

OHIO STATE DENTAL BOARD
BOARD MEETING
NOVEMBER 2, 2011

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OHIO STATE DENTAL BOARD BOARD MEETING

NOVEMBER 2, 2011

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in Room 1960, 19th Floor of The Vern Riffe Center for Government and The Arts, 77 South High Street, Columbus, Ohio on November 2, 2011, beginning at 1:00 p.m. Board members present were:

Lawrence Kaye, D.D.S., President
Douglas W. Wallace, D.D.S., Vice President
Ketki B. Desai, D.D.S., Vice Secretary
Marybeth Shaffer, D.D.S., Acting Secretary
Jacinto W. Beard, D.D.S.
Constance F. Clark, R.D.H.
W. Chris Hanners, D.D.S.
Clifford Jones, R.D.H.
James Lawrence
Linda R. Staley, R.D.H.
Mary Ellen Wynn, D.D.S.

Newly appointed Board member, Gregory A. McDonald, D.D.S., was not in attendance to the meeting.

The following guests were also in attendance: Katherine Bockbrader, Esq. of the Ohio Attorney General's Office; Keith Kerns, Esq. and Henry Fields, D.D.S. of the Ohio Dental Association (ODA); Mark Lutz, M.A., L.C.D.C. III of the Ohio Physicians Health Program (OPHP), Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association; Michele Carr, R.D.H., M.A. of the Ohio State University (OSU) College of Dentistry, Division of Dental Hygiene; Larry Wolpert and Bill Behrendt of the Joint Committee on Agency Rule Review (JCARR); and Lili Reitz, Esq., Executive Director, Quentin Holmes, Enforcement Supervisor, Kathy Carson and Gail Noble, Dental Board Enforcement Officers, Jayne Smith, Licensing Coordinator and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Dr. Kaye extended greetings to everyone and noting that there was a quorum present called the meeting to order at approximately 1:00 p.m.

INTRODUCTION OF BOARD MEMBERS

Dr. Kaye introduced himself as the Board President, a periodontist from Akron. He then took a moment to introduce the rest of the Board members. He introduced Dr. Douglas Wallace, the Board Vice President, an oral and maxillofacial surgeon from Fairfield. Dr. Ketki Desai, the Board Vice Secretary, a general dentist from Columbus, Dr. Jacinto Beard, a general dentist from Gahanna, Dr. Chris Hanners, a general dentist from Piketon, Dr. Marybeth Shaffer, a general dentist from Leetonia, Dr. Mary Ellen Wynn, a general dentist from Cincinnati, Ms. Constance Clark, a dental hygienist from Dublin, Mr. Clifford Jones, a dental hygienist from Cincinnati, Ms. Linda Staley, a dental hygienist from Lima, and Mr. James Lawrence, the Board's public member from Akron.

PUBLIC ADMINISTRATIVE RULES HEARING

An administrative rules hearing was held on the following proposed new and amended rules:

4715-6-01 Standards and procedures for review of Ohio Automated Rx Reporting System (OARRS). (New)

A court reporter was present to take down and transcribe the details of the testimony, discussions, and decisions of the Board. The Board heard testimony and received evidence, State's Exhibits 1 through 5, from Lili C. Reitz, Esq., Executive Director, Ohio State Dental Board.

Upon conclusion of the testimony, the Board discussed any proposed changes to these rules as filed and any motions regarding potential changes to these rules. All the official transcripts from the hearing are maintained in the exhibits section of this journal.

EXECUTIVE SESSION

Motion by Mr. Lawrence, second by Ms. Staley, 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: Dr. Beard – Yes
 Ms. Clark – Yes
 Dr. Desai – Yes
 Dr. Hanners – Yes
 Mr. Jones – Yes
 Dr. Kaye - Yes
 Mr. Lawrence – Yes
 Dr. Shaffer – Yes
 Ms. Staley – Yes
 Dr. Wallace - Yes
 Dr. Wynn – Yes

Motion carried unanimously.

Dr. Kaye invited Ms. Reitz, Mr. Holmes, and Ms. Bockbrader to attend the executive session.

The Board returned to open session at 1:26 p.m.

REVIEW OF THE SEPTEMBER 2011 BOARD MEETING MINUTES

The Board reviewed the minutes of the September 14, 2011 Board meeting.

Motion by Dr. Wynn, second by Dr. Desai, to approve the September 14, 2011 Board meeting minutes as presented.

Motion carried unanimously.

ENFORCEMENT REPORT

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

STEPHANIE M. PAGE, DENTAL ASSISTANT RADIOGRAPHER

Dr. Kaye turned the meeting over to Dr. Shaffer to conduct the evidentiary review. Dr. Shaffer then stated for the record:

“This is an evidentiary review in the matter of Stephanie M. Page, Dental Assistant Radiographer, pursuant to chapters 119 and 4715 of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the administrative hearing that would have occurred if Ms. Page had properly requested a hearing. The Board's minutes will serve as the record of this proceeding.”

Dr. Shaffer asked if the State would like to present any additional information to support the charges outlined in the Notice of Immediate Suspension and Opportunity for Hearing.

Ms. Bockbrader said yes and began by stating that in the past, the Board presented evidence by having the Board's Records Custodian identify the relevant documents. She stated that in an effort to be more efficient, she was introducing an affidavit for review and consideration, which clearly detailed the facts and evidence needed for the Board's determination in this matter. She stated that State's Exhibit 1 is an affidavit from Heidi Massaro, Compliance Coordinator, wherein she attests to the truth and accuracy of State's Exhibits 2-6 in the matter involving Stephanie M. Page, Dental Assistant Radiographer.

Ms. Bockbrader then requested that State's Exhibits 1 through 6 be entered into evidence.

Dr. Shaffer accepted into evidence State's Exhibits 1 through 6.

DECISION IN THE MATTER OF STEPHANIE M. PAGE, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Ms. Staley, that Count #1 in the Notice of Opportunity for Hearing in the matter of Stephanie M. Page is found to be true and it is hereby ORDERED that the certificate of Stephanie M. Lydick Page to practice as a dental assistant radiographer in the state of Ohio is hereby REVOKED.

Motion carried. Mr. Jones opposed.

PERSONAL APPEARANCE(S)

RUDYARD C. WHIPPS, D.D.S.

Ms. Noble introduced Rudyard C. Whipps, D.D.S., stating that Dr. Whipps was appearing before the Board for his second interview after his initial appearance at the last Board meeting. She informed the members that Dr. Whipps has continued to attend all meetings up through the end of September and has submitted his monthly compliance reports although it is not required until his license has been reinstated. Ms. Noble stated that Dr. Whipps' urine screens have been negative. And that he will be delivering his October meeting attendance records and if there are any problems, she would advise the members to them.

