

# Ohio State Dental Board

## Board Meeting

November 7, 2012

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### 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, 19<sup>th</sup> Floor, Columbus, Ohio on November 7, 2012, beginning at 1:00 p.m. Board members present were:

Lawrence Kaye, D.D.S., President  
Douglas W. Wallace, D.D.S., Vice President  
Mary Ellen Wynn, D.D.S., the Board Secretary  
Marybeth Shaffer, D.D.S., Vice Secretary  
Jacinto W. Beard, D.D.S.  
Constance F. Clark, R.D.H.  
Ashok Das, D.D.S.  
W. Chris Hanners, D.D.S.  
Clifford Jones, R.D.H.  
James Lawrence  
William G. Leffler, D.D.S.  
Gregory A. McDonald, D.D.S.  
Linda R. Staley, R.D.H.

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 S. Wenzel, D.D.S. of the ODA Dentists Concerned for Dentists; Michele Carr, R.D.H., M.A. of the Ohio State University College of Dentistry, Division of Dental Hygiene; Mark Lutz, M.A., L.C.D.C. II of the Ohio Physicians Health Program (OPHP); 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 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 1:10 p.m.

## Introduction of Board Members

Dr. Kaye introduced himself as the Board President, a periodontist from Akron. He took a moment to introduce the rest of the Board members; Dr. Douglas Wallace, the Board Vice President, an oral and maxillofacial surgeon from Fairfield, Dr. Mary Ellen Wynn, the Board Secretary, a general dentist from Cincinnati, Dr. Marybeth Shaffer, the Board's Vice Secretary, a general dentist from Leetonia, Dr. Jacinto Beard, a general dentist from Gahanna, Dr. Ashok Das, a general dentist from Mason, Dr. Chris Hanners, a general dentist from Chillicothe, Dr. William Leffler, a general dentist from Akron, Dr. Gregory A. McDonald, a general dentist from Springfield, 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.

## Review of Minutes

**Motion by Dr. McDonald, second by Dr. Leffler, to approve the September 12, 2012 minutes as presented.**

Motion carried unanimously.

## Enforcement Report

### Personal Appearance(s)

#### Lisa R. Tuvelle, D.D.S.

Ms. Noble informed the Board members that Lisa R. Tuvelle, D.D.S. was appearing before the Board for her first appearance. She stated that a summary detailing Dr. Tuvelle's progress had been made available to the members prior to the Board meeting. The details are as follows:

"Dr. Tuvelle has been working with the Supervisory Investigative Panel (SIP) in order to come to a settlement with regards to her current situation. The Board became aware of the matter regarding Dr. Tuvelle in early 2012. Dr. Tuvelle had been attending outpatient treatment at Cornerstone of Recovery (Cornerstone) when the Board office received a call from them indicating that she had been dismissed from treatment due to a relapse.

Dr. Tuvelle suffers from migraine headaches and had received Dilaudid at the hospital. While in the process of working with Dr. Tuvelle and her attorney regarding this situation, Ms. Noble received information from Cornerstone that they revisited the situation and they (Cornerstone) may have dismissed Dr. Tuvelle from treatment prematurely. As a result of Cornerstone's decision, the SIP decided to issue a letter to Dr. Tuvelle informing her that they were closing the case since she had followed protocol and received treatment under the "first bite" policy. Cornerstone's determination that they should not have dismissed Dr. Tuvelle meant the Board would not have been aware of the situation. Dr. Tuvelle was told at that time that she needed to contact the Board if she had any further releases.

Dr. Tuvelle then contacted Ms. Noble in April, 2012 and informed her that she had entered into Intensive Outpatient Programming (IOP) at Talbott Hall after the above incident and that they then released her, due to the fact that she again had a migraine and went to the emergency room, this time searching for Dilaudid for the pain. Since then, the Board executive office has received information from Dr. Adam Brandenmihl, a specialist in Addiction Studies. Dr. Brandenmihl has been seeing Dr. Tuvelle for approximately two (2) years and he does not believe she is addicted to drugs. Dr. Brandenmihl feels that Dr. Tuvelle has severe psychological issues that are impairing her ability to make good decisions."

Ms. Noble explained that copies of Dr. Brandenmihl's information had been included in the summary previously provided to the Board members. She then explained that Dr. Tuvelle's license was not suspended as part of the proposed Consent Agreement, however, Dr. Tuvelle is required to meet with the Board.

Dr. Tuvelle thanked the members for the privilege to appear before them. She stated that she was before them today to discuss allowing her to enter into the proposed consent agreement. Dr. Tuvelle stated that she has been in treatment and working with the Board since the beginning of the year. She informed the Board that even prior to that she has been in treatment with a therapist whom she sees on a regular basis. Dr. Tuvelle indicated that the therapist is a psychiatrist and that she meets with him weekly to perform her psycho-therapy.

Continuing on, Dr. Tuvelle stated that she attends Alcoholics Anonymous (AA) meetings on a regular basis and that three to four (3-4) months ago she completed the ninety (90) meetings in ninety (90) days. She stated that she continues to go to four (4) meetings per week, that she is very involved with her home group, and even chairs some of the meetings.

Concluding, Dr. Tuvelle informed the members that she has been working and feels confident that she is at a good point in her life.

Dr. Kaye informed Dr. Tuvelle that she was welcome to stay, as the Board would be considering this matter when they deliberate her proposed consent agreement later during the meeting.

**Timothy M. Pratt, D.D.S.**

Ms. Noble informed the Board members that Dr. Pratt was appearing before the Board for his second interview. She stated that Dr. Pratt has completed inpatient treatment and also intensive outpatient programming (IOP) at Glenbeigh. Ms. Noble informed the members that Dr. Pratt was dismissed from IOP on September 25, 2012 and immediately entered into Aftercare at Glenbeigh. She stated that Dr. Pratt has signed with Ohio Physicians Health Program (OPHP) and that all urine screens taken thus far have been negative per OPHP.

