

# OHIO STATE DENTAL BOARD BOARD MEETING

DECEMBER 5, 2007

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# OHIO STATE DENTAL BOARD BOARD MEETING

DECEMBER 5, 2007

## MINUTES

### ATTENDANCE

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 December 5, 2007, beginning at 1:00 p.m. Board members present were:

Gregory A. McDonald, D.D.S., President  
Mark T. Armstrong, D.D.S., Vice-President  
Clifford Jones, R.D.H.  
Berta I. Howard, D.D.S.  
Lawrence B. Kaye, D.D.S.  
Billie Sue Kyger, D.D.S.  
William G. Leffler, D.D.S.  
Ann Naber, R.D.H.  
Chad A. Readler, Esq.  
Linda Staley, R.D.H.  
Douglas W. Wallace, D.D.S.  
Frank A. Wright, D.M.D.

Edward R. Hills, D.D.S., the Board Secretary was not in attendance to the meeting.

The following guests were also in attendance: P.R. Casey, Esq., and Jennifer Adair, Esq., of the Ohio Attorney General's Office; Michele Carr, R.D.H., M.A., Chair of the Ohio State University Department of Dental Hygiene; Keith Kerns, Esq., Liz Lang and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Bernadette Green, R.D.H. E.F.D.A. of the Ohio Dental Expanded Function Association; Lili Reitz, Esq., Executive Director, Gail Davis, Dental Board Enforcement Officer, Eleanore Awadalla, D.D.S., QUIP Coordinator, Jayne Smith, Licensure Coordinator, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

## **CALL TO ORDER**

Dr. McDonald extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:05 p.m. He requested all members and guests sign the attendance roster.

## **EXECUTIVE SESSION**

*Motion by Mr. Jones, second by Dr. Howard, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Howard – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

Motion carried unanimously.

Dr. McDonald invited Ms. Reitz, Mr. Yonadi, Mr. Casey, and Ms. Adair to attend the executive session.

## **OPEN SESSION**

The Board resumed open session. Dr. McDonald approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

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

The Board reviewed the minutes of the September 12, 2007 Board meeting.

*Motion by Dr. Armstrong, second by Dr. Leffler, to approve the September 12, 2007 Board meeting minutes as presented.*

Motion carried unanimously.

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

The Board reviewed the minutes of the November 11, 2007 Board meeting.

*Motion by Dr. Armstrong, second by Dr. Wright, to approve the November 11, 2007 Board meeting minutes as presented.*

Motion carried unanimously.

## **INTRODUCTION OF BOARD MEMBERS**

Dr. McDonald took a moment to introduce the Board. He introduced himself as the Board President, a general dentist from Springboro. He then introduced the other Board members: Dr. Mark Armstrong, the Board Vice-President, a general dentist from Troy, Dr. Berta Howard, a general dentist from Hamilton, Dr. Larry Kaye, a periodontist from Akron, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Dr. William Leffler, a general dentist from Massillon Ohio, Dr. Douglas Wallace, an oral and maxillofacial surgeon from Fairfield, Dr. Franklin D. Wright, a general dentist from Cincinnati, Mr. Clifford Jones, a dental hygienist from Cincinnati, Ms. Linda Staley, a dental hygienist from Lima, Ms. Ann Naber, a dental hygienist from Cincinnati, and Mr. Chad Readler, an attorney from Columbus.

## **ENFORCEMENT REPORT**

### **REPORT AND RECOMMENDATIONS**

#### **REPORT AND RECOMMENDATION IN THE MATTER OF KEITH M. BRAM, D.D.S.**

Dr. McDonald announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Keith M. Bram, D.D.S. that was filed by Hearing Examiner, Sharon W. Murphy, RN, Esq., on November 6, 2007.

Dr. McDonald then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Keith M. Bram, D.D.S.

Roll call:           Dr. Armstrong – Yes  
                          Dr. Howard – Yes  
                          Mr. Jones – Yes

Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

Dr. McDonald 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. Armstrong – Yes  
Dr. Howard – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

Dr. McDonald then asked if each member of the Board had read any Objections to the Report and Recommendation that had been filed in reviewing this matter.

Roll call: Dr. Armstrong – Yes  
Dr. Howard – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

The original Order, Report and Recommendation and any objections shall be maintained in the exhibits section of this journal.

Dr. McDonald then stated that the Board's minutes would serve as the official record of the proceedings. He then asked if Dr. Bram and/or his attorney were present.

***KEITH M. BRAM, D.D.S.***

Dr. Bram introduced himself and stated that this matter was as a result of his abuse of nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) in October 2005. He stated that his license had been suspended and that once he had the opportunity to reinstate he had done so in a irreverent manner, which belied the spirit of the terms of his agreement with the Board. He stated that in 2005, incidents had increased to a level wherein he was struggling to cope with the issues that resulted in the actions of 2006. He stated that he wants to take complete responsibility for his actions and that in October of this year he has begun exhibiting patterns of constructive behavior. He stated that at this time he is willing to do almost anything to remain in the practice of dentistry.

***P.R. CASEY, ESQ., ASSISTANT ATTORNEY GENERAL***

The Board's attorney representative, Assistant Attorney General P.R. Casey, began by stating that the Board is aware of the previous Report and Recommendation in the matter of Dr. Bram with regards to the 1997 consent agreement with the Board. He stated that the hearing record clearly indicated that the issue was a matter of lack of record keeping for narcotics that ultimately resulted in Dr. Bram's treatment at Shepherd Hill Hospital. Mr. Casey stated that upon reinstatement of Dr. Bram's license to practice dentistry, he had been witnessed abusing nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) by his own staff during a weekend in 2005. He stated that Dr. Bram had entered into another consent agreement with the Board at that time, wherein he was evaluated for impairment allegations.