Upon questioning by the Board, Dr. Whipps explained that he has continued working the program and is very active in his recovery and Alcoholics Anonymous (AA). He stated that he will begin his own meeting with his sponsor the next day. Dr. Whipps stated that he is currently employed in a coffee shop down the street from the Dental Board offices but desires the opportunity to return to actively practicing dentistry. He informed the members that he now understands the stress of private practice and therefore, he is looking to return to practice as an associate. Dr. Whipps said that previously he had struggled with acceptance of his disease but now that he has accepted it his perspective has changed dramatically. He stated that he had viewed the practice of dentistry as a right, now understands that it is a privilege to practice and he would not have understood that had he not lost his license to practice.

When questioned as to support, Dr. Whipps explained that his family has been very supportive during his recovery, that he still has very good relationships, that his sister is in recovery also and that he is currently living in a safe house. He said that prior to his license suspension he was somewhat of a workaholic in that he would work upwards of fifty (50) hours per week. He indicated that it is her personal decision to not return to that type of environment and that he would not want to have that kind of pressure as an associate either.

Motion by Dr. Wallace, second by Dr. Hanners to reinstate the license of Rudyard C. Whipps, D.D.S., to practice dentistry in the state of Ohio, limited to no more than fifteen (15) hours per week, and pursuant to the terms of his consent agreement with the Board.

Motion carried unanimously.

Dr. Kaye informed Dr. Whipps that the Board would consider an increase in the number of practice hours once he has been actively practicing for a period of three to six (3-6) months. He stated that Dr. Whipps could request a subsequent interview at that time.

STEPHEN M. WOJDYLA, D.D.S.

Ms. Noble introduced Stephen M. Wojdyla, D.D.S. and stated that Dr. Wojdyla was appearing before the Board due to non-compliance with his Consent Agreement. She stated that Dr. Wojdyla was initially reinstated to twenty (20) hours on January 17, 2011. Ms. Noble said that she had informed the Board members that that Dr. Wojdyla was compliant with his attendance to meetings and that his urine screens were negative. She stated that based on information regarding his compliance, Dr. Wojdyla then appeared before the Board at the May 25th Board meeting wherein his hours were increased to a maximum of thirty (30). She stated that on August 3, 2011, Dr. Wojdyla appeared before the Board again and was reinstated to practice full time based on similar information she provided to the Board indicating that Dr. Wojdyla was in compliance with all the terms of his consent agreement.

Continuing on, Ms. Noble stated that since that time, it had come to her attention that Dr. Wojdyla was not submitting his monthly letters of compliance or his meeting logs and that she had not checked for this required documentation and therefore, he was not in compliance with his consent agreement. She stated that Dr. Wojdyla has been informed by letters from Ms. Massaro, Compliance Officer, that he needed to submit the documentation by the first of every month and send his monthly letters and he has been late doing this every month. Ms. Noble clarified that the issues of non-compliance with the documentation was brought to her attention, however, there is no evidence of Dr. Wojdyla relapsing and that he remains sober. Ms. Noble requested that the members considered that Dr. Wojdyla be able to appear before them to explain this situation and to discuss his negligence in sending the paperwork timely.

Upon questioning by the Board, Dr. Wojdyla stated that he did not have a good excuse for his non-compliance. He stated that except for one or two instances, he felt that he had been in compliance with his consent agreement. Dr. Wojdyla admitted to being disorganized and a procrastinator and these are personal character flaws that he is working on along with his recovery. He stated that once this issue had been completely explained to him, he rushed out, purchased a facsimile machine, reorganized his filing system and submitted the documentation. Dr. Wojdyla stated that there was no way to prove or demonstrate to the Board that he is sincere in his efforts but requested that the Board members consider giving him another chance to recommit himself to being less disorganized and to filing the paperwork in a timely manner.

Motion by Mr. Lawrence, second by Dr. Wynn, that Stephen M. Wojdyla appear before the full Board at February 2012 meeting to further discuss any compliance issues.

Motion carried unanimously.

Mr. Lawrence reminded Dr. Wojdyla to heed his stressors and to recognize that this is still all a part of the big picture to his recovery.

RICHARD G. SKOULA, D.D.S.

Ms. Noble introduced Richard G. Skoula, D.D.S. and explained that he was appearing before them today to request an early release from the probationary terms of his consent agreement with the Board which continues through 2013. She gave a brief summary, explaining that Dr. Skoula has been doing well in his recovery since the beginning of 2009.

Dr. Skoula began by stating that he was very grateful to the Board and Ms. Noble for this opportunity. He stated that as time goes on he defines his life as before AA and life after AA. Dr. Skoula informed the members that realizing the disease and its severity makes him aware of how lucky he is to be here today and alive. He said that at that time in his life his ego was so big that he needed the Board to take action in order to change his life.

Continuing on, Dr. Skoula informed the Board that he has become entrenched in the program, so much so that he volunteers in an effort to try and help other dentists before they reach the point of intervention by the Board. He said that he helps them by explaining that they can begin to live a good life again once they are accepting of the disease and begin their road to recovery. Dr. Skoula explained that it is a painful, hard process where you have to jump through hoops to get to the other side when your ego is standing in your way telling you that you can practice impaired. But, he stated, he persevered because he loves dentistry, has a good support group, and his wife has stayed with him. Dr. Skoula informed the members that he even made it through back surgery without the use of pain medications.

When questioned as to why he wants to be released from the probationary terms of his consent agreement, Dr. Skoula explained that he feels he is an "Ok" dentist but not a very good businessman so he sold his practice after twenty (20) years and became an employee. He stated that as an employee he is having difficulties with the insurance companies which is keeping him from bringing in new patients to the practice. He concluded by stating that this request was not really for him but for his fellow employees and his employer.

Dr. Kaye thanked Dr. Skoula for speaking with the Board and informed him that the Board would be further discussing this matter along with a similar situation in Executive Session.

SAMUEL S. KALUDY, D.D.S.

Ms. Noble introduced Samuel S. Kaludy, D.D.S. and stated that he was also appearing before the Board to request a release from the probationary terms of his consent agreement which continues through November 2013.

Dr. Kaludy explained that he will be 61 years old soon and wishes to begin the process for hiring an associate to work for awhile and eventually buy the practice. He stated that he was hoping to have this probation reduced, the action taken off the website, and would like to have a clean license when he begins to petition for an associate.

Secondly, Dr. Kaludy stated, when he and his wife travel he attends meetings and not all meetings will sign the papers that the Board requires. He stated that this might be selfish on his part but it becomes a little embarrassing trying to get a person to sign the documentation from the Board.

Continuing on, Dr. Kaludy informed the members that when he came before the Board three (3) years ago, he was fighting everything and did not believe that he had a problem. He stated that slowly over the years he came to the realization that he was the problem and that he had a problem. Dr. Kaludy stated upon that realization he was able to learn that he had to make his life more stable by listening and learning. He stated that his life now is stable; he has a support group which includes his wife of 37 years. He stated that his family, his patients, and his friends are all very supportive of his recovery.

Concluding, Dr. Kaludy informed the Board members that no matter their decision in this matter, his recovery is not about being a dentist. He stated that his recovery is about the stability that must continue for the rest of his life in order to keep his family and he knows what he has to do to maintain his sobriety.

