

OHIO STATE DENTAL BOARD  
BOARD MEETING  
March 15, 2017

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# OHIO STATE DENTAL BOARD

## BOARD MEETING

March 15, 2017

### Attendance

The Ohio State Dental Board (Board) met in Room 1960, of The Vern Riffe Center for Government and the Arts, 77 South High Street, 19th Floor, Columbus, Ohio on March 15, 2017. Board members present were:

Constance Clark, R.D.H., President	Ms. Ann Aquillo
Ashok Das, D.D.S., Vice President	Michael Ginder, D.D.S.
Patricia Guttman, D.D.S., Secretary	Jeanne Huber, R.D.H.
Kumar Subramanian, D.D.S., Vice Secretary	Ms. Susan Johnston
Bill Anderson, D.D.S.	Marybeth Shaffer, D.M.D.

The following guests were also in attendance: Katherine Bockbrader, Esq. of the Ohio Attorney General's Office; Nathan DeLong, Esq. and Henry Fields, D.D.S. of the Ohio Dental Association (ODA); Michele Carr, R.D.H., Chair, The Ohio State University (OSU) Division of Dental Hygiene; Matt Brown, President, OSU Dental Class of 2017; Lori Pelke of Midwest Dental; Harry Kamdar, M.B.A., Executive Director, Lyndsay Nash, Esq., Deputy Director, Zachary Russell, Legislative and Communications Coordinator, Samantha Slater, Licensing Coordinator, and Malynda Franks, Administrative Professional, of the Ohio State Dental Board and other guests.

### Call to Order

Constance Clark, R.D.H. introduced herself as the Board President and a dental hygienist from Dublin. After extending greetings to everyone, President Clark noted that there was a quorum present and called the meeting to order at approximately 1:30 p.m.

### Board Business

#### Introduction of Board Members

President Clark then introduced the rest of the Board members. She introduced Dr. Ashok Das, the Board's Vice President and a general dentist from Mason, Dr. Patricia Guttman, the Board's Secretary and a general dentist from Columbus, Dr. Kumar Subramanian, the Vice Secretary and an Endodontist from Upper Arlington, Dr. Bill Anderson, a general dentist from Findlay, Ms. Ann Aquillo, the Board's Public member from Powell, Dr. Michael Ginder, a general dentist from Athens, Ms. Jeanne Huber, a dental hygienist from Dayton, Ms. Susan Johnston, a dental hygienist from Columbus, and Dr. Marybeth Shaffer, a general dentist from Columbiana.

Dr. Burton Job, an Oral and Maxillofacial Surgeon from Akron was not in attendance to the meeting.

#### Approval of Agenda

President Clark stated that she had previously reviewed the agenda for the day and asked if there was a motion to approve the agenda with the caveat to amend the agenda due to any extenuating circumstances.

*Motion by Dr. Subramanian, second by Ms. Aquillo, to approve the March 15, 2017 Board meeting agenda as presented.*

Motion carried unanimously.

## Review of Board Meeting Minutes

### February 8, 2017 Meeting

President Clark informed everyone that the draft Minutes from the February 8, 2017 meeting had been forwarded to the Board members for review prior to the meeting and asked if there was a motion in regards to the Minutes from the February meeting.

Ms. Johnston noted that on the first page of the minutes it reflected that she was in attendance to the meeting in February. However, she noted that she was not in attendance and recommended that the minutes be amended to correct the discrepancy.

*Motion by Ms. Johnston, second by Dr. Subramanian, to approve the February 8, 2017 Board meeting minutes as amended.*

Motion carried unanimously.

## Public Comment/Presentations/Correspondence

President Clark noted for the record that there were no public comments, presentations or correspondence to address at this time.

## Action Items

### Supervisory Investigative Panel Expense Report

President Clark asked if Dr. Guttman and Dr. Subramanian, as the Board's Secretary and Vice Secretary, attested to having each spent at least twenty (20) hours per week attending to Board business. Both Secretaries affirmed they had spent the hours attending to Board business.

*Motion by Dr. Shaffer, second by Ms. Johnston, to approve the Supervisory Investigative Panel Expense report.*

Motion carried unanimously.

## Enforcement

### Proposed Addendum(s)

The Board reviewed one (1) proposed Addendum to Consent Agreement. The name of the individual/licensee was not included in the documents reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes. Ms. Nash provided a brief summary of the charges and the proposed order.

John Y. Lu, D.D.S.

*Motion by Ms. Johnston, second by Dr. Subramanian, to approve the proposed addendum to consent agreement for John Y. Lu, D.D.S., license number 30.020180, and case numbers 12-43-0172 and 14-43-0070.*

Motion carried with Dr. Das and Dr. Shaffer abstaining.

### Proposed Consent Agreement(s)

The Board reviewed six (6) proposed Consent Agreements. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes. Ms. Nash provided a brief summary of any charges and the proposed orders.

#### Disciplinary

*Melissa S. Fahr, R.D.H.*

*Motion by Dr. Shaffer, second by Dr. Das, to approve the proposed consent agreement for Melissa S. Fahr, R.D.H., license number 31.012703, and case number 17-31-1070.*

Motion carried with Dr. Guttman and Dr. Subramanian abstaining.

*Aaron F. Lerg, D.D.S.*

*Motion by Ms. Johnston, second by Dr. Anderson, to approve the proposed consent agreement for Aaron F. Lerg, D.D.S., license number 30.023901, and case number 16-42-1174.*

Motion carried with Dr. Guttman and Dr. Subramanian abstaining.

*Danardo R. Scarso, D.D.S.*

*Motion by Dr. Shaffer, second by Ms. Johnston, to approve the proposed consent agreement for Danardo R. Scarso, D.D.S., license number 30.019326, and case number 16-43-1232.*

Motion carried with Dr. Guttman and Dr. Subramanian abstaining.

*David D. Starr, D.D.S.*

*Motion by Dr. Subramanian, second by Dr. Shaffer, to approve the proposed consent agreement for David D. Starr, D.D.S., license number 30.012776, and case number 16-79-1116.*

Motion carried with Dr. Das and Dr. Guttman abstaining.

*Amir Hashemi, D.D.S.*

*Motion by Ms. Johnston, second by Dr. Subramanian, to approve the proposed consent agreement for Amir Hashemi, D.D.S., license number 30.022692, and case number 15-48-0414.*

Motion carried with Dr. Das and Dr. Guttman abstaining.

#### Non-disciplinary

*Astrid Tourne, B.D.S.*

*Motion by Ms. Johnston, second by Dr. Ginder, to approve the proposed consent agreement for Astrid Tourne, B.D.S., license number 30.024993.*

Motion carried with Dr. Subramanian and Dr. Guttman abstaining.

### Notice(s) of Opportunity for Hearing

The Board reviewed two (2) proposed Notices of Opportunity for Hearing. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes. Ms. Nash briefly summarized the documents before the Board members.

Khaldoun Attar, D.D.S.

*Motion by Ms. Huber, second by Dr. Das, to approve the proposed notice of opportunity for hearing for Khaldoun Attar, D.D.S., license number 30.022216, case number 16-48-1235*

Motion carried with Dr. Subramanian and Dr. Guttman abstaining.

Debra C. McIntosh, D.D.S.

*Motion by Dr. Shaffer, second by Ms. Johnston, to approve the proposed notice of opportunity for hearing for Debra C. McIntosh, D.M.D., license number 30.019715, case number 16-83-1240.*

Motion carried with Dr. Guttman and Dr. Subramanian abstaining.

### Enforcement Update

Ms. Nash began the report by informing the Board that there were ten (10) cases pending hearings of which one (1), Dr. Amir Hashemi, had just been resolved with the ratification of his consent agreement and one (1) other has been continued until November of this year. She stated that there were no pending Hearing Examiners Report and Recommendations. Ms. Nash said there were currently forty-seven (47) licensees and certificate holders under suspension, twenty-eight (28) licensees on probation, and that there were ninety-four (94) active cases. Ms. Nash said that there were two (2) licensees who have been referred to and are currently participating in QUIP. She informed the members that there were forty-three (43) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with four (4) warning letters being issued.

### Closed Cases

Due to the requirement in Chapter 4715.03(B) of the Ohio Revised Code, that "A concurrence of a majority of the members of the board shall be required to... ..(6) Dismiss any complaint filed with the board.", President Clark reviewed the cases to be closed with the Board.

The following cases are to be closed:

15-21-0048	16-47-1413	17-25-1015
15-31-0434 - WL	16-48-1408	17-25-1025
15-70-0217	16-48-1417	17-25-1026
16-09-1415	16-50-1427	17-25-1038
16-18-1354	16-55-1407 - WL	17-43-1001
16-18-1388	16-57-1367	17-51-1039
16-18-1421 - WL	16-62-1390	17-55-1040
16-18-1423	16-70-1166	17-77-1007
16-23-1356	16-70-1210	17-77-1008
16-25-1389	16-70-1383	17-77-1009
16-25-1429	16-70-1399	17-77-1021
16-25-1439	16-77-1435	17-77-1032
16-31-1410	17-18-1022 - WL	17-83-1035
16-32-1358	17-18-1023	
16-43-1026	17-18-1031	

Prior to the vote to close the above listed cases, President Clark inquired as to whether any of the Board members had any personal knowledge that the cases that were being voted on today involved either themselves or a personal friend.

Roll call:           Dr. Anderson – No  
                       Ms. Aquillo – No  
                       Ms. Clark – No  
                       Dr. Das – No  
                       Dr. Ginder – No  
                       Dr. Guttman – No  
                       Ms. Huber – No  
                       Ms. Johnston – No  
                       Dr. Subramanian – No  
                       Dr. Shaffer – No

President Clark then called for a motion to close the cases.

*Motion by Ms. Johnston, second by Dr. Shaffer, to close the above forty-three (43) cases.*

Motion carried unanimously.

### 90-Day Report

Ms. Nash explained the report of cases aged past 90 days for the members. She stated that there were a total of thirty-nine (39) cases over 90 days of which 26% were scheduled to be reviewed by the Board Secretaries at the next Supervisory Investigative Panel (SIP) review on March 31<sup>st</sup>, 2017. She stated that of the balance of the cases; 46% were pending Notices of Opportunity for Hearing, Consent Agreements or QUIP, 7.5% had been issued subpoenas for records or subpoenas had been requested, 13% were awaiting reviews by experts and the remaining 7.5% were for the miscellaneous reasons as listed.

President Clark thanked Ms. Nash for the Enforcement Report and Update.

