

Ohio State Dental Board

Board Meeting

September 12, 2012

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Ohio State Dental Board

Board Meeting

September 12, 2012

Attendance

The Ohio State Dental Board (Board) met in Room Taft A & B, of the Hyatt Regency Hotel, 350 North High Street, Columbus, Ohio on September 12, 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; 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 1:05 p.m.

New Board Member

Dr. Kaye introduced Ashok Das, D.D.S., the Board's newest Board member who was recently appointed by Governor Kasich. He informed everyone that Dr. Das is a general dentist from Mason Ohio and extended a warm welcome to Dr. Das.

Introduction of Board Members

Dr. Kaye then introduced himself as the Board President, a periodontist from Akron. He took a moment to introduce the rest of the Board members. Dr. Kaye introduced 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. 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. Wynn, second by Dr. Beard, to approve the August 1, 2012 minutes as presented.

Motion carried unanimously.

Enforcement Report

Personal Appearance(s)

Timothy M. Pratt, D.D.S.

Ms. Noble informed the Board members that Dr. Pratt is appearing before the Board for his first interview. She stated that Dr. Pratt was recently discharged from Glenbeigh on September 4, 2012. She informed the Board that Dr. Pratt was admitted on July 24, 2012 and that he was kept longer than the minimum of 28 days due to the staff not feeling that he was ready for release.

Ms. Noble informed the Board that she and Dental Board Enforcement Officer, Kathy Carson, had been working on an investigation regarding Dr. Pratt's impairment for approximately a month without him admitting to any impairment when they had received a call at the beginning of July that Dr. Pratt had been admitted into Akron Hospital's mental health unit. Ms. Noble stated that Dr. Pratt had written a prescription for himself in his sisters' name and attempted to get the prescription filled. She stated that the pharmacist suspected something, contacted the sister, who then denied the prescription was for her. Consequently, Ms. Noble stated, the pharmacist contacted the police. During the interview with police, Ms. Noble informed the Board members that Dr. Pratt made a comment regarding possible thoughts of suicide and therefore was immediately

taken into custody and taken to Akron General Hospital. She stated that she and Ms. Carson interviewed him while a patient at Akron General Hospital and that Dr. Pratt admitted he was impaired and needed help. She stated that Dr. Pratt signed the Consent Agreement at that time.

Ms. Noble informed the members that Dr. Pratt was just recently released from Glenbeigh and is completing the intensive outpatient program as part of his program with them. She stated that she just learned prior to the meeting today that Dr. Pratt has signed a contract with OPHP for monitoring but has not yet received documentation from GlenBeigh regarding his release from treatment. Concluding, Ms. Noble stated that Dr. Pratt was invited to this Board meeting since there is no meeting in October and in this way the Board can discuss with him the importance of being in compliance with his consent agreement.

Upon questioning by the Board, Dr. Pratt introduced himself as a solo practicing general dentist from Killbuck, Ohio which is in Holmes County. He stated that he had gotten into trouble using drugs about two (2) years ago. Dr. Pratt informed the Board that he had been arrested for trying to get prescription for himself as he has an arthritic hip. He said that he had written a prescription for twelve (12) vicodin with no refill for his daughter with intent to obtain them for his own use. Dr. Pratt stated that he had been arrested at the pharmacy and when they performed a blood test on him and they found crack-cocaine, marijuana, and Xanax in his system. He stated that all of this was as a consequence of a woman he had met and had been living on and off with for the past two (2) years, who was abusing. Dr. Pratt stated that when he first started dating her he was unaware of her abuse, but that ultimately it was his choice when he started using. He informed the members that once he began abusing it is a slippery slope and started using more and more until his arrest.

Continuing on, Dr. Pratt stated that the county had offered him treatment in lieu of conviction for the charge of trying to obtain a controlled substance by fraud. He commented that he had chosen GlenBeigh for himself. He informed the members that Enforcement Officers Noble and Carson had come in and encouraged him to enter treatment and was glad he had entered into treatment. He stated that he stayed extra on his own because he was working a good program.

Dr. Pratt informed the Board members that he had been in treatment 27 years ago at Shepherd Hill, was working a program, knew how to work a program, however, he had gotten lax, relapsed and realized that the disease is never really gone. He stated that this has cost him, but he is now getting back in it. He reiterated that he knows how to work a program and will continue to do so. Dr. Pratt informed the Board that he had just this morning arranged for aftercare through OPHP, he is currently in Intensive Out-Patient care, and has his caduceus meeting set up.

Upon further questioning by the Board, Dr. Pratt explained that he was no longer seeing the person that brought him into this and that she has cleaned him out both emotionally and monetarily, thus devastating his life. He stated that he has learned some hard lessons, with the biggest outcome of his recovery was getting rid of her. Dr. Pratt appealed before the Board that he is bankrupt, in financial hardship, and desperate to return to practice, not just for himself but for his community, He stated that he is in a rural area where people have to go long distances to see a dentist. He

reiterated that he would like to go back to work, not just for himself but for the community because they have to go long distances to get to a dentist, most cannot drive, and it costs them a lot of money to get a driver and take them and their families. He also stressed that it is also for him as he is desperate and really hurting. He stated that his practice is just sitting there, the he had tried to get a local dentist in there but his average daily gross income was not acceptable to the other dentist as he worked in a clinic and was making more money there.

