

# Ohio State Dental Board

## Board Meeting

December 7, 2011

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# Ohio State Dental Board

## Board Meeting

December 7, 2011

### 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 7, 2011, beginning at 1:00 p.m. Board members present were:

Lawrence Kaye, D.D.S., President  
Douglas W. Wallace, D.D.S., Vice President  
Ketki B. Desai, D.D.S., Acting Secretary  
Marybeth Shaffer, D.D.S., Acting Vice Secretary  
Jacinto W. Beard, D.D.S.  
Constance F. Clark, R.D.H.  
W. Chris Hanners, D.D.S.  
Clifford Jones, R.D.H.  
James Lawrence  
Gregory A. McDonald, D.D.S.  
Linda R. Staley, R.D.H.  
Mary Ellen Wynn, D.D.S.

The following guests were also in attendance: Katherine Bockbrader, Esq. of the Ohio Attorney General's Office; Keith Kerns, Esq. and Henry Fields, D.D.S. of the Ohio Dental Association (ODA); Mark S. Wenzel, D.D.S. of the ODA Dentists Concerned for Dentists; Mark Lutz, M.A., L.C.D.C. III of the Ohio Physicians Health Program (OPHP), Michele Carr, R.D.H., M.A. of the Ohio State University (OSU) College of Dentistry, Division of Dental Hygiene; and Lili Reitz, Esq., Executive Director, Quentin Holmes, Enforcement Supervisor, Kathy Carson and Gail Noble, Dental Board Enforcement Officers, Jayne Smith, Licensing Coordinator and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

### Call to Order

Dr. Kaye extended greetings to everyone and noting that there was a quorum present called the meeting to order at approximately 1:00 p.m.

### Newly Reappointed Board Member – Gregory A. McDonald, D.D.S.

Dr. Kaye took a brief moment to welcome back former and recently reappointed Board Member, Gregory A. McDonald, D.D.S. and stated that he was looking forward to working with him. Dr. McDonald thanked Dr. Kaye and stated that he was glad to have the opportunity to return to serve with the Board.

### Introduction of Board Members

Dr. Kaye introduced himself as the Board President, a periodontist from Akron. He then took a moment to introduce the rest of the Board members. He introduced Dr. Douglas Wallace, the Board Vice President, an oral and maxillofacial surgeon from Fairfield, Dr. Ketki Desai, the Board Acting Secretary, a general dentist from Columbus, Dr. Marybeth D. Shaffer, the Board's Acting Vice Secretary, a general dentist from Leetonia, Dr. Jacinto Beard, a general dentist from Gahanna, Dr. Chris Hanners, a general dentist from Piketon, Dr. Gregory A. McDonald, a general dentist from Springfield, Dr. Mary Ellen Wynn, a general dentist from Cincinnati, Ms. Constance Clark, a dental hygienist from Dublin, Mr. Clifford Jones, a dental hygienist from Cincinnati, Ms. Linda Staley, a dental hygienist from Lima, and Mr. James Lawrence, the Board's public member from Akron.

### Executive Session

**Motion by Dr. McDonald, second by Mr. Lawrence, 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. Beard – Yes  
Ms. Clark – Yes  
Dr. Desai – Yes  
Dr. Hanners – Yes  
Mr. Jones – Yes  
Dr. Kaye – Yes  
Mr. Lawrence – Yes  
Dr. McDonald - Yes  
Dr. Shaffer – Yes  
MS. Staley – Yes  
Dr. Wallace – Yes  
Dr. Wynn – Yes

Motion carried unanimously.

Dr. Kaye invited Ms. Reitz, Mr. Holmes, and Ms. Bockbrader to attend the executive session.

The Board resumed open session at 1:20 p.m.

## Review of Minutes

**Motion by Dr. Hanners, second by Ms. Staley, to approve the November 2, 2011 minutes as presented.**

Motion carried with Dr. McDonald abstaining.

## Enforcement Report

### Review of Proposed Voluntary Retirement(s)

The Board reviewed one (1) proposed voluntary retirement. 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.

*Jerome N. Golub, D.D.S.*

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the proposed voluntary retirement for Jerome N. Golub, D.D.S., license number 30-012464, case number 11-18-0273.**

Motion carried.

### Review of Proposed Consent Agreement(s)

The Board reviewed five (5) 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

*Christine L. Bavola, D.D.S.*

**Motion by Dr. Wallace, second by Dr. Beard, to approve the proposed consent agreement for Christine L. Bavola, D.D.S., license number 30-017973, case number 11-78-0248.**

Motion carried unanimously.

*Percival F. Dacosta, D.D.S.*

**Motion by Dr. Wallace, second by Dr. Wynn, to approve the proposed consent agreement for Percival F. Dacosta, D.D.S., license number 30-015929, case number 11-57-0266.**

Motion carried unanimously.