## Licensure

### Licensure/Certification/Registration Report (Issued by the Licensure Section)

Samantha Slater, Licensing Manager, had prepared a report of the licenses, certificates, and registrations issued since the previous Board meeting.

### Dentist(s) – (21)

30.024963	James Martin Sacksteder	30.024972	Aklilu Abuye Ameha
30.024964	Christopher Norman Beale	30.024973	Jennifer Ann Burzynski
30.024965	Darya Dabiri	30.024974	Alexandra Seal
30.024966	Elisabeth Anna Banasik	30.024975	Ankit Patel
30.024967	Sonja R Evans	30.024976	Nancy Stranix
30.024968	Serene Nagia	30.024977	Elizabeth Kelty Mclaurin
30.024969	Andrew P Sharman	30.024978	Robert Alexander Busto
30.024970	Doris Ayman Basali	30.024979	Nomuhle Sanelisiwe Dube
30.024971	Doan Trang Nguyen	30.024980	Samiksha Ashok Gulrajani

30.024981	Emike Yvonne Usman-Aliu	30.024983	Paramvir Singh Dhariwal
30.024982	Corey M Roberson		

## Dental Hygienist(s) – (4)

31.015329	Morgan Nicole Barnes	31.015331	Chelsea Christine Wilson
31.015330	Theresa Lorraine Polizzi	31.015332	Lainey Carolyn Foster

## Dental Assistant Radiographer(s) – (227)

51.031164	Jessica Rose Guinther	51.031197	Darin F Rinker
51.031165	Olivia Michelle Thompson	51.031198	Caitlin Sponseller
51.031166	Abbey Nicole Kidd	51.031199	Austin Delvin James Ankrom
51.031167	Michell Gunkelman	51.031200	Tori Ann Caito
51.031168	Rachael Serio	51.031201	Elona Dukaj
51.031169	Salina Maria Giganti	51.031202	Cassandra Bullock
51.031170	Rebekah Faith Noble	51.031203	Brooke Arick
51.031171	Marissa Bentley	51.031204	Tranell Kirk
51.031172	Mary Margaret Kidd	51.031205	Alexis Bryanna Fleckinger
51.031173	Amanda Lynn Keller	51.031206	Lena Marie Pratinicki
51.031174	Ahriel Burge	51.031207	Lauren Nicole Laheta
51.031175	Autumn Noel Hegedus	51.031208	Alyssa Ann Colombo
51.031176	Dunia Rani Hamdan	51.031209	Haley Brooke Jirles
51.031177	Myah Gold Redmond	51.031210	Bailee Jean Cole
51.031178	Allison Kwiatkowski	51.031211	Chance Marie Strawser
51.031179	Savannah Yvonne Williams	51.031212	Barbara J Mcfann
51.031180	Nicole Anne Hamlet	51.031213	Tomechia Marquel Singleton
51.031181	Alexia Stefan	51.031214	Evan Strong
51.031182	Yana Kolyadich	51.031215	Kaitlin Marie Neff
51.031183	Jodi Ann Waycaster	51.031216	Lisa T. Schoedinger
51.031184	Jennifer Tijohn Douglas	51.031217	Jaden Lee Robinson
51.031185	Faith Harwood	51.031218	Hillary Ann Watkins
51.031186	Harlie Ann Sizemore	51.031219	Emily Elizabeth Hart
51.031187	Kaylee Marie Bossone	51.031220	Katie Rae Fultz
51.031188	Katherine Jennifer Boros	51.031221	Cierra Joann Harmon
51.031189	Ashley S Schultz	51.031222	Shauna Latella Gardner
51.031190	Staci Ann Zabak	51.031223	Kendra Paige Lange
51.031191	Marissa Crosby	51.031224	Reagan Wells
51.031192	Rhonda F Wilson	51.031225	Morgan Alexis Guthrie
51.031193	Omaris Brizil Vera	51.031226	Michele Irene Paul
51.031194	Aaryngton Leigh Black	51.031227	Brittany Renee Ware
51.031195	Peter E Hana	51.031228	Alexis Anne Bodkin
51.031196	Olivia Irene Klever	51.031229	Ellen Lee Hall

51.031230	Marissa Kay Kindell	51.031275	Amy Lee Reed
51.031231	Morgan Sand	51.031276	Brittany Martika Russ
51.031232	Alison Rae Connolly	51.031277	Amber Dawn Cooley
51.031233	Alexis Dawn Carpenter	51.031278	Ashley Nichole Rodriguez
51.031234	Kaitlyn Young	51.031279	Raechel Minion
51.031235	Rimarr Rayford	51.031280	Ruby Makaylee Loevenguth
51.031236	Raysha Teyana Wright	51.031281	Cortney Ann Evans
51.031237	Tasha Marie Hayes	51.031282	Gabrayell Elizabeth Lyon
51.031238	Allison Brianne Myers	51.031283	Brittany Ann Hixenbaugh
51.031239	Kimberly Michelle Saenz	51.031284	Carly Marie Incarnato
51.031240	Marla Beverly Scott	51.031285	Cassie Eileen Troxell
51.031241	Hannah Fox	51.031286	Keely Jean Mackey
51.031242	Teresa Michelle Dearth	51.031287	Lea Vankay Sutton
51.031243	Rachele D'anne Fisher	51.031288	Jessica Michelle Deem
51.031244	Madelyn Leigh Clair	51.031289	Abbey Lane Seckman
51.031245	Star Elena Ann Rohm	51.031290	Gracie Mae Noble
51.031246	Sarah Caitlyn Suttles	51.031291	Samantha Marie Carroll
51.031247	Davionna S Bohanon	51.031292	Ashley Deschler
51.031248	Jasmine Jennings	51.031293	Robin Ogle
51.031249	Joy Frances Ruff	51.031294	Jessica Hope Briggs
51.031250	Destaney Teri Stevens	51.031295	Himani Kirtikumar Patel
51.031251	Mindy Marie Williams	51.031296	Kelley Erin Greathouse
51.031252	Connor Ryan Griggs	51.031297	Caitlin Sue Caldwell
51.031253	Tammy Demina Sams	51.031298	Leeann Nichole Hoy
51.031254	Jessica Poindexter	51.031299	Raven Chaplin
51.031255	Bralia Devonte Rodgers	51.031300	Valdete X Coelho
51.031256	Rawan Jarrar	51.031301	Natalie Jean Skeens
51.031257	Sara Nejadmoghadam	51.031302	Carson Zinck
51.031258	Rickell Shantell Moorero	51.031303	Talia D. Kalil-Lewis
51.031259	Chelsea Nichole Harris	51.031304	Kieyada Nixon
51.031260	Sierra Danielle Reed	51.031305	Lisa Brown
51.031261	Jonathan C. Clemons	51.031306	Holly Culclasure
51.031262	Alexus Jordan Tumbleson	51.031307	Jenna Sue Gabrosek
51.031263	Madison Bundy	51.031308	Christina Marie Reau
51.031264	Savannah Margaret Perry	51.031309	Mackenzie Cathrine Thaxton
51.031265	Keyonna Lynn Marvin	51.031310	Katie Rice
51.031266	Kelsey Nicole Williams	51.031311	Mary Syvella Kyle
51.031267	Ana Elizabeth Marquardt	51.031312	Shelby Spain
51.031268	Ashley Renee Gerchak	51.031313	Hillary West
51.031269	Laura Smith	51.031314	Ariel Rae Radcliffe
51.031270	Mackenzie P Stewart	51.031315	Cortney Slack
51.031271	Gabriella Rose Layman	51.031316	Kylun Campbell
51.031272	Michael Broadbent	51.031317	Wendy Louise Ferguson
51.031273	Leslie Thompson	51.031318	Angela Marie Jenrett
51.031274	Faith Lee Phifer	51.031319	Caitlin Marie Scheideger

51.031320	Samantha Elizabeth Ford	51.031356	Caitlin Marie Watkins
51.031321	Michelle Lynn Craigo	51.031357	Taylor Lyn Amburgey
51.031322	Gina Marie Passarelli	51.031358	Marissa Miller
51.031323	Renee G Henry	51.031359	Kayla Nicole Pennington
51.031324	Kylee Keller	51.031360	Megan Alise Mcclelland
51.031325	Denise Renee Dulaney	51.031361	Taryn Rachell Smith
51.031326	Samantha P Lewis	51.031362	Graison Rose Endicott
51.031327	Taylor Nicole Rodriguez	51.031363	Donna Farley
51.031328	Devon Mae Abbott	51.031364	Skyler Rachelle Smock
51.031329	Erika Ryann Palermo	51.031365	Randi Michelle Danner
51.031330	Christine Rochelle Stiffler	51.031366	Alyaa Abdulkareem Al Janabi
51.031331	Krista Lynn Elliott	51.031367	Rebecca Ulloa
51.031332	Cynthia Brooke Galbraith	51.031368	Holly West
51.031333	Dawn Michelle Reed	51.031369	Hilcia Xiomara Guardado
51.031334	Rachel Anna Helmes	51.031370	Cierra Leanna Lewis
51.031335	Kassidy Brianna Parr	51.031371	Shaina Marie Bardsley
51.031336	Shayna Dawn Bishop	51.031372	Sara Katherine Honeygosky
51.031337	Latasha Cemone Smith	51.031373	Haley Raye Handshoe
51.031338	Kourtney Ann Marie Beahm	51.031374	Kaitlyn Emily Key
51.031339	Agrima Pradhan	51.031375	Shania Rachel Heimberger
51.031340	Jalal Georges Moussa	51.031376	Morgan Sophie Boldt
51.031341	Elizabeth Kristen Link	51.031377	Ashley Olsen
51.031342	Katie Jo Harpen	51.031378	Brittany Michelle Casey
51.031343	Madison Seibel	51.031379	Cassandra Paige Nolloth
51.031344	Brittany Marie Batko	51.031380	Aleksija Majerle
51.031345	Katelyn Ann King	51.031381	Madison Christine Armstrong
51.031346	Alyssa Anna Friedel	51.031382	Sara Yomira Ruiz-Garcia
51.031347	Tatyana Nichole Lindsey	51.031383	Alyssa Beth Erb
51.031348	Lydia Claire Mcglade	51.031384	Emily Sue Crone
51.031349	Amina Ali Gaileh	51.031385	Monique Shanta Wright
51.031350	Victoria Beth Monday	51.031386	Suzanne Rutishauser Yorke
51.031351	Courtney Colyer	51.031387	Tabitha Lee Wells
51.031352	Victoria Morris	51.031388	Cody Jackson Mathess
51.031353	Danielle Collier Mckenzie	51.031389	Youjin Lee
51.031354	Renee Amber Brozak	51.031390	Jessica Leigh Collar
51.031355	Carleigh Marie Mayle		

