

OHIO STATE DENTAL BOARD  
Board Meeting  
April 17<sup>th</sup> and 18<sup>th</sup>, 2002

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OHIO STATE DENTAL BOARD  
Board Meeting  
April 17<sup>th</sup> and 18<sup>th</sup>, 2002

M I N U T E S

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on April 17<sup>th</sup>, 2002 beginning at 3:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President  
William J. Lightfoot, D.D.S., Secretary  
Eleanore Awadalla, D.D.S.  
T. Michael Murphy, D.D.S.  
Lynda L. Sabat, R.D.H.  
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Mary Crawford, Esq. and Robert Angell, Esq., Assistant Attorneys General, Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the *Ohio Dental Association* (ODA), Connie Clark, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Lea Hanna and Holly Roth, Dental Hygiene Students from *The Ohio State University Dental Hygiene Program*, Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Jayne A. Rasmussen, Licensing Coordinator, Malynda Franks, Executive Secretary, and other guests.

**CALL TO ORDER**

Dr. Hills extended greetings to everyone and called the meeting to order at 3:18 p.m.

**INTRODUCTION OF NEW ASSISTANT DIRECTOR –  
MICHAEL R. EVERHART**

Dr. Hills introduced Michael R. Everhart as the new Assistant Director to the Board. He stated that Mr. Everhart comes to the Board from the Ohio State Highway Patrol after serving 31 years, most recently as the Assistant Superintendent to Col. Kenneth Morckel. Dr. Hills stated that Mr. Everhart was responsible for assisting the Superintendent in planning, directing and coordinating all operational functions of the OSHP, including development of policies and general administration. He then welcomed Mr. Everhart to the Board.

## **EXECUTIVE SESSION**

***Motion by Dr. Murphy, second by Dr. Vesoulis, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to discuss matters regarding personnel and Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of imminent or pending court action.***

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Reitz, Mr. Everhart, Ms. Crawford, and Mr. Angell to attend the executive session.

## **OPEN SESSION**

At 4:26 p.m., the Board resumed open session. Dr. Hills approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to extenuating circumstances.

## **REAPPOINTMENT OF NEW BOARD MEMBER – PAUL VESOULIS, D.D.S.**

Dr. Hills took a moment to inform attendees that the newest member of the Board, Dr. Paul Vesoulis had been officially reappointed to the Board on April 6th, 2002. He informed the members and attendees that Dr. Vesoulis would soon become an active member of the *American Association of Dental Examiners* (AADE) and the *North East Regional Board* (NERB). He then asked everyone to welcome Dr. Vesoulis.

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

The Board reviewed the minutes of the April, 2002 Board meeting.

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the April, 2002 Board meeting minutes as presented.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF LICENSE APPLICATION(S)**

### **REGIONAL BOARD DENTAL APPLICATIONS**

The following persons have applied for dental licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* (NERB) examination or another regional board examination and the NERB Dental Simulated Clinical Exercise (DSCE), National Board examination, and the Ohio examination on the statute and regulations:

Dr. Roy T. Carter, II  
Dr. Irene I. Linn

Dr. Matthew Nogle

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these three (3) regional board dental license applications.***

Roll call vote.

Motion carried unanimously.

### **REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)**

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

Billie Jo Keeler

Julie M. Robinson

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

Roll call vote.

Motion carried unanimously.

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

Dr. Joseph J. Shama, a graduate of the *University of Minnesota*, has applied for a limited continuing education license. He wishes to participate in an I.V. Conscious Sedation course offered at the *Miami Valley Hospital* under the direction of Dr. Daniel Becker.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve Dr. Shama's application for a limited continuing education license.***

Roll call vote.

Motion carried unanimously.

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

Dr. Nam K. Cho, a graduate of the *Chonnam National University*, and Dr. Salvatore R. Cutino, a graduate of the *University of Detroit*, have applied for limited resident's licenses. They have been accepted to *The Ohio State University College of Dentistry* Pediatric Residency under the direction of Dr. Paul S. Casamassimo.

***Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve Drs. Cho and Cutinos' applications for limited resident's licenses.***

Roll call vote.

Motion carried unanimously.

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

The Board executive office reviewed the applications for the dental assistant radiographer licenses, and all applicants were found to have submitted satisfactory proof of certification for the *Dental Assisting National Board*, or the *Ohio Commission on Dental Assistant Certification*, or licensure or certification from a similar state board. A list of candidates follows:

Hope L. Abbott	Christa L. Garrison
Melissa D. Ary	Stephanie J. Gilkey
Penny E. Bahas	Lisa Grier-Cooke
Jennifer M. Bartlett	Raymond S. Hale
Cheryl K. Beck	Vickie L. Hawkins
Regina A. Benjamin	Jennifer R. Heckler
Florence A. Bennett	Jamie M. Henney
James H. Bennett	Theresa M. Hickey
Adrienne L. Bice	Felisa R. Hill
Heather J. Blessing	Emily L. Hively
Julie A. Boring	Lisa L. Holley
Felicita Borrero	Ginger R. Hunger
Marina A. Bozikis	Angelia R. Hunt
Brian D. Brehm	Roberta L. Jakubowski
Danielle L. Brown	Holly L. Kemper
Heather J. Burden	Polly A. Kennison
Telena R. Caldwell	Niloofer R. Kermani
Yvonne Campbell	Tara L. Kirchner
Candace K. Carroll	Joyce A. Kissinger
Brenda J. Caudill	Kelly A. Kirk
Melanie J. Charnas	Jennifer R. Knight
Claudia V. Colecchi	Gina R. Kurlock
Linda S. Cota	Nancy A. Legcar
Renee L. Crues	Wendy S. Lemke
Candace L. D'Andrea	Deeon L. Lessak
Emily S. Danckaert	Christy R. Lewis
DeLane M. Deckard	Shari K. Ling
Joanna Deel	Holly R. Lukacena
Michele D. Dennison	Mariea A. Madea
Barbara J. Dillon	Alicia L. Marshall
Elizabeth M. Erickson	Melanie R. McDougal
Amy N. Flowers	Amy M. McElwee
Lisa A. Foy	Mary K. Messerle

Patti A. Miller  
Sherri A. Mills  
Lola N. Molinaro  
Marie G. Moll  
Amey S. Malloy  
Opal J. Morris  
Margarete D. Murphy  
Amber L. Myers  
Melissa M. Nerviano  
Diane L. Noblitt  
Delta K. O'Brien  
Patricia A. Olszewski  
Amy M. Parkinson  
Tracy J. Pavlak  
Amey C. Payne  
Denise M. Perfect  
Marivic D. Perfecto  
Natalie A. Perron  
Sincerai J. Perry  
Dana R. Peterhoff  
Diane Phillips  
Sandra J. Pickett  
Patricia J. Poff  
Kimberley A. Pond  
Sunshine D. Pyles

Nancy J. Pyper  
Michelle A. Rambo  
Gina L. Rapp  
Natalie A. Richison  
Maria D. Rodriguez  
Deby L. Rose  
Christianna Sabolik  
Cindy J. Sanders  
Mitchel K. Saunders  
Donna J. Scafate  
Sacha L. Schooley  
Diane J. Schultz  
Angie M. Smith  
Evie T. Smith  
Kimberle K. Snow  
Inina Solomonova  
Kimberly L. Stalter  
Karen M. Strassel  
Danielle M. Strecker  
Jill M. Studer  
Treasure C. West  
Sara B. Wildroutd  
Holly N. Williamson  
Christina R. Witter

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these one hundred-fifteen (115) dental assistant radiographer applications.***

Roll call vote.