Ms. Reitz explained that the next proposed consent agreement, in the matter of case number 11-31-0286, was being tabled at the request of the Board's Assistant Attorney General until the end of the meeting.

*Chester C. Turner, D.D.S.*

**Motion by Ms. Staley, second by Dr. Wynn, to approve the proposed consent agreement for Chester C. Turner, D.D.S., license number 30-017086, case number 11-31-0261.**

Motion carried unanimously.

### Non-Disciplinary

*Yumi Abei, D.D.S.*

**Motion by Mr. Jones, second by Dr. Beard, to approve the proposed consent agreement for Yumi Abei, D.D.S.**

Motion carried unanimously.

### Enforcement Update

Mr. Holmes informed the Board that there were six (6) cases pending hearings, of which all have been assigned for a hearing. He stated that there was one (1) case still pending the hearing officers report and recommendation and no cases under appeal. Mr. Holmes stated that there are currently thirty-three (33) licensees under suspension. Mr. Holmes informed the Board members that we have four (4) active cases in QUIP. Additionally, Mr. Holmes stated that the Board currently has one hundred and eighty (180) active cases. He stated that the Board Investigators along with Investigator Assistant, Barb Palmucci, had performed ninety-four (94) infection control evaluations. He informed the Board that thirty-eight (38) cases have been investigated and reviewed by the Board Secretaries and are recommended to be closed.

Due to the requirement in Chapter 4715.03(D) of the Ohio Revised Code, that "The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members,..." Mr. Holmes reviewed the cases to be closed with the Board.

The following cases are to be closed:

11-31-0167	Standard Of Care- Warning	11-57-0321	Standard Of Care
11-48-0200	Misrepresentation	11-47-0341	Standard Of Care
11-57-0212	Adverse Occurrence	11-18-0360	Misrepresentation/ Standard
11-25-0218	Misrepresentation/ Standard	11-60-0365	Standard Of Care
11-18-0222	Misprep/Conduct	11-25-0366	Adverse Occurrence
11-31-0240	Practicing W/Susp	11-25-0351	Misrepresentation
11-48-0260	Standard/Conduct	11-47-0353	Standard Of Care
11-18-0262	Standard Of Care	11-25-0369	Standard Of Care
11-48-0270	Misrepresentation	11-48-0371	Standard Of Care
11-25-0278	Standard Of Care	11-48-0379	Standard/Misrep
11-18-0289	Standard Of Care	11-48-0389	Standard Of Care
11-43-0290	Drugs-Warning	11-20-0396	Standard Of Care
11-48-0285	Standard Of Care	11-09-0391	Advertising
11-18-0300	Advertising-Warning	11-70-0387	Standard Of Care
11-57-0305	Standard Of Care- Warning	11-51-0392	Advertisement
11-09-0316	Standard Of Care	11-19-0404	Infection Control/Standard
		11-83-0406	Standard Of Care

11-52-0422	Standard Of Care- Warning	11-57-0413	Standard Of Care
		11-31-0414	Standard Of Care
11-19-0412	Infection Control- Warning	11-57-0416	Misrepresentation

Prior to the vote to close the above listed cases, Dr. Kaye inquired as to whether any of the Board members had any personal knowledge that the cases that were being voted on today involve either themselves or a personal friend.

Roll call:

- Dr. Beard – No
- Ms. Clark – No
- Dr. Desai – No
- Dr. Hanners – Yes
- Mr. Jones – No
- Dr. Kaye – No
- Mr. Lawrence – No
- Dr. McDonald - No
- Dr. Shaffer – No
- MS. Staley – No
- Dr. Wallace – No
- Dr. Wynn – No

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

**Motion by Dr. Dr. Beard, second by Dr. McDonald, to close the above thirty-eight (38) cases.**

Roll call vote:

- Dr. Beard – Yes
- Ms. Clark – Yes
- Dr. Desai – Yes
- Dr. Hanners – Abstain
- Mr. Jones – Yes
- Dr. Kaye – Yes
- Mr. Lawrence – Yes
- Dr. McDonald - Yes
- Dr. Shaffer – Yes
- MS. Staley – Yes
- Dr. Wallace – Yes
- Dr. Wynn – Yes

Motion carried.

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

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

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

**Dentist(s)**

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

- |                           |                          |
|---------------------------|--------------------------|
| <b>Chineze N. Enwonwu</b> | <b>Rekha Rethiyamma</b>  |
| <b>John C. Gallagher</b>  | <b>Naquida L. Taylor</b> |
| <b>Rohit S. Reddy</b>     |                          |

Motion carried unanimously.

**Dental Hygienist(s)**

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

- |                         |                        |
|-------------------------|------------------------|
| <b>Ashley E.</b>        | <b>Rebecca K. Neft</b> |
| <b>Laura M. Bassett</b> |                        |

Motion carried unanimously.