#### Limited Resident's – (4)

RES.003791	Nicholas Ross Jacobs	RES.003793	Sofia Xofylli
RES.003792	Sherif Ghali Naguib Ghali Ibrahim Elbarnashawy	RES.003794	Hazem A Saqqal

### Limited Continuing Education – (1)

LCE.000319 Michael Edward Borden

### Coronal Polishing – (19)

CP.001721	Christine Lynn Levitt	CP.001737	Miranda Suzette Fansher
CP.001722	Emily E Livingston	CP.001738	Jordan Alexandra Thatcher
CP.001723	Samantha Lee Thomas	CP.001739	Tina M Reed
CP.001724	Christina Eleni Fragiskatos	CP.001708	Amber Marie Romani
CP.001725	Chelsea Kaylene Mclaughlin	CP.001709	Kendra Marie Kundert
CP.001726	Kayla Marie Luangraj	CP.001711	Kelsey Virginia Barnett
CP.001727	Joye Leigh King	CP.001710	Chelsea Lynn Leech
CP.001728	Andrea Michelle Walker	CP.001712	Akeila Anntane Littlejohn
CP.001729	Melissa Sue Mallady	CP.001713	Tonya Lynn Harvey
CP.001730	Sarah Elizabeth Pulley	CP.001714	Carly Ann Emberger
CP.001731	Lea Brooke Whitmer	CP.001715	Kaylyn Nicole Beiling
CP.001732	Tiffany Makayla Bushee	CP.001716	Brittany Morgan Boyles
CP.001733	Marnie Boone	CP.001717	Sierra Paige Sauer
CP.001734	Melanie Elizabeth Zivkovich	CP.001720	Kelly Alyssa Deyell
CP.001735	Bridget A. Steinmetz	CP.001719	Zoe Renee Gallagher
CP.001736	Aryn Lee Curran	CP.001718	Jessica M Michel

### Expanded Function Dental Auxiliary – (6)

EFDA.002578	Jordan Kit Allen	EFDA.002581	April M Criss
EFDA.002579	Denise M Clark	EFDA.002582	Mary N Antonacci
EFDA.002580	Mary Rachel Moyer	EFDA.002583	Danielle Collier Mckenzie

*Motion by Dr. Subramanian, second by Ms. Johnston, to approve all licenses, certifications, and registrations as listed that have been issued since the February Board meeting.*

Motion carried unanimously.

### Graduates of Unaccredited Dental Colleges Located Outside the United States

The Board's Licensing Division has reviewed a dental license application from Dr. Licette Espinal, a graduate of Pontificia Universidad Catolica Madre y Maestra (PUCMM) in Santiago, Dominican Republic. Dr. Espinal has completed a two-year GPR Residency from St. Elizabeth Health Center in 2010 and meets all other requirements as listed in Ohio Administrative Code Rule 4715-18-01 for licensure.

*Motion by Ms. Johnston, second by Ms. Aquillo, to grant a license to practice dentistry in the state of Ohio for Dr. Licette Espinal.*

Motion carried unanimously.

### General Anesthesia/Conscious Sedation Permit(s)

President Clark stated that the Board's Anesthesia Consultant had vetted the following individuals who have applied for Conscious Sedation Permits, evaluations have been conducted, and the applicants are recommended to receive Permits for the specified modality.

#### Conscious Sedation

Bana Anbari, D.D.S., Cleveland, Ohio - Intravenous  
Samer Faraj, D.D.S., Boardman, Ohio – Intravenous  
Oluwatobi Gbemin, D.D.S., Lima, Ohio – Intravenous

*Motion by Dr. Subramanian, second by Dr. Anderson, to grant permits to Dr. Anbari, Dr. Faraj, and Dr. Gbemi for Conscious Sedation Permits in the appropriate modality as listed.*

Motion carried unanimously.

### Reinstatement Application(s)

President Clark stated that the Board had received four (4) reinstatement applications since the last meeting for one (1) dentist and three (3) dental hygienists. The applications have been reviewed by the Licensing Coordinator and are recommended for approval.

#### Dentist(s)

Coleman Bryant, D.D.S.

#### Dental Hygienist(s)

Lori Bently, R.D.H.  
Melissa Fahr, R.D.H.  
Anna Jacobson Madden, R.D.H.

*Motion by Ms. Huber, second by Ms. Johnston, to reinstate the dental and dental hygiene licensees as listed to practice in the state of Ohio.*

Motion carried unanimously.

## Committee Reports

### Ad Hoc

Dr. Das stated that the Ad Hoc Committee met earlier that morning at 10:45 a.m. in Room 1914. He stated that they began the meeting by revisiting Category 4: Lewd and Immoral Conduct under Old Business. The Committee decided that this category, which was previously recommended to be removed, should be reinserted into the Disciplinary Guidelines because, although this type of violation is rare, there may be an occasion wherein the SIP would require guidance in this regard. Therefore, it was decided to leave Category 4 in the Disciplinary Guidelines in order to have that option available. He stated that the Board and Committee members would be forwarded the Category 4 information from the 1999 Disciplinary Guidelines for review.

Dr. Das stated that the Committee received recommendations from Dr. Ginder and Dr. Job regarding two (2) possible experts for the Board and that the Committee was recommending approval of Dr. Bryan Tervo and Dr. Sarat Thikkurissy as experts for the Board.

Dr. Das informed the Board that the Committee continued its review of the Disciplinary Guidelines, specifically the categories on Unauthorized Practice and Criminal Convictions. Most of the discussion revolved around the minimum guidelines with some of the discussion regarding the implementation of monetary fines. While the Board does not currently have fining authority, many examples were given wherein it would be beneficial to levy a fine wherein the only other option currently available would be a suspension period for the licensee. It was noted that many times suspension of the licensee results in an economic hardship for employees and inconvenience or break in care for the patient. That being said, Dr. Das stated that the Committee came to consensus on the minimum guidelines for all of the citations under Unauthorized Practice and completed all but two (2) of the minimum sanctions for citations listed under Criminal Convictions. He stated that they would complete the final two (2) citations and the remaining categories, CE Violations and Miscellaneous Violations at their next meeting in May.

*Motion by Ms. Johnston, second by Dr. Subramanian, to approve the Ad Hoc Committee report as presented.*

Motion carried unanimously.

## Education

### Review of Application(s)

President Clark stated that the Committee had met at 8:15 a.m. that morning and had reviewed three (3) Biennial Sponsor applications and two (2) courses for consideration of approval. She stated that the applications were in compliance with the requirements set forth in the Dental Practice Act and Board guidelines and the Committee was recommending approval of the following:

#### *2016-2017 Biennial Sponsor Application(s)*

Five Lakes Professional Services

Nagy Orthodontic Academy

Jennifer Schnettler, D.D.S., M.S.D.

### Review of Course(s)

President Clark stated that of the two (2) courses that were reviewed, the Committee was recommending that the Board will accept those courses that specifically comply with the guidelines set forth in Ohio Revised Code section 4715.141(A) with regards to the request for approval of the Pacific Dental Conference on March 9-11, 2017 that was submitted by Dr. Diane Vasquez. Additionally, President Clark stated that the Committee was recommending that up to five (5) hours of continuing education be considered acceptable for the course "Forensic Facial Reconstruction Sculpture" given by Texas State University and requested by Dr. Steven Ritzi.

President Clark informed the members that Dr. Subramanian gave an update on the opioid addiction issue and he had informed them that dentistry is the lowest category of professionals that are providing opioids. Dr. Subramanian explained that the Dental Board is on a big downward trend in the number of names that crop up on the Ohio Automated Rx Reporting System (OARRS) Report provided by the Ohio Board of Pharmacy

(Pharmacy Board). The statistics that the Pharmacy Board forwards to the Board every month have reduced by nearly 20% since the first report in September 2016. There are only four (4) or five (5) names which are of significant numbers, however, many are just one prescription which may be either an error on the part of the specific pharmacy that is reporting or because somebody dentist writes ten (10) pills take as needed for 10 days and subsequently gets reported on OARRS because they are only allowed to write a prescription for seven (7) days. Dr. Subramanian stated that what is really reducing the numbers is the Boards attempt to educate the practitioners on what is permitted and what is not.

Dr. Subramanian added that the state of Ohio does a pretty good job in that the amount of money Ohio Medicaid reimburses physicians on opioid addiction is significantly higher than any other state. He then commented that he had just received a text telling him that Senator Portman has written a strong letter to the President of the United States objecting to the healthcare language, as most of the funding for addiction and mental health is being removed.

President Clark thanked Dr. Subramanian for sharing his information on opioid addiction with the members. She then stated that she had asked Ms. Johnston to provide a status update on the remedial education guidelines. It was determined that the Committee will be placing the information provided by Ms. Johnston into its final format and submit it their recommendations to the Policy Committee to draft a policy for our remediation education guidelines.

*Motion by Dr. Anderson, second by Ms. Johnston, to approve the Biennial Sponsor applications for 2016-2017 as listed and accept the recommendations of the Education Committees.*

Motion carried unanimously.

### Law and Rules Review

Dr. Shaffer informed the members that the Law and Rules Review Committee had met a little after 9:00 a.m. that morning until 10:20 and continued working on Strategic Priority #9 Update the Statute and Rules. The Committee began with their review of Ohio Revised Code Section 4715.30 wherein it was decided that the full Board will approve any Board-ordered assessment. First, it will go through the Supervisory Investigative Panel (SIP), then will come to Board for a vote (even at the expense of holding a telephone conference), then set up for the board to completely vote on assessment. It was agreed that the Board-ordered assessment should be paid for by the licensee or registrant. Ms. Nash has been directed to draft language similar to that required by the Ohio Medical Board and/or the Pharmacy Board.

Dr. Shaffer stated that they also discussed Ohio Revised Code Section 4715.63. She stated that the language that the Committee incorporated was that certified assistants that currently take mandatory continuing education (CE) and dental hygienists that take mandatory CE will be exempt from any additional CE requirements.

Continuing on, Dr. Shaffer stated that they will be making recommended revisions to Ohio Administrative Code Rule 4715-18-01. Language was drafted to replace the current language regarding the Test of English as a Foreign Language (TOEFL) with the TOEFL score will now be at 75% or better. She stated that the second change would be to eliminate through statute the obsolete laboratory examination which is no longer being provided at any dental college. She stated that eliminating this requirement would reduce the inquiries from candidates

regarding where to obtain the test when it is actually no longer available. The Committee is also working on developing language on the one plus one (1+1) 2-year accredited GPR to make it clearer. She indicated that Mr. Whitehead and Mr. Russell have been tasked with cleaning up any further language in the statute and once completed the Committee will be forwarding all recommendations to the full Board for review.