Dr. Pratt informed the Board that he had attempted to write a prescription in his daughters name for twelve (12) Vicodin. He stated that he was subsequently arrested at the pharmacy because the pharmacist had contacted his daughter, she had indicated that she had no need for them, and informed them that he was attempting to get them for himself. Continuing on, Dr. Pratt stated that

subsequent to his arrest, the court followed through with treatment in lieu of conviction and he chose to admit into Glenbeigh where he stayed for forty-two (42) days, completed an IOP and has been working his program pretty intensely and taking care of the disease. He concluded by stating that he has been working very hard and will continue to work hard on his recovery.

Upon questioning by the Board, Dr. Pratt informed them that he had not been practicing at all since June 29, 2012. He stated that his office has been sitting there and not being used. When asked, Dr. Pratt stated that he plans on going back to practice and is asking for reinstatement. He stated that he would ideally like to go back to practice up to thirty-one (31) hours, which is what he was working prior to his arrest. He stated that he feels he is doing very well and able to go back to practice. Dr. Pratt informed the members that his triggers were personal issues and never as a result of stress from practicing dentistry.

Dr. Kaye thanked Dr. Pratt and then stated they would be considering his request during their Executive Session.

**David J. Kozar, D.D.S.**

Ms. Noble informed the Board members that Dr. David Kozar is appearing before the Board for his first appearance after completing inpatient treatment at Glenbeigh. She stated that he enrolled into Glenbeigh's Intensive Outpatient Program on September 19, 2012 and was released from it October 25, 2012. She informed the members that Dr. Kozar has since entered into Aftercare with Glenbeigh also.

Ms. Noble stated that Dr. Kozar was admitted into Cleveland Clinic due to severe alcohol use. She stated that the Board office initially received information from the doctor who owns the dental office in which Dr. Kozar rents space, that Dr. Kozar was in his office impaired. Ms. Noble stated that they contacted Dr. Kozar's son who actually took him to Cleveland Clinic that night to have him detoxed. She stated that after detoxification, Dr. Kozar was transferred to Glenbeigh for inpatient treatment. Ms. Noble stated that when she met with Dr. Kozar, he was still in denial and tried to say that he worked on patients in the morning and then after seeing them was when he would begin drinking in the office and became intoxicated. Ms. Noble noted that when she interviewed him, Dr. Kozar's motor skills were very affected from the drinking. She stated that he was shaking very badly and having a hard time communicating. She informed the Board that Dr. Kozar had admitted that when he begins drinking again the shaking starts, but once he quits and starts exercising the shaking will usually subside. Ms. Noble informed the members that Dr. Kozar had received treatment in 1994 at Parkside and 1998 at Hazeldon. She stated that he stayed sober for two (2) years after the last treatment, that he started drinking slowly, and that it has progressed.

Continuing on, Ms. Noble stated that Dr. Kozar is just transitioning from the IOP into Aftercare. She stated that Dr. Kozar has been attending his required meetings every weekend has signed a monitoring agreement with OPHP.

Dr. Kozar began by reiterating what Ms. Noble had explained and further clarified that he realized that he had a problem when his blood alcohol level was .17, which is still legally drunk, AFTER having



slept eight (8) hours. When questioned as to what he was doing differently to ensure successful sobriety after his third time completing rehabilitation, Dr. Kozar stated that he is maintaining daily contact with people, through AA, caduceus meetings, and talking with people who have the same condition. He stated that he stopped talking to people before and that he failed in his sobriety and relapsed. Dr. Kozar stated that he feels the key to his recovery is in speaking with others with and about this disease on a daily basis. He informed the members that his first aftercare meeting would be tonight after he meets with the Board and that the meetings will be geared towards relapse prevention in light of his past treatment history.

Further questioning by the Board revealed that Dr. Kozar was nervous but hopeful and that he indicated that he feels much better now physically than he did six (6) months ago. Dr. Kozar stated that it did not feel good sitting before a panel of people who held all the control to his future and that he just wished to return to practice and treating his patients. Mr. Jones informed Dr. Kozar that it was not the Board, but rather himself and his actions from this point forward, which controls his future.

Dr. Kaye informed Dr. Kozar that the Board would not be reinstating his license to practice dentistry at this meeting and invited him to return to interview before them at the December meeting. He stated that the Board would like to hear how he is doing, how he is taking control of his disease and his life at that time.

#### **Executive Session**

**Motion by Mr. Lawrence, second by Dr. Wynn, 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, pursuant to Ohio Revised Code Section 121.22 (G)(1) to consider the matters of Lisa R. Tuvelle, D.D.S. and Timothy M. Pratt, D.D.S., and pursuant to Ohio Revised Code Section 121.22(G)(5) to discuss matters that are required to be kept confidential by federal or state law.**

Roll call vote.

Motion carried unanimously.

Dr. Kaye requested Ms. Reitz, Ms. Bockbrader, and Kevin Coughlin to attend the Executive Session.

#### **Open Session**

The Board resumed open session at 2:25 p.m.

#### **Decision In The Matter Of Timothy M. Pratt, D.D.S.**

**Motion by Mr. Jones, second by Dr. Leffler, that the license of Timothy M. Pratt, D.D.S. be reinstated up to thirty-one (31) hours and pursuant to the terms of his consent agreement with the Board.**

Motion carried unanimously.

Dr. Kaye indicated that the Board would like to invite Dr. Pratt to appear before them at their meeting in February 2013 in order to see how he is progressing, as they have a great deal of concern for Dr. Pratt's recovery.

### **Review of 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.

### **Disciplinary**

#### ***Jennifer L. Gubana, Dental Assistant Radiographer***

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed agreement for Jennifer L. Gubana, dental assistant radiographer, certificate number 51-023949, case number 12-30-0343.**

Motion carried unanimously.

#### ***Juliette A. Leukart, D.D.S.***

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed agreement for Juliette A. Leukart, D.D.S., license number 30-022242, case number 12-25-0340.**

Motion carried unanimously.

#### ***Gregory E. Railey, Jr., Dental Assistant Radiographer***

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed agreement for Gregory E. Railey, Jr., dental assistant radiographer, certificate number 51-023893, case number 12-25-0344.**

Motion carried unanimously.

#### ***Annette M. Rothman, Dental Assistant Radiographer***

**Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed consent agreement for Annette M. Rothman, dental assistant radiographer, certificate number 51-005426, case number 12-30-0321.**

Motion carried unanimously.