EXECUTIVE SESSION

Motion by Dr. Wallace, second by Mr. Jones, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) discuss issues in the matters of Richard G. Skoula, D.D.S., and Samuel S. Kaludy, D.D.S.

Roll call vote: Dr. Beard – Yes
 Ms. Clark – Yes
 Dr. Desai – Yes
 Dr. Hanners – Yes
 Mr. Jones – Yes
 Dr. Kaye - Yes
 Mr. Lawrence – Yes
 Dr. Shaffer – Yes
 Ms. Staley – Yes
 Dr. Wallace - Yes
 Dr. Wynn – Yes

Motion carried unanimously.

Dr. Kaye invited Ms. Reitz, Mr. Holmes, and Ms. Bockbrader to attend the executive session.

Open Session

The Board resumed open session at 2:42 p.m.

Dr. Kaye thanked both Dr. Skoula and Dr. Kaludy for appearing before them today and informed them that the Board would take the information they provided under advisement. He stated that the Board would do further fact-finding and get back to them later with a decision in these matters.

SHANNON L. HALL, DENTAL ASSISTANT RADIOGRAPHER

Ms. Noble introduced Shannon L. Hall, dental assistant radiographer and stated that Ms. Hall is appearing before the Board after signing a Consent Agreement with the Board, due to an addiction to

Vicodin. Ms. Noble informed the members that Ms. Hall had been obtaining the Vicodin from her former medical physician. She stated that because of her addiction, Ms. Hall had criminal problems and was indicted on Attempted Possession of Drugs and spent eight (8) days in jail in August, 2011. Ms. Noble informed the Board that this is a First Degree Misdemeanor.

Ms. Noble informed the Board that Ms. Hall is currently in outpatient treatment with Amethyst, Inc. after admitting herself there at the beginning of September, 2011. She stated that this is a six (6) month program specifically for women and their children. Ms. Noble said that she has been in contact with Ms. Hall's case manager, Ms. Tickett. She stated that after receiving a release from the Board, the case manager informed Ms. Noble that Ms. Hall has made tremendous progress since her initial enrollment in this program and has been in compliance with their requirements.

Concluding, Ms. Noble said that Ms. Hall signed a Consent Agreement to be approved later at this Board meeting. She stated that Ms. Hall's license was not suspended as part of the terms of this Consent Agreement, however, she is not working and has no desire to work. Ms. Noble indicated that Ms. Hall has other personal issues that she is currently working to get solved.

Upon questioning by the Board, Ms. Hall thanked the Board for the opportunity to speak with them and indicated that she sincerely hopes to keep her license [certificate] for future employment. She stated that she is currently working on health issues since she feels that she has hit "rock bottom" in her life and does not want to live this way any more.

Dr. Kaye stressed to Ms. Hall that she would be required to maintain her sobriety as well should the Board vote to ratify her Consent Agreement later in the meeting. He then wished her well in her recovery efforts.

LARIN M. HIMES, DENTAL ASSISTANT RADIOGRAPHER

Ms. Noble introduced Ms. Himes and informed the Board that she was appearing before them for an initial appearance after signing a Consent Agreement that would be voted on later at the Board meeting. Ms. Noble informed the Board members that Ms. Himes was charged with a total of 36 counts in Muskingum Common Pleas Court consisting of eight (8) counts Illegal Processing of Drug Documents (Vicodin), three (3) counts Deception to Obtain a Dangerous Drug (Vicodin), ten (10) counts Illegal Processing of Drug Documents (Percocet), three (3) counts Deception to Obtain a Dangerous Drug (Percocet), and twelve (12) counts Forgery in September, 2010. Ms. Noble informed the members that Ms. Himes was ordered to two (2) years probation and a three (3) year license suspension. She stated that Ms. Himes entered and completed drug treatment at Franklin County Community Based Corrections (FCCBC).

Additionally, Ms. Noble informed the members that Ms. Himes has plead guilty to three (3) counts of Deception to Obtain a Dangerous Drug in Franklin County Common Pleas Court in September, 2010. She stated that Ms. Himes was sentenced to two (2) years of intensive supervision and her license was suspended for a period of five (5) years.

Continuing on, Ms. Noble explained that Ms. Himes was doing all of this while employed at two (2) separate dentist offices. She stated that when Ms. Himes attempted to reinstate her dental radiographers' certificate in July, 2011 she disclosed these convictions. Ms. Noble said that Ms. Himes is not currently working and is expecting her first child. She stated that Ms. Himes actively

attends meetings and has finished her Aftercare with Southeast Recovery & Mental Health Care Services. Concluding, Ms. Noble informed the Board that the Supervisory Investigative Panel has approved her treatment at FCCBC for the purposes of her treatment for this Consent.

Ms. Himes thanked the Board members for the opportunity to speak with them and informed them that she would like to keep her certificate to take x-rays in the event she is able to obtain a job in the dental field. She reiterated that she had completed her treatment at FCCBC and currently attends meetings one day per week that are for women only.

When questioned as to whether she had served any prison or jail time, Ms. Himes informed the members that she had spent thirty-seven (37) days in jail in holding until she could begin treatment at FCCBC. She stated that her treatment at FCCBC was four and a half (4 ½) months.

Dr. Kaye stated that the Board would be considering a vote to ratify her Consent Agreement later in the meeting. He then wished her well in her recovery efforts.

PROPOSED CONSENT AGREEMENT(S)

The Board reviewed eleven (11) proposed consent agreements. 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.

DISCIPLINARY

RONALD J. CURL, D.D.S.

Motion by Mr. Jones, second by Dr. Beard, to approve the proposed consent agreement for Ronald J. Curl, D.D.S., license number 30-018901, case number 09-72-0322.

Motion carried unanimously.

CASE NUMBER 09-13-0281

Motion by Ms. Staley, second by Ms. Clark, to approve the proposed consent agreement for the licensee in case number 09-13-0281.

Discussion followed wherein Board members expressed their concerns regarding the terms of the consent agreement, specifically as to the timeframes involved regarding suspension and reinstatement of licensure and continuing education during incarceration of the licensee. Dr. Kaye called the question.

Motion failed with two (2) opposed and four (4) abstentions.

SHANNON HALL, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Dr. Hanners, to approve the proposed consent agreement for Shannon Hall, Dental Assistant Radiographer, certificate number 51-012019, case number 11-25-0303

Motion carried unanimously.

MICHAEL P. HEWKO, D.D.S.

Motion by Dr. Wallace, second by Dr. Beard, to approve the proposed consent agreement for Michael P. Hewko, D.D.S., license number 30-018066, case number 11-18-0331.

Motion carried unanimously.

LARIN M. HIMES, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Dr. Shaffer, to approve the proposed consent agreement for Larin M. Himes, Dental Assistant Radiographer, certificate number 51-15609, case number 11-25-0293.

Motion carried unanimously.

