

**OHIO STATE DENTAL BOARD**

**BOARD MEETING**

**OCTOBER 23, 2013**

**Contents**

Attendance.....	1
Call to Order .....	1
Introduction of Board Members .....	1
Review of Minutes .....	2
September 2013.....	2
Personal Appearance(s) .....	2
Timothy M. Pratt, D.D.S. ....	2
Decision in the Matter of Timothy M. Pratt, D.D.S. ....	2
Michael Cobb, D.D.S.....	3
Decision in the Matter of Michael Cobb, D.D.S. ....	3
Report and Recommendation(s).....	4
In the Matter of Lark M. Anspach, Dental Assistant Radiographer and Expanded Function Dental Auxiliary.....	4
Decision in the Matter of Lark M. Anspach, Dental Assistant Radiographer and Expanded Function Dental Auxiliary .....	6
Executive Session .....	7
Open Session.....	7
Enforcement Report.....	7
Review of Proposed Consent Agreement(s) .....	7
Non-Disciplinary .....	7
Notice(s) of Opportunity for Hearing.....	8
Fred S. Glick, D.D.S. ....	8
Lisa M. Francis, Dental Assistant Radiographer .....	8
Enforcement Update.....	8
Licensure Report .....	10
License/Certification/Registration Report (Approved by the Executive Office) .....	10

Dentist(s).....	10
Dental Hygienist(s).....	10
Dental Assistant Radiographer(s) .....	10
Limited Resident's.....	12
Coronal Polishing .....	12
Expanded Function Dental Auxiliary.....	13
Oral Health Access Supervision Permit(s).....	14
Dental Hygienist(s).....	14
Graduate(s) of Unaccredited Dental Colleges Located Outside the United States.....	14
Ad Hoc Board Operations Report .....	14
Anesthesia Committee Report .....	15
Provisional Conscious Sedation Privilege(s) .....	15
Anesthesia Permit(s).....	15
Education Committee Report.....	15
Biennial Sponsor Application(s).....	16
Biennial Sponsor Renewal Application(s) ~ 2014-2015 Biennium.....	16
Dental Hygiene Medical Emergency Recognition Course Application(s) .....	16
Anesthesia/Conscious Sedation Permit Renewal Course(s).....	16
Continuing Education Extension Request(s).....	16
Policy Committee Report.....	17
Supervisory Investigative Panel Report.....	17
Office Expense Report .....	17
Executive Director's Report .....	17
Governor's Cabinet Opiate Action Team.....	17
New Dental Board Hearing Examiner .....	18
Annual Board Ethics Training.....	18
Anything for the Good of the Board .....	18
Dental Forensics Team/First Response Team.....	18
American Association of Dental Boards Meeting .....	18
Open Cases Report .....	19
Licensure of Applicants of Unaccredited Dental Colleges Outside the United States .....	19
Executive Session.....	19

Open Session .....	19
Adjourn.....	20
Appendix A .....	21
Appendix B .....	23

## OHIO STATE DENTAL BOARD

### BOARD MEETING

OCTOBER 23, 2013

#### Attendance

The Ohio State Dental Board (Board) met in Room 1960, of The Vern Riffe Center for Government and the Arts, 77 South High Street, 19<sup>th</sup> Floor, Columbus, Ohio on September 18, 2013, beginning at 2:00 p.m. Board members present were:

Lawrence Kaye, D.D.S., President

Constance F. Clark, R.D.H.

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

W. Chris Hanners, D.D.S.

Marybeth Shaffer, D.D.S., Vice Secretary

William G. Leffler, D.D.S.

Ashok Das, D.D.S., Alternate Secretary

Douglas W. Wallace, D.D.S.

Jacinto W. Beard, D.D.S.

Anne Missig, R.D.H. and Ann Aquillo, were not in attendance to the meeting.

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; Michele Carr, R.D.H., M.A. of the Ohio State University College of Dentistry, Division of Dental Hygiene; Chadleo Webb, R.D.H., Liaison of the Ohio Dental Hygienists' Association; Sandy Held, R.D.H., President Elect of the Cincinnati Dental Hygienists' Association; Lili C. Reitz, Esq., Executive Director, Barb Yehnert, Dental Board Enforcement Officer, Jayne Smith, Licensing Coordinator, and Malynda Franks of the Ohio State Dental Board; and other guests.

#### Call to Order

Dr. Kaye extended greetings to everyone and noting that there was a quorum present called the meeting to order at approximately 2:06 p.m.

#### Introduction of Board Members

Dr. Kaye introduced himself as the Board President, a periodontist from Akron. Dr. Kaye then introduced the rest of the Board members. Dr. Kaye introduced Dr. Greg McDonald, the Board Vice President, a general dentist from Springboro, Dr. Marybeth Shaffer, the Board's Vice Secretary, a general dentist from Leetonia, Dr. Ashok Das, the Board's Alternate Secretary, a general dentist from Mason, Dr. Jacinto Beard, a general dentist from Gahanna, Dr. Chris Hanners, a general dentist from Chillicothe, Dr. William Leffler, a general dentist from Massillon, Dr. Douglas Wallace, an oral and maxillofacial surgeon from Fairfield, and Ms.

Constance Clark, a dental hygienist from Dublin. Dr. Kaye stated that Ms. Anne Missig, R.D.H. and Ms. Ann Aquillo, were not present for the meeting.