Continuing on, Mr. Casey noted that Dr. Bram violated four (4) compliance requirements of that 2005 consent agreement. He stated that 1) Dr. Bram never completely abstained from alcohol and was reported as using alcohol moderately, 2) Dr. Bram was to attend caduceus and 3) Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings three (3) times per week which he did not attend, and 4) that Dr. Bram was to submit quarterly reports of this meeting attendance to the Board upon his reinstatement which he never did. Mr. Casey informed the Board that Dr. Bram admitted to all of these violations of the terms of his consent agreement, and stated his position that it was not healthy for him and not in the interest of his well being as a sober individual to be around "those" people that counsel themselves. Therefore, Mr. Casey stated that Dr. Bram chose his own terms.

Concluding, Mr. Casey stated that the Board is under no obligation to give Dr. Bram another chance. He stated that Dr. Bram KNEW what he had to do in order to continue practicing but chose not to comply by consuming alcohol and not attending caduceus and AA/NA meetings. However, he stated that if Dr. Bram is sincere in his attestation that he is better and wants to continue practicing dentistry, then the Board may choose to offer him a third chance. Mr. Casey stated that the Hearing Examiner in this matter provided two (2) recommended orders in this matter; one is permanent revocation of Dr. Bram's license to practice dentistry and the other is to allow Dr. Bram another chance. Mr. Casey stated that he would recommend supporting either decision.

### **EXECUTIVE SESSION**

*Motion by Dr. Armstrong, second by Dr. Howard, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) to deliberate and consider the charges and report and recommendation filed in the matter of Keith M. Bram, D.D.S.*

Roll call vote.

Motion carried unanimously.

### **OPEN SESSION**

The Board resumed open session at 2:28 p.m.

Dr. McDonald stated, "Let the record reflect that Dr. Hills was not present during executive session and did not participate in deliberations in this matter."

### **DECISION IN THE MATTER OF KEITH M. BRAM, D.D.S.**

*Motion by Dr. McDonald, second by Dr. Armstrong, to find all Counts of the Notice of Opportunity to be true.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Howard – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes

Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

*Motion by Dr. Leffler, second by Ms. Naber to approve the amended Hearing Examiner's recommended Order as follows:*

*Is hereby ORDERED:*

- (A) *SUSPENSION. The certificate of Keith M. Bram, D.D.S., to practice dentistry in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than one hundred and eighty (180) days from the effective date of this Order. During this period of suspension the following conditions shall apply:*
- (1) *Employ Office Staff: Dr. Bram may employ a licensed operator, i.e., dentists, and dental hygienists, and dental assistant radiographers to perform dentistry or dental hygiene duties or otherwise treat patient during the period of suspension.*
  - (2) *Derive Income from Practice: Dr. Bram may derive income from a legal or beneficial interest in a dental practice.*
  - (3) *Continued Advertising: Continued advertising is permissible during the term of the suspension.*
- (B) *INTERIM MONITORING: During the period that Dr. Bram's license is suspended, he shall comply with the following terms, conditions, and limitations:*
- (1) *Obey the Law: Dr. Bram shall obey all federal, state, and local laws, and all rules governing the practice of dentistry in Ohio.*
  - (2) *Personal Appearances: Dr. Bram shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board.*

- (3) Written Declarations: Dr. Bram shall submit declarations under penalty of Board disciplinary action and/or criminal prosecution, every other month, stating whether there has been compliance with all the conditions of this Order.
- (4) Abstention from Drugs: Dr. Bram shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Bram's history of chemical abuse and dependency.
- (5) Abstention from Alcohol: Dr. Bram shall abstain completely from the use of alcohol.
- (6) Assessment/Treatment: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Bram shall submit to an assessment by a Board approved addiction specialist for determination of Dr. Bram's current status. Prior to the initial assessment, Dr. Bram shall furnish the addiction specialist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that addiction specialist. Upon completion of the initial assessment, Dr. Bram shall cause a written report to be submitted to the Board from the addiction specialist. The written report shall include:
  - (a) A detailed report of the evaluation of Dr. Bram's current status and condition;
  - (b) A detailed plan of recommended treatment, if any, based upon the addiction specialist's informed assessment of Dr. Bram's current needs;
  - (c) A statement regarding any recommended limitations upon his practice, and

- (d) *Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.*
- (e) *Should the addiction specialist recommend inpatient or outpatient treatment, and upon approval by the Board, Dr. Bram shall undergo and continue treatment as directed by the addiction specialist. Dr. Bram shall continue in treatment until such time as the addiction specialist determines that no further treatment is necessary.*

*The addiction specialist shall submit reports to the Board on a quarterly basis. The reports shall contain information describing Dr. Bram's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Bram's compliance with the treatment plan; Dr. Bram's status; Dr. Bram's progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Bram shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Bram's quarterly declaration.*

*In addition, Dr. Bram shall ensure that the addiction specialist immediately notifies the Board of Dr. Bram's failure to comply with his treatment plan and/or any determination that Dr. Bram is unable to practice due to his impairment.*

*In the event that the addiction specialist becomes unable or unwilling to serve in this capacity, Dr. Bram must immediately so notify the Board in writing and make arrangements acceptable to the Board for another addiction specialist as soon as practicable. Dr. Bram shall further ensure that the previously designated addiction specialist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.*

- (7) *Comply with the Terms of Treatment and/or Aftercare Contract: Dr. Bram shall maintain continued compliance with the terms of any treatment and aftercare contracts entered into with the addiction specialist, provided that, where terms of the treatment and aftercare contract*

