

OHIO STATE DENTAL BOARD
Board Meeting
February 20th and 21st, 2002

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M I N U T E S

The Ohio State Dental Board (Board) met in room 1960, 19th floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on February 20th, 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.
Scott Borgemenke
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), Linda Hewetson, R.D.H. and Connie Clark, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Darice Carroll, R.D.H. of the *Ohio Dental Hygiene Directors/University of Cincinnati*, Sue Hauenstein, C.D.A. and Barb Hickey, C.O.D.A. of the *Ohio Dental Assistant's Association* (ODAA), Lili C. Reitz, Esq., Executive Director, Donald G. Goodman, 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 3:07 p.m.

EXECUTIVE SESSION

Motion by Ms. Sabat, second by Dr. Lightfoot, 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 imminent or pending court action.

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 3:52 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.

INTRODUCTION OF NEW BOARD MEMBER – PAUL VESOULIS, D.D.S.

Dr. Hills took a moment to introduce the newest member of the Board, Dr. Paul Vesoulis. He informed the members and attendees that Dr. Vesoulis is a general practitioner in Toledo, Ohio and a native of Cincinnati. Dr. Hills stated that Dr. Vesoulis is a 1987 graduate of *Case Western Reserve University (CWRU) College of Dentistry* and has been licensed and practicing since that time. He informed everyone that Dr. Vesoulis has been the President of the *Toledo Dental Society (TDS)*, a current member of the *American Dental Association (ADA)*, the *Ohio Dental Association (ODA)*, and the TDS. Dr. Hills commented that with Dr. Vesoulis' appointment he has already become an active member of two (2) Board committees, the *Education Committee* and the *Law and Rules Review Committee*. He then asked everyone to welcome Dr. Vesoulis.

FAREWELL TO DONALD G. GOODMAN, ASSISTANT DIRECTOR

Dr. Hills continued on by informing attendees that the Board's Assistant Director, Donald G. Goodman, would be leaving the Board's employ on March 1, 2002. Dr. Hills stated that while Mr. Goodman had only been with the Board for such a brief time, they would like to take the opportunity to thank him for his service to the Board and wish him well in his future endeavors.

REVIEW OF THE JANUARY BOARD MEETING MINUTES

The Board reviewed the minutes of the January 16th and 17th, 2002 Board meeting.

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

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

REGIONAL BOARD DENTAL APPLICATIONS

The following person applied for a dental license, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* examination, National Board examination, and the Ohio examination on the statute and regulations:

Dr. Donald J. Zeleznik

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve this one (1) regional board dental license application.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

There were no Regional Board Dental Hygiene applications submitted for consideration at this Board meeting.

LIMITED CONTINUING EDUCATION APPLICATION(S)

Dr. James T. Wolf, a graduate of the *University of Detroit*, has applied for a limited continuing education license. He wishes to participate in a course offered at the *Midwest Implant Institute* under the direction of Dr. Alfred Heller.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve Dr. Wolf's application for a limited continuing education license.

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:

Mary F. Adkins
Christine M. Bair
Peggy L. Barnes
Jennifer J. Bennett

Laura Bessenbach
Jody L. Bonaiuto
Elizabeth M. Britton
Bobbi Brodewolf

Christina L. Capatosto	Jacqueline S. Meadows
Christina A. Castina	Nancy L. Monter
Katherine T. Chapel	Gail L. Muster
Tammy L. Clark	Lea D. Omerzo
Melissa A. Ervin	Adrienne H. Papciak
Sandra K. Estremera	LaVera E. Paumier
Amy C. Evans	Melissa A. Pavlovic
Jeanette M. Feser	Holly N. Payton
Erin E. French	Jacquelyn A. Penczek
Mila Goldenberg	Selena J. Pennel
Jamey L. Hallden	Rashandra N. Peterson
Margarita Herrera	Michelle L. Powers
Sarah E. Highlen	Mindy N. Puckett
Lisa M. Holisky	Candace M. Richardson
Staci J. Hughes	Elizabeth D. Rollins
Amy J. Hutchinson	Tracey A. Rush
Annette J. Hyde	Lois J. Schmidt
Amy L. Karabaic	Jennifer L. Schofield
Michelle J. Kast	Mary J. Simmons
Amy A. Kenney	Kate L. Soldenwagner
Dawnell R. Kirkwood	Shirley A. Thomas-Heil
Krystal D. Kiser	Karen S. Tomasiak
Mila C. Lance	Lisa M. Tropkoff
Bonnie L. Laurien	Jessica M. Turney
Mischelle L. Lewis	Wendy J. Vayda
Angela N. Marchetti	Shannon M. Vernon
Tiffany D. Martin	Stacey N. Wells
Mandalynn B. Matheny	Kristen N. Werntz
Cynthia K. McDonald	Debra L. Wise
Kimberly A. McHenry	Susan M. Wright
Theresa L. McKelvey	Kristin J. Yoder

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve these seventy (70) dental assistant radiographer applications.