## **Review of Minutes**

### **September 2013**

**Motion by Dr. Leffler, second by Dr. McDonald, to approve the September 18, 2013 Board meeting minutes as presented.**

Motion carried unanimously.

## **Personal Appearance(s)**

### **Timothy M. Pratt, D.D.S.**

Dental Board Enforcement Officer Barb Yehnert informed the members that this was Dr. Pratt's third appearance before them subsequent to his release from treatment at Glenbeigh on July 29, 2013. She stated that Dr. Pratt's license to practice had been reinstated for up to twenty (20) hours at the Boards last meeting in September. Ms. Yehnert informed the members that she recently had the opportunity to speak with Dr. Pratt and that he had told her he was doing well and expressed that he was very appreciative of the Boards decision to allow him to return to practice. She then explained that Dr. Pratt was before them to request additional practice hours.

Upon questioning by the Board, Dr. Pratt stated that things have been going well with his program and that his patients have been keeping him busy as some of them are having to wait up to three and a half (3 ½) weeks to be seen. He explained that he has concentrated on making his recovery the priority in his life and starts every day at 5:45 a.m., attends morning meetings at St. Thomas from 6:45 a.m. to 7:45 a.m. which still allows him plenty enough time to get to his practice by 8:00 a.m. Dr. Pratt explained that he currently works four (4) days a week from 10:00 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m. for the total twenty (20) hours permitted but was before them today to request permission to practice up to thirty-two (32) hours.

When asked what Dr. Pratt does in his spare time, he explained that he does not socialize or seek out entertainment as he is either in meetings or sleeping. When questioned, Dr. Pratt reminded the Board that his sobriety date was May 21, 2013.

### **Decision in the Matter of Timothy M. Pratt, D.D.S.**

**Motion by Dr. Hanners, second by Dr. McDonald to reinstate the license of Dr. Timothy Pratt D.D.S. to practice dentistry up to thirty (30) hours per week and pursuant to the terms of his consent agreement with the Board.**

Motion carried unanimously.

A brief discussion ensued regarding the number of hours Dr. Pratt was requesting to work. Dr. Hanners decided to revise his decision and make another motion.

**Motion by Dr. Hanners, second by Dr. McDonald to reinstate the license of Dr. Timothy Pratt D.D.S. to practice dentistry up to thirty-one (31) hours per week and pursuant to the terms of his consent agreement with the Board.**

Motion carried unanimously.

Dr. Kaye advised Dr. Pratt that at as he progresses in his recovery he may again petition the Board for additional hours.

### **Michael Cobb, D.D.S.**

Ms. Yehnert briefed the Board members on Dr. Cobb's progress. She stated that this was Dr. Cobb's second appearance before them and that he was requesting permission to return to practice. Ms. Yehnert stated that she has spoken with Dr. Cobb's staff who is looking forward to his return and that the office manager has expressed to her that many of his patients are awaiting his return.

Continuing on, Ms. Yehnert informed the members that Dr. Lynch continues to work at the practice for Dr. Cobb and appears to be fitting in very well. She stated that it is Dr. Cobb's intention to keep Dr. Lynch on in a full-time capacity in order to allow Dr. Cobb to return to practicing at an acceptable pace.

Upon questioning by the Board, Dr. Cobb informed the members that he feels he is doing very well in working the program and attending meetings. He stated that he has established a routine throughout the day, sometimes volunteers at a treatment facility in Cleveland, and occasionally goes into his office to pay bills and speak with staff and patients. Dr. Cobb stated that both the staff and patients have expressed that they all like Dr. Lynch and that he would like for Dr. Lynch to stay on with the practice, especially since he does not want to return to practice full-time. He informed the Board that it had been recommended by his psychologist sponsor to return to practicing in a limited capacity. Dr. Cobb stated that he would like to work eight (8) hours on Fridays and Mondays and only up to five (5) hours on Saturdays. He stated that the reason for these hours was due to the fact that the office is currently closed on Fridays and Dr. Lynch does not like to work on Saturdays.

Further questioning by the Board allowed Dr. Cobb to confirm that the nitrous oxide-oxygen (N2O-O2) had been removed from his office and therefore, they no longer offer that service to his patients.

### **Decision in the Matter of Michael Cobb, D.D.S.**

**Motion by Dr. Hanners, second by Dr. Beard to reinstate the license of Dr. Michael Cobb D.D.S. to practice dentistry up to twenty (20) hours per week and pursuant to the terms of his consent agreement with the Board.**

Motion carried unanimously.

Dr. Kaye advised Dr. Cobb that if he continues progressing in his recovery he may petition the Board for additional hours, possibly at the December meeting.

## Report and Recommendation(s)

### In the Matter of Lark M. Anspach, Dental Assistant Radiographer and Expanded Function Dental Auxiliary

Dr. Kaye turned the meeting over to Dr. Shaffer to conduct the Report and Recommendations. Dr. Shaffer then announced that the Board would now consider the Attorney Hearing Examiner's Report and Recommendation in the matter of Lark M. Anspach that was filed by Attorney Hearing Examiner, Paul Stehura, Esq., on September 24, 2013.

Dr. Shaffer then proceeded by asking whether each member of the Board had read the Report and Recommendation in the matter of Lark M. Anspach?

