

**OHIO STATE DENTAL BOARD**

**BOARD MEETING**

**MAY 14, 2014**

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## OHIO STATE DENTAL BOARD

### BOARD MEETING

**MAY 14, 2014**

#### **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 May 14, 2014, beginning at 1:00 p.m. Board members present were:

Gregory A. McDonald, D.D.S., President  
William G. Leffler, D.D.S., Vice President  
Marybeth Shaffer, D.D.S., Secretary  
Ashok Das, D.D.S., Vice Secretary  
Constance F. Clark, R.D.H.  
Martin Chambers, D.D.S.

Susan Johnston, R.D.H.  
Lawrence Kaye, D.D.S.  
Anne Missig, R.D.H.  
Charles Smith, D.D.S.  
Douglas W. Wallace, D.D.S.

Chris Hanners, D.D.S. 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. of the Ohio Dental Association (ODA); Mark Wenzel, D.D.S., of the ODA's Dentists Concerned for Dentists; Mark D. Lutz, M.A., L.C.D.C. III, Clinical Director for Ohio Physicians Health Program; 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. Greg McDonald introduced himself as the Board President, a general dentist from Springboro, and extending greetings to everyone. Noting that there was a quorum present, he called the meeting to order at approximately 1:05 p.m.

#### **New Board Member**

Dr. McDonald welcomed the Board's newest member Martin Chambers, D.D.S. Dr. McDonald informed the members that Dr. Chambers has a private practice in Fairview Park, a suburb of Cleveland, and he is an Assistant Professor at Case Western Reserve University in the Department of Dental Medicine.

## Introduction of Board Members

Dr. McDonald then introduced the rest of the Board members. He introduced Dr. William Leffler, the Board's Vice President, a general dentist from Massillon, Dr. Marybeth Shaffer, the Board's Secretary, a general dentist from Leetonia, Dr. Ashok Das, the Board's Vice Secretary, a general dentist from Mason, Dr. Lawrence Kaye, a periodontist from Akron, Dr. Charles Smith, a general dentist from Tipp City, Dr. Douglas Wallace, an oral and maxillofacial surgeon from West Chester, Ms. Constance Clark, a dental hygienist from Dublin, Ms. Susan Johnston, a dental hygienist from Columbus, and Ms. Anne Missig, a dental hygienist from Morrow. Dr. McDonald noted that Dr. Chris Hanners, a general dentist from Piketon and Ms. Ann Aquillo, the Board's Public member from Marysville were not in attendance to the meeting.

## Review of Minutes

### April 2014

**Motion by Dr. Kaye, second by Ms. Missig, to approve the April 23, 2014 Board meeting minutes as presented.**

Discussion followed wherein Dr. Smith informed the members he would like to make one change at the very end of the minutes. He commented that some of the members had dinner the previous evening with the Board's former member and Quality Intervention Program (QUIP) Coordinator Jacinto Beard, D.D.S. Dr. Smith commented that the minutes from the last Board meeting did not accurately reflect what he meant to say regarding the QUIP, its processes, and the assistance he had received in mentorship from Dr. Beard.

Dr. McDonald stated that the comments made during the dinner on the previous evening were not discussions from the last Board meeting and therefore, were not to be included in the minutes. Dr. Smith commented that by stating them in the discussions now, they would be included. He stated that while these comments about QUIP and Dr. Beard were not part of the discussion from the past meeting, they were reflected in what he had planned to say and documented in his "First Annual QUIP Report to the Board".

Ms. Reitz indicated that the written report provided by Dr. Smith had been attached to the draft minutes from the last meeting as Appendix E. Dr. Smith stated that he wanted to ensure that the minutes reflect the fact that he appreciated Dr. Beard's mentorship and the fact that Dr. Beard had been a true asset to QUIP.

Roll call vote: Dr. Chambers – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Ms. Johnston – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Yes  
Dr. McDonald – Yes  
Ms. Missig – Yes  
Dr. Shaffer – Yes  
Dr. Smith – Yes  
Dr. Wallace – Yes

Motion carried.

## **Personal Appearance(s)**

### **Timothy J. Backiewicz, D.D.S.**

Ms. Yehnert introduced Dr. Timothy Backiewicz to the Board members. She stated that this was Dr. Backiewicz's third appearance before them. Ms. Yehnert then provided the members with Dr. Backiewicz's background in this matter. She stated that he has been a dentist for 23 years in the New Albany area and that in late 2013, Dr. Backiewicz was convicted of two (2) traffic offenses. Ms. Yehnert indicated that Dr. Backiewicz self-reported to the Board that he had entered into treatment at The Woods at Parkside (Parkside). She stated that subsequent to treatment completed, Dr. Backiewicz appeared before the Board for Personal Appearances on two occasions; March 19 and April 23, 2014.