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. William J. Lightfoot, the Board Secretary, an orthodontist from Columbus, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Ms. Lynda Sabat, the Board's dental hygienist member from Brecksville, Dr. Eleanore Awadalla, a general dentist from Toledo, Mr. Scott Borgemenke, the public member of the Board from Columbus and Dr. Paul Vesoulis, a general dentist from Toledo.

CRITERIA APPROVAL INTERVIEW(S)

Dr. Hills called the only applicant for criteria approval interview, Joseph Stauff, D.D.S. Noting that Dr. Stauff was not in attendance, Dr. Hills called for a motion to go into executive session to discuss Dr. Stauff's licensure application.

Motion by Ms. Sabat, second by Dr. Lightfoot, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to discuss the licensure issues in the matter of Joseph Stauff, D.D.S.

Roll call vote.

Motion carried unanimously.

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

OPEN SESSION

At 4:03 p.m., the Board resumed open session.

Motion by Dr. Murphy, second by Ms. Sabat, to deny Joseph Stauff's criteria approval application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT INTERVIEW(S)

Louis A. Ebersold, D.D.S.

The first applicant for reinstatement interview with the Board was Louis A. Ebersold, D.D.S., a 1968 graduate of *The Ohio State University (OSU) College of Dentistry*, and whose license was suspended for failure to renew in January 1971. Dr. Ebersold explained to the Board that he had joined the military shortly after graduation and has been retired from active duty and practicing in Maryland until January 1, 2001. He stated that he had found a nice piece of property on which to build a home in Avon, Ohio with the intention of doing a lot of golfing and boating. However, Dr. Ebersold informed the Board that he has since been offered the opportunity to work for a not-for-profit organization, *Third Street Family Dental*, in Mansfield, Ohio and therefore wishes to reinstate his license. He stated that should the Board choose to reactivate his license he would be able to begin seeing patients on March 11, 2002.

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

Roll call vote.

Motion carried unanimously.

Dr. Awadalla commended Dr. Ebersold on his noble reason to return to the active practice of dentistry.

Kent McWherter, D.D.S.

Kent McWherter, D.D.S., whose license was retired on January 1, 2000, was the next applicant for reinstatement interview. Dr. McWherter explained to the Board that he also was a 1968 graduate of *OSU College of Dentistry* and had practiced in Zanesville, Ohio until 1996. He informed the Board that he had been told by his neurosurgeons after having two (2) back surgeries in 1995 and 1996 that he must give up dentistry. He stated that he had sold his practice at that time and moved to Marco Island, Florida where he has designed a dental chair for dentists with back problems. He stated that to this date he has been unable to sell his chair and now wishes to relocate back to Ohio as his son has recently been diagnosed with Multiple Sclerosis and Dr. McWherter is expecting his first grandchild.

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

Roll call vote.

Motion carried unanimously.

Mindy S. Dougherty, R.D.H.

The next applicant for reinstatement interview was Mindy S. Dougherty, R.D.H. Ms. Dougherty's dental hygiene license was suspended for failure to renew since January 1, 2000. She has continued to practice since that time until she became aware of the suspended status of her license on February 2, 2002. Ms. Dougherty explained to the Board that she had been working on a suspended license, however, she stated that she quit working as soon as she found out the status of her dental hygiene license. She further explained that she had moved in 1997 into a temporary residence and had submitted a temporary address change to the Dental Board office. However, she indicated that she must not have submitted her permanent address once she moved into her new home. Ms. Dougherty stated that it must have been a complete oversight in 1999 when she did not renew her license. She informed the Board that she had given birth to twins at the end of 1999 and was off from work until March 2000. Ms. Dougherty explained that she had not thought about the status of her license upon returning to work until this renewal period when everyone in the office had been discussing his or her renewal forms. She reiterated that she had stopped practicing immediately and had even driven to the Dental Board office to obtain the reinstatement application.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve Ms. Dougherty's reinstatement application for licensure as a dental hygienist in the state of Ohio, pending execution of a consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

Lisa M. Moyers, R.D.H.