Roll call:        Dr. Beard – Yes  
                     Ms. Clark – Yes  
                     Dr. Das – Yes  
                     Dr. Hanners – Yes  
                     Dr. Kaye – Yes  
                     Dr. Leffler – Yes  
                     Dr. McDonald – Yes  
                     Dr. Shaffer – Yes  
                     Dr. Wallace – Yes

Dr. Shaffer then asked whether each member of the Board had the record, including the transcript available to refer to when necessary when reviewing this matter?

Roll call:        Dr. Beard – Yes  
                     Ms. Clark – Yes  
                     Dr. Das – Yes  
                     Dr. Hanners – Yes  
                     Dr. Kaye – Yes  
                     Dr. Leffler – Yes  
                     Dr. McDonald – Yes  
                     Dr. Shaffer – Yes  
                     Dr. Wallace – Yes

Dr. Shaffer proceeded by asking if each Board member read any Objections to the Report and Recommendations filed in this case?

Roll call:        Dr. Beard – Yes  
                     Ms. Clark – Yes  
                     Dr. Das – Yes  
                     Dr. Hanners – Yes  
                     Dr. Kaye – Yes  
                     Dr. Leffler – Yes

Dr. McDonald – Yes

Dr. Shaffer – Yes

Dr. Wallace – Yes

Dr. Shaffer asked if either Ms. Anspach and/or her attorney were present. Ms. Anspach indicated that she was in attendance to the meeting. Ms. Reitz informed Ms. Anspach that the Board had not received a timely request from her to appear before them. However, she stated that the Board members have considered her request today and would allow her to represent herself today. Dr. Shaffer stated that Ms. Anspach now has the opportunity to address the Board and therefore, Katherine Bockbrader, Esq., the Assistant Attorney General in this matter would be given the opportunity to respond.

Dr. Shaffer informed the members that they would now hear from Ms. Anspach and Ms. Bockbrader in this matter regarding the Report and Recommendation of the Hearing Examiner. She reminded them both that they should limit their comments to the Hearing Examiners Findings of Fact, Conclusions, and Proposed Order in this matter. Ms. Shaffer informed them that the Board will only consider the evidence presented during the administrative hearing in this matter and therefore, there would be no questions from the Board members.

Dr. Shaffer then stated that the Board's minutes would serve as the official record of the proceedings.

***Lark M. Anspach, Dental Assistant Radiographer and Expanded Function Dental Auxiliary***

Ms. Anspach began by stating that she wished to apologize for her actions. She informed the Board that she had a car accident on August 18 and has been sober since that time except for a relapse back in May. She stated that she has learned that recovery is difficult. She said that it is her understanding and belief that alcohol and drugs are just a symptom of something much greater. Ms. Anspach informed the Board that she is also seeing a psychiatrist and that she is taking medication for depression which has been extremely helpful the past five (5) months.

Continuing, Ms. Anspach stated that she wanted to appear before them today to let them know how sincere she is about her career and how sorry she is to be here taking up their time. However, she stated that she is confident and that she does want to go back to work. Ms. Anspach asked the Board to consider allowing her to at least hold on to her x-ray certification for now and maybe a year from now she could come back before them with proof that she can remain sober. She stated that she is going to be the role model she wants to be for the Board, as well as for her family. She stated that takes being sober and strong. She then thanked the members for their time.

***Katherine J. Bockbrader, Esq.***

Assistant Attorney General, Katherine Bockbrader, Esq., thanked the Board for the opportunity to respond. She stated that the Hearing Officers Report and Recommendation documents Ms. Anspach's entire history with the Board which includes her disciplinary history along with her history of multiple relapses. Ms. Bockbrader informed the members that the Hearing Officer recommended that both her radiographer's certificate and her Expanded Function Dental Auxiliary registration be revoked. She stated that certainly there are grounds for revocation of her certificate and registration based on her history.

Continuing on, Ms. Bockbrader commented that if the Board should choose to modify the recommendation by possibly deciding to give her less of a penalty, and then based on her history, she would ask that they require her to be sober for a documented amount of time. She further recommended that Ms. Anspach be required to report to the board, that she be tested regarding alcohol, and that any order proffered have significant monitoring terms in order to assure themselves that Ms. Anspach is sober before they allow her to apply to the Board for reinstatement of either or both her certificate and registration.

### ***Quasi-Judicial Deliberations***

**Motion by Dr. Beard, second by Dr. McDonald, to recess for the purpose of conducting quasi-judicial deliberations to consider the disciplinary matter of Lark M. Anspach, pursuant to Ohio Revised Code Chapter 119 and to reconvene in open session following deliberations.**

Roll call:           Dr. Beard – Yes  
                          Ms. Clark – Yes  
                          Dr. Das – Yes  
                          Dr. Hanners – Yes  
                          Dr. Kaye – Yes  
                          Dr. Leffler – Yes  
                          Dr. McDonald – Yes  
                          Dr. Shaffer – Yes  
                          Dr. Wallace – Yes

Motion carried unanimously.

### ***Open Session***

The Board resumed open session at approximately 2:56 p.m.

Dr. Shaffer stated, "Let the record reflect that Dr. Mary Ellen Wynn and I were the Secretaries in this matter, and we were not present during the quasi-judicial deliberations in this matter. Therefore, we will abstain from final vote." Ms. Reitz stated that Dr. Das, as Alternate Secretary, did not participate in the quasi-judicial deliberations and would also be abstaining from any vote.