Dr. Shaffer stated that they reviewed 4715-5-07 and 4715-5-05 and the Committee recommended changing the language to reflect the most current guidelines on anesthesia and sedation (2016). There was discussion on a mandate to require additional parties be present during sedation, however the committee did not recommend doing that at this time, but may come back and visit that suggestion at another time.

Dr. Shaffer said that the Committee also reviewed 4715-20-01 through 4715-20-03 because a question had been forwarded to the Board about the lack of compliance with the Centers for Disease Control (CDC) guidelines about sterilization of the low speed motor. It was determined by the Committee that Ms. Johnston would do a literature review of the prophylaxis slowspeed handpiece, Dr. Shaffer would do a literature review of operative handpieces and both would report back to the Committee at the next meeting about their findings prior to the Board considering any change.

*Motion by Ms. Johnston, second by Dr. Subramanian, to approve the Law and Rule Review Committee report as presented.*

Motion carried unanimously.

## Operations

Ms. Aquillo stated that the Operations Committee had met that day between 12:00 p.m. and 12:35 p.m. The only order of business that the entire Committee considered was the Annual Performance Review for the Board's Executive Director, Harry Kamdar. She stated that the recommendations of the Committee would be discussed with the rest of the Board members during the Executive Session.

## Policy/Scope of Practice

Ms. Johnston stated that she and Dr. Ginder had agreed that she would provide the report. The Policy committee met in room 1924 from 11:30 a.m. to 12:00 p.m. with Dr. Ginder, Dr. Anderson, Dr. Das, Director Kamdar, Mr. Russell, Ms. Franks and herself attending. She led the discussion regarding the review of policies and briefly went over the format and numbering system. She noted that the Committee had previously reviewed and approved three (3) reformatted policies:

- A-501: Policy Regarding Oral Conscious Sedation
- B-501: Policy Regarding the Monitoring of Nitrous Oxide-Oxygen (N2O-O2) Minimal Sedation by Dental Hygienists
- G-501: Policy Regarding the Monitoring of Nitrous Oxide-Oxygen (N2O-O2) Minimal Sedation by Qualified Dental Assistants

Ms. Johnston stated that the Committee had then begun their review of current policies that had been reformatted into the new format and were recommending the following changes:

- A-502: Policy Regarding Treatment Within the Scope of Dental Practice

Under Procedure: Recommended to change the term “ADA accredited” to “CODA accredited” and eliminate the second paragraph which refers to the ADA definitions for specialty practice. Also correction of typographical error of “dentists” to “dentist” in the last paragraph of that section.

- A-503: Policy Regarding the Scope of Practice Of Oral and Maxillofacial Surgery  
Recommended to rescind – Discussion of the policy may be brought back once the Board defines specialties.
- B-502: Policy Regarding Dental Hygienists Performing Periodontal Maintenance When the Supervising Dentist is Not Present  
Under Procedure: Recommended that the language “past seven (7) months” be changed to “past one year” to be consistent with the recent statutory change and to eliminate the last paragraph in that section since periodontal maintenance is considered a permitted duty when the dentist is not physically present regardless of whether performed within the Oral Health Access Supervision Program.
- B-503: Policy Regarding Treatment Within the Scope of Practice for the Dental Hygienist  
Under Procedure: Recommended to change the term “ADA accredited” to “CODA accredited”, to revise the language “dental schools residency programs” to “dental hygiene programs”, eliminate the second paragraph which refers to the ADA definitions for specialty practice. Also, to add the American Dental Hygienists’ Association Bylaws & Code of Ethics in addition to the ADA’s Code of ethical and professional conduct for practice in the last paragraph of that section.

Ms. Johnston indicated that due to time constraints the Committee did not get to discuss the last three (3) reformatted policies on their agenda. They will continue their review of the policies at their next meeting.

*Motion by Dr. Shaffer, second by Dr. Subramanian, to approve the Policy/Scope of Practice Committee report with the caveat that the policies will not be approved until they are in print and reviewed by all the members of the Board at a later date.*

Motion carried unanimously.

## Executive Updates

### President’s Update

#### AADA/AADB Mid-Year Meeting

President Clark began her report by indicating that she had provided the Board members with information about the agenda for the upcoming American Association of Dental Boards (AADB) meeting in April. She stated that she would be attending the meeting along with Dr. Guttman, Dr. Shaffer, Director Kamdar, and Ms. Nash. She informed the members that Dr. Shaffer would be attending the Joint Commission Update Meeting, Director Kamdar would be attending the American Association of Dental Administrators (AADA) meeting, she would be attending the Hygiene Caucus, and on Monday’s schedule of meetings, Ms. Nash would be attending the Board Attorney Roundtable. Dr. Shaffer clarified that she would be attending the Dental Compact Task Force Meeting, however, she was not a part of the task force.

President Clark thanked Dr. Shaffer for that clarification and then pointed out the rest of the topics on the 2-day agenda for the meetings. She indicated that they would be reporting back to the full Board at a later date.

### Consolidated Auxiliary Duties (C.A.D.) Matrix

President Clark then distributed copies of the Consolidated Auxiliary Duties (C.A.D.) Matrix [Appendix A] that the staff had been working on. She stated that the document showed the delegable duties of which procedures can be performed by each dental auxiliary and whether the function could be performed when the dentist was present or when the dentist was not physically present. She stated that often it is very difficult for licensees to be able to figure out where this information is in the law and rules when trying to determine what they can do. She commented that at Director Kamdar's suggestion, color-coding was added for ease of reference from page to page. A lot of work had gone into the document which was drafted by Ms. Franks and subsequently reviewed by Ms. Carson and Ms. Yehnert for accuracy with the Dental Practice Act. As a review before presenting to the hygiene Board members, the OSU Dental Hygiene Practicum Students were given the task of reviewing each delegable duty and ensuring that the correct Ohio Administrative Code paragraph was referenced. President Clark along with Ms. Huber and Ms. Johnston provided one final review for accuracy before presenting it to the full Board. Director Kamdar has stated that this is a "living, breathing document that will change as the law changes" and we will be posting this document to our website once it has been approved. She stated that this document has been long overdue since that last one was outdated.

### Strategic Planning Retreat

President Clark Just want to remind the members to mark their calendars for the strategic planning meeting which will be on June 22, 2017 following the board meeting on June 21, 2017.

### Jurisprudence Examinations

President Clark also noted that the revised dental and dental hygiene jurisprudence examinations have been posted to our website. She stated that she had mentioned this during her recent attendance to the Dental Hygiene Educators Meeting and all of the other Dental Hygiene Directors were very happy to have this information available early enough to review the materials and educate their students about the Dental Practice Act. She stated that she also received positive feedback regarding the Board's new website and how much easier it is to navigate. She wanted to again thank Director Kamdar and everyone involved in that project.

### Executive Director's Update

#### FY 18/19 Budget Testimony

Director Kamdar explained that as the Board members know, they have submitted the Boards budget request for Fiscal Years 2018-2019 to the Office of Budget & Management and to the Governor's Office which has now released the State's budget for consideration. He stated that he had the pleasure of appearing before the House Finance Subcommittee on Health and Human Services which was chaired by Representative Romanchuk, to present the Board's proposed budget and it went very well. He took a moment to personally thank the ODA and the ODHA for providing letters of support for the fee increase of 25% and 27% which he felt was an incredible achievement on the part of everybody involved in oral health and he hopes that our budget will go through as proposed.

### Disciplinary Guidelines – Fining Authority

Director Kamdar distributed a draft copy of the Civil Monetary Penalty Proposal [Appendix B] and indicated the intent of having discussions on our consequences or sanctions against licensees that are not in compliance with the Dental Practice Act and the rules. What we have noticed is that we issue warning letters at the lower end

followed by consent agreements and then there is a huge jump in terms of punitive measures taken by the Board all the way up to suspension and revocation. It appears that there is a large gap between consent agreements and suspensions and that there ought to be some type of new sanction to bridge that large gap. In that regard, he shared a proposal regarding fining authority for the Board.

Director Kamdar explained that as an overview there were three (3) options to the proposal:

- Option 1: would have a minimum fine of \$250 and up to a maximum fine of \$5,000
- Option 2: would again have a minimum fine of \$250 and the maximum fine would be \$10,000; and
- Option 3: would have the same minimum fine of \$250 but have a maximum fine of \$20,000.

He stated that the proposal followed along the same violation categories as the Disciplinary Guidelines:

- Improper Prescribing,
- Standard of Care,
- Fraud, Misrepresentation or Deception
- Ethics Violations
- Actions by Other State Entities
- Unauthorized Practice
- Criminal Convictions
- Continuing Education
- Infection Control; and
- Miscellaneous

Director Kamdar stated that they had taken all the currently existing infractions as we know them and tried to map them out with these fines as listed. He then provided a detailed example under A1- Prescribing, dispensing or administering schedule II through V drugs for excessive periods of time and in excessive amounts. He stated that this is currently an important issue which is supported by Revised Code 4715.30(A)(8) and (A)(9). Therefore, under Option 1 the Supervisory Investigative Panel (SIP) would have at their disposal to levy a fine of \$500 at the low end and at the high end it would be \$5,000. This does not mean that this sanction is all they have at their disposal in terms of disciplinary action, but it could also be a suspension or a revocation. However, Director Kamdar believes that in order to fill that gap that he talked about, this would be a starting point, or they could consider Option 2 where the minimum would still be \$500 but the maximum would be \$10,000, and in Option 3 the minimum would be \$500 and the maximum would be \$20,000.

Director Kamdar stated that the Board members might question how he arrived at these minimum and maximum amounts and explained that Option 3 is closely calibrated with the Medical Boards fines and just wanted them to have a range of options to think about. He said that if we want our prescribers to be held in the same regard as physicians then we need to keep in mind the fining authority of the Medical Board. He stated that he was not suggesting that is the only way to go about implementing fines but that is one way of doing it and at the low end, since this Board has never had any fining authority, Option 1 could potentially be a starting point. He stated that the option of fining authority has come about through discussions with Dr. Guttman, Dr. Subramanian Ms. Nash and Mr. Russell who has performed extensive research on this, and now he was asking for input from the Board.