Lisa M. Moyers, R.D.H. was the next applicant for interview. Ms. Moyer's dental hygiene license was suspended on March 20, 2001 for failure to respond to the Continuing Education (CE) audit. Ms. Moyer explained that she had contacted the Board office in November 2001, was informed that her license was suspended and she was instructed to cease and desist practice. She stated that she had moved to Ohio in December 1999 and had not forwarded her new address to the Board executive office. Therefore, she stated that she had never received the CE audit, but had she received it she would have responded accordingly. Ms. Moyer informed the Board that she has since supplied the Board office with copies of her continuing education indicating that she has been in compliance with the CE requirements since her initial licensure.

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

Roll call vote.

Motion carried unanimously.

Loretta L. Nardelli, R.D.H.

Dr. Hills then called the final applicant for reinstatement interview, Loretta L. Nardelli, R.D.H. Ms. Nardelli's retired her dental hygiene license in July 1999 and has been licensed and practicing in Mississippi since that time. Ms. Nardelli explained that she had married and moved to Memphis, Tennessee in 1996 and had been subsequently transferred to Olive Branch, Mississippi. She stated that she had retired her license in 1999 thinking that she would not be returning to Ohio. However, Ms. Nardelli informed the Board that she had relocated back to Ohio last fall and was now seeking reinstatement of her dental hygiene license in order to pursue gainful employment.

When questioned by the Board, Ms. Nardelli indicated that she would have continued to renew her license biennially, as it was almost not worth the process to become reinstated. She stated that that process had been very difficult to retire the license and then apply for reinstatement. Ms. Nardelli indicated that she was current in her CPR and continuing education requirements.

Motion by Dr. Murphy, second by Ms. Sabat, to reinstate Ms. Nardelli's license to practice dental hygiene in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

PERSONAL APPEARANCE(S)

Allison J. Sams, R.D.H.

Dr. Hills invited Allison Sams, R.D.H. forward to speak with the Board. Ms. Sams introduced herself and when questioned by the Board, explained that she had been a dental hygienist for thirteen (13) years. Ms. Sams admitted to the Board that she had an addiction problem and that the incident in October 2001 had been the first in over five (5) years. She explained that she had become addicted to pain medication (Vicodin, Lortab, Darvon and Percocet) as a result of having sinus surgeries and constant migraine headaches. She informed that she had a relapse due to the fact that she was in pain and was not following the guidelines to maintain her sobriety.

The Board members reviewed the summary of Ms. Sams' file wherein it outlined Ms. Sams evaluation, subsequent treatment and discharge/treatment complete from Glen Beigh Hospital in December 2001. When questioned by the Board as to whether Ms. Sams had difficulties finding aftercare, she indicated that it had been difficult since there seemed to have been no others in the same situation before her. However, Ms. Sams stated that she had eventually enrolled in the *Wellness Group, Inc.* wherein she was given personalized guidance and support to help her with her problem. She stated that she has maintained her sobriety since October, 2001 when she had attempted to forge a prescription.

Board members asked her if she would seek permission to practice while the dentist is not present in addition to requesting reinstatement of her license. Ms. Sams informed the Board that she had no intentions of practicing dental hygiene while the dentist is not present, especially since her employer insisted on examining every patient every visit.

Motion by Ms. Sabat, second by Dr. Murphy, to reinstate Ms. Sams' license to practice dental hygiene in the state of Ohio with the condition that she cannot practice while the dentist is not physically present in the office.

Dr. Hills clarified to Ms. Sams that should she eventually pursue practicing dental hygiene while the dentist is not present she would have to appear for an interview before the Board.

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

Motion carried.

ENFORCEMENT UPDATE

Mr. Goodman reported that there were nine (9) cases pending hearings of which three (3) had 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. Goodman indicated that there were forty-four (44) 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. Goodman reviewed the cases to be closed with the Board.