Motion carried unanimously.

The Board executive office reviewed the applications for the dental assistant radiographer licenses. The Board office would like to consider approval for the following applicants pending receipt of appropriate documentation:

Kelly J. Adams  
Jennifer L. Byers  
Tracy N. Cothorn  
Stephanie Q. Ford  
Tammy J. Gardner

Christina D. Gorges  
Cynthia A. Hopper  
Christina R. Kenyon  
Alicia L. Luketic  
Janice M. Michel

Debbie R. Patterson  
Lynn B. Rhodes

Mary A. Schlosser  
Peggy A. Wick

***Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these fourteen (14) dental assistant radiographer applications pending receipt of the appropriate missing application materials.***

Roll call vote.

Motion carried unanimously.

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland and the President of the Ohio State Dental Board. He then introduced the other Board members: Dr. Paul Vesoulis, a general dentist from Toledo, Dr. Eleanore Awadalla, a general dentist from Toledo, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. William J. Lightfoot, the Board Secretary, an orthodontist from Columbus, and Ms. Lynda Sabat, the Board's dental hygienist member from Brecksville.

## **CRITERIA APPROVAL INTERVIEW(S)**

### **George T. Brown, D.D.S.**

The first applicant for criteria approval interview with the Board was George T. Brown, D.D.S., a 1993 graduate of *University of Kentucky*. He has been licensed and practicing in Kentucky since that time. Dr. Brown took and passed the *Southern Regional Testing Agency (SRTA)* examination in 1993. Dr. Brown explained to the Board that he has been practicing for the past five (5) years with his wife, who is also a dentist. He stated that he has recently been accepted to an endodontics residency program in Ohio and wishes to continue practicing part-time with his wife while attending the program. He stated that she has agreed to support him during the term of the residency.

***Motion by Ms. Sabat, second by Dr. Awadalla, to approve George T. Brown's criteria approval application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Julia R. Owsley-Brown, D.D.S.**

The final applicant for criteria approval interview with the Board Julia R. Owsley-Brown, D.D.S., a 1996 graduate of *University of Kentucky*, who has been licensed and practicing in Kentucky since that time. Dr. Brown took and passed the *Southern Regional Testing Agency* (SRTA) examination in 1996. Dr. Brown explained to the Board that she would like to obtain her license in order to practice in Ohio while her husband, Dr. George Brown, is attending his residency program.

***Motion by Dr. Awadalla, second by Ms. Sabat, to approve Julia R. Owsley-Brown's criteria approval application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**REINSTATEMENT INTERVIEW(S)**

**Ruby E. Fifer, D.D.S.**

The first applicant for reinstatement interview with the Board was Ruby E. Fifer, D.D.S., who retired her license in January 1992. Dr. Fifer explained to the Board that she had been in the U.S. Army for approximately two (2) years when she had suffered a bad car accident and subsequently moved to Texas. She stated that she had not practiced clinical dentistry, but rather, had taught dental hygiene in Texas until 1995. Dr. Fifer informed the Board that she has recently been offered the opportunity to work the *Toledo-Lucas County Health Department's Dental Clinic*. She stated that the clinic was in desperate need of a dentist as they served low-income families. Dr. Fifer informed the Board that she has completed fifty-six (56) hours of continuing education, most of which was in pediatrics.

***Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve Dr. Fifer's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

Dr. Awadalla commended Dr. Fifer on her reason to return to the active practice of dentistry.

**James E. Hornaday, D.D.S.**

James E. Hornaday, D.D.S., whose license was suspended on January 31, 1992, was the next applicant for reinstatement interview. Dr. Hornaday explained to the Board that he had been born and was raised on a dairy farm in Indiana and had attended dental school at *Indiana University*. He stated that he had attended an oral surgery residency in Ohio and currently has a practice in Richmond, Indiana. Dr. Hornaday informed the Board that he has a son in an oral surgery residency program in Pennsylvania and they are planning to open a satellite office in Oxford, Ohio upon completion of his residency.

When questioned by the Board, Dr. Hornaday informed them that the Indiana examination for licensure was a state-only examination and not a regional board. Dr. Hornaday also informed the Board that he had completed forty (40) hours of continuing education.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve Dr. Hornaday's reinstatement application for licensure as a dentist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Kimberly A. Krynicky, R.D.H.**

The final applicant for reinstatement interview was Kimberly A. Krynicky, R.D.H. Ms. Krynicky's dental hygiene license was suspended for failure to renew on January 1, 1992. Ms. Krynicky informed the Board that she has not actively practiced dental hygiene since 1984. However, she stated that she had completed the dental hygiene refresher course offered at *The Ohio State University Dental Hygiene Program* last October, completed twelve (12) hours of continuing education, and is currently certified in CPR. Additionally, Ms. Krynicky informed the Board that she has made arrangements with a local dental hygiene program to practice her clinical skills until she obtains employment.

***Motion by Dr. Murphy, second by Ms. Sabat, to approve Ms. Krynicky's reinstatement application for licensure as a dental hygienist in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**Curtis B. Kline, D.D.S.**

Curtis B. Kline, D.D.S., who was not required to appear before the Board, was requesting reinstatement of his dental license pursuant to the terms of his Consent Agreement with the Board.

**Beth F. Ledwith, D.D.S.**

Beth F. Ledwith, D.D.S., who was not required to appear before the Board, was requesting reinstatement of her dental license pursuant to the terms of her Consent Agreement.

***Motion by Dr. Awadalla, second by Dr. Murphy, to approve Dr. Kline and Dr. Ledwith's reinstatement applications for licensure as dentists in the state of Ohio.***

Roll call vote.

Motion carried unanimously.

