that of special note is that all of the licensing agencies, including the state only examining bodies are supportive of this resolution. Ms. Sabat clarified that the PGY1 graduate education is a whole separate issue and not a part of the AADE resolution.

## **AMERICAN DENTAL ASSOCIATION JADA ARTICLE**

Dr. Kyger informed the Board of a recent article in American Dental Association JADA addressing the North East Regional Board, Inc. (NERB) examination and its reliability. She commented that the members might want to read what the Burroughs Institute, an independent research organization, had to say regarding the examination.

Ms. Sabat explained that this issue had been addressed at the Appellate Court level and that NERB had been evaluated by Measurements Research Assoc., Inc. in 2003 and the and that the examination had been determined to be at least ninety-three percent (93%) valid and reliable. She further informed the Board members that psychometricians look very closely at each tooth during the examination process. Additionally, she stated that with the advent of the Curriculum Integrated Format, which allows the dental examinee to rehabilitate while still in dental school, the failure rate is down to two percent (2%).

Dr. Hills encouraged the Board members not to rush into establishing an opinion with regards to eliminating the examination process. He stated that while the PGY1 sounds good in theory, any time you take out the third party assessment you have problems. Dr. Hills stated that he hesitates to consider that dental schools recruit a student by guaranteeing that they will have a dental license and be permitted to practice dentistry by attending dental school for five (5) years without an outside entity to assess their skills properly. Dr. Beckwith stated that a third party assessment is an extension of the scientific method whereby the examination is the control used to prove that the experiment (dental education) is true (competency).

## COMBINED CHARITABLE CAMPAIGN

Ms. Reitz informed the Board members that Kim Gandee, Enforcement Secretary, had been nominated as the Campaign Coordinator for our Board and asked Ms. Gandee to speak to the Board. Ms. Gandee gave a brief presentation on the Combined Charitable Campaign that the State of Ohio employees participate in each year. She explained the Board's goal for this year and then distributed copies of campaign contribution forms to each of the Board members. She then answered questions regarding the campaign and thanked them for their contributions.

## CONTINUING EDUCATION AUDITS

On a final note, Ms. Hockenberry informed the Board members that the continuing education audit letters have been mailed to those dentists and dental hygienists selected randomly from the computer database. She stated that the Board executive office would be reviewing the submitted responses and processing the audits appropriately upon return.

## ADJOURN

*Motion by Dr. Armstrong, second by Dr. Vesoulis, to adjourn the meeting until Wednesday, November 3<sup>rd</sup>, 2004.*

Motion passed by acclamation.

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Lynda L. Sabat, R.D.H.  
*President*

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Edward R. Hills, D.D.S.  
*Secretary*

## APPENDIX A

**PUBLIC RULES HEARING STATE'S EXHIBITS 1 THROUGH 7**