#### ***Lisa R. Tuvell, D.D.S.***

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed agreement for Lisa R. Tuvell, D.D.S., license number 30-020378, case number 12-25-0128.**

Motion carried unanimously.

*Aico Watanabe, D.D.S.*

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed agreement for Aico Watanabe, D.D.S., license number 30-019899, case number 11-18-0251.**

Motion carried unanimously.

### **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.

*Sergei V. Shirman, D.D.S.*

**Motion by Mr. Jones, second by Mr. Lawrence, to approve the proposed notice of opportunity for hearing and forward it to Sergei V. Sherman, D.D.S., license number 30-023225, case number 12-77-0080.**

Motion carried unanimously.

*Angela D. Wise, Dental Assistant Radiographer*

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed notice of opportunity for hearing and forward it to Angela D. Wise, dental assistant radiographer, certificate number 51-021034, case number 12-31-0371.**

Motion carried unanimously.

### **Enforcement Update**

Deputy Director Quentin Holmes began his report by informing the Board that there are six (6) cases pending hearings, of which all have been assigned. He stated that there are three (3) cases listed that are pending the hearing officer's report and recommendation and stated that there are currently forty-one (41) licensees under suspension. He informed the Board members that there are seventeen (17) active cases in QUIP. Additionally, Mr. Holmes stated that the Board currently has two hundred and seventy-eight (278) active cases and informed the Board that sixty-eight (68) 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 to be closed:

11-43-0141	Infection Control-Warning	12-50-0148	Standard of Care
12-09-0008	Prescribing	12-51-0145	Standard of Care
12-18-0048	Standard of Care	12-76-0177	Permitting Unlicensed
12-25-0134	Standard of Care-Warning	12-76-0160	Standard of Care-Warning
12-77-0152	Standard of Care	12-02-0171	Standard of Care

12-52-0174	Standard of Care	12-25-0266	Abdonment
12-79-0175	Standard of Care-Warning	12-50-0269	Standard/Abandonment
12-25-0196	Adverse Occurrence		Warning
12-18-0197	Standard of Care	12-25-0271	Standard of Care
12-18-0198	Standard of Care	12-60-0273	Standard of Care
12-71-0190	Standard of Care	12-57-0274	Standard of Care
12-71-0201	Standard of Care	12-31-0286	Standard of Care
12-25-0194	Standard of Care	12-47-0287	Standard of Care
12-60-0192	Standard of Care	12-83-0285	Standard of Care
12-71-0189	Standard of Care	12-78-0277	Abandonment/Standard/
12-18-0184	Standard of Care		Warning
12-71-0188	Standard of Care	12-25-0276	Advertising-Warning
12-18-0206	Standard/Infection	12-09-0281	Standard of Care
12-25-0208	Standard of Care	12-25-0297	Standard/Abandonment
12-25-0212	Standard of Care	12-31-0291	Standard/Adverse Occ/
12-18-0213	Standard of Care		Warning
12-43-0231	Standard of Care	12-31-0320	Standard of Care-Warning
12-15-0233	Standard/Abandonment	12-55-0312	Standard/Permitting/
12-76-0223	Standard of Care		Misrep/Inf
12-76-0220	Standard of Care	12-31-0315	Adverse Occurrence
12-82-0219	Standard of Care	12-31-0319	Standard of Care
12-76-0218	Standard of Care	12-29-0333	Standard of Care
12-60-0226	Standard of Care	12-31-0323	Permitting Unlic Rad
12-26-0214	Infection Control	12-83-0324	Standard of Care
12-77-0227	Standard/Infection	12-85-0341	Licensing
12-31-0240	Permitting	12-48-0350	Standard of Care
12-18-0242	Standard of Care	12-83-0363	Standard of Care
12-43-0244	Standard of Care	12-31-0354	Standard/Permitting/Warning
12-77-0250	Standard of Care	12-09-0355	Standard of Care
12-43-0252	Standard of Care	12-09-0357	Standard of Care
12-85-0264	Standard of Care-Warning	12-09-0358	Standard of Care

Prior to the vote to close the above listed cases, Dr. Kaye 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. Das - No
- Dr. Hanners - No
- Mr. Jones - No
- Dr. Kaye - No

Mr. Lawrence - No  
Dr. Leffler - No  
Dr. McDonald - No  
Dr. Shaffer - No  
MS. Staley - No  
Dr. Wallace - No  
Dr. Wynn - No

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

**Motion by Dr. Beard, second by Mr. Jones, to close the above sixty-eight (68) cases.**

Roll call vote: Dr. Beard - Yes  
Ms. Clark - Yes  
Dr. Das - Yes  
Dr. Hanners - Yes  
Mr. Jones - Yes  
Dr. Kaye - Yes  
Mr. Lawrence - Yes  
Dr. Leffler - Yes  
Dr. McDonald - Yes  
Dr. Shaffer - Yes  
MS. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wynn - Yes

Motion carried unanimously.

## **Review of License/Certification/Registration/Permit Application(s)**

### **License/Certification/Registration Report (Approved by the Executive Office)**

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses, certificates, and registrations issued since the previous Board meeting.

### **Dentist(s)**

**Motion by Mr. Jones, second by Dr. McDonald, to approve the licensure report for the following dental licenses issued by a regional board examination:**

Hooman Adamous  
Maryam S. Ahmed  
Laura E. Battaglia  
Karina Bogdasarova  
Charis E. Brooks  
Lucila S. Bruno

Shafaq N. Chaudhary  
Mandeep K. Chima  
Matthew J. Conquest  
Azalpreet K. Dhillon  
Shalini R. Gupta  
Supritha V. Hangal

Cherry Harika  
Patricia R. Jackson  
Jing Li  
Jenna D. Putman

Daniel M. Schwartz  
Henry J. Tabeling  
Kody T. Tuttle  
David Zuroff

Motion carried unanimously.