**ENFORCEMENT REPORT**

Dr. Hills announced that Dr. Lightfoot would now be handling the *Report and Recommendation* discussions and then turned the meeting over to Dr. Lightfoot.

**REPORT AND RECOMMENDATIONS**

**Ronald E. Mangie, D.D.S.**

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Ronald E. Mangie, D.D.S. that was filed by Paul Stehura, Esq., Hearing Examiner on January 22<sup>nd</sup>, 2002.

Dr. Lightfoot then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Ronald E. Mangie, D.D.S.?

Roll call:     Dr. Awadalla – Yes  
                  Dr. Hills – Yes  
                  Dr. Lightfoot – Yes  
                  Dr. Murphy – Yes

Ms. Sabat – Yes  
Dr. Vesoulis – Yes

Dr. Lightfoot then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Ronald E. Mangie, D.D.S.?

Roll call: Dr. Awadalla – Yes  
Dr. Hills – Yes  
Dr. Lightfoot – Yes  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis – Yes

Dr. Lightfoot then proceeded by asking whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter?

Roll call: Dr. Awadalla – Yes  
Dr. Hills – Yes  
Dr. Lightfoot – Yes  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis – Yes

Dr. Lightfoot asked if Dr. Mangie or his attorney, Terry Thomas were present. Noting that there was no response, he then requested if the Assistant Attorney General in this matter would like to comment. Ms. Crawford indicated that she did not wish to comment.

Dr. Lightfoot then stated that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings. He then called for a motion for the Board to go into executive session.

### ***Executive Session***

***Motion by Dr. Murphy, second by Ms. Sabat, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of licensee, Ronald E. Mangie, D.D.S.***

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 4:50 p.m.

Dr. Lightfoot did not attend the executive session.

### **Open Session**

At 5:03 p.m. the Board resumed open session.

### **Decision in the Matter of Ronald E. Mangie, D.D.S.**

Dr. Lightfoot stated:

Let the record reflect that I was the Secretary in this matter, and therefore, I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

***Motion by Dr. Murphy, second by Ms. Sabat, that Count #1 of the charges as contained in the Board's notice of opportunity for hearing is found to be true.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis – Yes

Motion carried.

***Motion by Dr. Murphy, second by Ms. Sabat, that the proposed Hearing Examiner's Recommended Order be accepted as follows:***

***It is hereby ORDERED:***

***The license of Ronald E. Mangie, D.D.S. to practice dentistry in the State of Ohio shall be REVOKED.***

***This ORDER shall become effective thirty (30) days from the mailing of this ORDER.***

Roll call vote:       Dr. Awadalla – Yes  
                          Dr. Hills – Yes  
                          Dr. Lightfoot – Abstain  
                          Dr. Murphy – Yes  
                          Ms. Sabat – Yes  
                          Dr. Vesoulis – Yes

Motion carried.

## **PERSONAL APPEARANCES**

### **James Butler, D.D.S.**

Dr. Butler summarized the occurrences that had brought him before the Board. He stated that October, 2001 was when he had first become aware that he had a substance abuse problem. He stated that while under the influence of alcohol and drugs he had fired his dental hygienist and in addition, had not handled the matter properly.

Dr. Butler stated that he had began meeting with Tom Smith, Dental Board Enforcement Officer, at that time and eventually had been offered a consent agreement with the Board. He stated that at that time he had been praying for an answer. Dr. Butler informed the Board that he had been sober and in the twelve-step program for five and a half (5 1/2) months and had been a patient of *Shepherd Hill Hospital* (Sheperd Hill) for three and a half (3 1/2) months, of which he spent two (2) weeks in the primary care unit.

Dr. Butler detailed his ongoing care with the Board. He stated that he currently sees a psychologist two (2) times per week to work on other character defects, attends Shepherd Hill once a week, and sees a counselor at Shepherd Hill once a week. Dr. Butler informed the Board that the psychologist and counselor feel that at this time it would be a good idea for Dr. Butler to return to work on a part-time basis as part of his recovery. He stated that the doctors felt that he was active with his family and in his community and needed to make amends.

When questioned by the Board as to why it was only recommended that he return to work part-time, Dr. Butler responded by informing the Board that the doctors realized that there was a lot of pressure in returning to work on a full-time basis and felt that this would only lead him back to the same problems. Dr. Butler also stated that he had been blessed with a young associate who can work three (3) days per week on a long-term basis. He stated that the doctors agreed that two and a half (2 1/2) days of work per week was appropriate for him at this time.

The Board members questioned Dr. Butler with regards to his relationship with his certified surgical assistant, who is also chemically dependent. Dr. Butler informed the Board that she is his girlfriend and still works in his office. He stated that she has recently begun to attend chemical abuse meetings for herself, but is not as involved as Dr. Butler. Board members expressed their concern with Dr. Butler's ability to work on his recovery with an active substance abuser available to influence him.

When questioned by the Board, Dr. Butler informed them that previously when he was practicing he sedated patients at least once a week. He stated that his associate does not hold a conscious sedation permit.

### ***Executive Session***

***Motion by Dr. Awadalla, second by Ms. Sabat, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the matter of licensee, James Butler, D.D.S.***

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 4:50 p.m.

Dr. Lightfoot did not attend the executive session.

### ***Open Session***

At 5:13 p.m. the Board resumed open session.

**Decision in the Matter of James Butler, D.D.S.**

***Motion by Dr. Murphy, second by Ms. Sabat, to reinstate the license of James Butler, D.D.S. to practice dentistry in the state of Ohio, and by amending the current consent agreement to include restricting his practice to only a maximum of twenty (20) hours per week, reporting to the Board at least one (1) week in advance of any scheduled practice, along with the standard probationary terms, and all other terms previously agreed to under the former Consent Agreement with the Board.***

Discussion followed wherein Dr. Murphy informed Dr. Butler that the Board expects to be informed of his work schedule. He stated that Dr. Butler does not have to call in every day or every week, however, the executive office is to be notified at least one (1) week in advance of his schedule.

Dr. Awadalla noted that the Consent Agreement would be amended to reflect the reporting to the executive office. She stated that she has real concerns with regards to Dr Butler returning to practice with his girlfriend, as he was returning with extra baggage in that there are two (2) recovering addicts and not just one (1). She stated that the Dental Board is giving him a second opportunity and that if he should relapse the Board would be less inclined to work with him on his problem. Dr. Awadalla stated that the ultimate goal of the Board was to help Dr. Butler succeed and that his success was contingent upon how he handles the stress of his practice, and other factors.

Dr. Hills explained that Dr. Butler could eventually return to full-time practice so long as he complied with the guidelines set forth in the Consent Agreement.