### **Decision in the Matter of Lark M. Anspach, Dental Assistant Radiographer and Expanded Function Dental Auxiliary**

**Motion by Dr. Beard, Second by Ms. Clark, to table the discussions in the matter of Lark M. Anspach until the December 2013 Board meeting.**

Roll call vote:   Dr. Beard - Yes  
                          Ms. Clark - Yes  
                          Dr. Das – Yes  
                          Dr. Hanners - Yes  
                          Dr. Kaye – Yes  
                          Dr. Leffler - Abstain  
                          Dr. McDonald - Yes  
                          Dr. Shaffer – Abstain  
                          Dr. Wallace - Yes

Motion carried.

Dr. McDonald asked for clarification on some things in this matter. Dr. Kaye reminded all the Board members that they were not permitted to ask additional questions as this matter was now tabled until the December meeting.

## **Executive Session**

**Motion by Dr. Leffler, second by Dr. McDonald, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action and pursuant to Ohio Revised Code Section 121.22(G)(5) to discuss matters required to be kept confidential by federal law or regulations or state statutes.**

Roll call vote: Dr. Beard – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Dr. Hanners – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Dr. Shaffer – Yes  
Dr. Wallace – Yes

Motion carried unanimously.

Dr. Kaye requested Ms. Reitz and Ms. Bockbrader to attend the Executive Session.

## **Open Session**

The Board resumed open session at approximately 3:37 p.m.

## **Enforcement Report**

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

The Board reviewed two (2) 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.

### **Non-Disciplinary**

#### ***Mohamad Elazizi, B.D.S.***

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the proposed consent agreement for Mohamad Elazizi, D.D.S., license number 30-024103.**

Motion carried unanimously.

**Mohamed Khaled, B.D.S.**

**Motion by Dr. Wallace, second by Dr. Beard, to approve the proposed consent agreement for Mohamed Khaled, B.D.S., license number 30-024106.**

Motion carried unanimously.

**Notice(s) of Opportunity for Hearing**

The Board reviewed two (2) proposed 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.

**Fred S. Glick, D.D.S.**

**Motion by Dr. Hanners, second by Dr. McDonald, to approve the proposed amended notice of opportunity for hearing and forward it to Fred S. Glick, D.D.S., license number 30-017346, case number 13-18-0089.**

Motion carried unanimously.

**Lisa M. Francis, Dental Assistant Radiographer**

**Motion by Dr. McDonald, second by Dr. Leffler, to approve the proposed notice of opportunity for hearing and forward it to Lisa M. Francis, Dental Assistant Radiographer, certificate number 51-013955, case number 13-44-0083.**

Motion carried unanimously.

**Enforcement Update**

Dental Board Enforcement Officer Kathy Carson began her report by informing the Board that there were four (4) cases pending hearings, all of which have been assigned. She stated that there was one still (1) case listed pending a decision on the hearing officer's report and recommendation. She indicated that there were currently forty-four (44) licensees under suspension and informed the Board members that there were three hundred and twenty-six (326) active cases. Ms. Carson said that there were four (4) licensees currently considering QUIP, five (5) licensees actively participating in QUIP, one (1) licensee who has successfully complete QUIP, and one (1) licensee who is being referred back to SIP for non-compliance with QUIP. Ms. Carson completed her report by informing the members that there were thirty-nine (39) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with six (6) warning letters issued.

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,..." Ms. Carson reviewed the cases to be closed with the Board.

The following cases are to be closed:

13-31-0247	Impairment	12-25-0334	Standard Of Care-Warning
12-48-0155	Standard Of Care-Warning	13-67-0222	Standard/Misrep
13-45-0106	Standard Of Care-Warning	13-18-0312	Fda/Botox

13-18-0065	Standard Of Care	13-18-0044	Dentures
13-25-0224	Standard Of Care	13-31-0021	Standard Of Care
13-77-0259	Standard Of Care-Warning	13-25-0059	Standard Of Care
13-77-0225	Adverse Occ-Warning	13-25-0101	Standard Of Care-Warning
13-18-0284	Standard Of Care	13-76-0208	Standard Of Care
13-32-0005	Infection Control	12-25-0409	Standard Of Care
13-52-0256	Standard Of Care	13-25-0034	Standard Of Care
13-50-0274	Standard Of Care	13-18-0230	Standard Of Care
13-25-0103	Standard Of Care	13-77-0164	Misrepresentation
13-21-0313	Fda/Botox	13-28-0153	Infection Control
13-25-0219	Standard Of Care	13-18-0244	Standard Of Care
13-18-0111	Standard Of Care	13-52-0135	Standard Of Care
13-78-0134	Standard Of Care	13-25-0066	Standard Of Care
13-76-0155	Standard Of Care	13-77-0115	Standard Of Care
13-76-0145	Standard Of Care	13-10-0200	Standard Of Care
13-84-0314	Fda/Botox	13-51-0237	Adverse Occ
13-52-0062	Standard Of Care		

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

Roll call:

- Dr. Beard – No
- Ms. Clark – No
- Dr. Das – No
- Dr. Hanners – No
- Dr. Kaye – No
- Dr. Leffler - No
- Dr. McDonald – No
- Dr. Shaffer – No
- Dr. Wallace – No

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

**Motion by Dr. McDonald, second by Dr. Beard, to close the above thirty-nine (39) cases.**

Roll call vote:

- Dr. Beard – Yes
- Ms. Clark – Yes
- Dr. Das – Yes
- Dr. Hanners – Yes
- Dr. Kaye – Yes
- Dr. Leffler – Yes
- Dr. McDonald - Yes
- Dr. Shaffer – Yes
- Dr. Wallace – Yes

Motion carried unanimously.