#### **Dental Hygienist(s)**

**Motion by Dr. Wallace, second by Mr. Jones, to approve the licensure report for the following dental hygiene licenses issued by a regional board examination:**

Laura E. Baker  
Tammy M. Brenwalt  
Kelsie A. Cannaday  
Leslie A. Cartner  
Alek K L Dreis  
Elizabeth A. Durastanti  
Erica L. Freihoefer  
Lindsey C. Grotbeck  
Stephanie M. Johnson  
Brittany M. Krieger  
Jennifer N. Line  
Melissa M. Matzek

Natalie A. Moore  
Megan P. Owens  
Christina L. Papaj  
Lindsay M. Patterson  
Elizabeth A. Pietrzak  
Jamie L. Rollo  
Kayla J. Romney  
Allison M. Smith  
Briann M. Spiker  
Tosha S. Williams  
Adrianne R. Wilson  
Natalya V. Zhuk

Motion carried unanimously.

#### **Dental Assistant Radiographer(s)**

**Motion by Dr. Beard, second by Dr. Shaffer, to approve the licensure report for the following dental assistant radiographer certificates 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:**

Diana Ackman  
Rachel Albrigo  
Comfort Amponsah  
Lydia Antonelli  
Jessica Armentrout  
Cameron Arnett  
Victoria Barga  
Kelsey Barger  
Bryannta Battle

Sonja Beckner  
Marquetta Begay  
Melissa Bellotti  
Allison Benedict  
Jamie Bertone  
Tiara Billingsley  
Carol Bland  
Samantha Blevins  
Angela Bond

Allison Boris	Carlene Gumser
Carrie Bownes	Breanna Hagans
Tamarah Brady	Holly Halbisen
Kimberly Breech	Jaquelina Haley
Jeanine Brindus	Jamie Happ
Lauryn Brown	Sarah Hastings
Alma Bryant	Julianne Heather
Bethany Burton	Samantha Heis
Melissa Burton	Carlee Henson
Jessica Coffman	Erika Higgins
Patricia Coleman	Heather Hite
Alphonso Cook	Mellisa Hollman
Brittany Cook-Dowd	Diamond Hurt
Christina Cowman	Cassandra Ingham
Amanda Crabtree	Danielle Jonas
Kelly Dalrymple	Hillary Jones
Audrey Davison	Sarah Jones
Kelly Dawson	Edie Kelley
Dashonda Deaver	Kristin Kerr
Lindsay Deflorville	Rebecca Kessler
Victoria Dennison	Rae Kills Plenty
Margaret Depaul	Jillian Knorr
Dana Desalvo	Larissa Kohn
Jordyn Doles	Gina Kozan
Kathryn Eby	Briana Krzyzanowski
Mary Farrow	Darian Kuhn
Taylor Fitzpatrick	April Lagore
Mary Flickinger	Kelley Lambert
Mariah Freeman	Dianna Larkin-Larsen
April Freville	Stephanie Leasure
Judith Frey	Tia Ledford
Danielle Friesen	Ryan Lehman
Catherine Gatte	Staci Litten
Erin Gibbons	Jennifer Long
Angela Gibson	Heather Lukco
Candace Gibson	Jennifer Lupu
Latasha Glenn	Karen Malchow
Jennifer Graham	Mollie Malone
Patricia Greener	Chelsie Marshall
Tamica Griffin	Phillip Martin
Terri Grimmett	Kayla Mastin
Jennifer Gubana	Tad Matyas

Kristin Mayle	Karley Schul
Audrey McCarty	Holly Sebastian
Jennifer McClain	Stephanie Shaver
Lisa McCormick	Sarah Shepherd
Shannon McDaniel	Leslie Simmons
Kathy McDonald	Roni Simon
Lindsey McDonald	Chanelle Sims
Kelsie McFeeter	Raytwanea Smart
Tammy McKnight	Cassandra Smith
Julia Miller	Mikah Smith
Stacie Miller	Brianna Sparks
Desiree Milton	Emily Stehmeyer
Sarah Moore	Penny Stevenson
Pauline Morgan	Alanna Stewart
Marquacia Morris	Julie Stump
Rebecca Morris	Meghan Sullivan
Rhonda Morris	Monica Sullivan
Kathleen Morse	Hedieh Taraghi
Andrew Muldrow	Ashley Teleha
Laycee Murphy	Tanisha Thomas
Mallori Neff-Gallagher	Chelsy Tolliver
Emilee Nickell	Jasmine Tolliver
Destiny Owen	Jamie Tooill
Maranda Parker	Wilkins Toro
Courtney Pickard	Mary Ann Turri
Rebekah Pope	Destiny Utter
Stacy Propst	Alexis Velez
Gregory Railey, Jr.	Nicole Wagner
Tasia Reddinger	Dorianne Walters
Teneal Reece	Sandra Watt
Jeanine Reising	Kendall Wells
Cherie Rice	Tracy Wiebenga
Carol Rivera	Devan Williams
Anissa Roberts	Jennifer Williams
Kimberly Roberts	Shelby Wilson
Dawn Roop	Crystal Withem
Michael Russell	Molly Witt
Maria Sabato	Lisa Wolf
Anais Sanchez	Marcella Woofter
Bouavan Saythongphet	Nikki Yhelka
Rachel Schilling	Brooke Yost
Kimberly Schneider	Vanessa Zigos



Selena Zonneville

Amie Zuver

Motion carried unanimously.

**Limited Resident's**

**Motion by Dr. Wallace, second by Dr. Beard, to approve the licensure report for the following limited resident's licenses:**

Joseph N. Abiad

Joseph J. Mirci

Faye Mascarenhas

Caroline L. Salib

Motion carried unanimously.

**Limited Continuing Education**

**Motion by Dr. McDonald, second by Dr. Beard, to approve the licensure report for the following limited continuing education license:**

Douglas S. Killian

Terence P. Geary

Motion carried unanimously.

**Limited Teaching**

**Motion by Dr. McDonald, second by Dr. Beard, to approve the licensure report for the following limited teaching license:**

Aurelio A. Alonso

Ibrahim F. Tulunoglu

Sarah S. Mikhail

Mohammed L. Taifour

Motion carried unanimously.

**Coronal Polishing**

**Motion by Dr. McDonald, second by Dr. Beard, to approve the licensure report for the following coronal polishing certificates 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:**

Rodora B. Barckhoff

Katherine M. Christell

Erica M. Cain

Nicole M. Sakellariou

Motion carried unanimously.