Ms. Reitz commented that the original Consent Agreement would be re-drafted and then forwarded to Dr. Butler for signature.

Dr. Butler inquired as to whether he would be permitted to prescribe or dispense medicaments. He stated that he was concerned about his prescription writing abilities should his associate choose to leave his practice.

Board members informed Dr. Butler that he should change his practice pattern to have his associate write all the prescriptions.

***Motion by Dr. Murphy, second by Dr. Awadalla, to amend the original motion to suspend Dr. Butler's Conscious Sedation Permit for an indefinite period of time and to restrict Dr. Butler from writing prescriptions of all scheduled drugs.***

Roll call vote:       Dr. Awadalla – Yes  
                              Dr. Hills – Yes

Dr. Lightfoot – Abstain  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis - Yes

Motion carried.

***Motion by Dr. Murphy, second by Dr. Awadalla, to approve the Consent Agreement as amended.***

Roll call vote:      Dr. Awadalla – Yes  
                            Dr. Hills – Yes  
                            Dr. Lightfoot – Abstain  
                            Dr. Murphy – Yes  
                            Ms. Sabat – Yes  
                            Dr. Vesoulis - Yes

Motion carried.

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Subsequent to the meeting, the Consent Agreement was amended as follows:

1. Dr. Butler's license to practice dentistry in the state of Ohio subject to the conditions set forth in this CONSENT AGREEMENT.
2. It is expressly understood that the following conditions shall apply for an indefinite period of time:
  - a. DR. BUTLER may return to the practice of dentistry for a maximum of twenty (20) hours per week. These hours are to include both administrative and patient care duties. Furthermore, these hours shall be performed over a three (3) day period of time, with no more than eight (8) hours being worked per day.
  - b. DR. BUTLER's Conscious Sedation Permit is suspended for an indefinite period of time.
  - c. DR. BUTLER's permit issued by the United States Drug Enforcement Administration (DEA) is indefinitely suspended. Therefore, DR. BUTLER shall not prescribe, dispense and or administer any controlled substances or scheduled drugs.
  - d. DR. BUTLER shall not have any controlled substances or scheduled drugs on his premises, either at his business or residence locations.
  - e. DR. BUTLER shall send, via facsimile, his weekly work schedule to the BOARD at least a week in advance.

3. DR. BUTLER's certificate shall be subject to the following additional PROBATIONARY terms, conditions and limitations for a period of five (5) years:
  - a. DR. BUTLER shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.
  - b. DR. BUTLER shall submit quarterly declarations under penalty of BOARD disciplinary action stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT.
  - c. DR. BUTLER shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.
  - d. In the event that DR. BUTLER should leave Ohio for three (3) continuous months, or reside or practice outside the State, DR. BUTLER must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.
  - e. In the event DR. BUTLER is found by the Secretary of the BOARD to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the probationary period under this CONSENT AGREEMENT.
  - f. DR. BUTLER shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DR. BUTLER 's chemical dependency.
  - g. DR. BUTLER shall abstain completely from the use of alcohol.
  - h. DR. BUTLER shall participate in an aftercare program approved in advance by the Board. Participation must be for a minimum of one (1) year or until successful completion of the program, whichever occurs later. Failure to comply with any terms or conditions of the aftercare program may result in an automatic suspension of license to practice dentistry/dental hygiene.
  - i. DR. BUTLER shall maintain participation in AA or NA, approved in advance by the BOARD no less than three days per week, or as otherwise directed by the BOARD. On a quarterly basis, DR. BUTLER shall submit acceptable documentary evidence of continuing compliance with this program to the BOARD. Failure to comply with terms of this paragraph may result in an automatic suspension of license to practice dentistry.

- j. DR. BUTLER shall participate in a Caduceus program approved in advance by the BOARD. On a quarterly basis, DR. BUTLER shall submit acceptable documentary evidence of continuing compliance with this program to the BOARD. Failure to comply with terms of this paragraph may result in an automatic suspension of license to practice dentistry.
  - k. The BOARD reserves the right to request DR. BUTLER to submit to random urine screenings for drugs and alcohol, as directed by the BOARD, and shall submit results of such screening to the BOARD within seven (7) days of the screening. Failure to submit such results to the BOARD may result in automatic suspension of DR. BUTLER's license to practice dentistry.
  - l. Further, the BOARD retains the right to require and DR. BUTLER agrees to submit additional random blood or urine specimens for analysis upon request and without prior notice, and shall submit results of such screening to the BOARD within seven (7) days of the screening. Failure to submit such results may result in automatic suspension of DR. BUTLER's license to practice dentistry.
  - m. It is expressly agreed that DR. BUTLER 's license to practice dentistry shall automatically be suspended indefinitely should any specimen test positive for alcohol/drugs, or should DR. BUTLER refuse to submit to a chemical test(s) of his blood, breath, or urine for purposes of determining his alcohol and/or drug content.
  - n. If DR. BUTLER fails to comply with the terms and conditions of this CONSENT AGREEMENT, DR. BUTLER may be subjected to an automatic suspension of his license to practice dentistry.
  - o. Upon successful completion of probation, DR. BUTLER 's license will be fully restored.
- 

Ms. Sabat wished Dr. Butler well and advised him to use every available tool to succeed in his recovery efforts.

Ms. Reitz clarified for Dr. Butler that the amended Consent Agreement would become effective upon the signature of the Board Officers and the Assistant Attorney General. She stated that he would be notified at that time regarding his ability to return to practice.

## **REVIEW OF PROPOSED CONSENT AGREEMENT(S)**

The Board reviewed five (5) Proposed Consent Agreement(s).

**John A. Cheek, D.D.S.**

***Motion by Ms. Sabat, second by Dr. Awadalla, to approve the proposed consent agreement for John A. Cheek, D.D.S., license number 30-01-4928.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis - Yes

Motion carried.

**Gerald A. Eskay, D.D.S.**

***Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for Gerald A. Eskay, D.D.S., license number 30-01-4757.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis - Yes

Motion carried.

**Cris Geanekopulos, D.D.S.**

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the proposed consent agreement for Cris Geanekopulos, D.D.S., license number 30-01-0523.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis - Yes

Motion carried.

**George Geanekopulos, D.D.S.**

***Motion by Dr. Vesoulis, second by Ms. Sabat, to approve the proposed consent agreement for George Geanekopulos, D.D.S., license number 30-01-0589.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis - Yes

Motion carried.

**Beth F. Ledwith, D.D.S.**

***Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve the proposed consent agreement for Beth F. Ledwith, D.D.S., license number 30-01-7607.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis - Yes

Motion carried.