**Licensure Report**

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

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

**Dentist(s)**

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

- |                       |                     |
|-----------------------|---------------------|
| Alekhya D. Badam      | Nazafarin Javdan    |
| Jithendar Bhonagiri   | Sammy H. Krait      |
| Tracey A. Butler Ross | Charzetta Moore     |
| Furkan Dogan          | Daniel J. Rovelstad |
| Thomas F. Goeke       | Brian K. Singletary |
| Ryan J. Greene        | Michael R. Staker   |
| Moayed Harb           |                     |

Motion carried unanimously.

**Dental Hygienist(s)**

**Motion by Ms. Clark, second by Dr. McDonald, to approve the licensure report for the following dental hygiene licenses issued by a regional board examination:**

- |                      |                   |
|----------------------|-------------------|
| Kelli R. Barker      | Shanna Kemp       |
| Brittany J. Champion | Kendra P. Morris  |
| Janet M. Coleman     | Marinela D. Novak |
| Lauren C. DeHart     | Angelina M. Oburn |
| Pilar R. Grubb       | Keri L. Slane     |
| Audrey N. Herrmann   | Sarah J. Youssef  |

Motion carried unanimously.

**Dental Assistant Radiographer(s)**

**Motion by Dr. McDonald, second by Dr. Beard, 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:**

- |                |             |
|----------------|-------------|
| Deanna Abukaff | Bride Adams |
|----------------|-------------|

Sherry Allison	Kristopher Guerra
Lacey Altier	Katherine Guillen
Claudia Alvarez	Tierra Hakim
Taylor Amspaugh	Juanita Hamm
Marshae Anderson	Melony Haque
Alexis Ash	Kassie Hatley
Kimberly Barnes	Ashley Hendricks
Jade Bates	Jamie Hill
Victory Bates	Rachael Hinson
Heather Beans	Heather Hobbs
Rochelle Beach	Jaquetta Howard
Bryanna Berendsen	Kristen Hrutkai
Natalie Berg	Stacy Hutchison
Keribeth Bettcher	Brandy Jackson
Caroline Bjorkgren	Brittany Johnson
Kelly Bowes	Melina Kalaman
Brittany Brewer	Jill Kiefer
Kristen Bridges	Katie Laux
Katlyn Browning	Lauren Leon
Elizabeth Brush	Brittany Lipinski
Amanda Casto	Nina Lockridge
Amie Chiarucci	Tiffany Mack
Amber Colvin	Tina Manger
Michelle Croston	Cecilia Marshall
Emily Cyphers	Mindy Martin
Kristine Darney	Samantha May
Aryiel Davis	Michelle McBride
Sarah Demalio	Kishia McElroy
Christina Depompei	Deborah Melendez Ortiz
Shalee Duclos	Nicole Melton
Whitney Dunham	Krista Messaros
Sunni Elson	Obrien Miller
Corinne Feldkamp	Dheman Mohamud
Crickett Felver	Kacie Monroe
Linsey Fish	Courtney Mossman
Amy Flynn	Heather Mott
Jenna Forgette	Lora Myers
Danielle Fowler	Meghana Nadella
Jessica Garvin	Stella Nelson
Dominique Gilliam	Brittany Nichols
Elicia Goodrick	Annette Niemer-Hill
Ebony Graham	Chelsea Oh

Tiffany Osborn	Ashley Sosic
Presley Otremsky	Malaya Stanley
Austin Pace	Megan Stevens
Khyatiben Patel	Mikayla Stewart
Ronisha Peoples	Samantha Stracener-Crawford
Kyoto Perry	Jordan Tabor
Jenifer Phillippi	Rawa Thabit
Pamela Phillips	Cassie Thomas
Rebecca Phillips	Brianna Tournoux
Jessica Pilny	Tina Unrein
Nicole Ratcliff	Chelsey Vollmer
Brittini Ratliff	Jakkard Walker
Gabriele Reo	Adriene Ware
Amy Richards	Brianna Watson
Julie Rimar	Brooke Webb
Ashley Roberti	Shelbie Weller
Jennifer Robinson	Ciera Wells
Raena Salim	Michelle Wells
Laura Scherra	Kelly Wilk
Jennifer Serra	Janesa Williams
Sarah Sharp	Kiara Williams
Courtney Sims	Jennifer Wingate
Carissa Smith	Rachael Wynn

Motion carried unanimously.

#### **Limited Resident's**

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

Javier Prieto

Andrea Anna Font Rytzner

Motion carried unanimously.

#### **Coronal Polishing**

**Motion by Ms. Clark, 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:**

Laurie L. Chaytor

Colleen B. Parkinson

Victoria R. Limpf

Jennifer L. Sheets

Jacqueline A. Siebold  
Carie M. Stultz

Joann E. Westhoven

Motion carried unanimously.