Ms. Noble interjected for clarification the Dr. Pratt began his treatment on July 24, 2012, completed treatment on September 4, 2012, which resulted in him being in treatment for 42 days. She stated that Dr. Pratt is currently in IOP for an additional three (3) more weeks and then begins his monitoring. She stated that Dr. Pratt is currently attending meetings at the facility four (4) times per week for three (3) hours each session and that once he begins his aftercare he will attend meetings just once per week for one hour. She reiterated that Dr. Pratt just recently signed with OPEP for the aftercare.

When asked, Ms. Reitz explained that the normal procedure would be to have the licensee appear before them at least twice before considering reinstatement; once after treatment has been completed and a follow-up Board meeting for a subsequent interview to obtain a status on how the licensee is doing with aftercare.

Motion by Dr. McDonald, second by Linda, to go into executive session pursuant to 121.22(G)(1) to discuss the matter involving Timothy Pratt, D.D.S.

Ms. Staley requested that before the Board entered into executive session she would like to ask Dr. Pratt where he was physically and mentally in terms of practicing dentistry after such a short time out of treatment and what would be his optimal time to be ready, willing, and able to practice again. Dr. Kaye suspended the motion for the Executive Session to allow Dr. Pratt to answer Ms. Staley's question.

Dr. Pratt stated that he was revved up and ready to go as he worked out very hard physically at GlenBeigh because they have a fabulous weight room. He reiterated that he knows how to work a program and know what it involves. He said that he's been providing urine screens continuously with GlenBeigh, that the screenings have been clean and that they will remain clean. Dr. Pratt informed the members that GlenBeigh is monitoring him, that he has 18 meetings lined up over the next three (3) weeks. He stated that the dentistry is not just for him but that it really is a hardship for his community and he treats many Mennonites and farmers. Dr. Pratt stated again that he has to work the program, that he is of no good to his patients unless he takes care of himself. Dr. Pratt informed the members that was the selfish part of the disease and he understands that is a part. He said that the guilt and shame is in past, he has a disease, and how they think about him is how they think, however, he feels he needs to help them. When questioned, Dr. Pratt said that dentistry is not a "trigger" for him so that is not a concern. Additionally, he stated that he cannot prescribe Schedule 2 and 3 drugs for an extended time and that he is fine with that.

Dr. Kaye thanked Dr. Pratt and then stated that there is a motion on the table. Dr. Beard questioned procedurally whether the Board had the ability to consider reinstatement at this time, due to the fact that some of the minimal requirements set forth in Dr. Pratt's consent agreement with the Board have not yet been met or fulfilled. As a result of the discussion, Dr. McDonald retracted his motion for Executive Session.

Mark S. Jerman, D.D.S.

Ms. Noble informed the Board members that Dr. Jerman was appearing before the Board after receiving a 30 hour limitation on his license in May, 2012. She stated that Dr. Jerman has informed her that he doubts he will work forty (40) hours but wanted to request the additional hours just in case of emergency or vacation coverage. Ms. Noble informed the Board members that Dr. Jerman has been in compliance with his consent agreement and all urine screens have been negative.

Dr. Jerman began by thanking the Board for honoring his request to speak with them again. He stated that things were going really well, that he feels really good, and is in a good place. He stated that he is working 30 hours per week and is here formally asking for 40 hours per week even though his office is only open 36 hours per week. Dr. Jerman stated that he has an associate that works for him who helped him get through the suspension and the difficult times. Therefore, Dr. Jerman said that he was formally asking for 40 hours for those times when his associate goes on vacation or when he gets called in for emergencies. He stated that his current work schedule is Monday, Tuesday, and Thursday 8:00 a.m. to 5:00 p.m. and Wednesday 7:30 a.m. to 12:00 noon with Friday off. He stated that this schedule works well for himself and his family as it allows him time to be with them and that they have been very supportive throughout this period. Also, he stated that this schedule works well in that he is in a good routine with the caduceus and aftercare at Parkside on Monday nights in addition to attending Spiritual Awakenings at 7:00 a.m. in Worthington. He stated that he feels this is a good way to start his day. Dr. Jerman commented that if he does pick up a half day it will not affect his current meeting schedule, his family time, and the things that are important to him.

Upon questioning by the Board, Dr. Jerman admitted that he is working on a daily basis on the guilt and shame of his former actions especially in regards to his involving a dental assistant in his office in the arrest and convictions.

Dr. Kaye thanked him and stated that the Board would consider his request in Executive Session after the last Personal Appearance.

Lisa A. Collins, Dental Assistant Radiographer

Ms. Noble informed the Board members that Lisa Collins, dental assistant radiographer, was appearing before the Board pursuant to the Consent Agreement she recently signed that will be considered later this afternoon. She informed the members that Ms. Collins is the dental assistant that was involved in the case with Dr. Jerman in that Ms. Collins was picking up his prescriptions and delivering them back to him. Ms. Noble stated that Ms. Collins was recently charged with two (2) counts attempted deception to obtain dangerous drugs and that these charges were a plea bargain

after originally being charged with seven (7) counts of deception to obtain dangerous drugs, which were felonies.