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

The Board reviewed six (6) 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.

***Motion by Dr. Murphy, second by Dr. Awadalla, to approve the notice of opportunity for hearing and forward it to Thomas Carratola, D.D.S., case numbers 00-67-069 and 00-67-432, license number 30-01-7926.***

Roll call vote:      Dr. Awadalla – Yes  
                             Dr. Hills – Yes  
                             Dr. Lightfoot – Abstain  
                             Dr. Murphy – Yes  
                             Ms. Sabat – Yes  
                             Dr. Vesoulis - Yes

Motion carried.

***Motion by Dr. Murphy, second by Dr. Awadalla, to approve the notice of opportunity for hearing and forward it to Rhina Um, D.D.S. case numbers 01-31-310 and 01-31-347, license number 30-02-0669.***

Roll call vote:      Dr. Awadalla – Yes  
                             Dr. Hills – Yes  
                             Dr. Lightfoot – Abstain  
                             Dr. Murphy – Yes  
                             Ms. Sabat – Yes  
                             Dr. Vesoulis - Yes

Motion carried.

***Motion by Ms. Sabat, second by Dr. Awadalla, to approve the notice of opportunity for hearing and forward it to William F. Wadsworth, D.D.S., case number 01-70-475, license number 30-01-2361.***

Roll call vote:      Dr. Awadalla – Yes  
                             Dr. Hills – Yes  
                             Dr. Lightfoot – Abstain  
                             Dr. Murphy – Yes  
                             Ms. Sabat – Yes  
                             Dr. Vesoulis - Yes

Motion carried.

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the notice of opportunity for hearing and forward it to James E. Kirkpatrick, D.D.S., case number 01-84-391, license number 30-01-9110.***

Roll call vote:      Dr. Awadalla – Yes  
                             Dr. Hills – Yes

Dr. Lightfoot – Abstain  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis - Yes

Motion carried.

***Motion by Dr. Vesoulis, second by Dr. Murphy, to approve the notice of opportunity for hearing and forward it to Martin E. Jordan, D.D.S., case number 02-18-056, license number 30-01-9465.***

Roll call vote: Dr. Awadalla – Yes  
Dr. Hills – Yes  
Dr. Lightfoot – Abstain  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis - Yes

Motion carried.

***Motion by Dr. Murphy, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to John T.F. Jordan, D.D.S., case number 01-24-444, license number 30-01-1022.***

Roll call vote: Dr. Awadalla – Yes  
Dr. Hills – Yes  
Dr. Lightfoot – Abstain  
Dr. Murphy – Yes  
Ms. Sabat – Yes  
Dr. Vesoulis - Yes

Motion carried.

## **ENFORCEMENT UPDATE**

Mr. Everhart reported that there were five (5) cases pending hearings all of which have been scheduled for hearings and currently two (2) cases under appeal. He stated there was one (1) case pending the Hearing Officer's Report and Recommendation and thirteen (13) licensees currently under suspension.

Mr. Everhart indicated that there were seventy-three (73) cases listed that had been investigated and reviewed by the Board Secretary and were now 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. Everhart reviewed the cases to be closed with the Board.

The following cases are to be closed:

99-25-257	01-18-351	02-18-004	02-25-050
00-25-515	01-25-349	02-76-003	02-57-052
00-25-542	01-25-381	02-57-009	02-45-053
00-45-611	01-18-402	02-25-010	02-76-054
00-25-638	01-80-425	02-78-016	02-31-055
01-18-006	01-67-411	02-09-018	02-18-063
01-18-087	01-31-431	02-18-024	02-31-060
01-77-114	01-18-440	02-25-025	02-18-057
01-18-169	01-18-443	02-31-027	02-18-059
01-77-200	01-32-442	02-25-026	02-09-068
01-78-329	01-47-452	02-25-029	02-18-074
01-18-301	01-43-458	02-13-028	02-43-079
01-48-335	01-50-470	02-31-032	02-31-093
01-77-336	01-25-462	02-17-036	02-31-102
01-77-338	01-50-468	02-30-040	02-52-114
01-43-289	01-78-469	02-31-031	02-31-122
01-78-332	01-18-466	02-57-023	
01-72-354	01-18-476	02-31-042	
01-51-357	02-18-002	02-31-048	

Prior to a vote to close the above listed cases, Dr. Hills 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. Awadalla – No  
Dr. Hills – No  
Dr. Lightfoot – Abstain  
Dr. Murphy – No  
Ms. Sabat – No  
Dr. Vesoulis – No

Dr. Hills then called for a motion to close the cases and approve the enforcement report.

***Motion by Dr. Murphy, second by Dr. Awadalla, to approve the enforcement report and close the above seventy-three (73) cases.***

Roll call vote:        Dr. Awadalla – Yes  
                              Dr. Hills – Yes  
                              Dr. Lightfoot – Abstain  
                              Dr. Murphy – Yes  
                              Ms. Sabat – Yes  
                              Dr. Vesoulis -Yes

Motion carried.

Dr. Hills thanked Mr. Everhart for his assistance with the *Enforcement Report*.

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

Dr. Lightfoot informed the Board that the *Law and Rules Review Committee* had met earlier that day to continue their first year of the second five-year rule review. He stated that the Committee had briefly reviewed new rules to implement the Quality Intervention Program (QUIP). In addition, he stated that the Committee had discussed possible statute and rule changes with regards to the access to care issue.

Continuing on, Dr. Lightfoot stated that the rules from the previous review year had gone into effect earlier this month. He stated that copies of the new Dental Practice Act could be available as early as the end of the week.

Dr. Lightfoot concluded by informing the Board that the Committee would be meeting again on June 12<sup>th</sup>, 2002, just prior to the Board's meeting.

Dr. Hills thanked Dr. Lightfoot for his report.

## **POLICY COMMITTEE REPORT**

Dr. Awadalla requested that the *Policy Report* be tabled until Thursday's session of the Board meeting.

## **ANESTHESIA COMMITTEE REPORT**

### **REVIEW OF TEMPORARY ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES**

Dr. Awadalla stated that the following individuals have submitted applications for Anesthesia/Conscious Sedation Permits. She explained that the applications were reviewed by the *Anesthesia Committee* and are recommended for approval of temporary privileges:

Dr. Daniel M. Gindi  
Conscious Sedation Permit Application

Dr. Rajesh Vij  
Conscious Sedation Permit Application

Dr. Guillermo E. Chacon  
Anesthesia Permit Application

***Motion by Dr. Awadalla, second by Dr. Murphy, to approve temporary anesthesia/conscious sedation privileges for these three (3) individuals.***

Roll call vote.