**Dental Assistant Radiographer(s)**

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

- |                         |                          |
|-------------------------|--------------------------|
| <b>Jamie Alley</b>      | <b>Hollie Blend</b>      |
| <b>Erica Alphabet</b>   | <b>Debra Blenda</b>      |
| <b>Kathy Alsept</b>     | <b>Elenita Bocanegra</b> |
| <b>Ashley Annett</b>    | <b>Kayla Bolin</b>       |
| <b>Christen Arra</b>    | <b>Sydney Book-Kruse</b> |
| <b>Mariah Baker</b>     | <b>Lisa Borchardt</b>    |
| <b>Lexie Ball</b>       | <b>Hannah Bowman</b>     |
| <b>Jillian Baran</b>    | <b>Buffy Brabson</b>     |
| <b>Rebecca Barnes</b>   | <b>Jennifer Breier</b>   |
| <b>Andrala Belcher</b>  | <b>Dawn Brinson</b>      |
| <b>Jillian Bischoff</b> | <b>Bonnie Brizendine</b> |

Alexis Brown  
Erica Bryson  
Sara Buddo  
Omalee Chinchilla  
Jessica Clutter  
Kaylee Cooper  
Hanna Coy  
Trena Craig  
Fonna K Cullums  
Rebecca Dangler  
Molly Decrane  
Renee Delauder  
Breanne Denison  
Maisah Dennis  
Natalie Durban  
Rebecca Durbin  
Samantha Earley  
Antonett Epifano  
Sara Evanchyk  
Karissa Franz  
Wanda Frasur  
Megan Fullmer  
Cameron Garner  
Tiana Garrett  
Carla Garza  
Simrat Ghuman  
Shannon Gibson  
Anissia Grant  
Christopher Grider  
Melinda Hail  
Mistique Halderman  
Malinda Hanlon  
Heather Harlan  
Joanie Harris  
Ashley Harrison  
Amie Hasson  
Bethany Heltzel  
Yiesha Herron  
Ashlynn Hershberger  
Peggy Hill  
Kristin Hoehn  
Ebony Holland  
Gail Horhn  
Carlita Horsley  
Brittnee Huffman  
Stacy Hussing  
Alesha Imholt  
Cindy Isgett  
Cameron Jackson  
Destiny Jackson  
Jennifer Jasper  
Brittany Justice  
Shanna Kammer  
Stephanie Katz  
Kiana Kauahi  
Dana Kern  
Mays Khouri  
Jordan King  
Jacqueline Kozlowski  
Amanda Laboissonniere  
Tina Lamb  
Brandi Lawson  
Sarah Ledesma  
Misti Lewis  
Viktoria Lyubezhanina  
Kenyata Magette  
Sherry Marshall  
Tabatha Martin  
Heather McAdams  
Amber McCartney  
Korina McIntosh  
Marie McKowen  
Brittany Messmer  
Stephanie Meyers  
Liliya Mikhalets  
Stacy Milleson  
Devaughnea Montgomery  
Jessica Morris  
Laura Morris  
Jeanne Morrison  
Usharani Motukuri  
Austine Mundy  
Vara Nadella  
Michelle Nadler  
Ankoma Nyame  
Aurora Palma  
Elizabeth Phibbs  
Michelle Phillips  
Gina Piccirillo  
Adriane Powell  
Audrey Reed  
Ayress Reeves  
Brooke Reid  
Emilee Rice  
Nicole Riley  
Jennifer Rogers

Chelsea Runkle  
 Kendra Runyon  
 Inez Ruth  
 Meghan Saunders  
 Rebecca Schmersal  
 Andrea Schoonmaker  
 Elizabeth Schulze  
 Tessa Sells  
 Jamesia Shelley  
 Christi Shiverdecker  
 Rebeka Skeens  
 Bailey Smith  
 Derrick Smith  
 Alissa Snodgrass  
 Brandy Stamey  
 Natalie Stanziano  
 Shelby Stocker  
 Lidiya Stupnitski  
 Tatum Sutton  
 Samantha Sylvis  
 Joseph Szabo  
 Ryan Tapolesanyi  
 Christi Taylor

Cynthia Thacker  
 Rebecca Thompson  
 Danah Tolbert  
 Amanda Uhl  
 Marisela Velasquez  
 Tara Wallace  
 Heather Watson  
 Brittany Webster  
 Samantha Wells  
 Megan Westlick  
 Amon Whittle  
 Gwynnette Wilburn  
 Shonda Williams  
 Joshua Willis  
 Dawn Winters  
 Tiffany Wood  
 Kristina Wooden  
 Chelsea Woods  
 Dawn Wooten-Chaples  
 Douglas Wright, Jr  
 Kelly Yankovich  
 Rachael Zapf  
 Barbara Zorb

Motion carried unanimously.