JAKOB R. KELLY, DENTAL ASSISTANT RADIOGRAPHER, CORONAL POLISHING CERTIFICATE HOLDER, AND EXPANDED FUNCTION DENTAL AUXILIARY

Motion by Dr. Shaffer, second by Mr. Lawrence, to approve the proposed consent agreement for Jakob R. Kelly, dental assistant radiographer, certificate number 51-012362, coronal polishing certificate number CP-367, expanded function dental auxiliary registration number EFDA-01347, and case number 11-18-0241.

Motion carried. Dr. Hanners was opposed and Ms. Staley abstained.

KORINA D. MCINTOCH

Motion by Dr. Beard, second by Dr. Wallace, to approve the proposed consent agreement for Korina D. McIntoch, case number 11-23-0274

Motion carried unanimously.

CASE NUMBER 09-14-0282

Motion by Ms. Staley, second by Dr. Wallace, to approve the proposed consent agreement for the licensee in case number 09-14-0282.

Motion failed with two (2) opposed and four (4) abstentions.

Dr. Kaye informed the members that this consent agreement and the consent agreement in the matter of case number 09-13-0281 will be referred back to the Supervisory Investigatory Panel (SIP) for reconsideration of the terms based on these discussions.

ALAN B. SCHLESINGER, D.D.S.

Motion by Mr. Jones, second by Ms. Clark, to approve the proposed consent agreement for Alan B. Schlesinger, D.D.S., license number 30-020746, case number 11-43-0037.

Motion carried unanimously.

ALISE L. WENNING, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Beard, second by Dr. Wallace, to approve the proposed consent agreement for Alise L. Wenning, Dental Assistant Radiographer, certificate number 51-016313, case number 11-18-0349.

Motion carried. Dr. Hanners and Mr. Jones were opposed.

KRISTINA WOODEN, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Shaffer, second by Mr. Jones, to approve the proposed consent agreement for Kristina Wooden, Dental Assistant Radiographer, certificate number 51-022472, case number 11-25-0344.

Motion carried unanimously.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY

The Board reviewed three (3) proposed 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.

LARK M. ANSPACH, DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Mr. Jones, to approve the proposed notice of opportunity for hearing and forward it to Lark M. Anspach, dental assistant radiographer, certificate number 51-009048, and case number 08-19-0078.

Motion carried.

RODNEY R. PARSELL, D.D.S.

Motion by Dr. Wallace, second by Mr. Jones, to approve the proposed notice of opportunity for hearing and forward it to Rodney R. Parsell, D.D.S., license number 30-019970, and case number 10-36-0367.

Motion carried.

MARK D. JONES, D.D.S.

Motion by Dr. Wallace, second by Dr. Shaffer, to approve the proposed notice of opportunity for hearing and forward it to Mark D. Jones, D.D.S., license number 30-019978, and case number 11-78-0330.

Motion carried.

ENFORCEMENT UPDATE

Mr. Holmes informed the Board that there were four (4) cases pending hearings, of which all have been assigned for a hearing. He stated that there was one (1) case pending the hearing officers report and recommendation and no cases under appeal. Mr. Holmes stated that there are currently thirty-three (33) licensees under suspension. Mr. Holmes informed the Board members that we have five (5) active cases in QUIP. He stated that the Board has issued five (5) subpoenas approved by the Board Secretaries and Assistant Attorney General. Additionally, Mr. Holmes stated that the Board currently has one hundred and eighty-six (186) active cases. Mr. Holmes informed the Board that the Board Investigators along with Investigator Assistant, Barb Palmucci, had performed forty-nine (49) infection control evaluations and that Dental Board Enforcement Officer, Kathy Carson, provided an infection control presentation. He informed the Board that forty-seven (47) cases have been investigated and reviewed by the Board Secretaries 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,..." Mr. Holmes reviewed the cases to be closed with the Board.

The following cases are recommended to be closed:

11-67-0087	Prescribing-Warning	11-76-0230	Infection Control
11-41-0140	Standard Of Care	11-40-0249	Misrepresentation-Warning
11-25-0170	Standard Of Care	11-77-0265	Standard Of Care
11-76-0178	Misrepresentation-Warning	11-71-0254	Standard Of Care
11-18-0194	Infection Control	11-25-0264	Drugs
11-18-0195	Infection Control	11-31-0279	Standard Of Care
11-78-0221	Standard/Misprep	11-71-0280	Standard Of Care
11-77-0228	Standard Of Care	11-25-0283	Drugs
11-77-0229	Standard Of Care	11-50-0294	Standard Of Care

11-31-0309	Misrepresentation	11-13-0356	Misrepresentation
11-77-0302	Standard Of Care	11-83-0355	Standard Of Care
11-85-0304	Standard Of Care	11-57-0354	Standard Of Care
11-49-0306	Standard Of Care- Warning	11-25-0352	Standard Of Care
11-72-0307	Infection Control	11-37-0361	Misrepresentation
11-31-0308	Standard Of Care	11-31-0362	Standard Of Care- Warning
11-13-0327	Misrepresentation	11-57-0374	Standard Of Care
11-31-0326	Standard Of Care	11-31-0375	Misrepresentation
11-25-0335	Standard Of Care	11-57-0377	Advertising
11-31-0338	Infection Control	11-52-0372	Advertising
11-78-0339	Standard Of Care	11-77-0382	Records
11-73-0340	Standard Of Care	11-57-0383	Felony Conviction
11-57-0357	Standard Of Care	11-29-0401	Standard Of Care
11-57-0363	Standard Of Care	11-31-0400	Misrepresentation
11-18-0358	Standard Of Care		

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

Roll call:

- Dr. Beard – No
- Ms. Clark – No
- Dr. Desai - No
- Dr. Hanners – Yes
- Mr. Jones – No
- Dr. Kaye - No
- Mr. Lawrence - No
- Dr. Shaffer – No
- Ms. Staley – No
- Dr. Wallace - No
- Dr. Wynn – No

Dr. Wallace then called for a motion to close the cases.

Motion by Mr. Jones, second by Dr. Wynn, to close the above forty-seven (47) cases.

Roll call vote:

- Dr. Beard – Yes
- Ms. Clark – Yes
- Dr. Desai - Yes
- Dr. Hanners – Abstain
- Mr. Jones – Yes
- Dr. Kaye - Yes
- Mr. Lawrence - Yes
- Dr. Shaffer – Yes
- Ms. Staley – Yes
- Dr. Wallace - Yes

Dr. Wynn – Yes

Motion carried.

LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses, certificates, and registrations issued since the September 2011 meeting, for Board member review.

DENTAL

Motion by Dr. Wallace, second by Mr. Lawrence, to approve the licensure report for the following dental licenses issued by North East Regional Board, Inc. (NERB) examination:

Eyad M. Aldara
Ahmed M. AlSaad
Timothy C. Canty
Garrison E. Copeland
Anup R. Dadhania
Kathryn F. Dahlen
Dergham Dergham
Hemanth Hireguntanuru Ankalappa
Surpreet Kaur
Angela S. Kim

Andy C. Kim
Marty R. Lipsey
Brandon R. Lloyd
Alison K. Molnar
Shoaa Muqtadir
Guruprasanna Nagarajan
James T. O'Neill
Laureen M. Roh
Shahram Shidmand

Motion carried unanimously.