Motion carried unanimously.

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

Dr. Awadalla stated that an application was submitted for an Anesthesia Permit. She stated that the application has been reviewed by the *Anesthesia Committee* and recommended approval for the following individual:

Dr. Tilden Dean Bobbit – Marietta, Ohio

***Motion by Dr. Awadalla, second by Dr. Murphy, to approve this applicant for an anesthesia permit.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)**

Dr. Awadalla stated that the following individuals have applied for Conscious Sedation Permits. She explained that the applications were reviewed by the *Anesthesia Committee* and are recommended to receive privileges under the appropriate modality:

Dr. Christopher H. Fioritto – Mentor, Ohio  
Approved for all modalities

Dr. Cindy R. Pong – Cincinnati, Ohio  
Oral Sedation for children 12 years or younger

Dr. Parneet S. Sohi – Cincinnati, Ohio  
Oral Sedation for children 12 years or younger

Dr. Adam W. Weinberg – Mason, Ohio  
Oral Sedation for children 12 years or younger

***Motion by Dr. Awadalla, second by Ms. Sabat, to approve these three (3) applications for receipt of conscious sedation permit privileges for the appropriate modalities.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for her report.

## **TREATMENT CENTER APPROVAL COMMITTEE REPORT**

Dr. Lightfoot informed the Board that there has been no activity for the *Treatment Center Approval Committee* since the last Board meeting.

Dr. Hills thanked Dr. Lightfoot for his report.

## **WAIVER COMMITTEE REPORT**

Ms. Sabat informed the Board that there were no new Hepatitis B Waiver or Hepatitis B Waiver Renewal Requests for consideration at this time.

Dr. Hills thanked Ms. Sabat for her report.

## **SECRETARY'S EXPENSE REPORT**

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

***Motion by Ms. Sabat, second by Dr. Murphy, to approve the Secretary's expense report.***

Roll call vote.

Motion carried unanimously.

## **OFFICE EXPENSE REPORT**

The report of the Board expenditures was reviewed.

***Motion by Dr. Awadalla, second by Dr. Vesoulis, to approve the office expense report and approve payment of the February and March Board bills.***

Roll call vote.

Motion carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Reitz requested that her report be tabled until the Thursday session of the Board meeting.

## **ADJOURN**

***Motion by Dr. Lightfoot, second by Ms. Sabat, to adjourn the meeting until Thursday, April 18<sup>th</sup>, 2002, at 9:00 a.m.***

Roll call vote.

Motion carried unanimously.

## **MEETING RESUMED**

The Ohio State Dental Board (Board) met in room 1960, 19<sup>th</sup> floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on April 18<sup>th</sup>, 2002 beginning at 9:00 A.m. Board members present were:

Edward R. Hills, D.D.S., President  
William J. Lightfoot, D.D.S., Secretary  
Eleanore Awadalla, D.D.S.  
T. Michael Murphy, D.D.S.  
Lynda L. Sabat, R.D.H.  
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Robert Angell, Esq., Assistant Attorney General, Keith Kerns, Esq., Dennis Burns, D.D.S., and Stacy Wendt of the *Ohio Dental Association* (ODA), Connie Clark, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Lea Hanna and Holly Roth, Dental Hygiene Students from *The Ohio State University Dental Hygiene Program*, Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Michael Flugge, Larry Mansfield, and Tom Smith, Dental Board Enforcement Officers, Malynda Franks, Executive Secretary, and other guests.

## **EDUCATION COMMITTEE REPORT**

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

Ms. Sabat stated that the following organizations have applied for approval as biennial sponsors of continuing education for the 2002-2003 biennium and have been recommended by the *Education Committee* for approval:

Raymond Bonomo, DMD  
Drs. Graver, Marshall & Underwood, Inc.  
Practice Dental Education  
Jason C. Stoner, DDS, MS, Inc.

Robyn E. Vicek, DDS

***Motion by Dr. Lightfoot, second by Dr. Murphy, to approve these five (5) sponsors of continuing education for Biennial Sponsors for the years 2002-2003, pending receipt of appropriate application materials.***

Roll call vote.

Motion carried unanimously.

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

Ms. Sabat stated that the following organizations have applied for approval for renewal as biennial sponsors of continuing education for the years 2002-2003 and have been recommended by the *Education Committee* for approval:

Thomas M. Bodnar, DDS, MS  
Central Ohio Study Club  
D.I.S.C. – Dental Interdisciplinary Study Club  
Northern Kentucky Study Club  
Southwestern Ohio Dental Seminar

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve these five (5) applicants as biennial sponsors of continuing education for the 2002-2003 biennium, pending receipt of the appropriate application materials.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)**

Ms. Sabat informed the Board that the following sponsors have submitted applications for the substance abuse continuing education course. She stated that the *Education Committee* has reviewed the courses, determined that they fulfill all the necessary requirements, and has recommended the following courses for approval:

Central Ohio Dental Society  
“Chemical Dependency and Substance Abuse”

Healthcare Educators, Inc.

“Substance Abuse in Dentistry”, “Identification and Treating the Chemically Dependent Patient”, and “Drugs of Addiction”

Hillcrest Study Club

“Alcohol and Drug Abuse/Dependency: An Overview”

Infection Control Services

“Substance Abuse”

Keely Dental Society

“Chemical Dependency”

Rehwinkle Dental Society

“Substance Abuse”

Stark County Dental Society

“Recognition of Substance Use Disorders in Families, Patients and the Community”

Sullivan-Schein Dental

“Recognition of Substance Use Disorders in Families, Patients and the Community”

Sunbury Seminars, Inc.

“Abuse and Addiction in Dentistry: Provider and Patient” and “Abuse and Addiction in Dentistry”

United States Air Force

“Alcohol and Drug Abuse Prevention and Treatment Program”

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve these ten (10) applications for substance abuse continuing education courses.***

Roll call vote.

Motion carried unanimously.

## **REVIEW OF RADIOGRAPHY INITIAL TRAINING PROGRAM(S)**

Ms. Sabat stated that the following permanent continuing education sponsor has applied to present initial training programs to dental assistant radiographer applicants/licensees and has been recommended for approval by the *Education Committee*:

Polaris Career Center - School of Accredited Dental Assisting

***Motion by Dr. Murphy, second by Dr. Lightfoot, to approve this radiographer initial training program.***

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her informative report.