### **Expanded Function Dental Auxiliary**

**Motion by Ms. Clark, second by Dr. McDonald, to approve the licensure report for the following expanded function dental auxiliary registration 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:**

Amanda Alvarado  
Renea Antill  
Lisa Arnold  
Michelle L Barber  
Mariam Bashir  
Stephanie L Biller  
Kristen Biser  
Jamie Bunce  
Nichole Burwell  
Kathleen Capron  
Cheri L Casey  
Amy L Chupack  
Krystal Coffman  
Melissa M Cole  
Melissa N Collins  
Teaira Davis  
Lisa L Devoll  
Gina Dotson  
Daphne C Edwards  
Megan Elias  
Laurie Fryman  
Solei Galindo  
Jennifer Graffis  
Kristina Harless  
Morgan M Harris  
Hilary Hastings  
Erin Hecht  
Angela K Holly  
Tiffany Hopkins  
Brittany Husch  
Katrena Kasbek

Beth King  
Karla Jo King  
Vera Kovalchuk  
Jennifer L Lapsos  
Alyssa Lenavitt  
Teresa K Luna  
Brittany Mascari  
Bonnie Matheson  
Kristi May  
Natalie McCloud  
Ashley McElderry  
Brenda A McIver  
Cheryl L Mechler  
Donald Miller Iii  
Belinda Mink  
Jennifer M Noren  
Danyelle Nunley  
Jennifer Pence  
Andrea Perri  
Nicole Predmore  
Alana R Schmitt  
Melissa Schroeder  
Brittany Simpson  
Amanda Spreen  
Sallie Springfield  
Brittany M Steele  
Thomas W Stevens  
Natalyo Teregulova  
Natasha Thiel  
Mara Thompson  
Barbara Ann Vancura

Heather Warren  
Lauren Welsh

Felicity Wilburn  
Kristin N Zumberger

Motion carried unanimously.

### **Oral Health Access Supervision Permit(s)**

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

#### **Dental Hygienist(s)**

Akino Kishigawa - Cincinnati

Motion carried unanimously.

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

**Motion by Dr. Wallace, second by Dr. Beard, that the following applicant has met the requirements necessary to obtain a license to practice dentistry in Ohio as a graduate of an unaccredited dental college outside the United States:**

Dr. Mohamed Elazizi

Dr. Mohamed Khaled

A brief discussion followed wherein Dr. Hanners questioned the Board's options regarding this type of consent agreement wherein dental applicants who have received their dental training in unaccredited dental schools located outside the United States but have obtained advanced training in specialty programs within an accredited program. Ms. Reitz explained that the only option, based on current law, was to deny the consent agreement limiting the dental applicant to a specialty and thereby deny licensure.

Motion carried with Dr. Hanners opposed.

### **Ad Hoc Board Operations Report**

Dr. McDonald informed the Board members that they had met earlier that morning and had discussed several items. He stated that at the previous meeting a question had been brought up regarding the roles of the Secretary, Vice Secretary, and Alternate Secretary within the guidelines of the Dental Practice Act. He stated that Ms. Bockbrader had been requested to research their questions and she had provided the Committee with a document regarding the appointment of Board members to sit on the Supervisory Investigative Panel (SIP) and replacement of members when an opening occurs.

Dr. McDonald stated that the Committee had then discussed remediation education in terms of the Board's Quality Intervention Program (QUIP) and consent agreements. He informed the Board that it was decided that Dr. Beard and Dr. Leffler would further research remediation education and providers of remediation education.

Continuing on, Dr. McDonald said that Ms. Reitz had supplied the Committee with draft copies of new customer service standards. He informed the members that the Committee recommends adoption of these standards.

Lastly, Dr. McDonald stated that the Committee had received an update from the Commission on Dental Testing in Ohio regarding the recent Expanded Function Dental Auxiliary (EFDA) examination held in August. He stated that the Commission had made positive changes to the examination and noted an increase in the percentage of candidates that passed the examination.

**Dr. McDonald made the motion from the Ad Hoc Board Operations Committee to accept the report and approve adoption of the customer service standards.**

Motion carried unanimously.

## **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 conscious sedation privileges.

Dr. Khaldoun Attar – Toledo – *Intravenous*

Dr. Drew Meyers – Cincinnati – *Intravenous*

### **Anesthesia Permit(s)**

Dr. Wallace stated that the following individual has applied for an anesthesia permits. He explained that the Anesthesia Committee has reviewed the application, an evaluation has been conducted, and the applicant is recommended to receive anesthesia permits.

Dr. Patrick Kennedy – Powell

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

Motion carried unanimously.

## **Education Committee Report**

Ms. Clark stated that the Education Committee met this month and reviewed five (5) Biennial Sponsor applications, four (4) Biennial Sponsor renewal applications for the 2014-2015 Biennium, two (2) Dental Hygiene Medical Emergency Recognition courses, and one (1) continuing education waiver/extension request. Ms. Clark informed the Board that she had requested Dr. Wallace to review the material submitted for the California Society of Pediatric Dentistry for approval of six (6) hours for the conscious sedation permit renewal course. Continuing on, Ms. Clark stated that based upon her review and Dr. Wallace's

recommendation, the committee recommended approval for the applications listed as having submitted all the appropriate documentation and meeting all the requirements set forth in the Dental Practice Act and Board Guidelines.

### **Biennial Sponsor Application(s)**

Mouawia Ghiba, D.M.D., Inc.  
Dr. Lubitz, Lamping and Lucas  
Joseph M. Mess, D.D.S., M.S.  
Michael H. Morgan, D.D.S., M.S.  
Jared C. Zwick, D.D.S., M.S.

### **Biennial Sponsor Renewal Application(s) ~ 2014-2015 Biennium**

Advance Dentistry, Inc. (Formerly Advance Family & Implant Dentistry, Inc.)  
Naples Dental Conference  
Tri-State Dental Medical Meeting  
Western Reserve Periodontics, Inc.