*Limited Resident's*

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

**Abdel-Azeem Desoky**

Motion carried unanimously.

*Limited Continuing Education*

**Motion by Dr. McDonald, second by Ms. Staley, to approve the licensure report for the following limited continuing education licenses:**

**Shayegan Shamsaie**

Motion carried unanimously.

*Coronal Polishing*

**Motion by Dr. Wynn, second by Dr. Beard, to approve the licensure report for the following coronal polishing certificates issued by: certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of the requirements necessary to obtain certification:**

Kimberly K. Bartoe  
Ginger E. Brown

Vera Kovalchuk  
Karley M. Nair

Motion carried unanimously

*Expanded Function Dental Auxiliary*

Motion by Dr. Wynn, second by Dr. Shaffer, 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:

Melanie Arocho  
Jennifer Belcher  
Amanda L Benken  
Samantha Conte  
Lisa Decaprio  
Jason D Diterlizzi  
Beth A Doyle  
Angela Elmerick  
Linda Forman  
Matthew P Fryman  
Leah M Grant  
Cheryl L Harder  
Donita Hudson  
Carrie Huff  
Krista K Inkrott  
Kiara K Jester  
Michelle Johnson

Alicia Kavak  
Michele M Labasi  
Aimee Logan  
Joeleen L Mellars  
Whitney Melsheimer  
Constance S Morrison  
Jacquelyn Myers  
Tammy L Randolph  
Stephanie M Reynard  
Dana Ridenour  
Jessica L Smith  
Jennifer R Smith  
Megan L Varner  
Melissa Vasko-Bennett  
Mary Vaughn  
Lisa M Welch

Motion carried unanimously.

*Oral Health Access Supervision Permit(s)*

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

*Dentist(s)*

Paul S. Casamassimo, D.D.S.

*Dental Hygienist(s)*

Lynne A. Adams, R.D.H.  
Joyce M. Beathard-Lind, R.D.H.  
Marjorie A. Evanoff, R.D.H.  
Linda K. Hewetson, R.D.H.  
Susan D. Johnston, R.D.H.

Motion carried unanimously.

### License/Certification/Registration/Permit Application(s)

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

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

**Dr. Yumi Abei**

Motion carried unanimously.

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

**Motion by Dr. Wynn, second by Dr. Shaffer, to approve the following reinstatement applications for licensure in Ohio:**

##### Dentist(s)

**Orvin Jeremy Wilde, D.D.S.**

##### Dental Hygienist(s)

**Alisha R. Howell, R.D.H.**

**Kasy J. McWain, R.D.H.**

**Barbara G. Mendenhall, R.D.H.**

**Ashley C. Moses, R.D.H.**

**Nancy I. Tehan, R.D.H.**

Motion carried unanimously.

### Ad Hoc Board Operations Report

Dr. Wallace reported that the Ad Hoc Operations Committee met briefly that morning and discussed the process for election of officers. He stated that due to time constraints the discussions were tabled for future meetings where they will continue these discussions along with the ongoing updates to the office procedural manual.

### Anesthesia Committee Report

#### Provisional Conscious Sedation Privilege(s)

Dr. Wallace stated that the following individuals have applied for conscious sedation permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privilege:

Dr. Jerome C. Ellis – Lima, Ohio

- Intravenous

Dr. Elizabeth S. Gosnell – Columbus, Ohio

- Intravenous

### Provisional Anesthesia Privilege(s)

Dr. Wallace stated that the following individual has applied for an anesthesia permit. He explained that the Anesthesia Committee has reviewed the application and the applicant is recommended to receive provisional privileges:

Dr. Joseph S. Nawrocki – Dayton, Ohio

### Conscious Sedation Permit(s)

Dr. Wallace stated that the following individual has applied for a conscious sedation permit. He explained that the Anesthesia Committee has reviewed the application and the applicant is recommended to receive a conscious sedation permit:

Dr. Boley J. Greenwood - Sylvania, Ohio  
- Oral for children 12 years or younger

### Anesthesia Permit(s)

Dr. Wallace stated that the following individuals have applied for anesthesia permits. He explained that the Anesthesia Committee has reviewed the applications and the applicants are recommended to receive provisional privilege:

Dr. Matthew D. Pavlick – Hudson, Ohio  
Dr. Nicholas Theodotou – Boardman, Ohio

**Dr. Wallace made the motion from the Anesthesia Committee to accept the report and approve the above applicants to receive privileges and permits.**

Motion carried unanimously.