## **POLICY COMMITTEE REPORT**

### **CARIES DETECTION DEVICES**

Dr. Awadalla stated that the policy on *Caries Detection Devices* (Appendix A) was brought to the *Policy Committee* by Ms. Sabat and then asked Ms. Sabat to clarify the intent of the proposed policy. Ms. Sabat explained that this technology utilizes an alternative light emitting device for assessment of dental caries. She stated that she had been in contact with the product maker and discussed, at length, the advantages disadvantages of the product and any danger there may be to the public, of which there was none documented. Ms. Sabat further clarified that this device can be used by dental auxiliaries pursuant to Ohio Administrative Code section 4715-3-01(N)(1)(g). She then asked the Board members to review the proposed policy.

***Motion by Dr. Awadalla, second by Dr. Lightfoot, to approve the policy regarding Caries Detection Devices.***

Roll call vote.

Motion carried unanimously.

## **POLICY REGARDING THE WINDING DOWN OF A DENTAL PRACTICE WHEN THE OWNER DENTIST PASSES AWAY**

Dr. Awadalla stated that the Committee had one (1) more policy to consider at this time. That policy being the Policy Regarding the Winding Down of A Dental Practice When the Owner Dentist Passes Away (Appendix B). She stated that this policy is to clarify the Board's position with regards to the difficulties experienced when an owner/dentist passes away, specifically that the practice may continue for a period of ninety (90) days under the surviving spouse and family, or estate, so long as patient care is not affected. A temporary dentist must be employed and take full responsibility of providing patient care and supervision of dental auxiliary personnel in order for this to be permitted by the Board.

The question arose as to whether ninety (90) days would be enough time to sell or close the practice when such practice was in an estate settlement. Ms. Reitz explained that this policy provides for a guideline and that the Board will not follow-up until the end of the ninety (90) day period. She stated that at that time, the Board will then **begin** its inquiry into the practice and possibly allow more time based on information obtained regarding the practice circumstances.

**Motion by Dr. Awadalla, second by Dr. Lightfoot, to approve the Policy Regarding The Winding Down of A Dental Practice When the Dentist Passes Away.**

Roll call vote.

Motion carried unanimously.

## **PRESENTATION BY KATHY PHILLIPS, OHIO STATE DENTAL BOARD ENFORCEMENT OFFICER**

### **INFECTION CONTROL: BRINGING YOUR OFFICE INTO COMPLIANCE**

Ms. Phillips thanked the Board for the opportunity to present and explained that those in attendance would receive two (2) hours of continuing education in infection control. She then proceeded into her PowerPoint® presentation, "Infection Control: Bringing Your Office Into Compliance" (Appendix C).

Upon conclusion of the presentation, the Board members thanked Ms. Phillips for the information.

## **COMMUNICATIONS COMMITTEE REPORT**

Ms. Reitz explained that she would be providing the *Communications Committee* Report on behalf of Mr. Borgemenke who was unable to attend the meeting. She then distributed copies of the Board's Spring Newsletter and explained that articles on the following were included:

- Assistant Director introduction
- Articles from the Executive Director and the Board President
- New rules update
- New policies update
- An information block on Ms. Carson's presentation
- An information block on approved substance abuse education

Ms. Reitz informed the Board that included in this Newsletter will be a pull-out poster on permissible duties of dental auxiliary. She stated that this informational poster was intended to assist every dental office in answering questions regarding dental auxiliary duties. Ms. Reitz stated that it was the executive office's hope that these posters will be posted in a conspicuous place within the dental offices.

Dr. Murphy commented that he felt that the poster was a wonderful idea and inquired if the posters could also become available upon request from the Board office. He suggested that the Board office consider having the posters available in a flat format and questioned whether they could be made available in a laminated format.

Ms. Reitz stated she would check into having some posters printed flat and unfolded for purchase, however, lamination would greatly increase the cost and the Board's budget was only increased minimally for the production of a second newsletter per year.

Dr. Hills thanked Ms. Reitz for filling in for Mr. Borgemenke and for her report.

## **EXECUTIVE DIRECTOR'S REPORT**

### **OHIODENTALBOARD.COM**

Ms. Reitz began her report by distributing copies of an article that appeared recently on the [ohiodentalboard.com](http://ohiodentalboard.com) website, an unofficial website produced by opponents of the Dental Board. She stated that basis for the website is distinctly anti-Dental Board. Unfortunately, she stated that there is not much the Dental Board can do regarding the distribution of misinformation as every one is entitled to "free speech". Ms. Reitz stated that she had included it in her report to ensure that all the Board members were aware of what is being written.

### **BOARD BUDGET**

Ms. Reitz stated that due to the recent budget crisis, the Governor has instituted a hiring freeze and limitations on spending. She informed the members that these limitations affected the Board in that they are unable to hire the position for the Quality Intervention Program (QUIP) that had been approved last year in the budget bill. She stated that while the Board is unable to fill the position at this time, they are continuing to develop the program procedures and the *Law and Rules Review Committee* has been working on proposed rules to implement the program once the crisis is over.

Continuing on, Ms. Reitz informed the Board that there had been no major equipment purchases in the works and therefore the Board is not affected in this way by the spending freeze. She stated that since the Board receives its funding from licensure fees and not the General Revenue Fund, they should not lose any of the monies as generated.

### **PROPOSED DRAFT SOLUTIONS TO OHIO'S HEALTHCARE WORKFORCE SHORTAGE**

Ms. Reitz distributed copies of the Proposed Draft Solutions to Ohio's Healthcare Workforce Shortage that had recently come to her attention. She explained that these solutions were created by a task force at the Ohio Department of Health (ODH), at the request of the Governor. She stated that members of the Joint Regulatory Board at its last meeting had informed her of this document. She informed the Board that numerous recommendations were made within the document. She stated the recommendations were mostly general in nature. Of note however, Ms. Reitz pointed out section (I)(2.) which states:

"The licensing agency of the state should accept the results of all clinical exams and regional clinical testing agencies exams approved by the American Dental Association for licensure to increase the number of licensed dentists."

Ms. Reitz explained that during the first meeting she attended on March 18th, 2002, they had disseminated proposed draft solutions. She stated that there had been approximately twenty-five (25) people at the table during the ODH's Workforce Shortage Task Force meeting, including Chris Moore from the ODA and Mark Siegal, D.D.S., M.P.H. from the *Ohio Department of Health* (ODH). She noted that Dr. Dave Rummel was an official member of the ODH Task Force. Ms. Reitz stated that at that time she had explained the Board's policy in which all regional boards are accepted so long as proof of all competency areas are passed.

Ms. Reitz pointed out to the members that in reviewing these recommendations it was noted that all of the Licensing Standards recommendations excepting the second one had been developed from the Governor's Summit and again were general in nature. Therefore, she questioned where this recommendation had come from. She stated that she was glad that her colleagues at other regulatory boards informed her of this information, as she was then able to intervene and have this recommendation removed from the draft recommendations.