The following cases are to be closed:

00-48-057	01-25-326	01-18-389	01-48-435
01-52-011	01-25-297	01-18-393	01-49-451
01-25-028	01-25-327	01-78-397	01-25-460
01-48-049	01-25-341	01-25-400	01-21-464
01-48-161	01-25-343	01-52-416	01-25-473
01-12-174	01-18-350	01-57-424	02-25-001
01-43-176	01-25-353	01-18-423	02-23-006
01-77-260	01-20-358	01-25-422	02-25-015
01-72-285	01-43-369	01-18-419	02-48-019
01-25-322	01-48-385	01-25-420	02-52-047
01-25-334	01-18-390	01-25-429	02-57-046

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
Mr. Borgemenke – Absent
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 Ms. Sabat, to approve the enforcement report and close the above forty-four (44) cases.

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

Motion carried.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed three (3) Proposed Consent Agreement(s).

Kenneth M. Salerno, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Kenneth M. Salerno, D.D.S., license number 30-01-4857.

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

Motion carried.

Judson R. Wynkoop, D.D.S.

Motion by Dr. Murphy, second by Dr. Awadalla, to approve the proposed consent agreement for Judson R. Wynkoop, D.D.S., license number 30-01-7000.

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

Motion carried.

Mindy Dougherty, R.D.H.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Mindy Dougherty, R.D.H., license number 31-00-8315.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – 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

There were no Proposed Notice(s) of Opportunity for Hearing for consideration by the Board at this time.

ANESTHESIA COMMITTEE REPORT

Dr. Awadalla informed everyone that she wished to clarify an issue that originally surfaced at the last Board meeting. She stated that at the last Board meeting in January she had informed the Board about a meeting between representatives of the *Anesthesia Committee* (Committee) and representatives of the *Ohio Board of Pharmacy* (Pharmacy Board). Dr. Awadalla explained again that the two (2) groups had met in the spirit of cooperation in order to address an issue that the Pharmacy Board had concerns may be outside the scope of practice of dentistry.

Dr. Awadalla explained that the Pharmacy Board was concerned that dentists were prescribing Diflucan for vaginal infections which they felt was outside the scope of practice for dentistry. She explained that through discussion it was explained that dentists prescribed this medication as a preventive measure against yeast infections caused by antibiotics prescribed to patients exhibiting oral candiditis or having a known and documented history of infections as a result of antibiotic treatment. She noted that the Pharmacy Board was appreciative of the information provided by the Board. Dr. Awadalla informed everyone in attendance that it is certainly within the privilege of the Pharmacy Board to deny prescriptions of this type that are written by a dentist. However, she stated that an agreement regarding this issue had been reached between the Pharmacy Board and the Dental Board as a result of cooperation.

Dr. Awadalla stated that the reason that she is bringing this issue up again was as a result of a recent ODA Today article in which this misinformation had been reported. She stated that the article had given the appearance that the Board was making attempts to limit the prescribing ability for dentists in Ohio. Dr. Awadalla commented that the Board was working to help the dentists in Ohio through cooperation with other organizations and state agencies. However, she stated that the misinformation reported was unfortunate in that it again gives Ohio licensees the impression that the Board is working against them.

Concluding, Dr. Awadalla stated that she wished to inform those representatives in attendance today who serve the ODA that the Board is **not** seeking to create a laundry list of medications permissible to prescribe. She stated that this inaccurate reporting of Board discussions is detrimental to the profession and its perception of the Board and its work.

Dr. Hills thanked Dr. Awadalla for her report.

COMMUNICATIONS COMMITTEE REPORT

Mr. Borgemenke informed the Board that the *Communications Committee* was currently working on the next newsletter, and that a draft should be ready by the next Board meeting.

Dr. Hills thanked Mr. Borgemenke.

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 and have been recommended by the *Education Committee* for approval:

Aspen Consulting Group, Ltd.
Neil Kennedy Recovery Clinic

Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) sponsors of continuing education for Biennial Sponsors for the years 2002-2003.

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:

Cleveland Study Club

Composite Study Club
Greater Columbus Society of Contemporary Dentistry

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve these two (2) applicants as biennial sponsors of continuing education for the 2002-2003 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF SUBSTANCE ABUSE COURSE APPLICATION(S)

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

Garrett D. Kenney, D.D.S. - "Substance Abuse"
Neil Kennedy Recovery Clinic - "Understanding Substance Abuse"
Sullivan-Schein Dental - "Substance Abuse"
Toledo Dental Society - "Signs and Symptoms of Substance Abuse"

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve these four (4) applications for substance abuse continuing education course.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION AND ANESTHESIA CONTINUING EDUCATION COURSE(S)

Dr. Awadalla informed the Board that the *Anesthesia Committee* had reviewed and recommended for approval the following course curriculum for continuing education credit for the anesthesia/conscious sedation permit renewal requirements:

Sunbury Seminars, Inc. – “Current Concepts in Office Anesthesia 2002”

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the above course which meets all the established parameters set by the Anesthesia Committee for six (6) hours of continuing education for renewal of anesthesia and conscious sedation permits.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her report.