Ms. Yehnert stated Dr. Backiewicz was granted privileges to practice up to twenty (20) hours per week on his previous appearance before them. She stated that she has spoken with Dr. Backiewicz and that he has returned to private practice, he appears to be doing well, and is happy to be back seeing familiar patients. She stated that Dr. Backiewicz is working on getting into a routine of meetings and Ohio Physicians Health Program (OPHP) requirements. Ms. Yehnert commented that she had been made aware that Dr. Backiewicz had missed a few of his meetings. However, she explained that this issue has been addressed and that Dr. Backiewicz now understands what is expected of him. Ms. Yehnert concluded by informing the Board that Dr. Backiewicz is appearing before them to request additional work privileges.

Upon questioning by the Board Dr. Backiewicz stated that it felt nice to be back in practice and that the stress level of practicing twenty (20) hours per week was manageable as it was only for a few hours per day. He stated that he has a pretty light practice schedule since his wife is the office manager. Dr. Backiewicz informed the members that she may schedule him for an occlusal composite and provide for about an hour to finish it. He stated that his wife is lenient on the amount of time for each procedure; therefore his schedule has been pretty easy so far. In addition to the 20 hours/week working in the office, Dr. Backiewicz stated that he spends most of his time fixing up the home, working in the yard, and going to meetings. He stated that sometimes he goes to the office to help out with the finances because one of their biggest problems right now is getting back on track financially. Dr. Backiewicz stated that his wife took over the bookkeeping while he was at Parkside but he does not know if she is quite ready to relinquish the finances back to him. Dr. Backiewicz stated that his wife is hesitant to allow him to take back management of the finances because of his history, however, he keeps reminding her of his sobriety and promises to do a better job at it.

Upon further questioning by the Board, Dr. Backiewicz explained that Ms. Yehnert had indicated that an increase in practice hours up to thirty-two (32) would be the next step. He explained that he was unsure if he would use the full thirty-two (32) hours, however, it would allow him to pick up an extra day of practice to allow his associate some much needed time off from the practice. Dr. Backiewicz stated that he knew that his associate would appreciate a day off every now and again. Also, he stated that the time might also

allow for him to practice in case of an emergency without fear of going over the twenty (20) hour limitation that he is currently under.

Dr. McDonald thanked Dr. Backiewicz for attending and stated that the Board would consider his request during the upcoming Executive Session.

### **Christy A. Dove, D.D.S.**

Ms. Yehnert introduced Christy A. Dove, D.D.S. to the Board, stating that this was her second appearance before them, and that she was again requesting consideration for reinstatement of her license to practice dentistry. Ms. Yehnert explained that the matter regarding Dr. Dove was brought to the Board's attention by way of Agent Kinneer of the Ohio Board of Pharmacy. She said that on February 12, 2014, Dr. Dove admitted to Agent Kinneer that she had used prescription blanks from her employer dentist to forge prescriptions in her parents' names for Percocet for her own intended use.

Continuing on, Ms. Yehnert informed the members that she had met with Dr. Dove and Dr. Dove's employer on February 18, 2014. She said that Dr. Dove elected not to seek legal counsel but invited her employer, whose prescription blanks she stole, to sit in on the review of her proposed consent agreement. At that time, Ms. Yehnert stated that Dr. Dove commented that she did not feel she had an addiction but rather the stress of her divorce and health issues were not allowing her to function and the Percocet provided her relief. Ms. Yehnert stated that she had several more conversations with Dr. Dove to assist her in finding an approved treatment facility and detailing the terms and conditions of her consent agreement. She informed the members that on March 30, 2014 she received a telephone call from Dr. Dove's mother requesting information on aftercare facilities and that Dr. Dove be permitted to return to practicing dentistry immediately upon release from treatment from the Center for Chemical Addictions Treatment (CCAT). Ms. Yehnert stated that she explained to Ms. Cox that historically, the Board requests that the dentist return for a personal appearance after a short period of time wherein they have demonstrated a period of continued sobriety and full compliance with their consent agreement with the Board. She stated that she informed Ms. Cox that this had been explained to Dr. Dove in detail prior to her admission to CCAT.

Ms. Yehnert said that she was contacted on April 1, 2014 by Dr. Dove's counselor, Katie Shaw who informed her that Dr. Dove would be discharged the next day. She stated that Ms. Shaw advised her that Dr. Dove had expressed a desire to relocate to the Columbus area and then they discussed Dr. Dove's aftercare

Dr. Dove had stated that she was depressed over her divorce, that she felt she needed the Percocet to function, and that she knew it was wrong to have forged the prescriptions and write them out in her parents' name. further

informed Ms. Yehnert that Dr. Dove claimed not to have known that these were chargeable felonies, that she had practiced outside her scope of dentistry in treating her mother for Fibromyalgia, and that she had no medical charts for the treatment she had prescribed for her parents. indicated to Ms. Yehnert that Dr. Dove had explained that the prescriptions she had written out for her father in the amounts for 55 tablets were actually for her because that is how Dr. Dove tracked her own drug usage.