Upon Questioning by the Board, Ms. Collins informed the Board members that things are going better, that she should have cooperated with the Board initially, and that she was wrongly advised by the dentist and his attorney in this matter. She stated that she is still working for Dr. Jerman's father, who is also a dentist, and has been working in the same practice for the past 29 years. She stated that she has never had a drug problem herself and that she was caught up in an awkward situation.

Board members stressed that in her position she has an obligation to protect the public and that she should have been the one to file the original complaint with the Board.

Executive Session

Motion by Dr. McDonald, second by Dr. Beard, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) to consider the matters of Timothy M. Pratt, D.D.S., Mark S. Jerman, D.D.S., and Lisa Collins, Dental Assistant Radiographer.

Roll call vote.

Motion carried unanimously.

Dr. Kaye requested Ms. Reitz, Ms. Noble, Mr. Wenzel, and Mr. Lutz to attend the Executive Session.

Open Session

The Board resumed open session at 1:55 p.m.

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

Dr. Kaye informed Dr. Pratt that while the Board supports him in his battle with the disease of addiction, Dr. Pratt's consent agreement specifically requires that documentation from the treatment provider be submitted to the Board prior to any consideration for reinstatement to practice. Therefore, Dr. Kaye stated that the Board would like Dr. Pratt to return for a subsequent interview at its meeting in November.

Decision In The Matter Of Mark S. Jerman, D.D.S.

Dr. Kaye informed Dr. Jerman that Board members hope he realized the net amount of lives that have been adversely affected by his actions and by this disease. He stated that the Board hopes that Dr. Jerman realizes the seriousness of this situation and that they trust they will not be seeing him again in the future.

Motion by Dr. McDonald, second by Dr. Hanners, that the license of Mark S. Jerman, D.D.S. be reinstated up to forty (40) hours and pursuant to the terms of his consent agreement with the Board.

Motion carried unanimously.

Decision In The Matter Of Lisa A. Collins, Dental Assistant Radiographer

Dr. Kaye informed Ms. Collins that the Board wished that she had behaved differently in that they felt she had an ethical and moral obligation to protect the patients, especially in that there are avenues in which she could have notified the Board anonymously. He stated that he would encourage her to give thought to all that has transpired and that the Board would be considering this when they deliberate her proposed consent agreement later during the meeting.

Enforcement Report (Continued)**Review of Proposed Consent Agreement(s)**

The Board reviewed five (5) 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***Lisa A. Collins, Dental Assistant Radiographer***

Motion by Mr. Lawrence, second by Dr. McDonald, to approve the proposed agreement for Lisa A. Collins, dental assistant radiographer, certificate number 51-003224, case number 12-25-0109.

Motion carried with Ms. Staley and Ms. Clark opposed. Mr. Jones was absent.

Stuart B. Katz, D.D.S.

Motion by Dr. Wallace, second by Dr. McDonald, to approve the proposed consent agreement for Stuart B. Katz, D.D.S., license number 30-013507, case number 08-18-0113.

Motion carried. Mr. Jones was absent.

David J. Kozar, D.D.S.

Motion by Dr. Wallace, second by Dr. McDonald, to approve the proposed consent agreement for David J. Kozar, D.D.S., license number 30-015460, case number 12-18-0283.

Motion carried unanimously.

Shannon N. McDaniel, Dental Assistant Radiographer

Motion by Dr. McDonald, second by Dr. Wallace, to approve the proposed consent agreement for Shannon N. McDaniel, dental assistant radiographer, certificate number 51-023793, case number 12-57-0305.

Motion carried unanimously.

Michael A. Moore, D.D.S.

Motion by Dr. McDonald, second by Dr. Hanners, to approve the proposed agreement for Michael A. Moore, D.D.S., license number 30-023358, case number 11-87-0430.

Motion carried unanimously.

Notices of Opportunity for Hearing

The Board reviewed one (1) proposed notice of opportunity for hearing. The name of the individual/licensee was not included in the document reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes.

C. Jed Kessler, D.D.S.

Motion by Dr. Wallace, second by Dr. McDonald, to approve the proposed notice of opportunity for hearing and forward it to C. Jed Kessler, D.D.S., license number 30-019011, case numbers 11-25-0417 and 11-25-0243.

Motion carried unanimously.

Immediately prior to the Enforcement Report, Dr. Kaye took a moment to recognize and congratulate Dental Board employee, Quentin Holmes, on his recent promotion to Deputy Director.

Enforcement Report

Deputy Director Quentin Holmes began his report by informing the Board that there are five (5) cases pending hearings, of which all have been assigned. He stated that three (3) cases listed that are pending the hearing officer's report and recommendation. Mr. Holmes stated that there are currently forty (40) licensees under suspension. He informed the Board members that there are ten (10) active cases in QUIP. Additionally, Mr. Holmes stated that the Board currently has two hundred and thirty-three (233) active cases. Mr. Holmes informed the Board that thirty-three (33) 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:

11-47-0460	Standard of Care-Warning	12-77-0165	Standard of Care
11-31-0463	Standard of Care	12-31-0193	Standard of Care-Warning
11-44-0467	Infection Control/Lic	12-76-0191	Standard of Care
12-18-0067	Standard of Care	12-18-0203	Standard of Care
12-71-0111	Standard of Care	12-77-0199	Standard of Care
12-57-0113	Outside Scope	12-48-0209	Standard of Care
12-78-0114	Standard of Care	12-16-0211	Standard of Care
12-76-0120	Standard of Care	12-25-0237	Standard of Care
12-77-0131	Moral	12-31-0216	Standard of Care
12-77-0137	Standard of Care	12-57-0215	Standard of Care-Warning
12-02-0179	Standard/Misrep	12-77-0224	Standard of Care
12-42-0176	Standard of Care	12-31-0217	Standard of Care-Warning

12-55-0221	Standard of Care	12-31-0258	Misrepresentation
12-67-0222	Misrepresentation	12-12-0256	Standard of Care/ Abandonment
12-31-0245	Standard of Care-Warning		
12-57-0251	Standard of Care	12-57-0254	Standard of Care
12-31-0257	Adverse Occurrence	12-18-0290	Records

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. McDonald, second by Dr. Wallace, to close the above thirty-three (33) 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 Dr. Shaffer, second by Dr. Leffler, to approve the licensure report for the following dental licenses issued by a regional board examination:

Jacqueline M. Beard	Drew T. Meyers
Richa Belbase	Hiral M. Modi
Ashley A. Burton	Ann RB Nicholas
Yissell Carpentino-DeJesus	Sunny Pahouja
Geoffrey A. Dibert	Deanna L. Tatterson
Eric J. Gebrielsen	Dena E. Towning
Mohammad S. Haider	Stephen M. Tropp
Suad A. Jama	Brent L. Woodmansee

Motion carried unanimously.

Dental Hygienist(s)

Motion by Dr. Beard, second by Dr. Wynn, to approve the licensure report for the following dental hygiene licenses issued by a regional board examination:

Leslie J. Archambeault	Stephanie A. Gutshall
Jessica Boskocevic	Tanera M. Hutz
Stacey R. Caniff	Billie N. Kieffer
Felicia N. Chirico	Erica Leu-Forgus
Christina M. Combs	Emily C. Maki
Erica J. Copenhaver	Amanda M. Mapes
Amanda J. Cramer	Danielle E. Martin
Karlie E. Davis	Anne L. Miller
Arielle B. Demyan	Lydia R. Neff
Darlene Duncan	Diana M. Race
Hillary N. Galbraith	Holly A. Werling

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:

Shamaya Adams	Erin Creech
Morgan Allemang	Nicole Daily
Kristen Altherr	Pamela Daniell
Olesya Babyak	Danica Daniels
Kara Barclay	Heidi David
Regina Barnes-Hobbs	Ashley Davis
Amy Barney	Jessica Day
Christina Barrick	Alison Dillon
Huntre Bates	Taylor Dyke
Shelby Battle	Andrea Eisma
Karyn Baugh	Jamie Elchert
Jacqueline Beard	Priscilla Elliott
Christine Begley	Kristen Fields
Natasha Bellard	Chelsea Fitch
Holly Bellew	Katelyn Florea
Margaret Benedetti	Nicole Francis
Erin Bernard	Tiffany Frazier
Shavon Bills	Haley Fulk
Cassandra Birtcher	Jaclyn Funk
Brandy Bistor	Dianna Gerlach
Allison Brewer	Brandi Godwin
China Brown	Heather Green
Lindsey Buckels	Graciana Griffith
Destiny Cadmes	Adrianne Harden
Tomi Carter	Heidi Havel
Sondra Caskey	Kimberly Hawthorne
Meaghan Chamberlain	Brittini Heminger
Lisa Clark	Kara Henry
Morgan Clark	Yuna Henson
Elayna Clarke	Carla Hickman
Christie Colello	Tiffany Hill
Kelly Conlon	Robert Hood
Karri Corbley	Karalee Howard
Jessica Corriere	Jeanette Hubbard
Lauren Coulman	Amanda Huff

Ashley Hughes	Kristina Patch
Micah Hutz	Michelle Patterson-Brown
Balsam Ibrahim	Alexander Plevris
Monique James	Eitan Polster
Cammarii Johnson	Amanda Prater
Payton Johnson	Amy Prater
Diana Jones	Darren Ramsey
Nea Kannally	Jessica Reese
Theresa Kelly	Heather Rittenhouse
Marcie Kendall	Tiffany Roberts
Sasha Kirkpatrick	Marisel Rodriguez
Brittany Lanigan	Cynthia Rogers
Alexandria Lee	Sarah Rowland
Holly Letner	Sarah Sanders
Viangela Liles	Mari Scarcella
Christina Limber	Kira Schlarb
Laura Lytle	Joi Shanaberger
Vickie Makin	Jessica Sheets
Ruzica Maracic	Christian Shorter
Paityn Marshall	Jacqueline Shumaker
Kathleen Martin	Melissa Singleton
Nicole Maurer	Colleen Skerl
Tiffany McKeefery	Allison Smith
Jessica McTighe	Lakisha Smith
Deasa Merritt	Roshawnda Smith
Amy Meyer	Kathleen Southerland
Karita Miller	Sarah Spence
Tammra Miller	Jennifer Spille
Kirstyn Millice	Emily Sprouse
Cheyenne Montesano	Ta'kia Stanford
Ashley Moore	Jacquelyn Stephens
Shinay Mosley	Jamie Stine
Kimberly Mullins	Lauri Sturwold
Samantha Muniz	Jordan Szydlowski
Jaclyn Murdock	Diamond Taylor
Jennifer Neff	Krystie Taylor
Lucia Nichol	Ashley Tigner
Michelle Nicolson	Nicholle Tipton
Norlene O'neal	Aipery Usenbaev
India Palmer	Jenna Vonderau
Adeline Paradiso	Dyana Wagner
Reilie Parish	Kelsie Waits

Ashley Wake
Dawn Walter
China Washington
Porscha Weaver
Shannon Weitzel
Michaela Whitcraft

Betty White
Emily Wildman
Sheray Williams
Jerrica Wilson
Patricia Woolard

Motion carried unanimously.