*conflict with terms of this Order, the terms of this Order shall control.*

- (8) *Random Drug and Alcohol Screening: Dr. Bram shall submit to random urine or blood screenings for drugs and/or alcohol on a twice weekly basis or as otherwise directed by the Board, at Dr. Bram's expense. The drug-testing panel utilized must be acceptable to the Secretary of the Board.*

*Dr. Bram shall provide a pager number or phone number to the Board that it can use to contact him for random urine or blood testing. Dr. Bram agrees to answer all calls from the Board or respond to the Board upon its request within eight hours of such call. Upon request of the Board, Dr. Bram shall:*

- (a) *Submit to a random urine or blood screen for drugs and/or alcohol within 24 hours of such request and,*
- (b) *Submit the results of such screen(s) to the Board within seven days of the screening.*

- (9) *Submission of Blood or Urine Specimens upon Request: Dr. Bram shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Bram's expense.*

- (10) *Rehabilitation Program: Dr. Bram 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 monthly basis, Dr. Bram shall submit to the Board acceptable documentary evidence of continuing compliance with this program.*

- (11) *Caduceus Program: Dr. Bram shall participate in a Caduceus program, approved in advance by the Board, no less than one day per week. On*

*a monthly basis, Dr. Bram shall submit acceptable documentary evidence of continuing compliance with this program to the Board.*

*(12) Contact Impaired Professionals Committee: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Bram shall contact an impaired professionals committee, approved by the Board, to arrange for assistance in recovery and/or aftercare.*

*(13) Continued Compliance with a Contract with an Impaired Professionals Committee: Dr. Bram shall maintain continued compliance with the terms of the contract entered into with an impaired professionals committee, approved by the Board, to assure continuous assistance in recovery and/or aftercare.*

*(C) CONDITIONS FOR REINSTATEMENT: The Board shall not consider reinstatement of Dr. Bram's certificate to practice dentistry until all of the following conditions have been met:*

*(1) Application for Reinstatement: Dr. Bram shall submit an application for reinstatement, accompanied by appropriate fees, if any.*

*(2) Compliance with Interim Conditions: Dr. Bram shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order, unless otherwise determined by the Board.*

*(3) Demonstration of Ability to Resume Practice: Dr. Bram shall provide the following with his application for reinstatement:*

*(a) Dr. Bram shall provide to the Board a written report of evaluation by a treating practitioner, approved by the Board, indicating that Dr. Bram is not drug or alcohol dependent and is able to practice dentistry in accordance with the accepted standards of the profession.*

*(b) This evaluation shall be in writing and shall state with particularity the basis for such determination. This evaluation*

*shall have been performed no more than thirty days before the submission of Dr. Bram's application for reinstatement.*

- (c) Dr. Bram shall provide the Board with satisfactory documentation indicating that he is in compliance with any aftercare or outpatient treatment recommended by the previously approved addiction specialist.*
- (d) Dr. Bram shall provide satisfactory documentation of continuous participation in a Caduceus program, approved in advance by the Board no less than one day per week.*
- (e) Dr. Bram shall provide satisfactory documentation of continuous 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.*
- (4) Absence from Practice: In the event that Dr. Bram has not been engaged in the active practice of dentistry for a period in excess of two years prior to the submission of his application for reinstatement, the Board may exercise its discretion to require additional evidence of Dr. Bram's fitness to resume practice.*
- (5) Appear Before the Board: Dr. Bram shall appear before the Board for a reinstatement interview.*
- (D) PROBATIONARY CONDITIONS: Upon reinstatement or restoration, Dr. Bram's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:*
  - (1) Terms, Conditions, and Limitations Continued from Suspension Period: Dr. Bram shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.*
  - (2) Limitations on Practice: Dr. Bram shall refrain from performing endodontic procedures on posterior and multiple canal teeth and shall refer all current patients in need of endodontic treatment on posterior and multiple canal teeth to other practitioner(s) for*

*endodontic treatment on posterior and multiple canal teeth, and Dr. Bram shall not undertake any new cases of endodontic treatment on posterior and multiple canal teeth until all of the following requirements are met.*

- (a) Dr. Bram shall successfully complete twenty hours of continuing education in endodontics, treatment planning, and diagnosis and seven hours of continuing education in record-keeping at an American Dental Association accredited college of dentistry at Dr. Bram's expense. Such education must be directly interactive and hands-on. These hours must be pre-approved by the Board Secretary and are in addition to the forty hours of continuing education required for renewal of in his license pursuant to R.C. 4715.141.*
  - (b) Dr. Bram shall take and pass the jurisprudence examination at the office of the Board. This examination shall be a closed book examination.*
  - (c) Dr. Bram shall submit a written request to the Secretary of the Board for authorization to resume providing endodontic treatment on posterior and/or multiple canal teeth.*
  - (d) Dr. Bram must receive written authorization from the Board Secretary to prior to providing endodontic treatment on posterior and/or multiple canal teeth.*
- (3) Resumption of Endodontic Treatment: After the Secretary of the Board has informed Dr. Bram that he may resume providing endodontic treatment on posterior and/or multiple canal teeth, Dr. Bram shall submit and the Board Secretary shall receive by the seventh day of each month, for period of six months from the date of authorization to resume providing endodontic treatment on posterior and/or multiple canal teeth, the following documentation for each patient for whom Dr. Bram provided endodontic treatment on posterior and/or multiple canal teeth during the previous month:*
- (a) Preoperative, working, and final radiographs for each tooth;*