**Expanded Function Dental Auxiliary**

**Motion by Dr. McDonald, 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:**

Andrea M Ball  
Kimberly A Butler  
Lisa Collins  
Nicole S Compton  
Christina M Hutchinson  
Kiersten E Lorenzen  
Raven R Morgan  
Janet S. Morrissey

Dalla M Petrozzi  
Lisa M Powell  
Danielle S Rogers  
Jennifer M Schnipke  
Brittney L. Schreier  
Kyle A Steinwender  
Brooke L Wollam

Motion carried unanimously.

**Oral Health Access Supervision Permit(s)**

**Motion by Ms. Clark, second by Ms. Staley, that the following applicants have met the requirements necessary to obtain permits to practice under the oral health access supervision program:**

**Dentist(s)**

Dr. Judy A. Gerson – Solon  
Dr. Christopher B. McCord – Warren  
Dr. Jon E. Sokol – Ravenna  
Dr. Patrick C. Thomas - Hubbard

**Dental Hygienist(s)**

Carolyn L. Brown – Mason  
Clifford Jones – Cincinnati  
Elizabeth h. Noel – Powell  
Alicia M. Przyojski – Toledo  
Jean Sitarik – East Liverpool  
Audrey A. Subler – Maria Stein

Motion carried unanimously.

**Graduate(s) of Unaccredited Dental Colleges Located Outside the United States**

Motion by Dr. Wallace, second by Ms. Staley, to approve the licensure report for application for the following dental license issued by graduation from an unaccredited dental college located outside the United States:

Dr. Ejaz A. Iakhani

Motion carried with Dr. Hanners opposed.

### Reinstatement License Application(s) – No Interview

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the following reinstatement application for licensure in Ohio:**

#### Dentist(s)

Rami Mouded, D.D.S.

Steven J. Specia, D.D.S.

#### Dental Hygienist(s)

Dana L. Atkinson, R.D.H.

Yen P. Deskevich, R.D.H.

Marlene E. Walter, R.D.H.

Motion carried unanimously.

### Ad Hoc Board Operations Report

Dr. Wallace reported that the Ad Hoc Operations Committee met that morning and had discussed several topics, most of which were regarding the Ohio Dental Association Resolutions and how they may affect Board procedures. He stated that the first issue regarded requiring Basic Life Support (BLS) for licensure/relicensure for dentists. Dr. Wallace stated that while the Board feels that it is good practice for the general dentist to maintain BLS, if it is to be made a requirement for licensure, then that requirement needs to come from the legislature in terms of a language change to the statute.

Continuing on, Dr. Wallace stated that the committee discussed several issues regarding the Oral Health Access Supervision Program (OHASP) that might need to be revisited. He stated that most of the issues that were presented in the ODA Resolutions would require making procedural changes in the law. Dr. Wallace indicated that there were a couple of things that the Board could possibly do to help, such as reviewing the term “authorizing dentist”. He stated that the committee was considering procedurally looking at the term “authorizing dentist” much as the Board views managers of corporate or group practices where there is an owner and several dentists who are employees. He stated that reconsideration of this term would allow dentist employees to be able to process patients and information on behalf of the authorizing dentist. Additionally, Dr. Wallace stated that the committee was looking into procedurally attempting to collect e-mails on a voluntary basis from OHASP permitted individuals in order that they may have a better way of contacting each other.

One final issue that was discussed, Dr. Wallace said, was easing the process for reinstatement/relicensing of an individual who needs to renew their license. He stated that the committee was attempting to develop procedures based on what specifically and minimally the Board would require of an individual to reinstate or relicense.

## Anesthesia Committee Report

### Provisional Conscious Sedation 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. David W. Hancock – Lima, Ohio

– Intravenous

Dr. Christine Kulesa – Westerville, Ohio

– Intravenous

Dr. Holly McKnight

– Intravenous

### Provisional Anesthesia 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. Hooman Adamous – Mt. Vernon, Ohio

Dr. Rishad Shaikh – Cleveland, Ohio

Dr. Joshua T. Smith – Tipp City, Ohio

### Conscious Sedation Permit(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 conducted, and the applicant is recommended to receive a conscious sedation permit.

Dr. Allen D. Smith – Cincinnati, Ohio

– Intravenous

### Anesthesia Permit(s)

Dr. Wallace stated that the following individuals have applied for anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications, evaluations have been conducted, and the applicants are recommended to receive anesthesia permits.

Dr. Matthew F. Pagnotto – Cincinnati, Ohio

Dr. Raymond P. Plona – North Olmsted, Ohio

Dr. Rodney Stigall – Cincinnati, Ohio

**Dr. Wallace made the motion from 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 Sponsor Application(s)

#### Biennial Sponsors

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:

Assist 4 Dentist, L.L.C.

Heath Dental Laboratory

#### Biennial Sponsor Renewals

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:

Drs. Bernard and Eimer

David B. Krill, D.M.D.

Fernando L. Martinez, D.D.S., M.S.D.

Mark S. Obernesser, D.D.S., M.M.Sc.

Seattle Study Club of Akron

Vlad M. Shapiro, D.D.S.

### Review of Required Course Application(s)

#### Anesthesia Permit Renewal

Ms. Staley stated that the following organization has submitted a request for approval of curriculum for the Anesthesia Permit Renewal 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:

Ohio Society of Oral and Maxillofacial Surgeons

- "Update of Office-Based Anesthesia for OMS"

**Ms. Staley made the motion from the Education Committee to accept the report and approve the above applications.**

Motion carried unanimously.

## Supervisory Investigative Panel Report

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

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

Motion carried unanimously.

### **Office Expense Report**

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the expense report and approve payment of the September, 2012 Board bills.**

Motion carried unanimously.