DENTAL HYGIENE

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

Sara E. Askounes
Krista A. Brown
Ashley N. Caldwell
Melinda H. Ferguson
Danielle M. Fuller
Allison L. Harris
Jenna L. Householder
Jennifer C. Iannaggi

Lisa Y. Legge
Amanda E. Louk
Heather M. Milligan
Ann M. Mizelle
Shannon R. Tilley
Whitney L. Volk
Hillary P. Walter
Jaimi C. Weaver

Motion carried unanimously.

DENTAL ASSISTANT RADIOGRAPHER

Motion by Dr. Wallace, second by Dr. Wynn, 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 Board-approved Radiography course:

Emilee Ammond
Tiffany Angel
Amanda Baker
Allison Beckman
Sara Benagh
Megan Berry
Maureen Binkowski
Heather Bolitho
Chelsie Boutwell
Jessica Boyer
Amber Bradley
Kristina Braucher
Rajah Brookshire
Brittany Burns
Nicole Campbell
Dean Carson
Sierra Carter
Leigha Carver
Daryl Clark
Jodee Coldren
Tracie Cole
Janell Collins
Kalena Craig
Tamara Daugherty
Joan Davis
Jennifer Denton
Deborah Deutschman
Christine Discenza
Katey Douglas
Abigail Eggart
Brenda Ehling
Jessica Farley
Terri Feasby
Erica Ferrell
Deniecia Forthner
Laurianne Foster
Thomasena Franks
Eileen Fulton
Kimberly Gadd
Courtne Garrison

Tina Geisler
Catherine Gerena
Ashley Goard
Tina Graves
Samantha Gray
Melissa Green
Jennifer Greene
Brittany Gregg
Tracy Gregory
Miriam Gross
Amanda Hager
Shannon Hamilton
Shannon Hanks
Bethany Hansen
Katelynn Harper
Shawntee Harris
Germany Hobson
Kelsie Hooverman
Cheyenne Houchin
Charissa Huffman
Jaclyn Hug
Joyce Hull
Faith Imholt
Cari Jones
Tracy Jones
Nicole Jordan
Linda Joseph
Kayla Kammer
Robin Kandel
Ramona Kline
Lindsay Lanton
Alyssa Lehman
Joseph Lima
Noribelith Maldonado
Marcia Mathis
Chelsi Mayabb
Jennifer McCarty
Leah McCoy
Feven Mengistu
Stephany Miller

Kristin Mitchell
Jaimee Montgomery
Carla Moore
Amanda Naumann
Maxine Neal-Baker
Kayla Newsom
Allison Oda
Megan O'quinn
Amy Osinski
Shelby Parsons
Shannon Puckett
Lea Purvis
Brenda Rausch
Jessica Reverman
Sarah Richardson
Helen Riggins
Stephanie Romeo
Storm Rush
Victoria Sabo
Kara Sackett
Alisha Sams
Brittany Sanchez
Jacqueline Sand
Miranda Saunders
Karissa Schroer
Rita Sheets
Lucy Shepherd

Jessica Shreve
Alexandra Siekkinen
Casey Smith
Michelle Smith
Samantha Smith
Cory Stapleton
Rachael Stefan
Danielle Taylor
Quaniece Taylor
Jessie Teel
Lori Thomas
Nicole Thomas
Kelly Thwaites
Marissa Trott
Sarah Vance
Robyn Vaughn
Rachelle Viola
Juli Vloedman
Nicole Wasson
Stephanie Weaver
Shelly Weems
Sarah Whitaker
Jocalyn Williams
Kourtney Willis
Amanda Wing
Maryann Ziga

Motion carried unanimously.

LIMITED RESIDENT'S APPLICATION(S)

Motion by Dr. Beard, second by Dr. Wynn, to approve the licensure report for the following limited resident's license:

Kamran Ebadi
Mohamed Othman

Mohammed L. Taifour

Motion carried unanimously.

CORONAL POLISHING

Motion Dr. Wynn, second by Ms. Clark, to approve the licensure report for the following coronal polishing certificate issued by: certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of the requirements necessary to obtain certification:

Beth A. Black
Lisa K. Bradley
Brittany L. Bruce
Amy E. Bryan
Elizabeth S. Cathcart
Gina M. Cesnak
Amy L. Chupack
Ines F. Corradi
Ashley E. Cross
Michelle L. Hall
Nichole L. Hart
Shay M. Hawkins
Kerry J. Kahler

Tracie M. Kaszubowski
Angela D. Kocevar
Brooke K. Ramsey
Tiya R. Rinehart
Beverly D. Smith
Christina S. Solley
Beth A. Starkey
Cassandra E. Strawser
Katherine L. Sullivan
Michelle R. Triplett
Melissa G. Vines
Jasmine N. Washington
Erica R. Wroten

Motion carried unanimously.

EXPANDED FUNCTION DENTAL AUXILIARY

Motion by Dr. Desai, second by Dr. Beard, to approve the licensure report for the following expanded function dental auxiliary registrations issued by: certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of the requirements necessary to obtain registration:

Rebecca S Acosta
Rhonda K Alvarez
Lisa A Bazler
Tami S Behnfelddt
Ruth A Bramlage
Ginger Brown
Brenda Lee Bushman
Wendy R. Clum
Dina Coven
Melanie A Dube
Heather Fields
Elizabeth Fitch
Renee Graham
Genet K Haile
Nichole Hart
Jason R Heminger
Angela M Humphreys
Melissa Kauffman

Danielle Kristanc
Felicia Lain
Nicole Lee
Lauren N Luciano
Yulia Matthews
Jose Moreno
Amanda Onysyk
Madlin E Proeschel
Stacey Rauck
Natalie Robison
Sabrina A Rosser
Carol Shade
Farrah Stemple
Danielle M Strecker-Simos
Shannon R. Thomas
Veronika Vought
Diana L Weaver

Motion carried unanimously.

ORAL HEALTH ACCESS SUPERVISION PROGRAM PERMIT(S)

Motion by Dr. Shaffer, second by Dr. Wynn, that the following applicants have met the requirements necessary to obtain permits to practice under the oral health access supervision program:

Dentists

Gary R. Blumberg, D.D.S.

Lawrence G. Brun, D.D.S.

Dental Hygienists

Sheryl L. Allison, R.D.H.

Michelle M. Hicks, R.D.H.

Carrie L. Cambell, R.D.H.

Alexis R. Kreuzer, R.D.H.

Betrice A. Casada, R.D.H.

Michele M. LaBasi, R.D.H.

Tonia M. Ellen, R.D.H.

Jerri D. Webb, R.D.H.

Motion carried unanimously.

HEPATITIS B WAIVER REQUEST(S)

Ms. Reitz informed the Board members that the Board Secretaries had reviewed and considered the Hepatitis B Waiver application for Kristina Wooden, Dental Assistant Radiographer and they recommended that the request be approved.