### **Dental Hygiene Medical Emergency Recognition Course Application(s)**

Brown Mackie College Findlay Campus –  
“Medical Emergencies in the Dental Office”

Brown Mackie College North Canton Campus –  
“Medical Emergencies in the Dental Office”

### **Anesthesia/Conscious Sedation Permit Renewal Course(s)**

California Society of Pediatric Dentistry – (all 3 courses combined)

“Sedation and Emergency Treatment of the Pediatric Dental Patient – Part 1”; and  
“Sedation and Emergency Treatment of the Pediatric Dental Patient – Part 3”; and  
“Sedation and Emergency Treatment of the Pediatric Dental Patient – Part 4”

### **Continuing Education Extension Request(s)**

Ms. Clark informed the Board that the Education Committee had reviewed a request for extension of the continuing education requirement based on unusual circumstance, emergency or special hardship and was recommending the following individual to receive an extension for one (1) year:

Myron S. Wayne, D.D.S.

**Ms. Clark made the motion from the Education Committee to accept the report and approve these applications.**

Motion carried unanimously.

## **Policy Committee Report**

Dr. Shaffer informed the members that the Policy Committee had not met today. However, she stated that the Committee had submitted two (2) draft policies for review and consideration at the previous meeting. Dr. Shaffer then requested approval of the new Patient Records Policy [Appendix A] and the new Policy Regarding Termination of the Dentist-Patient Relationship [Appendix B].

**Dr. Shaffer made the motion from the Policy Committee to accept the Policy Committee report and approve the two (2) new replacement policies.**

Motion carried unanimously.

## **Supervisory Investigative Panel Report**

Dr. Shaffer, as Vice Secretary, attested that she had spent in excess of ten (10) hours per week attending to Board business. Dr. Das, as the Board's Alternate Secretary, attested that he had spent in excess of ten (10) hours per week attending to Board business.

Dr. Beard stated that at one time there had been discussion regarding reimbursement of expenses for the QUIP Coordinator's appointment. Ms. Reitz confirmed that the QUIP Coordinator position was currently being compensated for those days when they were in the Board office. Dr. Beard then commented that currently he is the QUIP Coordinator but does not incur many expenses as he lives and works locally. However, Dr. Beard pointed out that he felt the next QUIP Coordinator might not be from the Columbus area and that travel expenses, parking, etc. should also be reimbursed.

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the Supervisory Investigative Panel report.**

Motion carried unanimously.

## **Office Expense Report**

**Motion by Dr. Wallace, second by Dr. McDonald, to approve the expense report and approve payment of the September, 2013 Board bills.**

Motion carried unanimously.

## **Executive Director's Report**

### **Governor's Cabinet Opiate Action Team**

Ms. Reitz stated that she had sent an e-mail out the day that the Governors Cabinet Opiate Action Team launched its opiate prescribing resource website. She stated that her e-mail informed licensees that the Board had posted information on our website in a concerted effort with the Medical and Nursing boards. She stated that the e-mail provided information to our licensees such as; what they need to be concerned about, where they need to go to get information, and what information do we have on our website.

### **New Dental Board Hearing Examiner**

Ms. Reitz stated that the Board recently had one (1) of the attorney hearing examiners resign. She informed the members that she was able to locate another attorney hearing examiner who had previously expressed interest in the position. Ms. Reitz stated that this individual has agreed to serve the Board as a hearing examiner, however, she needed Board approval. She then distributed copies of the curriculum vitae of Chester T. Lyman, Jr., Esq. and briefly highlighted his qualifications which included his employment with the Attorney General's Office and hearing examiner experience.

### **Motion by Dr. Wallace, second by Dr. McDonald to accept Chester T. Lyman, Jr., Esq. as a Board Attorney Hearing Examiner.**

Discussion followed wherein Ms. Reitz clarified that it has been almost seventeen (17) years since she had worked with Mr. Lyman in the Attorney Generals' Office. She explained that there would not be any conflict of interest in that regard.

Motion carried unanimously.

### **Annual Board Ethics Training**

Lastly, Ms. Reitz stated that the only other issue that she wished to discuss was the ethics training that the Board members are required to have every year. She stated that as in the past, she has provided the training to all of them just prior to a Board meeting. However, Ms. Reitz stated that the Board is still two (2) members short with no indication when new appointments will be made. She suggested that it still might be possible to hold the training prior to the December meeting if the Board preferred to go ahead with the training.

Dr. Beard informed Ms. Reitz that he would not be in attendance to the December meeting. Dr. Leffler suggested that maybe the training could be put off until January or February in order to accommodate Dr. Beard and any possible new appointments to the Board. Ms. Reitz stated that she would check into whether the training could be postponed until that time.

### **Anything for the Good of the Board**

#### **Dental Forensics Team/First Response Team**

Dr. McDonald informed the members that he has been reporting on the progress being made by the Ohio Dental Association Forensic Dental Team and their efforts at dentists becoming part of first response teams in times of disaster. He stated that much of their efforts have come to fruition and that he, along with Dr. Leffler and former Board members, Franklin Wright, D.D.S. and Mark Armstrong, D.D.S. are all members of the first response team.