Dr. Subramanian stated that the most important thing was that the Board has to sell this to the ODA and that we need their support otherwise the proposal will not go very far. He stated that they were going to be meeting with the ODA and present them with all three options.

Dr. Shaffer asked if we know how many other states fine their dentists. Dr. Subramanian stated that based on a google search he had looked at 18 states that have fining authority but did not contact them directly. Dr. Shaffer questioned if the proposed fining matrix was aligned with other states which had fining authority for dentists or with other states Dental Board fining authorities. Mr. Russell interjected that he did not have that information with him at the time but could provide that information to the Board.

Dr. Shaffer stated that one of the things that might be prudent for Ohio to do is to look at these different options and perform a comparison state-by-state and determine if in fact the state has fining authority and whether it is aligned with that states medical board or is it substantially less.

Dr. Subramanian expressed that of the numbers that had been forwarded to him from Ms. Nash, the most common numbers were from dental boards and were between \$1000 and \$5000 with some states having a maximum of up to \$7,500. He could not comment on any of the medical boards and how they compare to dentistry as well.

Director Kamdar stated that one of the things he would like to point out is that our Board is one of the only healthcare licensing boards in Ohio that does not have fining authority and have not had it for as long as he knows. He stated that in some of the proceedings during the committee meetings earlier that day there were examples where fining authority would help with meting out the right amount of discipline and not be overly punitive or being too light. However, without having fining authority the Board can only go from the sanction of a consent agreement to something very punitive such as 60-90 day suspensions which can result in a loss of income of perhaps \$50K-\$60K for the average dentist, which impacts staff economically, and impacts the patients who would normally see that dentist. This is a tool not just to mount an additional discipline for the sake of meting out discipline, but rather a tool to help out the profession and the SIP panel going forward whilst protecting the public

Director Kamdar stated that to expand on Dr. Subramanian's point, we are going to be meeting with our principle stakeholders that are impacted by this and have discussions with them just like we did with our fee increase proposals and get their input and their feedback and continue this conversation. Hopefully, we will be able to move a proposal forward out of these discussions or something that looks similar to one of these options. He encouraged the members to peruse through the document and share their feedback with him.

Dr. Shaffer commented that as they have been reviewing the Disciplinary Guidelines there are times that it seems that a suspension may or may not be the appropriate action and if the Board had these fining authority options it would probably be better as there are times if we suspend then the practitioner has to lay off staff and keep them from not working which is a huge economic impact for their staff. This sometimes keeps SIP from offering suspension time when really some kind of monetary punitive damage might get their attention. She stated that they are trying to see if this could be added in the statute and then they could go back through the Disciplinary Guidelines and incorporate fining maybe in lieu of suspension time.

### Auditor of State – Biennial Audit

Director Kamdar stated that the Auditor of State has begun their routine audit of the Board and that he will keep you apprised of how that is going and then have the audit manager come in before the Board with their findings just like we did the last audit.

### Update on OARRS Reports

Director Kamdar stated that the next item he wished to share with the Board members was the Board's continued monitoring of prescribing practices of dentists through OARRS Reports. He stated that we are diligently following through that process and thanks to Drs. Guttman and Subramanian and Ms. Nash they are working away feverishly and as Dr. Subramanian pointed out earlier, the numbers have gone down drastically.

Director Kamdar stated that back in September the Board had almost 300 dentists on the OARRS Report that were found to be in violation of OARRS requirements. He stated that same number for the most recent month is now down to 186 which is a tremendous improvement. He further explained that when you look at the 186, you might have heard Dr. Subramanian say that there are very few extreme outliers and that most of them may have forgotten or inadvertently not checked a patient history, or other nuances that will happen. He reiterated that our goal is to bring that list down to zero (0) and hopes that will happen over the course of next year.

### Legislative Update – Zachary Russell

Director Kamdar stated that Mr. Russell had been spending a lot of time at the Statehouse listening to testimony and keeping abreast with legislative happenings, especially as it relates to oral health and dentistry. He then turned the floor over to Mr. Russell for the legislative update.

Mr. Russell distributed a copy of the Legislative Update [Appendix C] which covered four (4) bills that he has been following closely, explaining to the members that he attends committee hearings on any of the bills in order to listen in on testimony and to track any changes. He stated that he was following more than these four (4) bills indicated in the Legislative Update document, however, he was only speaking on these particular bills at this time. He stated that for each bill listed he had noted the sponsor of the bill, the current status of the bill and his comments regarding the bill.

Mr. Russell then reviewed the Legislative Update with the members explaining that the first bill was HB49 over the State's Operative Budget which Director Kamdar provided testimony for a few weeks ago and they fielded a few questions from the Chair and another one of the Representatives on the Committee, both of which were answered. The second bill was HB75 regarding professional licensure for members of the armed forces. The third bill on the report was SB16 which is the healthcare cultural competency bill and the last bill is SB98 regarding dental therapy licensing requirements.

Mr. Russell noted that all of these bills were newly introduced within the General Assembly and so there was not much happening with them as yet. He stated that currently the most important ones are HB49 and SB98 which was introduced yesterday regarding the dental therapy license. He stated that as all these bills advance farther through the General Assembly he will do an impact analysis on them and get back to the members on fiscal impact, impact they will have on the Board and also the impact that they will have on the administration in order to provide the Board members a little more information as the bills progress.

### Terminal Distributor of Dangerous Drugs (TDDD) License

The last item Director Kamdar wanted to share with the members was regarding the Terminal Distributor of Dangerous Drugs License (TDDD) through the Ohio Board of Pharmacy (Pharmacy Board). He stated that the TDDD legislation passed which impacts about 400 +/- of our licensed dentists so we are now starting to get a lot of questions on and we do not have all the answers as the Dental Board is not charged with administering this particular program but falls under the auspices of the Pharmacy Board. He then turned the floor over to Ms. Nash to expand on how we are making sure that we are not giving our dentists the run-around, that we have the correct answers, and that the Pharmacy Board also has answers for them.

Ms. Nash stated that the legislation was signed by the Governor earlier this year which now requires some dentists to obtain a TDDD license and they will have to obtain those and file their applications with the Pharmacy Board by April 6, 2017. Board staff posted that application on the Board's website along with a 2-page guidance document that the Pharmacy Board has put out with some frequently asked questions. She stated that both the application and the guidance document were posted on our website along with an e-mail blast to all the dental licensees in our data system who hold conscious sedation or general anesthesia permits because they are the most likely to be affected by new law. What the law requires is that any dentist who has controlled substances on their property must have the TDDD license, even if is only a few pills in an emergency kit, you are required to have this license. If you order wholesale from a distributor such as Schein Pharmaceuticals, like many of the oral surgeons do, people who have IV sedation or conscious sedation permits they all will have to get licensed through the Pharmacy Board. The license renews annually and the fee is generally \$150, however, there is an exception for dentists if they complete the affidavit in the application which will allow your fee to be reduced to \$50/year. But they must fill out the 2-page fee reduction affidavit in order for the fee to be reduced, it is not automatic based on profession.

Ms. Nash stated that specific questions on the application should really be directed to the Pharmacy Board as it is their license. The Pharmacy Board has indicated that they are prioritizing these applications and they want everyone to make their best effort in getting the applications submitted by the deadline of April 6, 2017. She reiterated that the application is posted on our website along with the guidance document and an e-mail went out to everyone. If there are any questions, she can try to answer them but may also refer any questions that are very specific to the Pharmacy Board because they will be doing the inspections, they will be granting the licenses, and they will have complete control over this particular license.

Dr. Shaffer commented that some dentists are on an automatic renewal for their emergency kits which oftentimes includes five (5) milligrams of valium. She suggested that an e-mail or advertisement on the front page of our website regarding an emergency kit may require this license might be a good idea.

Ms. Nash stated that it was her understanding from the Pharmacy Board that when the dentist runs out and attempts to place a reorder, the pharmaceutical company will not refill the order unless they show proof of the TDDD license. Dr. Anderson stated that maybe that was the case for pharmaceutical companies within the state of Ohio however, he indicated that he had no issues ordering from companies outside the state.

Ms. Nash indicated that we would continue to try to get this message out to the licensees.

President Clark recognized Dr. Recker from the floor who asked where the ODA was in regards to providing testimony on this particular piece of legislation as he felt this was just an “overreaching, money and power grab over dentists by the Pharmacy Board.” Nathan DeLong, Director of Legal and Legislative Affairs informed Mr. Recker that the ODA had provided testimony on the legislation.

Director Kamdar made one final comment on this subject and that was if anyone experienced any hesitation in responses from the Board, it was in an effort to ensure that our responses or advice that we are providing our licensees can hold up to any scrutiny or investigation on the part of the Pharmacy Board. He stated that he would rather have the Pharmacy Board answer those questions instead of us providing wrong advice to those dentists. He explained that it is not because we are trying to be uncooperative but it falls under the purview of the Pharmacy Board and we will be referring dentists to the Pharmacy Board for answers.

## Executive Session

*Motion by Ms. Aquillo, second by Ms. Johnston, to move the Board into executive session to confer with Board counsel regarding a pending or imminent court action pursuant to Ohio Revised Code Section 121.22 (G)(3) and to consider the employment and compensation of a public employee or official pursuant to Section 121.22(G)(1).*

Roll call vote: Dr. Anderson – Yes  
Ms. Aquillo – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Dr. Ginder – Yes  
Dr. Guttman – Yes  
Ms. Huber – Yes  
Ms. Johnston – Yes  
Dr. Subramanian – Yes  
Dr. Shaffer – Yes

Motion carried unanimously.

President Clark stated that the Board would now go into Executive Session and requested Ms. Bockbrader, Director Kamdar and Ms. Nash to attend. She requested all other guests and staff to leave the meeting and to take all personal items, including briefcases, purses, cell phones, tablets, etc. with them when exiting the room. She stated that they would be invited back in upon conclusion of the Executive Session.

## Open Session

At 3:44 p.m. the Board resumed open session.

*Motion by Ms. Aquillo, second by Ms. Johnston, to approve the personnel review for Executive Director Harry Kamdar for the year 2016 at an exceeds expectations level.*

Motion carried unanimously.

## Anything for the Good of the Board

### Board Meeting Notebooks

Dr. Das pointed out the increasing size of the Board and Committee workbooks and the volume of paper that was now being printed in-house and at the Office of State Printing for each meeting. He questioned if there were any considerations regarding alternatives for providing these materials. Director Kamdar stated that Ms. Aquillo as Chair of the Operations Committee had made a note of that in his performance evaluation. He stated that they would be looking into this issue but recognized that there are some members of the Board who prefer to have the materials provided in paper format. He requested each of the Board members to send him an e-mail stating their preferences as to paperless or not in an effort to carve out a blended solution as he wanted all the Board members to be comfortable with their viewing of all the materials.