## Education Committee Report

### Review of Sponsor Application(s)

#### Biennial

Ms. Staley stated that the following individuals/organizations have applied for approval as biennial sponsors of continuing education for the years 2012-2013 and have been recommended for approval by the Education Committee:

Bonomo Periodontics, Inc.  
Cleveland Young Emerging Dental Professionals Study Club  
Marshall Family Orthodontics/Frank Marshall, D.D.S., M.S. (Pending receipt of evaluation forms)  
Craig Minich, D.D.S., M.S.D., Orthodontics, Inc.  
Larry J. Sangrik, D.D.S.  
Tri-State Dental Medical Conference

### Biennial Renewal

Ms. Staley stated that the following individuals/organizations have applied for renewal as biennial sponsors of continuing education for the years 2012-2013 and have been recommended for approval by the Education Committee:

Cedar Study Club

Common Sense Dentistry

Karen K. Daw, M.B.A., C.E.C.M.

Dental Implant Knowledge Share Group/Terry Philibin, D.D.S., M.S., M.B.A.

Felix A. Gen, D.D.S., M.S.

Kenneth D. Jones, D.D.S., J.D.

David B. Krill, D.M.D.

North Coast Jaw Center

Imad Nouneh, D.D.S., M. S.

O.K.I. Study Club

Southwest Study Club (Pending receipt of curriculum vitae)

Sterilization Monitoring Service

Western Reserve Periodontics, Inc.

Gary Woznicki, D.D.S.

### Review of Requirement Course Application(s)

#### Dental Assistant Radiographer Initial Training

Ms. Staley stated that the following organizations have submitted requests for approval of training curriculum for the Dental Assistant Radiographer Initial Training Course and have submitted all the appropriate documentation. She stated that the following courses have been reviewed and are recommended for approval by the Education Committee:

Fortis College – Centerville Campus (Pending receipt of revised objectives)

- Dental Radiology

Lincoln College of Technology

- DA 108 Dental Radiology I

- DA 109 Dental Radiology II

Miami-Jacobs Career College – Columbus Campus (Pending receipt of revised curriculum)

DA 200 Dental Radiography

### Review of Request(s)

#### Continuing Education Waiver

Ms. Staley informed the Board that the Education Committee had reviewed a request for waiver for the continuing education requirement. She stated that the committee is recommending that the request be denied as it does not reflect sufficient evidence of unusual circumstance, emergency, or special hardship. She stated that the committee was recommending that the following individual be denied their waiver request:

Kava Virginia Rolle, R.D.H. – License #31-013114

**Ms. Staley made the motion from the Education Committee to accept the report, approve the above sponsor and course applications, and deny the waiver request.**

Motion carried unanimously.

### **Law and Rules Review Committee Report**

Dr. Wallace stated that the Law and Rules Review Committee had met earlier in the day to finalize the draft rules for the 2011 Rule Review year. He stated that copies of the proposed amended and no change rules have been provided to the Board members for their review and consideration. He then asked them to take a moment to review the draft rules.

**Dr. Wallace made the motion from the Law and Rules Review Committee that the following proposed amended rules be initial filed with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), the Secretary of State (SOS) and with the Ohio Department of Development (DOD) Office of Small Business.**

- 4715-3-01      Definitions.
- 4715-8-01      Continuing education requirements.
- 4715-11-02     Basic qualified personnel; functions.
- 4715-20-02     Sterilization and disinfection.

Motion carried unanimously.

Dr. Wallace informed the Board members that these rules would be initial filed the first week of January, thereby allowing the Board to hold a Public Rules Hearing at its meeting in February.

**Dr. Wallace made the motion from the committee that the following rules be initial filed as “no change” rules with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), the Secretary of State (SOS) and with the Ohio Department of Development (DOD) Office of Small Business.**

- 4715-5-01      Criteria for admission to dental licensing examination.
- 4715-5-04      Specialty designation.
- 4715-5-06      Reports of adverse occurrences.
- 4715-7-01      Limited resident's license.
- 4715-7-02      Limited teaching license.
- 4715-7-03      Limited resident's license, limited teaching license, limited continuing education license display.
- 4715-8-02      Sponsors of continuing education.
- 4715-8-03      Standards for approval of biennial sponsors.
- 4715-8-04      Continuing education requirements for renewal or reinstatement.
- 4715-13-01     Public announcements, publicity, advertising and solicitation.
- 4715-13-03     False, fraudulent, or misleading statements.

- 4715-18-01 Application for licensure of graduates of unaccredited dental colleges located outside the United States.**
- 4715-30-01 Exemption for physicians and surgeons.**

Motion carried unanimously.

Dr. Wallace stated that these rules will be filed immediately and are not subject to the Public Rules Hearing Process.

### **Supervisory Investigative Panel Report**

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

**Motion by Dr. Wynn, second by Mr. Lawrence, to approve the Supervisory Investigative Panel report.**

Motion carried unanimously.