- (b) *History of the presenting problem;*
- (c) *Documentation of how the final length was determined;*
- (d) *Notation of the final length;*
- (e) *Explanation of any problems encountered or patient complaints; and*
- (f) *The type of fill used.*

*In fulfilling the requirements of this paragraph, Dr. Bram may submit copies of progress notes and radiographs.*

- (4) *Continued Departure from the Standard of Care: Should the Secretary of the Board determine that the endodontic treatment performed by Dr. Bram continues to fall below the standard of care for the profession, Dr. Bram may be subject to formal disciplinary action.*
  - (5) *Cooperate with Inspections: Dr. Bram shall fully cooperate in the Board's inspections and/or evaluations of his dental office, which shall occur as often as the Board deems necessary to insure compliance with the Dental Practice Act, Chapter 4715 of the Ohio Revised Code and the Ohio Administrative Code.*
  - (6) *Absence from Ohio: In the event that Dr. Bram should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Bram 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) *VIOLATION OF THE TERMS OF THIS ORDER: If Dr. Bram violates the terms of this Order in any respect, his license shall be automatically*

*suspended. The Board, after giving him notice and the opportunity to be heard, may then institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.*

- (F) TERMINATION OF PROBATION: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Bram's certificate will be fully restored.*
- (G) RELEASES: Dr. Bram shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Bram's chemical dependency, psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order.*
- (H) The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.*
- (I) REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS: Within thirty days of the effective date of this Order, Dr. Bram shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training, and to the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Bram shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and to the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. Further, Dr. Bram shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue until Dr. Bram receives from the Board written notification of his successful completion of probation.*
- (J) REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES: Within thirty days of the effective date of this Order, Dr. Bram shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license.*

*Dr. Bram shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Bram shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue until Dr. Bram receives from the Board written notification of his successful completion of probation.*

**EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.**

Dr. Wright stated that the Board was uneasy allowing Dr. Bram back into practice. He told Dr. Bram that the Board deliberated a long time, taking into accounts the tenants of the past ten (10) years, involving Dr. Bram's noncompliance issues, his conflicts with the Board and its directives. He told Dr. Bram that the Board believed him to be sincere in his desire to make changes, but he said that these thirteen (13) Board members will not hesitate to revoke his license if he comes back before them.

Dr. McDonald reiterated Dr. Wright's points and told Dr. Bram that the Board does not want to see him back before them in another noncompliance situation, that this was his last chance.

Roll call vote: Dr. Armstrong – Yes  
Dr. Howard – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - No

Motion carried.

## PERSONAL APPEARANCE(S)

### AMY G. ROBINSON, R.D.H.

Ms. Davis introduced Ms. Amy Robinson, who was appearing before the Board for her second appearance after signing a consent agreement in September 2007.

Ms. Davis stated that Ms. Robinson continues to remain in compliance with the terms of her consent agreement by attending her required AA/NA meetings and aftercare. She stated that Ms. Robinson has provided all urine screens upon request and all have returned with negative results.

Upon questioning by the Board, Ms. Robinson stated that she had learned a lot about addiction and the disease during her treatment and aftercare. She indicated that she was ready to go back to practicing and exhibited an adamant desire to remain compliant.

*Motion by Dr. Howard, second by Ms. Staley, to reinstate the license of Amy Robinson, R.D.H. to practice dental hygiene in the state of Ohio pursuant to the terms of her consent agreement with the Board.*

Roll call vote.

Motion carried unanimously.

## REVIEW OF PROPOSED VOLUNTARY SURRENDER OF LICENSE(S)

The Board reviewed one (1) Voluntary Surrender of License order. 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.

### HAROLD A. GROSS, D.D.S.

*Motion by Dr. Wallace, second by Dr. Kyger, to approve the proposed voluntary surrender of license and forward it to Harold A. Gross, D.D.S., license number 30-011197, and case numbers 06-48-0553 and 06-31-0568.*

Motion carried.

## REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed four (4) proposed consent agreements. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

### DISCIPLINARY

#### *CHRISTOPHER M. ASHBY, D.D.S.*

*Motion by Dr. Wallace, second by Dr. Wright, to approve the proposed consent agreement for Christopher M. Ashby, D.D.S., license number 30-020940, case number 07-75-0550.*

Motion carried.

#### *MELISSA L. BUCKS, DENTAL ASSISTANT RADIOGRAPHER*

*Motion by Dr. Wallace, second by Ms. Staley, to approve the proposed consent agreement for Melissa L. Bucks, Dental Assistant Radiographer, license number 51-012208, case number 07-77-0547.*

Motion carried.

#### *RICHARD A. LAPP, D.D.S.*

*Motion by Dr. Wallace, second by Dr. Kaye, to approve the proposed consent agreement for Richard A. Lapp, D.D.S., license number 30-011423, case number 06-60-0150.*

Motion carried.

### NON-DISCIPLINARY

#### *SHEREEN S. AZER, D.D.S.*

*Motion by Dr. Armstrong, second by Dr. Kyger, to approve the proposed consent agreement for Shereen S. Azer, D.D.S., license number 30-022688.*

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/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

### MICHAEL R. CRITES, D.D.S.

*Motion by Dr. Wallace, second by Dr. Kyger, to approve the proposed notice of opportunity for hearing and forward it to Michael R. Crites, D.D.S., license number 30-014928, and case number 04-25-0627.*

Motion carried.

### DOUGLAS A. KENNY, D.D.S.

*Motion by Dr. Wallace, second by Ms. Staley, to approve the proposed notice of opportunity for hearing and forward it to Douglas A. Kenny, D.D.S., license number 30-019431, and case number 05-78-0502.*

Motion carried.