Ms. Yehnert stated that Dr. Dove's discharge summary clearly details the and the summary further recommends that Dr. Dove undergo mental health counseling

Ms. Yehnert stated that Dr. Dove is currently compliant with the terms of her consent agreement with the Board. She stated that Dr. Dove had mentioned seeking legal counsel at one point and has been receiving counsel in relation to the possible charges against her. Ms. Yehnert stated that Dr. Dove has stated that she is working on her health issues and is under the care of a new physician. She informed the members that Dr. Dove and her children are still residing with her parents and that should the Board choose to grant practice privileges, Dr. Dove would return to work for Dr. Whitley, her former employer dentist.

Ms. Yehnert pointed out that she has addressed with Dr. Dove the portion of the Discharge Summary wherein mental health counseling was mentioned. She stated that Dr. Dove indicated to her that she did not believe she had been "ordered" to go to counseling and expressed that Dr. Dove claimed she would be clarifying this with Ms. Shaw of CCAT. Ms. Yehnert stated that she had informed Dr. Dove that any recommendations made in the Discharge Summary were viewed as "required" and that if she believed that mental health counseling was not mandatory, then Dr. Dove would be required to provide that information in writing from a CCAT counselor. Concluding, Ms. Yehnert informed the members that Dr. Dove claims to not have been informed of any formal charges being brought against her in relation to the possible forgery charges.

Board members questioned Dr. Dove as to why she had not divulged the information regarding the nine (9) pending felony charges with Ms. Shaw, her counselor. Dr. Dove stated that when she heard the discussion in that regard at the previous meeting, she spoke to Ms. Shaw and explained that this was so new and that a representative from the Ohio Board of Pharmacy had spoken with her but she did not really know the status of any pending charges. She informed the members that she had explained to Ms. Shaw that this was the first time that she has ever experienced a situation like this, does not know the process, and that she did not have an awareness of what to expect.

Dr. Dove explained to the Board that she had missed an aftercare meeting on April 30 due to a medical appointment with her fibromyalgia specialist in Cincinnati, Ohio. She stated that when she had made the appointment they had indicated that she would only need an hour, however, the physician was running late.

Dr Dove stated that she was unsure of how to handle this type of situation, since she was scheduled to receive treatment injections that day and did not want to have to leave and reschedule.

Regarding the recommended mental health counseling, Dr. Dove stated that she had discussed her intent to move to the Columbus area with Ms. Shaw and that it was her understanding that Ms. Shaw indicated that she should wait until she was moved, settled, and has made progress on her health issues prior to considering counseling. Dr. Dove claimed that Ms. Shaw was so very clear in her explanation that it surprised her that she had documented their discussions differently in the discharge summary.

Dr. Shaffer explained to Dr. Dove that the Board has concerns trusting her ability to take care of patients when so much of her personal life is disrupted. She informed Dr. Dove that according to the discharge summary, she still needs to seek mental health counseling in addition to any concerns regarding the legal problems she is experiencing. Dr. Shaffer stated that she feels Dr. Dove would have problems concentrating on practice issues

When asked about her intent to practice, Dr. Dove explained that she last practiced the second week of February and intends to return to practicing with her former employer, Dr. Whitley in Chillicothe. She stated that she worked part-time, two (2) days per week in the past but is unsure of what arrangements would be made upon her return to practice. She informed the members that she would not be moving to Columbus until such time as everything was worked out.

Dr. McDonald thanked Dr. Dove for attending and stated that the Board would be considering her request for reinstatement during executive session.

## **Executive Session**

**Motion by Dr. Wallace, second by Ms. Clark, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the matters involving Timothy Backiewicz, D.D.S. and Christy Dove, D.D.S.**

Roll call vote: Dr. Chambers – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Ms. Johnston – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Missig – Yes  
Dr. Shaffer – Yes  
Dr. Smith – Yes

Dr. Wallace – Yes

Motion carried unanimously.

Dr. McDonald requested Ms. Reitz to attend the Executive Session.

### **Open Session**

The Board resumed open session at approximately 1:49 p.m.

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

**Motion by Dr. Kaye, second by Dr. Wallace, to reinstate the license of Timothy Backiewicz D.D.S. to practice dentistry up to thirty-two (32) hours per week and pursuant to the terms of his consent agreement.**

Discussion followed wherein it was decided that should Dr. Backiewicz wish to return to full-time practice, the Board would like to see him back for a subsequent interview.