Motion by Ms. Staley, second by Dr. Wallace, to approve Ms. Wooden's hepatitis B waiver request.

Motion carried unanimously.

AD HOC BOARD OPERATIONS REPORT

Dr. Wallace stated that the Ad Hoc Board Operations had met earlier this morning and had discussed several issues. He stated those issues were:

- One of the goals next year for the Executive Director is to work more with the Ohio Dental Association;
- Work on an office compliance manual for dental offices to include step by step information on:
 - licensure/certification/registration of dental personnel,
 - permissible practices of auxiliary,
 - infection control documentation, etc.
- Update the Dental Board Operations Manual;
 - Changes to the section on Board representation at national meetings to include the President, Vice President and Executive Director. Should the officers choose not to attend then the Board has the authority to vote on replacement representatives to the meetings and that their expenses are to be paid out of Board funds.

- Move the election of Alternate Secretary and QUIP Supervisor to December with all other elections.

Dr. Wallace then requested that these recommendations be moved from the committee. Dr. Kaye recommended that these issues be voted on separately.

Dr. Kaye made the motion from the Ad Hoc Board Operations Committee to change the election of Alternate Secretary and QUIP Supervisor to be moved to December along with the Board Officer elections.

Motion carried unanimously.

Dr. Kaye made the motion from the Ad Hoc Board Operations Committee to approve payment of travel expenses for two (2) Board officers or their alternates and the Executive Director to the national meetings (AAD and NERB and AADA).

Motion carried unanimously.

ANESTHESIA COMMITTEE REPORT

CONSCIOUS SEDATION PROVISIONAL PRIVILEGE(S)

Dr. Wallace stated 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:

Dr. Abdallah Yousef Al-Zubi – Cincinnati, Ohio

- Intravenous

Dr. Zygintas Binkis – Cincinnati, Ohio

- Intravenous

Dr. Wayne P. Jackman – Ravenna, Ohio

- Intravenous

Dr. Purnima Kumar – Columbus, Ohio

- Intravenous

ANESTHESIA PROVISIONAL PRIVILEGE(S)

Dr. Wallace stated that the following individuals have applied for anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privileges:

Dr. Robert J. Boyda – Fairlawn, Ohio

Dr. Michael P. Horan – Euclid, Ohio

Dr. Anthony C. Montagnese – Steubenville, Ohio
Dr. James T. O’Neill – Van Wert, Ohio

CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Wallace stated that the following individual has applied for a Conscious Sedation permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation has been performed and the applicant is recommended to receive a conscious sedation permit:

Dr. Mindy Price – Columbus, Ohio
- Oral for children 12 years or younger

ANESTHESIA PERMIT APPLICATION(S)

Dr. Wallace stated that the following individual has applied for an Anesthesia permit. He explained that the Anesthesia Committee has reviewed the application, an evaluation has been performed and the applicant is recommended to receive an anesthesia permit:

Dr. Shariq A. Vazir – Middleburg Heights, Ohio

Dr. Wallace made the motion by the Anesthesia Committee to accept the report and approve the above applicants to receive privileges and permits.

Motion carried unanimously.

EDUCATION COMMITTEE REPORT

REVIEW OF APPLICATIONS

BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Staley stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2012-2013 and have been recommended for approval by the Education Committee:

David James Harris, Jr., D.D.S., M.S.D.
John L. Mayo, D.D.S.
North Coast Dental Study Club
Professional Compliance Group

BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Staley stated that the following individuals/organizations have applied for renewal as biennial sponsors of continuing education for the years 2012-2013 and have been recommended for approval by the Education Committee:

Roger Hess, D.D.S., M.B.A., M.P.A.
Nelson R. Diers, D.D.S., M.S.D.

REVIEW OF COURSE(S)

DENTAL HYGIENE MEDICAL EMERGENCY RECOGNITION COURSE(S)

Ms. Staley stated that the following organization has submitted a request for approval of training curriculums for the Dental Hygiene Medical Emergency Recognition Course and has submitted all the appropriate documentation. She stated that the following course has been reviewed and is recommended for approval by the Education Committee:

Tri-county Dental Hygienists' Association
"Prevention & Management of Dental Hygiene Medical Emergencies"

DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Continuing on, Ms. Staley stated that the following organization has submitted a request for approval of a training curriculum for the Dental Assistant Radiographer Initial Training Course and has submitted all the appropriate documentation. She stated that the following course has been reviewed and is recommended for approval by the Education Committee:

Greater Cleveland Dental Society (*pending receipt of the original application*)
"Initial Radiology Home Study Course"

ANESTHESIA AND CONSCIOUS SEDATION PERMIT RENEWAL COURSE(S)

Ms. Staley stated that the following organization has submitted a request for approval of coursework for renewal courses for anesthesia and conscious sedation permits. Ms. Staley stated that the following courses have been reviewed and are recommended for approval by the Education Committee:

Harvard Medical School
- "Pediatric Sedation Outside the Operating Room"

Ohio Dental Society of Anesthesiology
- "Management of Respiratory and Cardiovascular Complications"
- "Challenges and Changes in Outpatient Dental Sedation and Anesthesia"

CONTINUING EDUCATION WAIVER/EXTENSION REQUEST(S)

Ms. Staley informed the Board that the Education Committee had reviewed a request for waiver of the continuing education requirement based on unusual circumstance, emergency or special hardship. She stated that the committee was recommending that the following individual to receive an extension:

Daniel Charles Renwald, D.D.S. – extension to April 1, 2012

Motion by Dr. Wallace, second by Ms. Clark, to accept the Education Committees recommendations and approve all the above applications and requests.

Motion carried unanimously.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Wallace informed the Board members that the Law and Rules Review Committee did not meet this month. However, he stated that during other meetings there has been discussion on changes to three (3) rules regarding continuing education, infection control, and the definition of "administration" in regards to the new Ohio Automated Rx Reporting System (OARRS). Dr. Wallace stated that the Board members should be prepared to vote on the filing of the recommended changes to the rules at the meeting in December. Additionally, he stated that the members would be sent a listing of the rules that have been reviewed this year and recommended not to be changed.

SCOPE OF PRACTICE COMMITTEE REPORT

Dr. Beard informed the Board members that the Scope of Practice Committee had met earlier in the day and discussed several issues. He stated that the Board had been asked whether a dental assistant is permitted to use a Diagnodent, which is the trade name of the device, but this is a test for caries susceptibility. He stated that it is the consensus of the committee that this is a permitted duty under the rules in the Dental Practice Act, however, the committee suggested that the Law and Rules Review Committee look at the wording in "caries susceptibility testing" to further define its meaning. He stated that the committee wanted to reiterate that the dentist is the only person who is permitted to diagnose the findings.

Dr. Beard stated that the next question addressed whether a dental assistant could use digital 3D imaging. He stated that the consensus of the committee was that they could so long as they held a current dental assistant radiographers certificate from the Board. He stated that the committee also recommended that the dental assistant be appropriately trained according to the manufacturer's instructions. Dr. Beard stated that during their discussions, the committee wanted to emphasize that this machine is only to be utilized under the direct supervision of the licensed dentist.