### Board Meeting Retreat

Dr. Anderson questioned when we would be scheduling the Strategic Planning Retreat in order that the members could make reservations, etc. Director Kamdar informed him that the retreat has already been scheduled for June 22, 2017, the Thursday after the June 21, 2017 board meeting. He stated that the retreat would be held somewhere in the Columbus area but that final reservations had not yet been made.

President Clark took a moment to thank all her fellow Board members and the Board staff for all the work they have done since the February meeting.

## Adjourn

President Clark adjourned the meeting at 4:00 p.m.



CONSTANCE CLARK, R.D.H.

President



ASHOK DAS, D.D.S.

Vice President

Appendix A

Consolidate Auxiliary Duties (C.A.D.) Matrix



**OHIO STATE DENTAL BOARD**

**CONSOLIDATED AUXILIARY DUTIES (C.A.D.) MATRIX**

CONSOLIDATED AUXILIARY DUTIES (C.A.D.) MATRIX		Ohio Administrative Code Section	Dental Hygienist	Dental Hygienist Practice While the Dentist is Not Present	Expanded Function Dental Auxiliary (EFDA)	Expanded Function Dental Auxiliary (EFDA) While the Dentist is Not Present	Certified Assistant	Certified Assistant While the Dentist is Not Present	Basic Qualified Personnel (BQP)
			A	B	C	D	E	F	G
<b>Dental Hygiene Oral Prophylaxis Tasks and/or Procedures</b>									
1	* Administration of intraoral block and infiltration local anesthesia	4715-9-01 (A)(1)	✓						
2	* Administration (initiate, adjust, monitor, and terminate) of nitrous oxide-oxygen (N2O-O2) minimal sedation	4715-9-01 (A)(2)	✓						
3	* Monitor nitrous oxide-oxygen (N2O-O2) minimal sedation	4715-9-01 (A)(3) 4715-11-01 (B)(2), (C)(2), and (D)(2)	✓		✓		✓		✓
4	Polishing of the clinical crown(s) of teeth. Including restorations	4715-9-01 (C)(1)	✓	✓					
5	Removal of calcareous deposits or accretions from the crowns and roots of teeth	4715-9-01 (B)(1)	✓	✓					
6	Periodontal scaling, root planing, and soft tissue curettage	4715-9-01 (B)(2)	✓	✓					
7	Definitive subgingival curettage	4715-9-05 (F)(5)	✓						
8	Definitive root planing	4715-9-05 (F)(6)	✓						
9	Sulcular placement of prescribed materials	4715-9-01 (B)(3)	✓						
10	Bleaching of teeth (excluding procedures that utilize Light Amplification by Stimulated Emission of Radiation (LASER) Technologies	4715-9-01 (B)(4)	✓						
11	Procedures while the patient is anesthetized	4715-9-05 (F)(4)	✓						
12	General non-medical nutrition information for the purpose of maintaining good oral health	4715-9-01 (E)(21)(h)	✓	✓					

\* Denotes specific regulatory requirements must be met prior to being permitted to perform this function.

OHIO STATE DENTAL BOARD			CONSOLIDATED AUXILIARY DUTIES MATRIX						
OAC Section			A	B	C	D	E	F	G
<b>Advanced Remediable Intra-oral Dental Tasks and/or Procedures</b>									
13	* Placement of Sealants <sup>1</sup>	4715-9-01 (C)(2) 4715-11-01 (C)(3)(a) 4715-11-01 (D)(4)(a)(i)	✓	✓	✓	✓	✓	✓	
14	Placement of restorative materials limited to amalgam restorative materials	4715-11-04 (B)(2)			✓				
15	Placement of restorative materials limited to non-metallic restorative materials, including direct-bonded restorative materials	4715-11-04 (B)(3)			✓				
<b>Basic Remediable Intra-oral and Extra-oral Dental Tasks and/or Procedures</b>									
16	Aspiration and retraction.	4715-11-02 (B)(1)	✓	✓	✓		✓		✓
17	Intra-oral instrument transfer	4715-11-02 (B)(2)	✓	✓	✓		✓		✓
18	Preliminary charting of missing and filled teeth	4715-11-02 (B)(3)	✓	✓	✓		✓		✓
19	Elastomeric impressions for diagnostic models and models to be used for opposing models in the construction of appliances and restorations	4715-11-02 (B)(4)	✓	✓	✓		✓		✓
20	Taking impressions for the construction of custom athletic mouth protectors/mouthguards	4715-11-02 (B)(5)	✓	✓	✓		✓		✓
21	Taking impressions for the construction of trays for application of medicaments	4715-11-02 (B)(5)	✓	✓	✓		✓		✓
22	Application of disclosing solutions	4715-11-02 (B)(6)	✓	✓	✓	✓	✓	✓	✓
23	Caries susceptibility and detection	4715-11-02 (B)(7)	✓	✓	✓	✓	✓	✓	✓
24	Periodontal susceptibility and detection (excluding procedures that enter the gingival sulcus: e.g. Periodontal probing paper points)	4715-11-02 (B)(8)	✓		✓		✓		✓
25	Demonstration of oral hygiene procedures, including, but not limited to, use of toothbrushes and dental floss	4715-11-02 (B)(9)	✓	✓	✓	✓	✓	✓	✓
26	Shade selection for fabrication of appliances or restorations	4715-11-02 (B)(10)	✓		✓		✓		✓
27	Application of topical anesthetics	4715-11-02 (B)(11)	✓	✓	✓		✓		✓
28	Pulp testing	4715-11-02 (B)(12)	✓		✓		✓		✓

\* Denotes specific regulatory requirements must be met prior to being permitted to perform this function.

<sup>1</sup> A dental hygienist may perform "Pit and fissure sealants" on a patient under the following conditions/situations:

- Under the supervision of a licensed dentist when the dentist is present in a dental office, public or private school, healthcare facility, dispensary, or public institution wherein the dental hygienist practices;
- In the dental office wherein the dental hygienist practices for not more than 15 days and subject to the minimum qualifications and protocols/guidelines set forth in the Dental Practice Act and under the supervision of a licensed dentist when the dentist is not present after examination and diagnosis in accordance with the dentist's treatment plan;
- In a Board-approved dental hygiene program wherein the dental hygienist practices and subject to the protocols/guidelines set forth in the Dental Practice Act under the supervision of a licensed dentist when the dentist is not present after examination and diagnosis in accordance with the dentist's treatment plan;
- In a Board-approved dental hygiene program wherein the dental hygienist practices *prior to examination* by a supervising dentist so long as *no other dental hygiene services are provided*.

OHIO STATE DENTAL BOARD			CONSOLIDATED AUXILIARY DUTIES MATRIX						
OAC Section			A	B	C	D	E	F	G
<b>Basic Remediable Intra-oral and Extra-oral Dental Tasks and/or Procedures (Continued)</b>									
29	Fluoride application	4715-11-02 (B)(13)	✓	✓	✓		✓		✓
30	Application of fluoride varnish	4715-9-01E(11) 4715-9-05(C) 4715-11-03.2 (A)(2) 4715-11-04.4 (A)(4)	✓	✓		✓		✓	
31	Topical applications of desensitizing agents to teeth	4715-11-02 (B)(14)	✓	✓	✓	✓	✓	✓	✓
32	* Standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental services <sup>2</sup>	4715-9-01 (C)(3) 4715-12-01	✓	✓	✓	✓	✓	✓	✓
33	Application of periodontal dressings (packs)	4715-11-02 (B)(15)	✓	✓	✓		✓		✓
34	Removal of periodontal dressings (packs)	4715-11-02 (B)(15)	✓	✓	✓		✓		✓
35	Suture removal	4715-11-02 (B)(16)	✓		✓		✓		✓
36	Placement of rubber dam over preplaced clamp, and removal of clamp and rubber dam	4715-11-02 (B)(17)	✓		✓		✓		✓
37	Application of cavity varnish	4715-11-02 (B)(18)	✓		✓		✓		✓
38	Placement of surgical dressings	4715-11-02 (B)(27)	✓		✓		✓		✓
39	Removal of surgical dressings	4715-11-02 (B)(27)	✓		✓		✓		✓
40	Intra-oral bite registrations for diagnostic model articulation	4715-11-02 (B)(24)	✓	✓	✓		✓		✓
41	Intra-oral bite registrations for restorations	4715-11-02 (B)(24)	✓		✓		✓		✓
42	Intra-oral bite registrations for appliances	4715-11-02 (B)(24)	✓		✓		✓		✓
43	All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures	4715-11-02 (B)(31)	✓	✓	✓		✓		✓
44	All supportive services or procedures necessary to protect the physical well-being of the patient during routine treatment procedures and during periods of emergencies, including, but not limited to: <ul style="list-style-type: none"> <li>Physical positioning of the patient</li> <li>Monitoring of vital signs</li> <li>Assistance during administration of life-support activities, and</li> <li>Any other non-invasive procedures deemed necessary by the supervising dentist to maintain the health and safety of the patient</li> </ul>	4715-11-02 (B)(32)	✓	✓	✓		✓		✓

\* Denotes specific regulatory requirements must be met prior to being permitted to perform this function.

<sup>2</sup> With the exception of the licensed dental hygienist, all dental auxiliary *must* hold a current Dental Assistant Radiographer certificate that has been issued by the Board in order to perform this procedure. This procedure may be performed when the dentist is not present subject to the guidelines set forth in Ohio Revised Code Section 4715.56(B).