### **Executive Director's Report**

#### **American Association of Dental Administrators (AADA)/American Association of Dental Boards (AADB) Meeting**

Ms. Reitz distributed copies of her report on her attendance to the American Association of Dental Administrators (AADA)/American Association of Dental Boards (AADB) meetings in October. She then explained that the AADA is the meeting wherein all the executive directors from the state dental boards across the United States gather to discuss ongoing issues in dentistry within their respective states. She stated that they had approximately forty (40) attendees present. Ms. Reitz said that their meeting began with a presentation from the President of the American Dental Education Association (ADEA), Dr. Gerald Glickman, on the various functions of ADEA and issues facing dental education. She stated that there was a lively discussion amongst the directors in response to Dr. Glickman's presentation which was immediately followed by a presentation from the executive directors from Colorado and Oregon on the pros and cons of continuing education versus continued competency. Ms. Reitz stated that, again, this issue created much discussion as there is a lot of sentiment from the administrators as to whether continuing education is necessary or effective or rather just an administrative headache for the boards and their staff in regards to monitoring. She informed the Board members that it really ended up being more of a discussion as opposed to any type of informational presentation.

Continuing on, Ms. Reitz informed the members that the next presenter was Ms. Margarita Morales, a Public Health Analyst for the U.S. Department of Health and Human Services, Health Resources and Services Administration, Division of Practitioner Databanks (Databanks). She stated that Ms. Morales gave an overview on the Databanks, compliance issues and plans for the future. Ms. Reitz reported that there was some discussion on the discretion of the individual boards in regards to what would/should be considered reportable to the databank. She stated that the Databanks are attempting to develop reporting guidelines for consistency purposes.

Ms. Reitz informed the members that next on the agenda were the Roundtable discussions wherein each of the representatives gave an update on what was going on in their state. She then highlighted a few of the relevant issues as follows:

- Mississippi: They are no longer participating in CITA and are accepting the ADEX and SRTA examinations.
- Minnesota: This is the first state to license dental therapists. Although, statutorily Minnesota has had this licensure capability for a few years, they only have seven to nine (7-9) individuals who have applied to become licensed dental therapists. They are now considering licensure for "advanced dental therapists" which requires additional courses, 3,000 supervised hours and an examination, which seems to be a lot of work to benefit very few individuals.
- Oklahoma: Their investigators are law enforcement officers. One recent case garnered media attention in that an interpreter in a dental office posed as the dentist on evenings and weekends and provided dental care including restorations and orthodontic treatment. They arrested the individual who explained that she felt she had learned dentistry from explaining to the non-English speaking patients what the actual dentist was doing.

Ms. Reitz then stated that Dr. Guy Champaine, Chairman of the North East Regional Board, Inc. (NERB), gave an overview presentation on the Dentist Professional Review and Evaluation Program (D-Prep) that is offered by the AADB. She informed the members that following Dr. Champaine's presentation they held their business meeting wherein they scheduled upcoming meetings and appointed officers for 2013.

Continuing on, Ms. Reitz informed the Board members that she had attended the AADB Attorney Roundtable discussions which were going on concurrently with the general session of the AADB. She stated that the one of the topics was again about the D-Prep, but Dr. Bruce Horn joined in the presentation along with Dr. Champaine. She stated that this second presentation on D-Prep was discussed among attorneys who have different viewpoints. Again, Ms. Reitz indicated that there was a lot of discussion specifically regarding agreements versus orders, liability, etc.

Ms. Reitz informed the members that she had attended the AADB floor discussion on Botox and Restalyn and shared one of the stories of a physician giving the "Housewives of New Jersey" a Botox injection treatment without gloves and he was subsequently charged by the New Jersey board after the episode had aired.

Upon returning to the attorneys meeting, Ms. Reitz stated that Lori Lindley, of the Oregon Board of Dentistry, gave a presentation on "Groupons". She stated that Oregon has a fee splitting prohibition for dentists, which our Board does not, and that some states incorporate the ADA Code of Ethics guidelines which prohibit fee splitting. Ms. Reitz explained that Oregon was able to negotiate a contract with "Living Social" on behalf of the dentists, revised the contract, and eliminated fee splitting by replacing it with a flat fee.

Ms. Reitz stated that she then provided her presentation on human trafficking. She informed the members that it was well received and that she had more than one attorney who had at first questioned the nature of the presentation only to approach her after to express that they would like to share it with their Board members. As a result, Ms. Reitz said that she is going to ask that this be one of the Attorney Roundtable presentations to the AADB General Assembly for next year.

Continuing, Ms. Reitz stated that she, along with Grant Gerber of Maryland and Angela Daugherty of Wyoming, presented to the AADB general session on their drug monitoring programs. She stated that subsequent to this presentation she provided her lecture on "Corporate Dentistry". She shared with the members that she was aware, through the AADB, that there were going to be representatives from various corporate dental practices there and that she felt ready for them to question her. However, she stated that one member came up to her after the presentation and expressed that he had a certain expectation coming into the presentation but had changed his attitude by the end of her presentation. She stated that he had explained to her that he was glad she had presented both sides of the primary issues of corporate dentistry. She stated that she has been asked by NERB Public Advocacy to give this lecture at their meeting in January.

Ms. Reitz stated that the meeting concluded with a discussion on topics for the next Mid-year meeting in 2013.

### **Prescription Drug Monitoring Presentation**

Ms. Reitz informed the Board members that she has been asked by the Ohio State University College of Dentistry to provide her presentation on Prescription Drug Monitoring and the Ohio Automated Rx Reporting System (OARRS) to the faculty at their upcoming awards ceremony.

### **Federal Trade Commission Oral Arguments**

Ms. Reitz informed the members that she would be attending the Federal Trade Commission oral arguments in Virginia the first week in December. She stated that she would report on the arguments to the Board upon her return.

### **American Dental Association Commission on Dental Accreditation Site Visits**

Ms. Reitz stated that she had e-mailed the Board members with respect to a request from the American Dental Association Commission on Dental Accreditation (CODA) regarding site visits. She informed the members that CODA always appreciates Board participation in the visits. She stated that she had received several responses from the Board members and indicated that anyone interested could coordinate with her in regards to the testing dates and locations.



## Anything for the Good of the Board

### American Association of Dental Boards (AADB) Meeting

Dr. Kaye began by stating that the Board executive office had received a letter from Molly Nadler, Executive Director of the American Association of Dental Boards, thanking Ms. Reitz for stepping in, providing her presentations, and for her participation in the discussions. He stated that Ms. Nadler had expressed that Ms. Reitz had done a great job especially in regards to the lecture on corporate dentistry.