#### **American Association of Dental Boards Meeting**

Dr. Beard questioned which of the Board members would be attending the American Association of Dental Boards meeting in New Orleans the following week. It was determined that Dr. Kaye, Dr. Shaffer, Dr. Beard and Ms. Reitz would be attending. Further discussion ensued regarding coverage of expenses for their attendance to the meeting.

## **Open Cases Report**

Dr. Leffler stated that at a previous meeting he had inquired about an age analysis for open cases. He stated that he felt that should be part of the enforcement report. Dr. Shaffer mentioned that the SIP currently receives a status report on all open cases. Discussion followed wherein it was decided that an age analysis report which provided the full Board with just numbers of cases that were 60, 90 and 120 days old would be provided in the Enforcement Report.

## **Licensure of Applicants of Unaccredited Dental Colleges Outside the United States**

Dr. Leffler stated he had one final comment. He said that he felt Dr. Hanners concerns regarding licensure of dental candidates from foreign countries should be further discussed at the Ad Hoc Board Operations Committee.

## **Executive Session**

**Motion by Dr. Hanners, second by Dr. Wallace, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the appointment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.**

Roll call vote: Dr. Beard – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Dr. Hanners – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Dr. Shaffer – Yes  
Dr. Wallace – Yes

Motion carried unanimously.

Dr. Kaye informed those in attendance that there would be no more Board business discussed once the members returned to open session following the Executive Session.

## **Open Session**

The Board resumed open session at approximately 4:48 p.m.

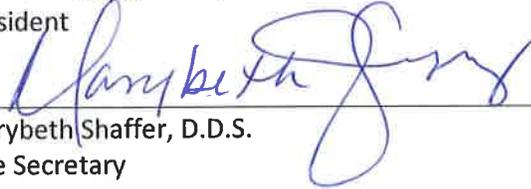
**Adjourn**

Dr. Kaye adjourned the meeting at 4:53 p.m. He reminded the Board members that their next meeting would be December 4, 2013.



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Lawrence Kaye, D.D.S.  
President



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Marybeth Shaffer, D.D.S.  
Vice Secretary

## Appendix A

### PATIENT RECORD POLICY

Preamble: The purpose of this policy is to clarify the Board's position regarding what should be considered as an accurate and up to date patient record which would conform to the accepted standards for the profession.

It is the position of the Ohio State Dental Board that all patients should have accurate and current dental records to document clinical findings and procedures.

The purpose of this policy is to clarify the Board's position regarding the ownership and release of patient records.

#### Patient Record Defined:

Ohio Revised Code section 3701.74 defines a medical record as:

Data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment." This would include:

- medical/dental history
- written progress notes
- radiographs
- models, and other treatment information.

#### Ownership:

Patient records belong to the treating dentist, or the dentist owner of the dental practice if so provided for under contract. Regardless of a dentist's employment or practice situation, it is important that the dentist account for the ownership and responsibility for the safeguarding of patient records to ensure a continuity of care and avoid patient abandonment. Despite owning the patient record, dentists have a legal obligation to provide a copy or allow for examination of that record upon the receipt of a written request from the patient, the patient's parent or legal guardian, or another properly authorized person.

#### Transfer of Ownership:

Patient records may be transferred to another licensed dentist in the event of the sale of a dental practice, a change in employment by the treating dentist, or other circumstance in order to ensure a continuity of care.

The Health Insurance Portability and Accountability Act (HIPAA) allows for the transfer of patients' protected health information to complete treatment, payment and health care operations. Ideally, dentists involved with the transfer of a patient's record in one of these circumstances should attempt to notify the patient of the transfer and how to obtain a copy of their record should they choose.

In the event of the death of the owner of a dental practice, the records can be held by the estate while arrangements are made for the eventual sale of the dental practice to another licensed dentist. Ohio Revised Code section 4715.01 states that only a licensed dentist can be an owner, operator, or manager of a place for performing dental operations. During the transition period following the death of a dentist, dental care, including supervision of the dental hygienist(s) and auxiliary dental staff, can continue for a period of 90 days by an interim dentist(s) at which time the Board will inquire as to the permanent arrangement.

Costs:

Dentists may charge a reasonable fee for the copying of a patient's record in accordance with the limitations set forth in Ohio Revised Code section 3701.741. However, a patient's right to obtain a copy of that record is absolute and the dentist's obligation to provide a copy of the record exists regardless of a patient's account balance.

Termination:

In the case of termination of the patient relationship, upon written request, the records should be available to the patient or subsequent treating practitioner.

Approved October 23, 2013

## Appendix B

### POLICY REGARDING TERMINATION OF THE DENTIST-PATIENT RELATIONSHIP

Preamble: The purpose of this policy is to clarify the Board's position regarding what should be considered when terminating the dentist-patient relationship.

It is the position of the Ohio State Dental Board that the following elements should be satisfied prior to terminating the dentist-patient relationship:

1. All efforts should be made to give the patient sufficient notice of termination of dental services.
2. All efforts should be made to stabilize the patient's dental condition and not place the patient's dental health in immediate jeopardy.
3. Upon written request, a copy of all records should be made available to the patient or the subsequent treating practitioner.

The Board traditionally has held that if a dentist has abandoned the patient, he or she potentially has violated the standard of care for the profession which may be grounds for discipline pursuant to Ohio Revised Code 4715.30 (A)(7). Dentists following these minimum guidelines will likely be considered to be following appropriate termination procedures and thus giving an indication that the patient has not been abandoned.

Approved October 23, 2013