### JAMES S. MADIGAN, D.D.S.

*Motion by Dr. Wallace, second by Mr. Jones, to approve the proposed notice of opportunity for hearing and forward it to James S. Madigan, D.D.S., license number 30-012911, and case number 06-85-0250.*

Motion carried.

### RAMON A. PEREZ, D.D.S.

*Motion by Dr. Wallace, second by Dr. Wright, to approve the proposed notice of opportunity for hearing and forward it to Ramon A. Perez, D.D.S., license number 30-019156, and case number 07-25-0413.*

Motion carried.

**BRIAN A. STERN, D.D.S.**

*Motion by Dr. Leffler, second by Ms. Staley, to approve the proposed notice of opportunity for hearing and forward it to Brian A. Stern, D.D.S., license number 30-022067, and case number 07-23-0579.*

Motion carried.

**JOHN A. CHEEK, D.D.S.**

*Motion by Dr. Kyger, second by Ms. Staley, to approve the proposed notice of opportunity for hearing and forward it to John A. Cheek, D.D.S., license number 30-014928, and case number 04-25-0627.*

Motion carried.

**ENFORCEMENT UPDATE**

Mr. Yonadi informed the Board that there were ten (10) cases pending hearings, of which all have been assigned for hearing. He stated that we still have eight (8) cases under appeal and three (3) cases pending the Hearing Officer's Report and Recommendation. Mr. Yonadi stated that there are currently eighteen (18) licenses under suspension. He informed the Board members that no new cases have been referred to the Quality Intervention Program (QUIP) since the last Board meeting and we have three (3) cases pending QUIP.

Mr. Yonadi informed the Board that fifty-seven (57) cases have been investigated and reviewed by the Board Secretary 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. Yonadi reviewed the cases to be closed with the Board.

The following cases are recommended to be closed:

03-57-1488	Fraud	06-09-0163	Renewal
04-47-0047	Standard Of Care	06-43-0316	Abandon/Misrep

06-50-0392	Improper Prescribing	07-80-0456	Standard Of Care
06-43-0579	Infection Control	07-76-0505	Standard Of Care
06-31-0575	Standard Of Care	07-25-0501	Standard Of Care
06-50-0597	Permitting	07-48-0518	Standard Of Care
06-18-0698	Standard Of Care	07-50-0511	Infection Control
06-25-0691	Standard Of Care - Warning	07-57-0514	Standard Of Care
07-15-0073	Standard Of Care - Warning	07-15-0515	Standard Of Care
07-76-0116	Informed Consent/ Standard - Warning	07-31-0516	Advertising/Conduct
07-18-0202	Standard Of Care	07-57-0509	Standard Of Care
07-18-0134	Standard Of Care	07-22-0529	Records
07-77-0146	Fraud	07-31-0520	Standard Of Care
07-18-0181	Standard Of Care	07-31-0524	Standard Of Care - Warning
07-18-0230	Standard Of Care	07-31-0521	Fraud
07-70-0268	Impairment	07-29-0533	Standard Of Care
07-22-0277	Advertising	07-48-0531	Infection Control - Warning
07-77-0301	Standard Of Care	07-13-0538	Impairment
07-25-0309	Standard Of Care - Warning	07-31-0541	Standard Of Care
07-73-0313	Standard Of Care	07-57-0533	Standard Of Care
07-43-0327	Records	07-57-0537	Fraud
07-03-0383	Standard Of Care	07-12-0536	Practicing W/O License
07-50-0392	Prescribing/Drug Abuse	07-31-0544	Standard Of Care
07-43-0416	Fraud	07-57-0553	Standard Of Care
07-25-0425	Standard Of Care	07-57-0552	Standard Of Care
07-31-0471	Standard Of Care	07-09-0562	Standard Of Care
07-25-0466	Standard Of Care	07-31-0563	Records
07-48-0459	Prescribing - Warning	07-57-0564	Standard Of Care
		07-12-0576	Standard Of Care

Prior to the vote to close the above listed cases, Dr. McDonald 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. Armstrong – No  
Dr. Howard – No  
Mr. Jones – No  
Dr. Kaye – No  
Dr. Kyger - No  
Dr. Leffler – No

Dr. McDonald - No  
Ms. Naber – No  
Mr. Readler – No  
Ms. Staley - No  
Dr. Wallace - No  
Dr. Wright - No

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

*Motion by Dr. Kyger, second by Ms. Staley, to close the above fifty-seven (57) cases.*

Roll call vote: Dr. Armstrong – Yes  
Dr. Howard – Abstain  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Dr. Kyger - Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Naber – Yes  
Mr. Readler – Yes  
Ms. Staley - Yes  
Dr. Wallace - Yes  
Dr. Wright - Yes

Motion carried.

## **REVIEW OF LICENSE APPLICATIONS**

### **LICENSURE REPORT**

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the November 2007 meeting, for Board member review.

### **DENTAL**

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

Jose A. Cintron

Arnold NagySang W. Park

Motion carried unanimously.

**DENTAL HYGIENE**

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

Brandi R. Hickerson

Motion carried unanimously.