OHIO STATE DENTAL BOARD			CONSOLIDATED AUXILIARY DUTIES MATRIX						
OAC Section			A	B	C	D	E	F	G
<b>Basic Remediable Intra-oral and Extra-oral Dental Tasks and/or Procedures (Continued)</b>									
45	All non-invasive supportive services and procedures necessary to the gathering and maintaining of accurate and complete medical and dental history of the patient, including but not limited to: <ul style="list-style-type: none"> <li>• Taking photographs</li> <li>• Recording patient treatment</li> <li>• Measurement of blood pressure and body temperature; and</li> <li>• Other common tests deemed necessary by the supervising dentist</li> </ul>	4715-11-02 (B)(33)	✓	✓	✓		✓		✓
46	All extra-oral supportive laboratory procedures, including, but not limited to: <ul style="list-style-type: none"> <li>• Repair, construction and finishing of metallic and plastic prosthetic devices; and</li> <li>• Compilation of radiographic data for interpretation by the dentist, i.e., tracings, etc.</li> </ul>	4715-11-02 (B)(34)	✓	✓	✓		✓		✓
47	All patient education services, including, but not limited to: <ul style="list-style-type: none"> <li>• Progress reports</li> <li>• Consultations (oral or written)</li> <li>• Oral hygiene instructions</li> <li>• Use of intra-oral hygiene devices</li> <li>• Normal nutrition information as it relates to dental health</li> <li>• Behavioral modification</li> <li>• Self adjustment of orthodontic appliances; and</li> <li>• All other post-operative and post-insertion instructions, as deemed appropriate by the supervising dentist</li> </ul>	4715-11-02 (B)(36)	✓	✓	✓		✓		✓
48	All non-invasive supportive services normally utilized in conjunction with the treatment by the dentist of fascia pain or TMJ syndrome	4715-11-02 (B)(37)	✓		✓		✓		✓
49	Preparing the teeth for restorations or for the bonding of orthodontic brackets by treating the supragingival coronal surfaces of the teeth to be bonded with a conditioning or etching agent and by the placement of a bonding agent adhesive	4715-11-02 (B)(38)	✓		✓		✓		✓
<b>Preparation of Materials, Drugs and Medications for Use in Dental Procedures</b>									
50	Palliative materials	4715-11-02 (B)(35)(a)	✓		✓		✓		✓
51	Impression materials	4715-11-02 (B)(35)(b)	✓	✓	✓		✓		✓
52	Restorative materials	4715-11-02 (B)(35)(c)	✓		✓		✓		✓

OHIO STATE DENTAL BOARD		CONSOLIDATED AUXILIARY DUTIES MATRIX							
		OAC Section	A	B	C	D	E	F	G
<b>Restorative Procedures</b>									
53	Impression, fabrication, cementation and removal of provisional restorations, not to include palliative or sedative restorations	4715-11-02 (B)(19)	✓		✓		✓		✓
54	Preliminary selection and sizing of stainless steel crowns	4715-11-02 (B)(21)	✓		✓		✓		✓
55	Polymerization of light-activated restorative or bonding materials	4715-11-02 (B)(30)	✓		✓		✓		✓
56	Recementation of temporary crowns or recementation of crowns with temporary cement	4715-9-01 (E)(15) 4715-11-03.2 (A)(1) 4715-11-4.4 (A)(2)	✓	✓		✓		✓	
<b>Endodontic Procedures</b>									
57	Irrigation and drying of canals during endodontic procedures	4715-11-02 (B)(25)	✓		✓		✓		✓
58	Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals	4715-11-02 (B)(26)	✓		✓		✓		✓
<b>Orthodontic Procedures</b>									
59	Impressions for removable or fixed orthodontic appliances	4715-11-02 (B)(39)	✓		✓		✓		✓
60	Preliminary selection and sizing of orthodontic bands and arch wires	4715-11-02 (B)(22)	✓		✓		✓		✓
61	Checking for and removal of loose orthodontic bands	4715-11-02 (B)(23)	✓		✓		✓		✓
62	Checking for and removal of loose orthodontic brackets	4715-11-02 (B)(23)	✓		✓		✓		✓
63	Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets	4715-11-02 (B)(28)	✓		✓		✓		✓
64	Placement and removal of orthodontic separators and ties	4715-11-02 (B)(29)	✓		✓		✓		✓

This quick reference guide was created based upon the rules as they are written on the date of publication. As the rules change, we will produce additional updated versions. This guide is a tool to assist you and your staff, but does not supersede the rules as written. If there is any discrepancy between this document and the rules, the rules govern.

Additionally, please be aware that while your staff might legally be permitted to perform the duties as listed, they are only to be performed under the supervision, direction, and control of a licensed dentist subject to those rules specific to whether the licensed dentist is present or when the dental auxiliary is practicing without the dentist being present.<sup>3</sup>

<sup>3</sup> Except the placement of pit and fissure sealants which may be performed prior to the dentist examining the patient and rendering diagnosis specific to Ohio Revised Code Sections 4715.22(D)(3)(b), 4715.39(E) and (E)(5), and 4715.64(D) and (D)(4).

**OHIO STATE DENTAL BOARD CONSOLIDATED AUXILIARY DUTIES MATRIX****Definitions of Dental Auxiliary**

Pursuant to Ohio Administrative Code Section 4715-3-01(C) which defines the following dental personnel as:

**“Licensed dental hygienist”** - a graduate of an accredited dental hygiene school or program who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency level rules of this board, and holds a current license to practice dental hygiene in Ohio which is not suspended or revoked by board action.

**“Advanced qualified personnel” (hereinafter referred to as expanded function dental auxiliaries or EFDAs)**- those persons who have passed the Ohio state dental board designated examination for expanded function dental auxiliaries who may perform advanced remediable intra-oral dental tasks and/or procedures under the direct supervision and full responsibility of a licensed dentist.

**“Certified assistant”** - a dental assistant who maintains current certification by completion of the continuing education requirements upon successfully passing the certification examination of the Dental Assisting National Board (DANB) or the Ohio Commission on dental assistant certification (OCDAC).

**“Basic qualified personnel”** – basic qualified personnel are those persons who are adjudged by the licensed dentist to be capable and competent of performing basic remediable intra-oral and extra-oral dental tasks and/or procedures under his direct supervision and full responsibility. These persons must be trained directly via an employer-dentist, via a planned sequence of instruction in an educational institution or via in-office training.

**Dental Practice Act on Permissible Duties**

The permissible duties as listed are subject to the specific education, training, examination, experience and practice requirements listed in the Dental Practice Act for auxiliary personnel. The specific requirements for each dental auxiliary may be found in the following sections of the Dental Practice Act:

**Dental Hygienist:** Ohio Revised Code Sections 4715.22, 4715.23, and 4715.231 and Ohio Administrative Code Rules 4715-9-01 to 4715-9-06.1 inclusive and 4715-11-02 and 4715-11-02.1.

**Expanded Function Dental Auxiliary:** Ohio Revised Code 4715.39 and 4715.64 and Ohio Administrative Code Rules 4715-11-01 (A) and (D), 4715-11-02, 4715-11-02.1, 4715-11-04, and 4715-11-04.4.

**Certified assistant:** Ohio Revised Code 4715.39 and Ohio Administrative Code Rules 4715-11-01(A) and (C), 4715-11-02, 4715-11-02.1, 4715-11-03, 4715-11-03.1, and 4715-11-03.2.

**Basic Qualified Personnel:** Ohio Revised Code 4715.39(F) and Ohio Administrative Code Rules 4715-11-01(A) and (B), 4715-11-02, and 4715-11-02.1.

**Dental Assistant Radiographer:** Ohio Revised Code 4715.53 and 4715.56 and Ohio Administrative Code Rules 4715-12-01 to 4715-12-05 inclusive.

**OHIO STATE DENTAL BOARD CONSOLIDATED AUXILIARY DUTIES MATRIX****Definitions of Supervision**

Pursuant to Ohio Administrative Code Rule 4715-3-01(O), which defines the levels of supervision as follows:

1. "Supervision" - acts are deemed to be under the supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility. Such acts shall be performed only after examination and diagnosis by said dentist and in accordance with said dentist's treatment plan for the procedure to be performed by the dental hygienist. This definition is subject to the exceptions noted in section 4715.22 of the Revised Code.
2. "Direct supervision" - acts are deemed to be under the direct supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility, and are checked and approved by the licensed dentist before the patient upon whom such act has been performed departs from the dental facility of said dentist.
3. "Personal supervision" - acts are deemed to be under the personal supervision of the licensed dentist when the dentist is personally operating on a patient and authorizes an auxiliary to aid treatment by concurrently performing supportive procedures.

**Dental Auxiliaries and Dental Healthcare Workers**

Pursuant to Ohio Administrative Code Rule 4715-3-01(C)(10) and (C)(11), which defines additional dental auxiliary and dental healthcare workers as follows:

- (C)(10) "Dental auxiliaries" - dental auxiliaries are all persons, not licensed to practice dentistry in Ohio, who assist in the dental practice.
- a. Subject to those more specific laws or rules regulating the functions of basic qualified personnel, expanded function dental auxiliaries and hygienists, a dental auxiliary may, under the personal supervision and full responsibility of a licensed dentist, assist in the concurrent performance of supportive procedures, and may assist with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide.
  - b. Further, parenteral injections for the administration of drugs, including local anesthetic agents may not be delegated to dental auxiliaries unless they are appropriately licensed in the state of Ohio.
- (C)(11) "Dental health care workers" - dental health care workers are all personnel utilized by a licensed dentist who assist in a dental practice and who may be exposed to body fluids such as blood or saliva.

**Coronal Polishing Certificate**

In order to obtain a coronal polishing certification from the Board to be permitted to perform coronal polishing procedures, a currently certified assistant must meet the education, training, examination, and application requirements set forth in Ohio Administrative Code rule 4715-11-03.1.

## OHIO STATE DENTAL BOARD CONSOLIDATED AUXILIARY DUTIES MATRIX

**Permissible Practices Documentation**

Dental auxiliary are required to complete and attach supporting documentation to the Permissible Practices Documentation for Dental Hygienists Form, Permissible Practices Documentation for Dental Assistants Form, or the Permissible Practices Documentation for Expanded Function Dental Auxiliary Form when performing any of the following:

**Dental Hygienists:** <http://www.dental.ohio.gov/Portals/0/Professions/PermissiblePractices-ALL/Dental%20Hygiene%20Practice%20Documentation.pdf?ver=2016-10-31-102051-630>

- Administration of intraoral block and infiltration local anesthesia
- Administration of nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
- Monitoring of nitrous oxide- oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
- Practice when the dentist is not physically present;

**Dental Assistants:** <http://www.dental.ohio.gov/Portals/0/Professions/PermissiblePractices-ALL/Dental%20Assistant%20Practice%20Documentation.pdf?ver=2016-10-31-102051-863>

- Monitoring of nitrous oxide- oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
- Pit and Fissure Sealants (certified assistants only);
- Practice when the dentist is not physically present (certified assistants only);

**Expanded Function Dental Auxiliary:** <http://www.dental.ohio.gov/Portals/0/Professions/PermissiblePractices-ALL/EFDA%20Practice%20Documentation.pdf?ver=2016-10-31-102051-943>

- Monitoring of nitrous oxide- oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
- Practice when the dentist is not physically present

These forms are to be signed by the supervising dentist and maintained in all dental facilities wherein the dental hygienist or dental auxiliary are practicing.