Dr. Kaye then informed those in attendance that he had attended the AADB meeting along with Dr. Beard, Dr. Shaffer, Dr. Wynn and Dr. Wallace. He then opened the floor for their comments on topics that had been discussed at the meeting.

Dr. Beard stated that there was much discussion surrounding the opening for the Executive Director position for the AADB. He stated that there was a lot of attention and drama, for lack of a better word, regarding using an executive management organization in order to fill the position versus having the General Assembly make the decision to hire an individual versus a corporation.

Continuing on, Dr. Beard inquired as to the public records requests for North Carolina and North Dakota that Ms. Reitz had briefly noted in her written report to the Board. Ms. Reitz informed the members that North Dakota had received a public records request from the Institute of Justice requesting all records which included the word "bleach" or "bleaching" in them. She stated that she had no idea how a board could possibly respond to that type of request.

Ms. Reitz then informed the Board members that North Carolina received a public records request from the Alliance for Access to Dental Care, a group of corporate dental practices, for over 8,500 records and they are now suing the North Carolina Dental Board alleging that they have records that have not been provided under the request. She stated that she had asked the Executive Director of the North Carolina Board as to what was the impetus of this request and she stated that he informed her that he is unsure but they think that the Alliance was told that the North Carolina Board had certain documents that would indicate some kind of movement within their Board regarding corporate dentistry. Therefore, Ms. Reitz stated that the Alliance is now suing because they are not getting what they "think" the North Carolina Board has and is not providing to them under the public records request.

Dr. Wynn informed the Board that former Board member, Billie Sue Kyger, D.D.S. was elected 3<sup>rd</sup> Vice President of the AADB which means that she will be the President in five (5) years

Dr. Shaffer reported that the bigger issue with the North Carolina Board is not the issues concerning corporate dentistry but rather the Federal Trade Commission (FTC) lawsuit. She stated that the lawsuit is based upon the North Carolina Board having closed down bleaching kiosks in malls, etc. She stated that this has legal ramifications in that it questions whether the dental boards can regulate their own profession. Dr. Shaffer commented that the FTC claims that the North Carolina Board was harming competition by taking action and closing down the

bleaching kiosks. She stated that the FTC feels that it is a direct conflict of interest for board members to make decisions regarding the practice of dentistry when they have a financial interest in the outcome. She stated that ultimately the decisions in this case could change everything that all dental boards across the country do in regards to protection of the public.

Dr. Shaffer then went on to explain that there is a similar case being held at the Supreme Court level which is not as strong as the North Carolina suit. She commented that the American Dental Association (ADA) and AADB would rather have the North Carolina suit at the Supreme Court level in that there are glitches in the current Supreme Court case. Dr. Shaffer stated that should the Supreme Court make its ruling prior to the North Carolina ruling in an appellate court, then it will affect that appellate court's decision, ultimately negatively affecting the Board and all the boards of dentistry.

Dr. Kaye stated that the ADA Licensing Task Force is changing the National Examination from being a two (2) part examination to one (1) part. He stated that in speaking with Dr. Joseph Crowley, 7<sup>th</sup> District Trustee, the (ADA) is not interested in administering the examination and therefore is not a threat to the North East Regional Board, Inc. (NERB). On another note, Dr. Kaye stated that both Texas and Florida have revised their advertising laws in response to lawsuits that were filed against both dental boards. He stated that our Board should consider taking a look at their newly revised advertising laws during the course of the next year in order to avoid the possibility of a similar suit.

Dr. Kaye stated that he had attended some of the discussions on Botox and dermafillers and concluded that our Board Policy is far superior to anything he heard discussed or was presented from other dental boards.

On a final note, Dr. Kaye stated that the AADB would like to send a representative to speak with the Board regarding D-Prep. He stated that he would be contacting the AADB in the near future to inquire as to whether they would like this to happen.

### **Commission On Dental Testing – Connie Clark, R.D.H.**

Ms. Clark stated that she had been asked to represent the Board at the recent meeting of the Commission on Dental Testing (Commission) on Friday, October 12, 2012. She stated that she had provided the Board members with copies of her report prior to the meeting and that she had come away from the meeting with two (2) requests from the Commission. She stated that the two (2) requests are as follows:

1. The Board consider granting of a temporary permit similar to that which is issued for recent dental hygiene graduates as the Commission feels that their candidates must wait two (2) months or more for the Board to have a meeting prior to issuance of registration; and
2. The Board amend Ohio Administrative Code Rule 4715-11-04.1(2) to remove the "Higher Learning Commission of the North Central Association of Colleges and Schools" from the

list of accrediting agencies for Expanded Function Dental Auxiliary acceptable programs due to the disparity of student to instructor ratios.

Ms. Clark stated that since documenting these requests in her report, she has spoken with Board office staff and determined that in the case of the first request for "temporary permit", it is unnecessary as the Board has been utilizing the identical procedures for EFDA registration as those for dental hygiene licensure. She stated that neither EFDA Registration candidates, nor dental hygiene licensure candidates must wait for a Board meeting for application approval. Ms. Clark stated that it was explained to her that once ALL application materials have been received in the Board office, including the examination results, the registrations/licenses are issued. She stated that both the licenses and registrations are "formally" approved by the Board at the next subsequent meeting but the applicants receive their letters immediately following issuance. Therefore, Ms. Clark concluded that the Board was not the "holdup" to these applicants receiving their registrations in a timely manner.

Continuing on, Ms. Clark indicated that further discussion with Board office staff revealed that in regards to the second request made by the Commission, the Commission must seek a change to the statute legislatively since the Higher Learning Commission of the North Central Association of Colleges and Schools is included in Ohio Revised Code Section 4715.62(A)(2) as accredited educational institutions who are able to offer EFDA programs.

Discussion ensued wherein the question arose as to whether there are other examining entities that might consider offering some type of expanded function examination. Dr. Wynn indicated that she had e-mailed the President of ADEX because there had been an inquiry as to whether there was another examination that the EFDA candidates could take and whether ADEX could provide this service for Ohio. She stated that the response from ADEX indicated favorably that they would consider initiating a program and that she was to forward the Ohio law and rules in this regard.