Dr. Beard stated that third issue the committee addressed was a request as to whether a licensed dentist could write a prescription for Gastroesophageal reflux disease (GERD). He stated that it was the consensus of the committee that this is a medical condition which requires diagnosis and treatment from a medical physician. Therefore, Dr. Beard stated that a licensed dentist can not prescribe for GERD.

Lastly, Dr. Beard stated that the committee had continued their discussions on the dental assistant's use of the CEREC machine. He stated that it is the consensus of the committee to table their discussions to await direction from the Ad Hoc Board Operations committee.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Mr. Lawrence, second by Dr. Hanners, to approve the expense report and approve payment of the September, 2011 Board bills.

Motion carried unanimously.

SUPERVISORY INVESTIGATIVE PANEL EXPENSE REPORT

Dr. Desai attested that she had spent in excess of ten (10) hours per week attending to Board business. Dr. Shaffer, acting as Vice Secretary, attested that she had spent in excess of ten (10) hours per week attending to Board business.

Motion by Dr. Beard, second by Dr. Hanners, to approve the Supervisory Investigative Panel report.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA)/AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) MEETINGS

Ms. Reitz distributed copies of her report on her attendance in October to the American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB) meetings (Appendix A). She briefly summarized her report and stated that at the AADB Attorney Roundtable discussion they had a presentation on Electronic Recordkeeping Vendor Issues and the costs to the boards and their employees. Ms. Reitz stated that the second topic for discussion was on the Federal Trade Commission (FTC) case. She stated that she had the opportunity to hear about this topic at both the AADB and AADA meetings. She stated that the attorneys for the North Carolina State Board of Dental Examiners explained that the FTC Magistrate found that a state licensing board composed of licensees is an ipso facto antitrust violation and that being a member of the profession of dentistry, and having a financial interest in dentistry, and being a member of the regulatory board is a conflict, and their actions here constituted an improper restraint of trade, regardless of public protection. Ms. Reitz stated that the attorneys for North Carolina said that the FTC acts are unprecedented, that they appear to be attempting to assert general federal jurisdiction over state occupational licensing boards and possibly are looking for another industry to regulate. Ms. Reitz stated that the oral arguments before the FTC were this previous Friday and they are now awaiting the FTC's decision.

DENTAL/DENTAL HYGIENE RENEWAL

Ms. Reitz informed the Board that license renewal information for dental and dental hygiene licensees had been mailed in the beginning of October. She stated that there is a link on the Board website to allow the licensees to renew. Ms. Reitz said the Board has already processed over 3,000

renewals to date. She reminded Board members of the changes to renewal due to the implementation of House Bill 215 which include the following:

- On January 31 the Board will send a certified letter to dental licensees who have not yet renewed, reminding them to renew and that they have until March 31 to renew with a late fee of \$100.
- Initiation of possible disciplinary action and a late fee of \$300 for renewal/reinstatement of dental licenses that have not been renewed by the March 31 deadline
- On January 31, a letter to the dental hygienists who have not renewed with a late fee of \$31 for dental hygienists who have not renewed their license.
- Initiation of disciplinary action for dental hygienists who have not renewed their license by January 31

ETHICS TRAINING

Ms. Reitz stated that the Board will be required to complete their ethics training by the end of December. She would be attending ethics training on November 10 and then be presenting the ethics training to the full Board prior to its December meeting.

NEW RULE FOR OHIO AUTOMATED RX REPORTING SYSTEM

Ms. Reitz informed the members that the rule regarding the Ohio Automated Rx Reporting System will be final filed in December and she does not anticipate any opposing testimony at the JCARR hearing. She stated that for the December meeting she would like to draft a newsbyte further clarifying information on the rule such as accessing the OARRS system, obtaining a password, etc.

ANYTHING FOR THE GOOD OF THE BOARD

AMERICAN ASSOCIATION OF DENTAL BOARD (AADB) MEETINGS

Dr. Beard commented that in regards to Ms. Reitz earlier comments about the FTC case and the North Carolina Board of Dental Examiners, that the attorneys were very adamant that this will affect all boards that regulate their constituents not just dentistry. He stated that the FTC has a bigger picture. He stated that dentistry is just a vehicle to get them into regulation of all boards and agencies. Dr. Beard stated that it would be in the Board's best interest to pay strict attention to the outcomes of this case and to possibly spread the word in this regard.

Continuing on, Dr. Beard stated that AADB is rolling out a new program, Dental Professional Review and Evaluation Program (DPREP) to all the Boards to refer licensees who may need remediation. He stated that without going into detail the first stage involves licensees who have already lost their licenses being evaluated through an extensive process to determine if they feel that the licensee is suitable or capable to continue in the dental profession. He stated that there are already four (4) universities who have expressed an interest in this program.

DISCUSSION ON CONSENT AGREEMENTS

Dr. Kaye directed the members back to the discussions on the terms of the consent agreements in case numbers 09-13-0281 and 09-14-0282. He stated that the Board Secretaries will now be required to renegotiate the terms of the consent agreements and therefore, the members should share if they have some ideas on what they would consider acceptable terms.

Discussion followed wherein it was determined that the members would like for the licensees in question to be suspended and not be permitted to reinstate their license to practice dentistry until they come before the Board for an interview. Further discussion revealed that this would allow the members to determine whether they should return to active practice immediately or to place further parameters on reinstatement.

ADJOURN

Dr. Kaye adjourned the meeting at 4:27 p.m.



Lawrence Kaye, D.D.S.
President

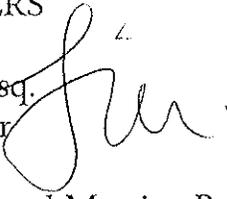


Ketki B. Desai, D.D.S.
Secretary

OHIO
STATE
DENTAL
BOARD

MEMORANDUM

TO: BOARD MEMBERS

FROM: LILI C. REITZ, Esq.
Executive Director 

RE: AADA/AADB Annual Meeting Report

DATE: November 2, 2011

I attended the American Association of Dental Administrators (AADA) and the American Association of Dental Boards (AADB) Annual meetings in Las Vegas, Nevada in October, 2011.

AADB Attorney Roundtable

Sunday October 9, 2011

- Roundtable Introductions and updates from attorneys present.
- Presentation on Electronic Record Keeping Vendor Issues by Grant Gerber, Esq., MD
 - Cost to Board \$930,000 (outside costs)
 - Cost does not include time for employees to coordinate effort
- Discussion on FTC – A.P. Carlton, Jack Nichols, Attorneys representing the NC State Board of Dental Examiners.
- FTC Magistrate findings after trial:
 - Collusion of dental board members-there was a per-se conspiracy.
 - Members have financial interest in the industry it is charged to regulate.
 -
 -
- Position of Board Attorneys:
 - FTC acts are unprecedented. Believe they are looking for another industry to regulate.