### **Office Expense Report**

**Motion by Dr. Desai, second by Ms. Staley, to approve the expense report and approve payment of the October, 2011 Board bills.**

Motion carried unanimously.

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

Ms. Reitz began her report by informing the members that interviews had begun for the open clerk/receptionist position in the Board executive office. She stated that Ms. Smith and Mr. Holmes had completed the initial interviews from the State of Ohio Certification list and that she would be conducting second interviews over the next few days.

Ms. Reitz informed the members that she had attended a meeting on the Lt. Governor's "Common Sense Initiative". She stated that this initiative addresses changes to how rules will be filed in 2012 and all agencies are being asked to provide significant information on whether rules impact small business in our communities. She stated that there is an understanding that the Board does not regulate businesses but rather individuals. However, she stated that this Common Sense Initiative presumes that the Board should be disclosing this information. She stated that this will be a very time-consuming process in terms of making a change from the process now. She commented that there will be training provided on this initiative and the new rule filing process at a later date.

Continuing on, Ms. Reitz said that she had been requested to participate as a member of the Governor's Opiate Action Team. Specifically, she stated that she has been asked to participate in

the Education Workgroup and has attended the first meeting of the workgroup. Ms. Reitz stated that Dr. Wymslow, Director of the Ohio Department of Health is the Chair, and Orman Hall, Director of the Ohio Department of Alcohol and Drug Addiction Services, is the Co-chair. She stated that they would be meeting again to discuss ways to educate the public and the professions on issues involving prescription drug abuse.

Ms. Reitz stated that she had met earlier in the day for one and a half (1 ½) hours with the Board Officers regarding her Personnel Performance Review. She stated that the officers would be gathering later after the Board meeting to document the results of her review and to establish goals for next year.

Concluding, Ms. Reitz informed the Board members that the executive office has received a notification of an award from the Governor's Offices for meeting and exceeding the goal for purchases from Minority Business Enterprises. She briefly explained that every agency is given a goal to purchase at least fifteen percent (15%) of goods and services from contracted vendors. Ms. Reitz wanted to formally thank Linda Daubenmire, Fiscal Officer, for surpassing this goal and thereby, obtaining recognition from the Governor's Office. She stated that there were only nine (9) agencies awarded this recognition.

## Anything for the Good of the Board

### Governance Guideline Manual

Dr. Kaye stated that he understood that a request had been made regarding a motion to amend the Governance Guideline Manual. He stated that while this motion would be out of order of the agenda, he would entertain it since it may have an impact on the election of officers.

**Motion by Mr. Jones, second by Dr. Beard, to amend the Governance Guideline Manual paragraph (H) Board Officers, Elections, Removals and Vacancies to read as follows:**

1. **Board Officers Requirements:**
  - a. **President: must be a member of the board for a minimum of one (1) year prior to holding office; 2 one year term limits.**
  - b. **Vice President: Must be a member of the Board for a minimum of one (1) year prior to holding office; 2 one year term limits.**
  - c. **Secretary: Must be a dentist, must be a member of the Board for a minimum of one (1) year prior to holding office; 2 one year term limits.**
  - d. **Vice Secretary: Must be a dentist, must be a member of the board for a minimum of one (1) year prior to holding office; 2 one year term limits.**
  - e. **Alternate Secretary: Must be a dentist, must be a member of the Board for a minimum of one (1) year prior to holding office; no term limits.**
2. **Elections**

- a. **Board officers are elected annually in December, for a term of one year. The term commences the following January.**
  - b. **Removal**
  - c. **Board Officers can be removed from office prior to the completion of their term for just cause, by a majority vote.**
3. **Vacancies**
- a. **In the event of a vacancy in the office of President, the vacancy shall be filled by the Vice President who shall fill the complete unexpired term of the President and shall continue in office as President during their regularly scheduled term.**
  - b. **In the event of a vacancy in the office of Secretary, the vacancy shall be filled by the Vice Secretary who shall fill the complete unexpired term of the Secretary and shall continue in office as Secretary during the regularly scheduled term.**
  - c. **If an office becomes vacant and cannot be filled by succession, a special election will be held by the Board at its next regularly scheduled meeting to fill the vacancy.**

Discussion followed wherein, Mr. Jones defined a "vacancy" in a position as unoccupied for a period of two (2) consecutive months. Dr. Kaye informed Mr. Jones that as far as the motion was concerned the term "vacancy" remains undefined.

Dr. Wynn commented that she did not feel that one (1) year was sufficient experience prior to becoming President of the Board. Dr. Beard inquired as to whether she would like the motion to be amended to two (2) years. Dr. Wynn stated that she was unsure as to whether even two (2) years would be a sufficient amount of time to be experienced enough in Board business. She stated that she was speaking to what has been presented to the Board for consideration.