**DENTAL ASSISTANT RADIOGRAPHER**

*Motion by Dr. Armstrong, second by Dr. Wright, to approve the licensure report for the following dental assistant radiographer licenses issued by: acceptable certification or licensure in another state, certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC), or successful completion of the Board-approved Radiography course:*

Heather Addington  
Vaida Alemagno  
Gena Arnone  
Thelma Balcom  
Shannon Ballard  
Carolyn Banks  
Jennifer Barber  
Erin Bean  
Mia Beavers  
Kortney Besl  
Alecia Blake  
Hope Blanton  
Flora Brahimaj  
Donna Brock  
Carolyn Burke  
Kendel Butts  
Colleen Chafin  
Diane Clere  
Diane Cole  
Kathleen Cole  
Tracy Collins

Wilhelmina Crawford  
Katelyn Crumrine  
Dana Davis  
Jennifer Davis  
Brenda Del Rosario  
Angela Deorio  
Brittany Dillon  
Janet Dillon  
Diana Diss  
Toni Ditullio  
Ana Paula Dulberg  
Lora Elsea  
Jennifer Erickson  
Jill Estridge  
Theresa Evans  
Cheryl Feltz  
Titania Ferguson  
Virginia Forsythe  
Jessica Frazier  
Jodi Freshwaters  
Tiffany Fulmer

Dawn Glardon  
Margaret Glenn  
Vickie Goodwin  
Billie Gratz  
Luci Griego  
Kelli Griffiths  
Victoria Gruttadauria  
Tina Gutzwiller  
Kimberly Halstead  
Dawn Hawkins  
Amber Heinze  
Jennifer Heist  
Emily Hinchcliff  
Maryanne Holiday  
Jennifer Holland  
Teresa Hollister  
Tamielle Holmes  
Megan Howard  
Elizabeth Hughes  
Rachel Hutto  
Amy Jewett-Fri  
Lori Johnson  
Heather Karam  
Sara Kaylor  
Tracy Kelly  
Valeria Kiser  
Carrie Kubalek  
Myesia Lacy  
Hilary Lee  
Denise Martsolf  
Colleen Mathie  
Tamela May  
Jennifer McCarthy  
Kathryn McCauley  
Torre McClendon  
Lindsey McCloy  
Jennifer McMahan  
Jamie Mercuri  
Nicole Metzger  
Rhonda Michael  
Erica Mills  
Shonda Mitchell

Carla Moody  
Maria Murdocco  
Mahalakshmi Murugesan  
Andrea Myers  
Jennifer Nolker  
Brittany Orndorff  
Melanie Otte  
Leslie Pagley  
Rufina Paniagua-Escamilla  
Bobbi Pence  
Peter Pietrzycki  
Heather Pollick  
Diane Richards  
Kellie Richardson  
Tania Rizwan  
Selina Roldan  
Cheryl Romig  
Miranda Roscinski  
Sophida Saelim  
Alisha Shaffer  
Julie Shrontz  
Cynthia Sipos  
Anita Sparren  
Sarah Stanbery  
Amanda Stanley  
Tarra Stauder  
Olesya Stepanova  
Alisha Stover  
Sara Strickland  
Corrie Strouse  
Taren Terrell  
Gaby Torkornoo  
Tiffany Trimmer  
Sue Weisgarber  
Roscenie West  
Leslie Whitaker  
Anngila Wilder  
Rae Williams  
Kimberly Wilson  
Lisa Withers  
Heather Zimpfer  
Jessica Zupko

Motion carried unanimously.

**LIMITED TEACHING LICENSE APPLICATION(S)**

*Motion by Dr. Kaye, second by Ms. Staley, to approve the licensure report for the following limited teaching license:*

Sorin T. Teich, D.D.S.

Motion carried unanimously.

**CORONAL POLISHING**

*Motion by Dr. Kyger, second by Ms. Staley, 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:*

Courtney R. Carlisle  
Jennifer M. Carter  
Cheryl A. Concepcion  
Celia B. Durant

Denise Rhodes Lester  
Melissa J. Shipley  
Terri L. Thompson

Motion carried unanimously.

**EXPANDED FUNCTION DENTAL AUXILIARY**

*Motion by Dr. Kyger, second by Ms. Staley, 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:*

Karen H Aldstadt  
Sarah J Balsler  
Candi L Barnes  
Desiree C Bess  
Jeanne Bolen  
Amy E Bratton

Sarah M Bricker  
Tracey S Bruce-Ruff  
Jolyn E Buchanan  
Alicia Burick  
Ginger S Carnes  
Keena D Carney

Angela R Cavinee  
Barbara Cheney  
Marie A Choate  
Heidi L Combs  
Mariame E Conroy  
Jodi L Cron  
Deborah D Dean  
Amanda L Gates  
Ginger Gibson  
Jacqueline L Gray  
Collene M Gregory  
Amanda M Hamilton  
Kathy M Hatfield  
Charlene M Hawsman  
Jennifer L Hershey  
Cheryl L Hittle  
Angela L Hoadley  
Sharon L Hoel  
Nancy S Iammarino  
Dedena C Iannucci  
Anne K Johnson  
Tracy B Keller  
Mary Ann Kurilko  
Lu A Leach

Tracy M Lewis  
Emily E Livingston  
Sara G Loeffler  
April L Lonsbury  
Sharon L McVay  
Cheryl R Mendala  
Carla R Miller  
Kelley Miller  
Theresa D Mills  
Susanne M Murray  
Christina Nichols  
Christina Owino  
Cathy R Parker  
Susan E Qualls  
Mark E Reger  
Asta Saporkute  
Gail A Shafer  
Theresa Snyder  
Kellie L Sparks  
Matthew R Stalsworth  
Debra J Stein  
Becky J Wallbrown  
Deborah S Ward  
Mendi K Wilson

Motion carried unanimously.

**GRADUATE OF UNACCREDITED DENTAL COLLEGE LOCATED OUTSIDE  
THE UNITED STATES LICENSE APPLICATION(S)**

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

Shereen S. Azer, D.D.S.

Motion carried.