Lili C. Reitz, Esq.
Executive Director

614-466-2580/ tel
614-752-8995/fax

Billie Sue Kyger, D.D.S.
President

Lawrence B. Kaye, D.D.S.
Vice President

William G. Leffler, D.D.S.
Secretary

Ketki B. Desai, D.D.S.
Vice Secretary

Jacinto W. Beard, D.D.S.

W.Chris Hanners, D.D.S.

MaryBeth D. Shaffer, D.D.S.

Douglas W. Wallace, D.D.S.

Mary Ellen Wynn, D.D.S.

Clifford Jones, R.D.H.

Linda L. Staley, R.D.H.

Constance F. Clark, R.D.H.

James J. Lawrence

77 S. High Street, 17th Floor
Columbus, Ohio 43215-6135

- Dental Board members and its dentist constituents have financial interest in “restraining trade” in market of teeth whitening.
- NC Statute is clear – stain removal = teeth whitening
- 5 week hearing/trial

- Presentation on Disciplinary Investigations by Susan Rogers, Esq., Ex. Director, OK
 - Oklahoma dental board does both administrative and criminal investigations
 - Check out DentisttheMenace.com
 - Oklahoma is certified; state police do administrative and criminal investigations.
 - FBI now being given 25% of their time to investigate Medicaid fraud.
 - Ocean Dental
 - Small Smiles
 - Aspen Dental

- Presentation on Effective Monitoring of Impairment Consents by Angela Dougherty, Esq., WY
 - Relapse general in year 3-5
 - Submit to CA conditions for each subsequent renewal – put this in CA
 - Peers to monitor impairment consent
 - They have licensee provide 5 names and Panel makes calls then selects one to monitor

Monday October 10, 2011

- Attorney Roundtable Presentation to the General Assembly
 - Sample Advertisements
 - AADB Advertising Guidelines

- FTC Discussion (presented at General Assembly)
 - FTC says - A state licensing board composed of licensees is an ipso facto antitrust conspiracy.

- A state agency enforcing a statute is a restraint of trade regardless of public protection.
- FTC is attempting to assert general federal jurisdiction over state occupational licensing boards of any kind.
- Attempt to alter state constitutional rights.

Noel Allen – nallen@allen-pinnix.com

Jack Nichols – jnichols@allen-pinnix.com

AP Carlton

- Presentation on Dentist Owned Practice Issues by John Hunt, Esq., NV
 - Should register with Secretary of State
 - Consider management agreements
 - Do rules for it, “defining ownership” and what non-dentists can/cannot do.

- Planning Session of topics for Mid-Year 2012 Meeting

American Association of Dental Administrators (AADA)

Tuesday October 11, 2011

- FTC Case Update by NC Attorneys

- An introduction to Teledentistry by Marshall Shragg, MN
 - Kentucky has a rule or included in definition
 - 3-D imaging – digital radiography makes this an issue that is up and coming
 - Diagnosis – contribute to treatment plan
 - Billing?

- Business Session
 - Donna Cobb, AR, President
 - Kathleen Kelley, NV, President- Elect
 - Rita Sommers, SD, Vice-President
 - Mo Miskell, CO, Secretary
 - Diane Howell, MS, Treasurer

April 22-23, Mid Year meeting 2012

Oct. 15-16, AADA

Oct, 17-18, AADB, San Fran (tentative)

Roundtable

- Colorado (Mo)
 - Redoing licensing rules-competency requirements after being out of practice
 - Endorsement requirements
- Iowa (First Meeting) (Melanie)
 - Corporate dentistry issues
 - Tooth whitening
- Tennessee (Dea)
 - Personnel issues-was between dental and pharmacy
 - New computer system for entire bureau
- Arkansas (Donna)
 - CE infection control; 1 for DDS, 2 for DA's
 - Collaborative care for dental hygienists
 - Working on rules
 - Use of laser for periodontal reasons – issue whether to allow dental hygienists
- DANB (Cindy)
 - ADA filed suit against DANB; trademark issue on “CDA”
 - Considering Certified Preventative Functions Assistants

- Washington (Jennifer)
 - Military training acceptable for licensure
 - Botox & teeth whitening issues
 - Can't do rules under this Governor this year & next

- New Hampshire (Ray)
 - Dental Hygiene issues re: scope of practice
 - Corporate dentistry

- North Carolina (Bobby and Terry)
 - FTC issues
 - Heartland Dental – corporate
 - Clean up rules – do report for legislature
 - Statute proposed – corporate dentist. What does “control” mean? Issues regarding defining.

- Minnesota (Marshall)
 - Governor shut down government for 3 weeks
 - Trying to get background checks in legislation
 - Regulation of dental labs
 - Charitable volunteer license
 - Dental health therapists – first group licensed this summer

- Nevada (Kathleen)
 - Live patient CE statute
 - LVI instructors have to be licensed
 - Laser education re: regulations
 - Dental hygiene school (2nd. one) not taking any new students for 2012
 - Online renewal
 - Over-diagnosing/Over-prescribing issues
 - Corporate practice

- Mississippi (Diane)
 - Mission of mercy event
 - Online renewal
 - Online CE
 - Mobile dental units – issue

- Oregon (Patrick)
 - Limited Access Permit Hygienists Expanded Practice
 - Collaborative
 - Local
 - Restorations w/o excavation
 - Prescribe medications (non-scheduled)
 - Referral
 - Pilot projects – undefined Dental therapists?... Regulated by Oregon Health Authority
 - Issues of expunging records....South Dakota has a law directing them to get rid of records more than 10 years

- Ohio (Lili)
 - New 2nd in charge
 - HB 93
 - SB 123
 - Allcare issues
 - Oral Health Access Supervision Program
 - DEA hearing

- Texas (Sherri)
 - New anesthesia rules, ADA guidelines
 - Working on Advertising rules
 - Corporate dentistry issues
 - Botox issues

- Hawaii (Sandra)
 - Nothing new to report

- Arizona (First meeting) (Elaine)
 - New disciplinary process
 - New office location
 - Swept 5 million out of their fund
 - “Dues” meeting w/association

- Kentucky (Brian)
 - Public health hygienists
 - No longer regulates advertising, only that you cannot call yourself a specialist if you’re not
 - New board attorney coming

- Washington DC (Bonnie)
 - Email newsletter
 - Survey to licensees to ask questions – attached to renewal
 - Standard of care cases sent to association peer review

- West Virginia
 - New sedation regs
 - Fighting w/ association

- Idaho (First meeting) (Susan)
 - Random inspections – 5% of offices

- Louisiana (Barry)
 - Southern Caucus
 - LA may be leaving AADB. Maybe other states, too.
 - Annoyed with regional boards. Still accept CITA only for initial (have 3 years to apply if took a regional)
 - New director will be Pete Berkhalter, Nov. 1

Presentation:

- Corporate practice of dentistry (Panel)
 - NV, NC, OR, AZ, OH, TX each gave updates on what is happening on this issue in their states.