Limited Resident's

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

Feras H. Ghazal
Patricia R. Jackson

Neetha Krishnaswamy

Motion carried unanimously.

Limited Continuing Education

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

Scott R. Lee

Harold C. Rider

Motion carried unanimously.

Limited Teaching

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

Andre' Paes Batista Da Silva

Motion carried unanimously.

Coronal Polishing

Motion by Dr. Beard, second by Mr. Lawrence, 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:

Emily Bobic
Ashley M. Bush
Nicolette R. Caldwell
Maryna V. Caponigro
Lisa M. Cass

Judy M. DeJacimo
Shawna R. Dingey
Megan E. Donahue
Crystal N-Y Hodge
Theresa A. Ieropoli

Amanda J. Jaime-Navarro
Ashley E. Kempe
Pamela S. Logan
Natalie M. McCloud

Liliya Mikhalets
Ashley M. Riley
Angela N. Thomas
Amanda R. Wells

Motion carried unanimously.

Expanded Function Dental Auxiliary

Motion by Dr. Beard, second by Mr. Lawrence, 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:

Bridget M Baker
Jacquelyn Bell
Bogdan Y Bilskiy
Erin Boettcher
Christina Buoni
Tracey K Chmelovski
Pamella Collins
I-Yana Fletcher
Mikki M Frashuer
Linda Garrett
Amelework Haile
Hollie Hatfield
Melissa Haynes
Emily Howard
Tracey Lepiarz
Jessica Liggett
Deanna Y Maddox
Courtney Maddox

Tessa Marcum
Svetlana Martonjuk
Claudette M Palmer
Allyson Phillabaum
Melissa Schirtzinger
Sally Shackelford
Erica Sims
Sandra Slade
Kadie Stamper
Sara Strickland
Tara Sumen
Michelle Triplett
Miriam Troyer
Serita N Vannoy
Jamie Vucic
Jerri D Webb
Kimberley C Williams
Kristi Wilson

Motion carried unanimously.

Oral Health Access Supervision Permit(s)

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

Dentist(s)

Dr. Kenneth T. Kmieck
Dr. R. Gregory Shelhouse

Dental Hygienist(s)

Jenna Sanders

Christina Zedaker

Motion carried unanimously.

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

Motion by Dr. McDonald, second by Dr. Leffler, to approve the licensure report for applications for the following dental licenses issued by graduation from an unaccredited dental college located outside the United States:

Dr. Azalpreet K. Dhillon

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:

Dental Hygienist(s)

Natalie S. McGrane, RDH

Motion carried unanimously.

Ad Hoc Board Operations Report

Dr. Wallace reported that the Ad Hoc Operations Committee met briefly that morning and had discussed several topics including pending Ohio Dental Association resolutions, applications for applicants from unaccredited dental colleges. He stated that they would be meeting again prior to the next meeting in November to continue their earlier discussions.

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. Melissa Banks

– Intravenous

Dr. Kendell T. Buxton

– Intravenous

Dr. Sarah Husted

- Oral for children 12 years or younger
- Dr. Donald Rehl
- Intravenous
- Dr. Jenna Shevlin
- Intravenous
- Dr. Daniel R. Whittaker
- Intravenous

Anesthesia Permit(s)

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

Dr. David R. Backus – Toledo, Ohio

Dr. Richard J. Schoonmaker – Chillicothe, 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 individual/organization has applied for approval as biennial sponsors of continuing education for the years 2012-2013 and has been recommended for approval by the Education Committee:

Rinaldi Orthodontics

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:

T. Michael Murphy, D.D.S., Inc.

Naples Dental Conference

Northcoast Endodontic Specialists

Review of Required Course Application(s)

Dental Hygiene Medical Emergency Recognition

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

Ohio Dental Hygienists' Association

- "Medical Emergencies in the Dental Office"

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 July and August, 2012 Board bills.

Motion carried unanimously.

Executive Director's Report

House Bill 259

Ms. Reitz began her report by distributing a copy of an e-mail, including a report, from Kevin Coughlin regarding HB 259. She stated that Mr. Coughlin had attended that meeting as the Board's representative as she was unable to attend due to a conflict in scheduling. She said that Mr. Coughlin reported in his e-mail that on August 24, representatives of provider groups, professions and state boards met to discuss organizing opposition to HB 259, the alternative health care provider bill. She informed the members that a fact sheet was put together about the bill that outlines its provisions and their impact on the licensed health care practitioners and patient safety and was attached to her report.