Dr. McDonald commented that historically a Board member had three to four (3-4) years before becoming President typically in their last year or two (2) of their appointment. He stated that was when the terms were five (5) years in duration. Dr. McDonald said that a member would become the Vice President in the fourth year of their term and then go out in their fifth year as President. He stated that now terms were only four (4) years.

Dr. Wallace stated that generally he understands that with a group like this, he is having trouble with restricting the election process. He stated that he's not sure what the problem is about holding elections every year with the members voting people in who they feel by majority would be best for the position. He said he was concerned that there could be situations where we would not be able to comply with all the restrictions based on who is on the board, who is not, who has been reappointed, who has not. He stated that these restrictions make it very difficult and cumbersome. Dr. Wallace stated that he is unsure of the need or the benefit of doing it any differently than holding an election every year which would or would not terminate a term. In general, he stated, he is not in favor of restricting the process.

Dr. Beard stated that he is in favor of having term limits in that all the Board members are qualified, educated individuals and many of them want to serve. He stated that some take a back seat because certain people are in positions and they don't feel like they want to challenge them. Dr. Beard said that the tenure on this Board is only four (4) years and you are not guaranteed to get re-elected as it depends on who is in office. He stated that having term limits would allow for people to aspire to becoming an officer of the Board, at least for those who want to hold an elected position. Continuing on, Dr. Beard said that as far as not being able to meet the requirements, in the past it has been seniority rules in that those with the most tenured seniority were those that were elected to positions. He stated that if you followed that chain then there would be very few incidences where the Board would not be able to fill those positions with the possible exception of this current meeting. He said that he was speaking in favor of having term limits to keep from blocking that position so to speak. He said that he is aware that the Board members vote every year, but again, new people getting onto the Board, they are learning the position, and before you know it they are off the Board and without ever having an opportunity to serve. He commented that should the Board run into a particular problem it takes nothing but a vote to change and address the issue so that they can fill an office. He stated that he felt a motion should be made that binds the members to the rules of the Operations Manual, since it seems like they follow the manual when it is convenient and then do not follow it when it is not convenient. He stated that he's kind of confused in that because if it is not convenient then it is a meaningless document and it is nothing more than reference material. Dr. Beard then made a motion to amend that the Board members be bound by the terms and directives in the Operations Manual as guidance.

Dr. Kaye stated that they already had a motion on the floor and therefore he could not accept Dr. Beard's motion at the moment. Dr. Beard stated that they could amend the motion to accept the binding of the manual. After a brief moment, Dr. Beard deferred and stated that he would make a different motion once the motion currently on the floor had been voted upon.

Dr. Shaffer stated that what Mr. Jones had proposed was significantly different than what had been discussed earlier in committee. She stated that the original recommendations should be considered and that this new language should be tabled in order for the members to review and consider for possible future adoption. She said that the members should look at the whole of the issues to be rewritten well and then maybe they could have a working manual that is not a work in progress after only one (1) year. Dr. Shaffer stated that there certainly were going to be revisions and problems with the manual. However, she said that to consider changes after only one (1) year represents a problem. She stated that the way it has been presented here is a problem both structurally and logistically. Dr. Shaffer commented that the suggested language presented by Mr. Jones does not address every office as it does not mention the Alternate Secretary. She said that she understands that it was meant to be done sequentially. However, she indicated that the document states that a member "can" move up rather than "will" move up.

**Motion by Dr. Shaffer, second by Mr. Lawrence, to table the motion on the floor until the Committee can review and consider Mr. Jones proposed amendments to the Manual.**

Dr. Kaye called for any discussion. Mr. Jones commented that as far as tabling the motion and the rationale that it was because it is a document in progress, in his mind, that's why we have the sunshine law so that they can go back and look at documents that we have developed, implemented and revised over a continued period of time. He said that he feels this should be the same process with this document, you have a document, you develop it, and then you implement it. He stated that way you can go back if you feel there needs to be revisions. Mr. Jones stated that if not for these processes, we would not have a practice act today. He concluded by saying that the Board has to start someplace and he feels that this is a very good starting point.

Dr. Beard stated that he would like to speak to defeat the motion to table and that now is the time to have this discussion as new members are coming onto the board next year that are not aware of this situation that is going on with the manual. He stated that he feels everyone is keenly aware of what they need to do with the manual and it is just a question of whether or not we want to have this discussion and act upon it. He concluded by stating that he was in favor of not tabling the discussion and at least have an up or down vote.

Mr. Lawrence commented that he thinks that the motion needs more work for a lot of technical reasons and that he does not feel that it is correct. He stated that some of these things are precluding people from holding office right now and the people have not really thought through where it says that you have to be a member of the board for a certain period of time and what that means.

Dr. McDonald stated that he would be in favor of tabling the motion for further consideration of the motion as it needs more work.