Continuing on, Ms. Reitz informed the Board that she would be attending the April meeting and would continue to attend every meeting for as long as possible. She informed the members that Mr. Everhart would attend the meetings in her absence during her maternity leave.

## **AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS AND AMERICAN ASSOCIATION OF DENTAL EXAMINERS - ATTORNEY ROUNDTABLE**

Ms. Reitz concluded her report by briefly informing the Board that she would be preparing a summary of her attendance to the March, 2002 meeting of the *American Association of Dental Administrators* and the *American Association of Dental Examiners - Attorney Roundtable*.

## **CORRESPONDENCE**

Dr. Hills noted that there was no correspondence for review at this time.

## **ELECTION OF OFFICERS**

Dr. Hills moved on to the next agenda item and suggested that the members consider the election of officers.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to elect Dr. Hills to a second term as President and to elect Dr. Awadalla to a first term as Secretary of the Board.***

Dr. Awadalla explained that she would only consider the nomination if Dr. Lightfoot would assist in her training.

Roll call vote.

Motion carried unanimously.

Board members openly expressed their congratulations to the new officers of the Board. Dr. Hills thanked the members for their nomination and stated that the support of the staff is what made the job easy. He went on the record to thank the chairs of the committees, the Executive Director and her staff, the investigative staff and the Assistant Attorneys General.

***Motion by Dr. Lightfoot, second by Dr. Murphy, to authorize Dr. Lightfoot to continue as acting Secretary on all cases in which he is currently involved.***

Roll call vote.

Motion carried unanimously.

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

### **OHIO STATE UNIVERSITY DENTAL HYGIENE PRACTICUM**

Ms. Reitz informed the Board members that this year was the first year that the Dental Hygiene Program at *The Ohio State University* had included the Dental Board in their selection options for senior practicums. She stated that she had been approached earlier this spring by the Director of the Dental Hygiene Program, Cheryl DeVore, RDH, Esq. regarding the possibility of the Dental Board becoming a practicum sight. She then introduced Lea Hanna and Holly Roth, senior dental hygiene students, to the Board members. Ms. Reitz explained that Ms. Hanna had been working and learning for sixteen (16) hours per week and Ms. Roth was doing the same for eight (8) hours per week.

Ms. Reitz informed the Board that the students had the opportunity to attend a couple of administrative hearings with Ms. Crawford, the Dental Team Summit Meeting with Ms. Sabat and Ms. Franks, some infection control evaluations with Ms. Carson, along with having the opportunity to speak with every office staff member with regards to their job duties with for the Board. She stated that she would be attending their practicum presentations in June where they would be speaking about the experience with the Board.

## **2002 DENTAL TEAM SUMMIT**

Ms. Sabat directed the Board members to copies of information on the 2002 Dental Team Summit meeting that she and Ms. Franks had attended on April 12th, 2002. She stated that both dental hygiene students had also attended and appeared to have found it interesting.

Ms. Sabat briefly informed the Board that participants were requested to submit information on what their individual organizations had been doing since the last Summit and to submit topics for discussion. She stated that all the topics had been compiled into three (3) categories and they addressed these issues within break-out groups.

In conclusion, Ms. Sabat informed the members that the Summit had been an interesting meeting with many lively discussions. However, she state that at this time the group is discussion only, not action oriented.

## **ADJOURN**

***Motion by Dr. Murphy, second by Dr. Lightfoot, to adjourn the meeting until Wednesday, June 12th, 2002, at 3:00 p.m.***

Roll call vote.

Motion carried unanimously.

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Edward R. Hills, D.D.S.  
President

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William J. Lightfoot, D.D.S.  
Secretary

# **APPENDIX A**

## DENTAL CARIES DETECTION DEVICES

Preamble: The purpose of this policy is to clarify the position of the Ohio State Dental Board regarding the use of alternative light emitting devices for assessment of dental caries by dental auxiliary personnel.

Until recently, dental caries detection has been determined through the use of radiographs, explorers and visual assessment. Diagnosis of fissure caries is difficult especially when the tooth surface appears seemingly intact.

It is the Board's position that devices which utilize light amplification as assessment tools for incipient or sub-surface caries fall within acceptable procedures performed by dental auxiliaries pursuant to Ohio Administrative Code Section 4715-3-01(N)(1)(g) which states:

(N) Tasks and/or procedures categories:

(1) "Basic remediable intra-oral and extra-oral dental tasks and/or procedures are defined as those which do not create irreparable changes within the oral cavity...

...

(g) Caries susceptibility testing.

Therefore, it is the Board's position that use of this type of technology may be used by dental auxiliary personnel in order to assist the employing dentist in determining dental caries.

(April 18, 2002)

## **APPENDIX B**

## POLICY REGARDING THE WINDING DOWN OF A DENTAL PRACTICE WHEN THE OWNER DENTIST PASSES AWAY

Preamble: The Board understands the difficulties presented upon the death of an owner dentist, and therefore sets forth its position regarding the enforcement of Ohio Revised Code section 4715.01 in these unique situations.

The Ohio Revised Code states that only a dentist can be an owner, operator or manager of a place for performing dental operations (dental practice). As such, when the situation arises where the sole owner of a dental practice dies, the practice must wind down and prepare itself to close or be sold. Technically, a dental office cannot operate once the owner dentist is deceased.

The Ohio State Dental Board (Board), cognizant of the difficulties that arise in these situations, sets forth the following guidelines with respect to the enforcement of R.C. 4715.01 in these situations.

First and foremost is the fact that the practice cannot operate unless a dentist is present. Therefore, if patient care is to continue, a temporary dentist should be brought on board, if none currently are employed. The dentist shall then have the responsibility of providing patient care, managing the patients and supervising the dental hygienists and other dental personnel.

Typically, when an owner/dentist dies, the practice is left to the surviving spouse or family, or the estate. Initially the Board will not pursue these non-dentist owners, unless the situation persists after 90 days and the practice is not sold or closed.

The goal should be to ensure that patient care is maintained by having a dentist present in the dental practice. Then, efforts should be taken to sell the practice. If the practice is to close, efforts must be taken to notify patients, refer patients if necessary, and take care of the records that currently exist in the dental office.

After 90 days have elapsed, the Board will begin its inquiry into any practice where the owner dentist has passed away, and the practice is being maintained by the family or the estate.

(April 17, 2002)

## **APPENDIX C**

THIS SPACE RESERVED FOR OSDB INFECTION CONTROL  
POWERPOINT® PRESENTATION  
BY  
KATHY PHILLIPS, DENTAL BOARD ENFORCEMENT OFFICER