POLICY COMMITTEE REPORT

Dr. Awadalla informed the Board that there were two (2) policies for consideration at this time. She stated that the first policy had been worked out by the *Education Committee* to clarify the minimum requirements of the substance abuse education course for dentists. She then gave the Board members the opportunity to review the Policy on Acceptable Substance Abuse Continuing Education Courses for Licensure Renewal.

Discussion ensued wherein it was determined that the word "background" would be changed to "training/background" in each of the first three (3) categories defined under instructor qualifications in the second paragraph on page 2. It was also decided that the name of the certifying agency for categories 4, 5 and 6 of the instructors would be added in the final document.

Motion by Dr. Awadalla, second by Ms. Sabat, to approve the proposed Policy on Acceptable Substance Abuse Continuing education Courses for Licensure Renewal (Appendix A) with the amendments as documented.

Roll call vote.

Motion carried unanimously.

Continuing on, Dr. Awadalla explained that Ms. Crawford had been working with Ms. Reitz on a policy to address concerns raised by the *Secretary of State's Office* regarding clarification of corporation and limited liability company names. Ms. Crawford briefly explained that the name of the company must be formally filed with the *Secretary of State's Office* in the case of the limited liability company, which many dentists attempt to do. However, she explained that many of the names have been rejected because of confusion caused by restrictions in the Dental Practice Act. Ms. Crawford then gave the Board the opportunity to review the draft policy.

Discussion followed wherein the words "first name" replaced the word "this" in the fifth paragraph. Mr. Borgemenke questioned as to whether this policy was an attempt to be more restrictive. Ms. Crawford explained that it was not, but rather an attempt to make the process easier and less restrictive.

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposed Policy to Clarify Requirements for Corporate and Limited Liability Company Names (Appendix B) with the documented amendments noted.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Dr. Awadalla for her report. He also thanked Ms. Sabat and Ms. Crawford for their hard work on these two (2) policies.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Dr. Lightfoot informed the Board that the *Treatment Center Approval Committee* had no activity since the previous Board meeting.

Dr. Hills thanked Dr. Lightfoot for his report.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that the *Waiver Committee* had no waivers or waiver renewals to review at this time.

Dr. Hills thanked Ms. Sabat for her report.

ADJOURN

Motion by Dr. Lightfoot, second by Dr. Murphy, to adjourn the meeting until Thursday, February 21st, 2002, at 9:00 a.m.

Roll call vote.

Motion carried unanimously.

MEETING RESUMED

The Ohio State Dental Board (Board) met in room 1960, 19th floor of *The Vern Riffe Center for Government and the Arts*, 77 South High Street, Columbus, Ohio, on February 21st, 2001 beginning at 9:00 a.m. Board members present were:

William J. Lightfoot, D.D.S., Secretary
Eleanore Awadalla, D.D.S.
Scott Borgemenke
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., Sue Dyer, R.D.H., Linda Hewetson, R.D.H. and Katie Camp, R.D.H. of the *Ohio Dental Hygienists' Association* (ODHA), Victor Hipsley, Esq. and C. David Paragas, Esq., representing the ODHA, Patrick Tingler, *Joint Committee on Agency Rule Review* (JCARR), Lili C. Reitz, Esq., Executive Director, Donald G. Goodman, Assistant Director, Malynda Franks, Executive Secretary and other guests.

CALL TO ORDER

Dr. Lightfoot extended greetings to everyone and stated that the Board would continue the agenda from the pervious day beginning with the *Public Rules Hearing*.