Ms. Reitz explained that Mr. Coughlin shared with her that the general consensus was that the first round of the bill passed the House but would have a difficult road in the Senate. However, she stated that Mr. Coughlin shared that the possibility that the bill will pass the Senate by the end of the year is very real as many bills will be "horse traded" before the general assembly.

Continuing on, Ms. Reitz stated that the Senate needs to understand that this bill **does** do harm. She state that professionals are encouraged to send letters to the Senate leadership and the Chair of the Health, Human Services and Aging Committee in opposition to this bill. She stated that if the bill goes to hearing, there are many people willing to testify, including Mr. Coughlin on the Board's behalf. Ms. Reitz stated that Mr. Coughlin had suggested that the Board's focus should be on patient safety and educating others on why there are licensed professionals. She stated that all concerned should collect information and share examples of the harm that can come from allowing unregulated individuals practice in these professions. She cited as an example that the Medical Board recently shut down someone who was selling a "black box" cure for cancer.

Ms. Reitz stated that she believed that Keith Kerns, of the Ohio Dental Association, had attended the meeting also. She stated that she was unsure of the role the ODA would take in this letter writing campaign. She stated that she had received a copy of an e-mail from Mr. Coughlin to the person who is coordinating a meeting with the Senators, requesting that he and/or she be included in the meeting. She informed the Board that if there is no further movement on the bill by the end of the year, then it will die and have to be reintroduced in the next session. However, Ms. Reitz indicated that Mr. Coughlin has expressed that there is much negotiating going on to get some of this language through.

Discussion followed wherein Dr. Kaye asked if the Board wished to take a stand on this bill by informing the legislature or would the Board like to discuss this further at the next Ad Hoc Board Operations meeting. Dr. Beard stated that he felt the Board should go on record as opposing this bill for those reasons stated in Mr. Coughlin's report. Ms. Clark inquired as to whether she, as a Board member, could put something together and write to the Senate in this regard and if so, was there any suggested language that should be pointed out. Ms. Reitz informed Ms. Clark that the Board has a policy against board members making statements individually as an opinion might be misconstrued as the Boards position in the eyes of the legislators. Ms. Reitz pointed out that the second page of Mr. Coughlin's report delineates the concerns that may be used when this issue comes before the members.

2014-2015 Budget

Ms. Reitz continued her report by informing the members that the Board's 2014-2015 Biennial Budget Proposal will be due this upcoming Monday. She stated that some of the things that she is dealing with are the fact that the initial budget document informs them that the Board's initial budget funding that they are able to work with are the same figures monetarily as those that were used for the 2012-2013 budget. She stated that these are the same budgetary figures that the Board has been working under since 2009. In addition, HB 153 passed reduced all of the baseline figures for all of the Boards and Commissions to work under and therefore she is being asked to work with \$44,000 less than what the Board was working with in 2009. She stated that this is where she has to start with her budget request. However, Ms. Reitz informed the members that what she can do is to start with a budget that is \$44,000 less and then request for that \$44,000 back. She stated that she is also asking for an amount to paying both the Secretary

and the Vice Secretary for 20 hours per week. Currently, she stated that the way the Board has it set up is for one Secretary to receive payment for up to 20 hours per week. Ms. Reitz reminded the member that the law changed which now requires two (2) people to review cases and perform these functions and that both secretaries spend the same amount of time as before. She stated that she will be including this information in her budget request along with additional monies with respect to individuals such as Dr. Beard who is putting time in for QUIP

Further, Ms. Reitz stated that the \$21,000 that she is asking for to cover these expenses is in addition to the \$44,000 that she will be requesting back. She stated that all the monies she is requesting are covered by the Board's revenue. Therefore, she stated that she is not asking for additional funding inasmuch as she is asking for additional funds from the money that the Board brings in as a result of licensure and certification fees.

As a final note on the budget, Ms. Reitz stated that everything must be submitted electronically, which is frustrating to her since she still works her calculations on paper. She stated that she does have to provide a final hard copy as there are documentation, forms and tables. She stated that once she has it all completed she will share the final budget proposal with the Board members.

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

Ms. Reitz informed the members that the American Association of Dental Administrators and American Association of Dental Boards (AADA/AADB) meetings were coming up. She stated that as the Board President and Vice President, Dr. Kaye and Dr. Wallace's expenses would be paid for by the Board. She stated that the other members of the Board who will be attending will have their registrations paid for by the Board. Ms. Reitz stated that she had been contacted, and has been requested to present at the Attorney Roundtables meeting regarding corporate dentistry and on the Board's new prescription monitoring program.

Ohio Dental Association Presentation

Continuing on, Ms. Reitz stated that she would be providing her presentation, "Prescription Drug Abuse and OARRS; Human Trafficking; Dental Office Documentation" on Sunday at the Ohio Dental Association Annual Session. She provided the Board members with a draft copy of her PowerPoint presentation for their review. She stated that as a part of the presentation she would be informing those in attendance of the "Dental Office Documentation Manual" (Manual). Ms. Reitz distributed a copy of the draft prepared by Ms. Franks. She stated that while this is the first draft, it will be completed prior to her presentation on Sunday. Ms. Reitz directed the Board members to page 1 in Section 1 of the Manual and read the following:

"All dental personnel who provide dental services in the dental practice, whether they are the employer or employee dentist, the dental hygienist, the certified dental assistant, the expanded function dental auxiliary, and/or the dental assistant, may be required or recommended to have documents available for review by regulatory agencies, such as

the Ohio State Dental Board (Board), or for their own information purposes. The documentation as listed in the manual is either:

- required and issued by the Ohio State Dental Board (RI); or
- required by the Ohio State Dental Board (R); or
- required by another regulatory agency (RO), or
- recommended for informational purposes (FYI).