## **REINSTATEMENT LICENSE APPLICATION(S) – NO INTERVIEW**

### **ALVARO R. LAZO, D.D.S.**

The Board reviewed and considered the licensure information for Alvaro R. Lazo, D.D.S. that was prepared by Ms. Smith.

*Motion by Dr. Kyger, second by Dr. Leffler, to approve Dr. Lazo's reinstatement application for dental licensure in the state of Ohio.*

Motion carried unanimously.

### **MARC L. MARLETTE, D.D.S.**

The Board reviewed and considered the licensure information for Marc L. Marlette, D.D.S., which was prepared by Ms. Smith.

*Motion by Dr. Kyger, second by Dr. Leffler, to approve Dr. Marlette's reinstatement application for dental licensure in the state of Ohio.*

Motion carried unanimously.

### **MELODY D. SPURGEON, R.D.H.**

The Board reviewed and considered the licensure information for Melody D. Spurgeon, R.D.H., which was prepared by Ms. Smith.

*Motion by Dr. Kyger, second by Dr. Wright, to approve Ms. Spurgeon's reinstatement application for dental hygiene licensure in the state of Ohio.*

Motion carried unanimously.

## **EDUCATION COMMITTEE REPORT**

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

Dr. Howard stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2006-2007 and have been recommended for approval by the Education Committee:

Advanced Educational Resources, L.L.C.

Carl O. Boucher Prosthodontic Conference  
Greater Cincinnati Dental Study Club  
Jennifer Haywood, L.I.S.W., L.I.S.C.  
Naples Dental Conference  
Northern Hills Dental Study Club  
North Coast Dental Study Club  
O.K.I. Study Club  
Tri-State Dental-Medical Conference

## REVIEW OF MANDATORY CONTINUING EDUCATION COURSE(S)

### ANESTHESIA AND CONSCIOUS SEDATION PERMIT RENEWAL COURSE(S)

Dr. Howard stated that the following organization has submitted a request for approval of an anesthesia permit renewal course. Dr. Howard stated that the following course has been reviewed and is recommended for approval by the Education Committee:

Ohio Dental Society of Anesthesiology  
- "OSDA Annual Meeting January 26, 2008"

### SUBSTANCE ABUSE COURSE(S)

Dr. Howard stated that the following organization has submitted a request for approval of a conscious sedation permit renewal course. Dr. Howard stated that the following course has been reviewed and is recommended for approval by the Education Committee:

Corydon Palmer Dental Society  
- "Beyond the PDR: Pharmacology – Without Pain, Only Gain!"

Greater Cincinnati Dental Study Club  
- "Substance Abuse for 2008"

## REVIEW OF SPECIAL REQUEST(S)

### CONTINUING EDUCATION COURSE CONSIDERATION REQUEST(S)

Dr. Howard informed the Board that the Education Committee had received a request from the for review and consideration for dental and/or dental hygiene continuing education of the following courses offered by The Madow Group:

Inspiration/Motivation by Judy Carter  
Communicating Case Presentation by Dr. Paul Homoly  
Restorative Dentistry/Practice Management by Dr. Louis Malcmacher  
Inspiration/Motivation by Liz Murray  
Practice Management/Human Relations by Dr. Richard Madow  
Financial Management by Darrell Cain  
Self-Improvement/Nutrition by Dr. David Madow  
Practice Management/Human Relations by Dr. Dan Drubin  
Patient Education/Motivation by Dr. Mitchell Josephs  
Restorative Dentistry/Practice Management by Dr. Howard Faran  
Inspiration/Motivation by Alison Levine

Dr. Howard informed the Board that the Committee had the opportunity to review these courses and their content and recommends that this course be denied based on the guidelines set forth in Board statute, rule and policy.

## **REVIEW OF SPECIAL REQUEST(S)**

### **CONTINUING EDUCATION WAIVER/EXTENSION REQUEST(S)**

Dr. Howard informed the Board that the Education Committee had reviewed three (3) requests for waiver of the continuing education requirement based on unusual circumstance, emergency or special hardship and were recommending the following individuals to receive waivers/extensions:

Rachel A. Fletcher, R.D.H. – 6 month extension and waiver of the Category A requirement

Tonia L. Rairden, R.D.H. – Extension until June 30, 2008

Tonya Sue Winn, R.D.H. – Waive Category A requirement

## **AMERICAN SAFETY AND HEALTH INSTITUTE**

Dr. Howard explained to the Board that the American Safety and Health Institute had provided a presentation earlier that day to the committee members regarding CPR training. She stated that the Board was legislatively directed to review and compare CPR training to determine if ASHI CPR could be accepted as meeting the standards of the American Red Cross and American Heart Association CPR. Dr. Howard stated that based on the information provided in the presentation and supplemental materials, the Committee recommends that ASHI be considered an acceptable provider of Basic Life Support (BLS)/CPR courses and as such the Committee requests that the Law and Rules Review Committee consider drafting changes to the rules reflecting acceptance of ASHI CPR.

*Motion by Ms. Naber, second by Ms. Staley, to accept the Education Committees recommendations and approve all the above applications and requests.*

Motion carried.

### **WAIVER COMMITTEE REPORT**

Dr. McDonald informed the Board that the Waiver Committee had reviewed two (2) Hepatitis B Waiver Request applications. He stated that the Committee was only recommending approval of a one (1) year waiver for Kelly Himelrick, Dental Assistant.

*Motion by Ms. Naber, second by Dr. Leffler, to approve the one-year hepatitis B waiver for Kelly Himelrick, Dental Assistant.*

Motion carried.