PUBLIC ADMINISTRATIVE RULES HEARING

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

- 4715-3-01 Definitions (amended)
- 4715-7-01 Limited resident's license (amended)
- 4715-7-02 Limited teaching license (amended)
- 4715-7-03 Limited resident's license, limited teaching license, limited continuing education license display (rescind)
- 4715-7-03 Limited resident's license, limited teaching license, limited continuing education license display (new)
- 4715-8-03 Standards for approval of biennial sponsors (amended)
- 4715-9-01 Permissible practices of a dental hygienist (amended)
- 4715-9-05 Practice when the dentist is not physically present (amended)
- 4715-12-01 Permissible practices of dental assistant radiographer; supervision required; license to be displayed (amended)
- 4715-12-02 Application for license; requirements; exceptions (amended)
- 4715-12-03 License renewal (amended)
- 4715-12-04 Conditional license; application fee; requirements (rescind)
- 4715-12-04 Application fee; suspension; revocation (new)
- 4715-12-05 Accreditation of education programs; approval of continuing education programs; application; fee; suspension; revocation (rescind)
- 4715-12-05 Continuing education requirements (new)
- 4715-13-02 Name under which practice may be conducted (amended)
- 4715-17-01 Notice of regular and special meetings of the Ohio state dental board (amended)
- 4715-19-01 Personal information systems (amended)
- 4715-20-04 Infection control inspections (new)
- 4715-22-01 Volunteer's certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons; immunity (new)
- 4715-30-01 Exemption for physicians and surgeons (new)

The Board first heard testimony and received evidence (Appendix C - State's Exhibit's 1 through 8) from Lili C. Reitz, Esq., Executive Director, Ohio State Dental Board. The Board then heard testimony and received written evidence (Appendix D - State's Exhibit's 9 through 13) from the following individuals:

Mark Wayda, Government and Public Affairs Officer
On behalf of the *State Medical Board of Ohio*
Written testimony

Written testimony - State's Exhibit 9

Katie Camp, R.D.H., President, Ohio Dental Hygienists' Association
On behalf of the *Ohio Dental Hygienists' Association*
Written and Oral testimony - State's Exhibit 10

Sue Dyer, R.D.H.
On behalf of the *Ohio Dental Hygienists' Association*
Written and Oral testimony - State's Exhibit 11

C. David Paragas, Esq., *Bensch, Friedlander, Coplan and Aronoff LLP*
On behalf of the *Ohio Dental Hygienists' Association*
Written and Oral testimony - State's Exhibit 12

Keith R. Kerns, Esq., *Director of Legal and Legislative Services*
On behalf of the *Ohio Dental Association*
Written and Oral testimony - State's Exhibit 13

A court reporter was present to take down and transcribe the details of the testimony and discussions of the Board.

At the conclusion of the oral testimony, the Board took a brief recess. At 10:18 a.m., the Board returned to open session and proceeded to discuss the testimony that had been presented.

At the conclusion of the discussion, Mr. Borgemenke requested that Ohio Administrative Code Section 4715-9-01 be pulled out for a separate vote. Additionally, Dr. Lightfoot reviewed suggested amendments to the following rules:

4715-9-05 - change (13) to read as "Impression, fabrication, cementation and removal of any provisional restorations.

4715-20-04 - add paragraph (B) to state, "For the purposes of unannounced infection control inspections, as referenced in section A of this rule, the dentist shall make his office available upon request as soon as immediate patient treatment needs permit, but in all cases within the same business day as the request is made."

4715-22-01 - add paragraph (C)(4) to state, "A personal appearance before the Board. The Board reserves the right to request additional information based on the interview prior to a determination on the application."

4715-30-01 - to amend paragraph (A)(1) to read - "A physician licensed pursuant to Chapter 4731. of the Ohio Revised Code, to practice medicine and surgery or osteopathic medicine and surgery in Ohio unless he practices dentistry as a specialty. For purposes of this rule, "Practicing dentistry as a specialty" means that the physician regularly and/or routinely provides treatment in which the procedure or procedures performed are primarily involving teeth, rather than treatment secondary to a medical emergency or medical procedure. It is not required that the practice of dentistry as defined herein be a specific majority percentage of time, but rather that a pattern of practicing dentistry as a specialty is demonstrated by the physician."

Motion by Dr. Murphy, second by Dr. Awadalla, to refile 4715-9-05, 4715-20-04(new), 4715-22-01(new), 4715-30-01(new) with the additional amendments noted above with the Joint Committee on Agency Rule Review.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Lightfoot, second by Dr. Murphy, to final file all the proposed rules with JCARR subsequent to JCARR's Public Rules Hearing.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Lightfoot, second by Dr. Murphy, to final file proposed Ohio Administrative Code Section 4715-9-01 as previously filed with JCARR.