Ms. Staley stated that she would rather see this issue tabled and discussed then have it go down in defeat.

Dr. Kaye stated that along that line he asked Dr. Shaffer if she would consider an amendment to the motion that this be tabled and referred back to the Ad Hoc committee. She stated that she would be in favor, in fact that was her motion, to refer this back to the Ad Hoc Board Operations Committee and have it worked on.

Dr. Kaye then called the question.

Motion carried. Dr. Beard was opposed and Mr. Jones abstained.

Dr. Beard made the motion to make the Board Operations Manual binding, as it is currently, upon the operations of the Board. Dr. Kaye informed Dr. Beard that his motion was out of order as far as the Board agenda for the day was concerned. Dr. Beard stated that his motion was under "Anything for the Good of the Board". Dr. Kaye stated that there were two (2) other agenda items that have been listed prior to Dr. Beard's motion that required being discussed.

## Election of Officers

### QUIP Coordinator

Dr. Kaye stated that he would entertain nominations or volunteers for the QUIP Coordinator. Seeing none, he stated that he would come back to QUIP.

### Alternate Secretary

Dr. Kaye inquired as to whether any Board member had any interest in the position of Alternate Secretary. He recognized Dr. McDonald as volunteering and no one else. He then called the vote

Motion carried unanimously.

### Vice Secretary

Dr. Kaye then entertained nominations for Vice Secretary. Mr. Jones nominated Dr. Beard. Ms. Staley nominated Dr. Shaffer. A brief discussion ensued wherein both members spoke to their qualifications for the position.

Dr. Kaye then called the vote.

Motion carried in favor of Dr. Shaffer nine (9) votes to three (3) votes.

### Secretary

Dr. Kaye inquired as to whether any Board member had any interest in the position of Secretary. Dr. Desai explained that she would not be pursuing reappointment to the Board once her term was up in April, 2012. Therefore, she stated that she was nominating Dr. Wynn for the position. Noting that there were no other nominations, Dr. Kaye informed the members that Dr. Wynn was the new Board Secretary by affirmation.

### Vice President

Dr. Kaye inquired as to whether any Board member had any interest in the position of Vice President. Mr. Jones stated that he was nominating Dr. Wallace for the position. Noting that there were no other nominations, Dr. Kaye informed the members that Dr. Wallace was re-elected to serve as Vice President by affirmation.

### President

Dr. Kaye inquired as to whether any Board member had any interest in the position of President. He then volunteered himself to the position and Dr. Shaffer nominated him in addition. Mr. Jones stated that he would like to nominate Mr. Lawrence for the position to which Mr. Lawrence declined. Noting that there were no other nominations, Dr. Kaye informed the members that he was re-elected as the Board President by affirmation.

### QUIP Coordinator(s) (Continued)

Dr. Kaye informed the members that they still needed to discuss nominations for QUIP Coordinator. Discussion ensued wherein it was determined that there should be two (2) QUIP Coordinators; one for dentists and one for dental hygienists.

Ms. Staley stated that she was nominating Dr. Beard for the position of QUIP Coordinator for dentists. Noting that there were no other nominations, Dr. Kaye informed the members that Dr. Beard was the new QUIP Coordinator for dentists by affirmation.

Ms. Staley stated that she was nominating Mr. Jones for the position of QUIP Coordinator for dental hygienists. Noting that there were no other nominations, Dr. Kaye informed the members that Mr. Jones was the new QUIP Coordinator for dental hygienists by affirmation.

### **NERB Meeting - January 2012**

Ms. Reitz took a brief moment to discuss Board member attendance to the North East Regional Board Meeting in January. She noted that all the members except Dr. Wallace and Dr. McDonald would be attending.

### **Review of Proposed Consent Agreement(s) - Continued**

The Board reviewed one (1) proposed consent agreement which had been tabled earlier in the meeting. The name of the individual/licensee was not included in the documents reviewed by the Board. The name of the individual/licensee has been added to the minutes for public notice purposes.

### **Disciplinary**

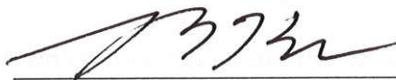
*Jeffrey A. Glenn, D.D.S.*

**Motion by Dr. McDonald, second by Mr. Lawrence, to approve the proposed consent agreement for Jeffrey A. Glenn, D.D.S., license number 30-017973, case number 11-78-0248.**

Motion carried. Dr. Wynn, Mr. Jones and Ms. Staley abstained from the vote.

### **Adjourn**

Dr. Kaye adjourned the meeting at 2:37 p.m. He reminded the Board members that they would not be meeting again until February 8, 2012.



Lawrence Kaye, D.D.S.  
President



Mary Ellen Wynn, D.D.S.  
Secretary