### **SECRETARY'S EXPENSE REPORT**

Dr. McDonald, in Dr. Hills absence, attested to the Board that Dr. Hills had spent in excess of twenty (20) hours per week attending to Board business.

*Motion by Dr. Armstrong, second by Dr. Leffler, to approve the Secretary's expense report.*

Motion carried.

### **EXECUTIVE DIRECTOR'S REPORT**

#### **OFFICE EXPENSE REPORT**

Ms. Reitz informed the Board members that they would hopefully be able to provide an Office Expense Report at the January 2008 meeting. She stated that Board has been unable to obtain the required information for the report due to the changeover to the new accounting system for all State of Ohio agencies, boards and commissions.

### **QUALITY INTERVENTION PROGRAM – PRESENTATION BY ELEANORE AWADALLA, D.D.S., QUIP COORDINATOR**

Dr. Awadalla began her presentation by explaining the purpose of the Board. She explained the reasons why the Board has the directive to regulate dentistry with regards

to unethical practice or substandard treatment provided by licensees to the public as opposed to associations, schools, or private consumer groups whose interest may be biased financially. She stated that the Board Secretary's role is to determine the Board's best course of action with regards to each consumer complaint and how dentistry and the public are best served by Board action. Dr. Awadalla explained that prior to implementation of the QUIP program, there were basically only three (3) ways to resolve complaints filed with the Board; close the case, close the case with a warning to the licensee, or to charge the licensee for a violation of the Dental Practice Act and pursue action through the disciplinary process.

Particularly with minimal standard of care violations, Dr. Awadalla stated that charging the dentist may have seemed excessive, however the public remained at risk for continued substandard care. She stated that the QUIP program is an alternative step to the formal disciplinary process for those licensees who may have problems with a specific skill area that could be remediated through additional education and training. Dr. Awadalla explained that the Board's QUIP program is modeled after similar programs of the State Medical Board of Ohio and the Ohio Board of Nursing. She stated that the purpose of these types of intervention programs is to provide additional education and training to those licensees who have demonstrated less than optimal practice behaviors, but have caused no serious harm to patients.

Continuing on, Dr. Awadalla explained that with the advent of the QUIP program the Board Secretary now has an additional, fiscally responsible avenue to deal with less egregious standard of care concerns. She stated that once a complaint has been determined to fall within the guidelines of the program and forwarded to the QUIP program by the Board Secretary, there begins a process of review by the QUIP Panel. The QUIP Panel, comprised of dentist experts, reviews all relevant documentation (i.e. patient records, x-rays, treatment plan) to determine the best course of action. The Panel can recommend that the case be closed with no further intervention necessary, recommend education/remediation; or refer the case back to the Board Secretary for continued disciplinary action.

Dr. Awadalla informed the Board that should the Panel recommend remediation/education, then a Participatory Agreement is prepared and offered to the licensee. She stated that participation by the licensee is voluntary, however, the agreement is the controlling document that indicates the identified deficiency, education/remediation the licensee must complete, time frame, and expenses involved in order that the licensee may complete the program. Dr. Awadalla further explained the role of the dental school in the remediation process is that the licensees' skills are evaluated/assessed and each course of study is specifically tailored for improving the deficient area.

Upon successful completion of the education/remediation, Dr. Awadalla explained that the case is then forwarded back to the Board Secretary for closure. She indicated that if the licensee does not complete the program or it is determined that the education/remediation was unsuccessful; this information is disseminated to the Board Secretary for further action by the Board.

Concluding, Dr. Awadalla stated that this is a win-win situation for both the licensee and the Board. She indicated that the licensee benefits by improving his practice skills by providing better care to their patients, and the Board benefits by its continued protection of the public.

Discussion followed wherein many of the Board members expressed that this presentation helped in their understanding of the program. Dr. Kaye stated that he would still like to see a formal report presented to the Board that included more information on the types of cases, remediation areas, etc. Dr. Awadalla explained that the confidentiality of the program cannot be compromised by such a report. Ms. Reitz explained that due to the confidential nature of the cases that are forwarded to QUIP, there is only minimal information, specifically numbers such as how many cases have been forwarded and successfully completed, and that can be shared with the Board members. She then distributed copies of a report that the Medical Board receives regarding its intervention program. Ms. Reitz informed the members that what was disseminated in the report was all the information determined by the Attorney General's Office as permissible due to the confidential nature of the program.

Dr. Kaye requested the Chair, Dr. McDonald, to formally request an opinion by the Attorney General's Office as to the exact depth of information to be made available to the Board members regarding QUIP.

Dr. Leffler stated that he felt this presentation was very informative and inquired as to whether Board members could ask questions openly of the Board staff with regards to the QUIP program in general. He stated that he understands the confidentiality of the Program and therefore, he did not feel it necessary to request a formal opinion via the Attorney General's Office if basic questions about the program can be answered by the office staff/Executive Director.

Motion by Dr. Kaye that the Chairman request an investigation by the Attorney General's Office into whether more information can be shared with the Board members regarding the QUIP program.

Noting no second to Dr. Kaye's motion, Dr. McDonald noted that the motion died for lack of a second.

Further discussion ensued wherein the Board questioned whether there were specific educational guidelines set forth for the QUIP cases. Ms. Reitz explained that the QUIP Panel uses the expertise of the dental school educators as the evaluation/assessment and remediation guides.

Dr. McDonald thanked Dr. Awadalla for the informative presentation.

### **ADJOURN**

Dr. McDonald adjourned the meeting at 3:50 p.m. He stated that the next meeting would be on January 9, 2008.

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Gregory A. McDonald, D.D.S.  
*President*

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Edward R. Hills, D.D.S.  
*Secretary*