**Non-delegable dental tasks and/or procedures.**

Pursuant to Ohio Administrative Code Rule 4715-11-06, the following dental tasks and/or procedures shall not be delegated to dental auxiliary and may only be performed by the licensed dentist:

1. Definitive diagnosis and treatment planning.
2. The final placement of any fixed or removable appliances.
3. The final removal of any fixed appliance.
4. The therapeutic intra-oral adjustment of any fixed or removable appliance.
5. Cutting procedures utilized in the preparation of the coronal or root portion of the tooth.
6. Cutting procedures involving the supportive structures of the tooth.
7. The placement of the final root canal filling.
8. Final impressions of any tissue-bearing area, whether it be hard or soft tissue, upon which a prosthetic restoration is to be place. Taking of impressions for athletic mouthguards or similar appliances is not to be construed as a final impression.
9. Occlusal registration procedures for any prosthetic restoration, whether it be fixed or removable.
10. The final placement of prefabricated or cast restorations or crowns.
11. Procedures utilizing light amplification by stimulated emission of radiation (LASER) technologies (excluding caries susceptibility testing devices).
12. Any other dental tasks and/or procedures which are prohibited by law or agency-level 4715 rules of the Administrative Code.

Appendix B

Ohio State Dental Board: Civil Monetary Penalty Proposal

**OHIO STATE DENTAL BOARD  
CIVIL MONETARY PENALTY PROPOSAL**

**DRAFT**

*Note: Fines may be applied as a pre-cursor or in conjunction with license suspension depending on the severity of each situation.*

Category	Infraction	Statutory or Rule Violation	OPTION 1 minimum \$250; maximum \$5,000		OPTION 2 minimum \$250; maximum \$10,000		OPTION 3 minimum \$250; maximum \$20,000	
			Minimum fine	Maximum fine	Minimum fine	Maximum fine	Minimum fine	Maximum fine
<b>A</b>	<b>Improper Prescribing</b>		<b>\$500</b>	<b>\$5,000</b>	<b>\$500</b>	<b>\$10,000</b>	<b>\$500</b>	<b>\$20,000</b>
A1	Prescribing, dispensing or administering schedule II through IV drugs for excessive periods of time and in excessive amounts (beyond 5 or 7 days)	R.C. 4715.30(A)(8), (A)(9)	\$500	\$5,000	\$500	\$10,000	\$500	\$20,000
A2	Failing to keep patient records of any substances prescribed, dispensed or administered	R.C. 4715.30(A)(8), (A)(9)	\$500	\$5,000	\$500	\$10,000	\$500	\$20,000
A3	Inappropriate purchasing, controlling, dispensing and/or administering of any drug	R.C. 4715.30(A)(8)	\$1,500	\$5,000	\$1,500	\$10,000	\$1,500	\$20,000
A4	Failure to use acceptable methods in selecting, prescribing, dispensing and administering any drug	R.C. 4715.30(A)(8), (A)(9)	\$500	\$5,000	\$500	\$10,000	\$500	\$20,000
A5	Selling, prescribing, dispensing, giving away or administering any drug for other than a legal and legitimate therapeutic purpose and/or selling, prescribing, dispensing or giving away or administering any drug in exchange for sexual favor	R.C. 4715.30(A)(8)	\$1,500	\$5,000	\$1,500	\$10,000	\$1,500	\$20,000

<b>A6</b>	Failure to comply with Section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database	R.C. 4715.30(A)(14)	\$1,500	\$5,000	\$1,500	\$10,000	\$1,500	\$20,000
<b>A7</b>	Failure to comply with the requirements in section R.C. 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic	R.C. 4715.30(A)(17)	\$1,500	\$5,000	\$1,500	\$10,000	\$1,500	\$20,000
<b>B</b>	<b>Standard of Care</b>		<b>\$500</b>	<b>\$3,000</b>	<b>\$500</b>	<b>\$10,000</b>	<b>\$500</b>	<b>\$20,000</b>
<b>B1</b>	Departure from or failure to conform to minimum standards of care	R.C. 4715.30(A)(9)	\$500	\$3,000	\$500	\$10,000	\$500	\$20,000
<b>C</b>	<b>Fraud, Misrepresentation or Deception</b>		<b>\$250</b>	<b>\$1,000</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$20,000</b>
<b>C1</b>	Advertising services in a false or misleading manner	R.C. 4715.30(A)(3) and OAC 4715-13-03, 4715-13-04	\$250	\$1,000	\$250	\$10,000	\$250	\$20,000
<b>C2</b>	Employing or cooperating in fraud or material deception in applying for a license, certificate or registration	R.C. 4715.30(A)(1)	\$500	\$1,000	\$500	\$10,000	\$500	\$20,000
<b>C3</b>	Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice	R.C. 4715.30(A)(2)	\$500	\$1,000	\$500	\$10,000	\$500	\$20,000
<b>D</b>	<b>Ethics Violations</b>		<b>\$250</b>	<b>\$3,000</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$20,000</b>
<b>D1</b>	Engaging in lewd or immoral conduct in connection with the provision of dental services	R.C. 4715.30(A)(7)	\$1,500	\$3,000	\$1,500	\$10,000	\$1,500	\$20,000

<b>D2</b>	Waiving (or advertising that the license will waive) the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract or plan that covers dental services would otherwise be required to pay if the waiver is used as an entitlement to a patient to receive health care services	R.C. 4715.30(A)(13)(a),(b)	\$250	\$1,500	\$250	\$5,000	\$250	\$250	\$10,000
<b>E</b>	<b>Actions by Other State Entities</b>		<b>\$250</b>	<b>\$1,000</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$250</b>	<b>\$20,000</b>
<b>E1</b>	The limitation, revocation or suspension of an individual's license to practice; acceptance of surrender; denial of a license; refusal to renew or reinstate; imposition of probation or issuance of an order of censure or other reprimand by another jurisdiction	R.C. 4715.30(A)(15)	\$250	\$1,000	\$250	\$10,000	\$250	\$250	\$20,000
<b>F</b>	<b>Unauthorized Practice</b>		<b>\$500</b>	<b>\$3,000</b>	<b>\$500</b>	<b>\$10,000</b>	<b>\$500</b>	<b>\$500</b>	<b>\$20,000</b>
<b>G</b>	<b>Criminal Acts or Convictions</b>		<b>\$250</b>	<b>\$1,000</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$250</b>	<b>\$20,000</b>
<b>G1</b>	Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed	R.C. 4715.30(A)(4)	\$250	\$1,000	\$250	\$10,000	\$250	\$250	\$20,000
<b>G2</b>	Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed	R.C. 4715.30(A)(5)	\$500	\$1,000	\$500	\$10,000	\$500	\$500	\$20,000
<b>G3</b>	Conviction of, a plea of guilty to, a judicial finding of guilt, resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or misdemeanor committed in the course of practice	R.C. 4715.30(A)(6)	\$500	\$1,000	\$500	\$10,000	\$500	\$500	\$20,000
<b>H</b>	<b>Continuing Education</b>		<b>\$250</b>	<b>\$1,500</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$250</b>	<b>\$20,000</b>
<b>H1</b>	Failure to respond to a CE audit, but CE was completed	R.C. 4715.141, R.C. 4715.25	\$250	\$500	\$250	\$3,000	\$250	\$250	\$7,000

H2	Failure to complete CE as certified on the renewal application	R.C. 4715.30(A)(1) and R.C. 4715.141, R.C. 4715.25	\$500	\$1,500	\$500	\$500	\$10,000	\$500	\$20,000
<b>I</b>	<b>Infection Control</b>		<b>\$250</b>	<b>\$2,000</b>	<b>\$250</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$20,000</b>
I1	Violation of the Board's rules on patient and personal protection (1 <sup>st</sup> offense)	OAC 4715-20-01, 02, 03, R.C. 4715.30(A)(11), (12)	\$250	\$500	\$250	\$250	\$2,500	\$250	\$5,000
I2	Violation of the Board's rules on patient and personal protection (2nd offense)	OAC 4715-20-01, 02, 03, R.C. 4715.30(A)(11), (12)	\$1,000	\$2,000	\$1,000	\$1,000	\$10,000	\$1,000	\$20,000
<b>J</b>	<b>Miscellaneous</b>		<b>\$250</b>	<b>\$500</b>	<b>\$250</b>	<b>\$250</b>	<b>\$10,000</b>	<b>\$250</b>	<b>\$20,000</b>
J1	Failure to cooperate in an investigation conducted by the Board (including failure to respond to a subpoena and failure to answer truthfully in deposition/interrogatories)	R.C. 4715.30(A)(16)	\$250	\$500	\$250	\$250	\$10,000	\$250	\$20,000

## Appendix C

### Legislative Update

#### Legislative Update March 15, 2017 Zachary Russell

- HB49 OPERATING BUDGET** (SMITH R) Creates the state's FY 2018-2019 main operating budget.
- Current Status:** On 3/16/2017 the House Finance State Government and Agency Review Subcommittee will hold the Eleventh Hearing on this Bill.
- Comments:** This is the Biennial Budget for Ohio. Director Kamdar presented testimony to the House Finance Subcommittee on Health and Human Services on February 23, 2017. The testimony was well received and this bill will now work its way through the House of Representatives.
- HB75 PROFESSIONAL LICENSURE-ARMED FORCES** (GAVARONE T, MERRIN D) To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state.
- Current Status:** On 3/15/2017, the House Armed Services, Veterans Affairs and Homeland Security will hold its second hearing on this Bill.
- Comments:** This Bill helps members of the armed forces or their spouses obtain licensure in states in which their families are relocated. This Bill would allow the board to grant a license based on credentials of the applicant.
- SB16 HEALTH CARE CULTURE COMPETENCY** (TAVARES C) To require certain health care professionals to complete instruction in cultural competency.
- Current Status:** On 3/7/2017 the Senate Health, Human Services and Medicaid, held the first hearing on this Bill.
- Comments:** The Bill repeals previously enacted provisions that require health care licensing boards to provide information to licensees on training and continuing education opportunities in cultural competency. SB 16 proposes a requirement that all health care professionals are to obtain instruction or continuing education in cultural competency to receive or renew a professional license.
- SB98 DENTAL THERAPY LICENSING REQUIREMENTS** (LEHNER P, THOMAS C) To establish licensing requirements for dental therapists.
- Current Status:** 3/14/2017 – Introduced
- Comments:** Senate Bill 98 was recently introduced yesterday 3/14/2017 and outlines the requirements that dental therapists would have to meet to obtain licensure in Ohio.