Continuing on, Ms. Reitz explained to the Board members that this document is a compilation of the information and documentation that practices are required or recommending to be maintained in the dental office by the Board and/or other agencies or organizations. She stated that included in the Manual are links to relevant regulatory websites. She indicated that the links had been provided by Mr. Kern of the ODA, along with information from the Ohio Board of Pharmacy on the new OARRS program.

Dr. Kaye suggested that it might be beneficial for Ms. Reitz to provide her presentation to the full Board, possibly prior to the meeting in November or December. He then requested that the minutes reflect the Boards appreciation to all those involved; Ms. Reitz, Mr. Kern, Pharmacy Board representatives and Ms. Franks, for the development of the Manual.

Anything for the Good of the Board

ADEX Representative

Dr. Kaye informed the Board that during the last meeting the Board had discussed sending a representative to the next meeting of the American Board of Dental Examiners (ADEX). He stated that Dr. Phil Beckwith has been that representative in the past. He informed the Board members that during the last year they changed the ADEX examination, which is being administered by the North East Regional Board, Inc. (NERB), by eliminating the periodontics portion of the examination. He stated that the Board was unaware of this change until the ADEX meeting wherein this was approved. Therefore, Dr. Kaye stressed the importance of having an active representative providing input into the examination. In that regard, he informed the Board members that Dr. Beard had expressed an interest in being the Board representative to ADEX.

Motion by Mr. Jones, second by Dr. Wynn, to appoint Dr. Beard as the Board representative to ADEX and to authorize him to attend the ADEX meetings.

Motion carried unanimously.

Mr. Jones raised the question of the At-Large Dental Hygiene representative. Discussion followed wherein it was determined that the position was on a rotational basis. Mr. Jones requested that he be kept informed and considered for this position.

Commission on Dental Testing Examination

Ms. Clark informed the Board that she has been invited to attend the next Commission on Dental Testing examination for expanded function dental auxiliary (EFDA) being held at The Ohio State University. Dr. Kaye stated that there have been some discussions during the Ad Hoc Board Operations meetings regarding the testing of EFDA's. He stated that in regards to the North East Regional Board, Inc. (NERB) testing of dentists and dental hygienists, the Board has a direct input and involvement into the examination. However, Dr. Kaye commented that CODA is an organization outside the Board's purview. He requested Ms. Clark report back to the Board on how the examination is administered in order to further their discussions in this regard.

Ms. Staley commented that, as Ms. Clark's predecessor, she has been observing the examinations for the past five (5) years and that she feels that they are doing a good job with the examinations. She stated that the examination itself is not an easy test and that they have a very low passing rate.

Ms. Reitz commented on why the failure rate is so high and why the Board should continue to expect this clinical examination to be so rigorous. She stated that they are examining dental assistants who have trained for 18 months in the some of the same functions that dentists are trained for four (4) years.

Enforcement Report (Continued)

Review of Cases Wherein Notice(s) of Opportunity Were Issued and No Hearing Was Requested

Serdar J. Abadi, D.D.S.

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 Serdar J. Abadi, D.D.S., 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 Dr. Abadi 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 introduced 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 Jayne Smith, Licensing Coordinator, wherein she attests to the truth and accuracy of State's Exhibits 2-6 in the matter involving Serdar J. Abadi, D.D.S., dental licensure applicant. Ms. Bockbrader briefly described the rest of the exhibits as follows:

State's Exhibit 2 was a copy of the Notice of Opportunity for Hearing that was issued to Dr. Abadi notifying him of the Board's intention to deny his application for licensure and advising him of the opportunity for a hearing in this matter and attached to it was the certified mail receipt indicating the date and signature of receipt.

State's Exhibit 3 was a copy of the application for licensure that was submitted by Dr. Abadi. She stated that the official copy that will be filed in this matter the Social Security Number will be redacted so it will not be a matter of public record.

State's Exhibit 4 was an order and notice of immediate temporary suspension by the Kentucky Board of Dentistry that was issued on November 13, 2007.

State's Exhibit 5 was a copy of another order and notice of immediate temporary suspension that was issued by the Kentucky Board of Dentistry that was issued on August 18, 2008.

State's Exhibit 6 was an Order issued by the Kentucky Board of Dentistry that accepted a Settlement agreement that is attached to the exhibit. She stated that pursuant to the Settlement Agreement, Dr. Abadi admitted to multiple counts of unprofessional conduct under the Dental Law and Rules in Kentucky and agreed to have his license surrendered with conditions for reinstatement.

Continuing, Ms. Bockbrader stated that under Ms. Smith's affidavit, to which she has sworn, attests that the Board executive office has not received a request for hearing from Dr. Abadi.

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.