#### **American Board of Dental Examiners Meeting – Jacinto Beard, D.D.S.**

Dr. Beard stated that he had recently spoken with Phil Beckwith, D.D.S., the Board's former representative to the American Board of Dental Examiners (ADEX). He stated that he had spoken with Dr. Beckwith in order to get an idea of the role and responsibilities of being the Board's representative to ADEX, what the upcoming meeting was going to be like, things he should be looking out for, and people he needed to meet. Dr. Beard stated that Dr. Beckwith was very helpful and informed him that the District 5 representatives, including Michigan and Indiana, as well as Ohio, will caucus and come up with a Dental Hygiene Representative to ADEX at this upcoming meeting.

Dr. Beard informed the members that Dr. Beckwith had explained that he has been lobbying quite some time for former Board member, Lynda Sabat, R.D.H., to be considered for the Dental Hygiene Representative position and that Dr. Beckwith thought that this year she could potentially be considered. He stated that Dr. Beckwith explained that it is not guaranteed as it is a position which requires being voted into and that the previous representative was from

Michigan. Being newly appointed as the Representative to ADEX, Dr. Beard stated that he was seeking the Board's guidance as to whether, when asked, to submit Ms. Sabat's name as a potential candidate for the Dental Hygiene Representative position or whether it was the Board's wish to recommend another candidate, as this is not his decision to make solely. He clarified that it was his understanding in speaking with Ms. Reitz that Ms. Sabat is very interested in serving the Board in the Dental Hygiene Representative position. Dr. Beard stated that in further conversation, he has spoken with Mr. Jones, Ms. Clark, and Ms. Staley, the Board's Hygiene members, and all seem comfortable with Ms. Sabat being recommended to ADEX. One final comment in this regard, Dr. Beard stated that Dr. Beckwith mentioned that since he has been bringing Ms. Sabat's name forth for this position for the last couple of years, it would not be looked upon favorably if the name of another individual was put forth at this time.

Discussion ensued and it was determined that candidates for the Dental Hygiene Representative to ADEX position were elected for three (3) year terms and can serve two (2) terms.

Continuing on, Dr. Beard noted that former Board member, Eleanore Awadalla, D.D.S. is currently on the Examining Committee. He inquired as to whether it was the Board's wish for her to continue in that capacity should a recommendation be made, as he believes that those appointments are made yearly.

Further discussion ensued wherein it was the consensus of the Board that Dr. Beard be given the authority to recommend these two (2) individuals to the ADEX positions previously discussed.

Dr. Kaye commented on the importance of Ohio representation to ADEX. He stated that most recently the Board was "blind-sided" by a change to the NERB exam which eliminated the periodontal section of the examination. He informed the members that the Constitution and Bylaws for NERB state that NERB no longer creates the examinations and that NERB is just an administering body for the ADEX exam. Therefore, Dr. Kaye commented that it is very important and our responsibility that we as a Board, and as a licensing entity, know what is involved in the examination. He stated that the only way to know what is going on with the ADEX examination is through our Ohio representatives. Dr. Kaye further commented that Dr. Beard is an active Board member and representing us at ADEX, however, since Ms. Sabat is not an active member of the Board he would like to have her come back and make a formal report to the Board. On a final note, Dr. Kaye suggested that active/inactive status should be considered in future representative considerations.

### **Remediation Education Providers for QUIP and Consent Agreements**

Dr. Shaffer informed the Board that we currently have only one (1) Board-approved provider for ethics continuing education for the Quality Intervention Program (QUIP) and consent agreements. She stated that Kenneth D. Jones, Jr., D.D.S., J.D. had approached her, indicated that he had provided this service in the past, and asked if he could again provide this type of coursework. She informed the members that Dr. Jones had provided ethics courses in the past for enforcement reasons, however due to health concerns, had not provided this service to

licensees for a few years. Dr. Shaffer distributed copies of Dr. Jones curriculum vitae and asked the Board to consider Dr. Jones request to be a Board-approved ethics provider.

**Motion by Dr. Leffler, second by Mr. Lawrence, to accept Kenneth D. Jones, Jr., D.D.S., J.D. as an acceptable ethics remediation education provider for QUIP and consent agreements.**

Motion carried unanimously.

### **Consent Agreements - Discussion**

Dr. Leffler stated that he wished to discuss the concept of consent agreements. He stated that former Board member, Edward Hills, D.D.S., originally suggested entering into pre-cite consent agreements with licensees and now he [Dr. Leffler] was following up with it. He stated that the Board is seeing more and more of these types of consent agreements wherein there is no Notice of Opportunity for Hearing and he feels that the Board is "rubber stamping" these types of agreements without sufficient information to justify them. He commented that, as Board members, they do not have the opportunity to get more information in regards to the types of violations and whether the consent agreement being offered is appropriate or excessive. Dr. Leffler commented that, while he feels that the Board Secretaries are doing a fine job in looking at the nature of the cases and determining whether the individual case/licensee is offered a pre-cite consent agreement or whether a notice of opportunity for hearing should be issued, the Board members should be taking a more active role in being more informed of the details prior to "rubber-stamping" their decisions.

Continuing on, Dr. Leffler suggested that the Board members should be presented with minimal details of each case along with the proposed pre-cite consent agreement, and be permitted to make a decision as to whether the terms of the pre-cite consent agreement are appropriate PRIOR to offering it to the intended licensee. He commented that the Board members routinely endorse the recommendations of the Supervisory Investigative Panel (SIP) panel but he feels it would benefit the Board to develop a system that allows the members to have more information prior to voting on a consent agreement. He stated that he did not wish to open this up for discussion at this time but was seeking consideration of it for further discussion, possibly in December or February.

Dr. Kaye recommended that this issue be referred to the Ad Hoc Board Operations Committee since it involves possible changes in Board procedures.

**Adjourn**

Dr. Kaye adjourned the meeting at 4:00 p.m. He reminded the Board members that they would be meeting again December 5, 2012.



Lawrence Kaye, D.D.S.  
President



Mary Ellen Wynn, D.D.S.  
Secretary