Roll call vote: Dr. Awadalla – Yes

Mr. Borgemenke – No
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – No
Dr. Vesoulis - Yes

Motion carried.

Dr. Lightfoot stated that this concluded the Public Rules Hearing portion of the meeting. He then stated that the Board would take a brief break prior to resuming the 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. Jason Stoner
Anesthesia Permit Application

Dr. Pankaj Goyal
Conscious Sedation Permit Application

Motion by Dr. Awadalla, second by Dr. Murphy, to approve temporary anesthesia/conscious sedation privileges for Drs. Stoner and Goyal.

Roll call vote.

Motion carried unanimously.

REVIEW OF ANESTHESIA PERMIT APPLICATION(S)

Dr. Awadalla stated that applications were submitted for Anesthesia Permits. She stated that the applications have been reviewed by the *Anesthesia Committee* and recommended approval for the following individuals:

Dr. Robert D. Frazier

Dr. Ernesto Valiente

Motion by Dr. Awadalla, second by Dr. Murphy, to approve these two (2) applications for receipt of anesthesia permits.

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 Anesthesia Committee reviewed the applications and are recommended to receive privileges under the appropriate modality:

Dr. Homa Amini – Hilliard, Ohio

Oral Sedation for children 12 years or younger

Dr. Amy Lambert – Cincinnati, Ohio

Oral Sedation for children 12 years or younger

Motion by Dr. Awadalla, second by Dr. Murphy, to approve these two (2) applications for receipt of conscious sedation permit privileges for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

Dr. Lightfoot thanked Dr. Awadalla for her report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot began his report by informing the Board that the *Law and Rules Review Committee* had met the previous afternoon to begin their second five (5) year rule review. He stated that the Committee would begin again with sections 5 and 11 in addition to developing rules for the Quality Intervention Program (QuIP). He stated that the Committee would meet again in April prior to the Board meeting.

As an update to last years rules, Dr. Lightfoot informed the Board that it had taken three (3) attempts to file the rules with JCARR due to the new process of electronically filing the rules. He stated that as a result of the Board's Public Rules Hearing today, four (4) rules would be refiled with amendments prior to JCARR's Public Rules Hearing in April. Dr. Lightfoot stated that if there were no problems at the JCARR Hearing the rules would then be final filed once JCARR jurisdiction ended and become effective ten (10) days thereafter.

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

Roll call vote: Dr. Awadalla – No
 Mr. Borgemenke – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis - Yes

Motion carried.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Ms. Sabat, second by Dr. Murphy, to approve the office expense report and approve payment of the January Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

QUIP STAFF POSITION

Ms. Reitz informed the Board that she only had a few brief issues that she wished to speak about. The first issue, she stated was that the executive office was in the process of hiring the newly created QUIP Coordinator position that had been added during last years proposed budget. Ms. Reitz stated that in addition to hiring someone for the position, the *Law and Rules Review Committee* would be drafting rules to implement the process and procedures.

LOGO DEVELOPMENT

Ms. Reitz informed the Board that she would be meeting next week with representatives of the *Department of Administrative Services, State Printing* to review new draft logos for the Board.

INFECTION CONTROL CONTINUING EDUCATION

Continuing on, Ms. Reitz informed the members that a letter had been sent out to all the component Dental Societies offering an infection control course by Dental Board Enforcement Officer Kathy Phillips. She stated that Ms. Phillips has been providing the course for a while now, however, she has recently converted her information into a PowerPoint presentation. Ms. Reitz concluded by informing the Board that six (6) Dental Societies have already requested Ms. Phillips presentation. She noted that there was no cost to have Ms. Phillips present this course, as this is within the scope of her job duties.

Dr. Lightfoot thanked Ms. Reitz for her report.

CORRESPONDENCE

Dr. Lightfoot noted that there was no correspondence for the Board to consider at this time.

ANYTHING FOR THE GOOD OF THE BOARD

Ms. Reitz informed the Board that Kathy Phillips would be presenting her infection control course at the next meeting in April. She informed those in attendance that this would be provided at no charge to attendees and encouraged everyone to attend.

ADJOURN

Motion by Dr. Murphy, second by Ms. Sabat, to adjourn the meeting until Wednesday, April 17th, 2002, at 3:00 p.m.

Roll call vote.

Motion carried unanimously.

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

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

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D