Executive Session

Motion by Dr. Wallace, second by Dr. McDonald, 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 and pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the matter of Serdar J. Abadi, D.D.S.

Roll call vote.

Motion carried unanimously.

Dr. Kaye invited Ms. Reitz, Mr. Holmes, and Ms. Bockbrader to attend the Executive Session. Ms. Bockbrader indicated that they would exit the Executive Session along with the Board's Secretary and Vice Secretary once the deliberations regarding Dr. Abadi commenced.

Open Session

The Board resumed open session at 3:42 p.m.

Dr. Shaffer indicated that during the executive session, Board members raised further questions regarding the evidence in this matter. She asked if any of the Board members would like to have these issues clarified prior any decision in this matter.

Discussion followed wherein it was determined that in the absence of any formal rebuttal from Dr. Abadi to the charges made by the Kentucky Board of Dentistry, the members could choose to assume that said charges were true and accurate.

Dr. Shaffer then stated, "Let the record reflect that Dr. Mary Ellen Wynn and I were the Secretaries in this matter, were not present during executive session, and did not participate in deliberations in this matter. Therefore, we will abstain from final vote"

Decision In The Matter Of Serdar J. Abadi, D.D.S.

Motion by Dr. Kaye, second by Dr. Beard, to deny issuing a dental license to practice dentistry in the State of Ohio to Serdar J. Abadi.

Roll call vote: Jacinto W. Beard, D.D.S. - Yes
Constance F. Clark, R.D.H. - No
Ashok Das, D.D.S. - Yes
W. Chris Hanners, D.D.S. - Yes
Clifford Jones, R.D.H. - Yes
Lawrence Kaye, D.D.S. - Yes
James Lawrence - Abstain
William G. Leffler, D.D.S. - Yes
Gregory A. McDonald, D.D.S. - Yes
Marybeth Shaffer, D.D.S. - Abstain
Linda R. Staley, R.D.H. - No
Douglas W. Wallace, D.D.S. - Yes
Mary Ellen Wynn, D.D.S. - Abstain

Motion carried.

Discussion followed wherein it was noted that as a matter of order the Board should vote to determine whether the original counts as cited in the Notice of Opportunity for hearing are true or false.

Motion by Dr. Leffler, second by Dr. McDonald, that based on the evidence presented and in light of action taken by the Kentucky Board of Dentistry, the Board recognizes that the allegations in the Notice of Opportunity in this matter are found to be true.

Roll call vote: Jacinto W. Beard, D.D.S. - Yes
Constance F. Clark, R.D.H. - No
Ashok Das, D.D.S. - Yes
W. Chris Hanners, D.D.S. - Yes
Clifford Jones, R.D.H. - Yes
Lawrence Kaye, D.D.S. - Yes
James Lawrence - Abstain

William G. Leffler, D.D.S. - Yes
Gregory A. McDonald, D.D.S. - Yes
Marybeth Shaffer, D.D.S. - Abstain
Linda R. Staley, R.D.H. - No
Douglas W. Wallace, D.D.S. - Yes
Mary Ellen Wynn, D.D.S. - Abstain

Motion carried.

Further discussion ensued wherein Ms. Bockbrader pointed out that as a point of order the Board should revote based on the final decision regarding the counts in the Notice of Opportunity for Hearing.

Motion by Dr. Wallace, second by Mr. Lawrence, to rescind the Board's motion to deny licensure in the state of Ohio to Serdar J. Abadi as being taken out of order.

Roll call vote: Jacinto W. Beard, D.D.S. - Yes
Constance F. Clark, R.D.H. - Yes
Ashok Das, D.D.S. - Yes
W. Chris Hanners, D.D.S. - Yes
Clifford Jones, R.D.H. - Yes
Lawrence Kaye, D.D.S. - Yes
James Lawrence - Yes
William G. Leffler, D.D.S. - Yes
Gregory A. McDonald, D.D.S. - Yes
Marybeth Shaffer, D.D.S. - Abstain
Linda R. Staley, R.D.H. - Yes
Douglas W. Wallace, D.D.S. - Yes
Mary Ellen Wynn, D.D.S. - Abstain

Motion carried.


Motion by Dr. McDonald, second by Ms. Staley, that the application of Serdar J. Abadi for a license to practice dentistry in the state of Ohio be denied.

Roll call vote: Jacinto W. Beard, D.D.S. - Yes
Constance F. Clark, R.D.H. - Yes
Ashok Das, D.D.S. - Yes
W. Chris Hanners, D.D.S. - Yes
Clifford Jones, R.D.H. - Yes
Lawrence Kaye, D.D.S. - Yes
James Lawrence - Yes
William G. Leffler, D.D.S. - Yes
Gregory A. McDonald, D.D.S. - Yes
Marybeth Shaffer, D.D.S. - Abstain
Linda R. Staley, R.D.H. - Abstain
Douglas W. Wallace, D.D.S. - Yes
Mary Ellen Wynn, D.D.S. - Abstain

Motion carried.

Adjourn

Dr. Kaye adjourned the meeting at 3:55 p.m. He reminded the Board members that they would be meeting again November 7, 2012 and that the meeting would be held back in The Vern Riffe Center for Government and The Arts.



Lawrence Kaye, D.D.S.

President



Mary Ellen Wynn, D.D.S.

Secretary