Roll call vote: Dr. Chambers – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Ms. Johnston – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Absent  
Dr. McDonald - Yes  
Ms. Missig – Yes  
Dr. Shaffer – Yes  
Dr. Smith – Yes  
Dr. Wallace – Yes

Motion carried.

### **Decision in the Matter of Christy A. Dove, D.D.S.**

Dr. McDonald informed Dr. Dove that the Board cannot consider reinstatement of her license to practice dentistry unless all the requirements of the consent agreement have been met. He suggested that Dr. Dove take some time to discuss these matters with Ms. Yehnert to ensure that the requirements have been completed. Therefore, Dr. McDonald stated that the Board would not consider reinstating Dr. Dove's license at this time.

## Enforcement Report

### Review of Proposed Motion(s)

#### Dental Licensees – Failure to Renew

Ms. Reitz explained to the members that at the previous meeting they had voted to send Notices of Opportunity for Hearing (Notices) to the dentists who had not renewed their licenses prior to April 1, 2014. She stated that there were several dentists who responded, that they were no longer practicing and/or were practicing in another state, and had no intention of renewing their license in Ohio. Ms. Reitz was requesting the Board to consider rescinding the Notices that had been sent to the following individuals:

Dr. Marc A Abramson	Dr. William A Palmer
Dr. Christopher Allaman	Dr. Michael Raizen
Dr. Theodore Ameredes	Dr. Daniel C Renwald
Dr. John H Bailey	Dr. Nathaniel Ritter
Dr. Kevin Beadle	Dr. Ronald R Roberson
Dr. Elaine M Dossett	Dr. Troy Rogers
Dr. Elias Drobotij	Dr. Mark A Scheper
Dr. Jeremy Fairbourn	Dr. William G Schneider
Dr. Monica A Fisher	Dr. Brandon Schultz
Dr. Howard D Friedman	Dr. Ryan M Schumacher
Dr. Daniel A Gergel	Dr. Peter H Schwenkmeyer
Dr. Donald E Gordon	Dr. Carl C Scott
Dr. William A Graue	Dr. Barry J Simon
Dr. Ingrid Hlawaty	Dr. Donald Spinelli
Dr. Amanda J Huang	Dr. John B Strong
Dr. Dhileep Jinna	Dr. Rosalyn Sulyanto
Dr. Christopher T Jones	Dr. Sasi Sunkara
Dr. David Kacir	Dr. Lisa M Valentine
Dr. Jaleh Keyhani	Dr. Christina G Venizelos
Dr. Gary Kimberlin	Dr. Gary L Warren
Dr. Lawrence R Liguore	Dr. James F Weisgerber
Dr. Lauren Lockhart	Dr. George K Yung
Dr. George H Newman	

**Motion by Dr. Wallace, second by Ms. Missig, to rescind the Notices of Opportunity for Hearing for the dentists listed.**

Motion carried with Dr. Leffler absent.

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

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

### **Disciplinary**

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

**Motion by Dr. Kaye, second by Ms. Missig, to approve the proposed consent agreement for Fred S. Glick, D.D.S., license number 30-017346, case number 13-18-0099.**

Motion carried with Dr. Leffler absent.

Dr. Leffler returned to the meeting.

#### ***Peter Maragos, D.D.S.***

**Motion by Dr. Kaye, second by Ms. Johnston, to approve the proposed consent agreement for Peter Maragos, D.D.S., license number 30-020579, case number 14-52-0119.**

Motion carried unanimously.

#### ***Jeffrey J. Orchen, D.D.S.***

**Motion by Dr. Kaye, second by Dr. Das, to approve the proposed consent agreement for Jeffrey J. Orchen, D.D.S., license number 30-015639, case number 14-18-0126.**

Motion carried unanimously.

#### ***Hongwei Wang, D.D.S.***

**Motion by Ms. Missig, second by Ms. Johnston, to approve the proposed consent agreement for Hongwei Wang, D.D.S., license number 30-023529, case number 14-25-0125.**

Motion carried unanimously.

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

The Board reviewed one (1) proposed notice of opportunity for hearing. 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.

#### **Jane L. Dodson, D.D.S.**

**Motion by Dr. Wallace, second by Dr. Leffler, to approve the proposed notice of opportunity for hearing and forward it to Jane L. Dodson, D.D.S., license number 30-017095, case numbers 13-18-0037-1, 13-18-0037-2, 13-18-0263, and 13-18-0336.**

Motion carried unanimously.

## Enforcement Update

Ms. Reitz began the report by informing the Board that there were two (2) cases pending hearings, of which both have been assigned. She stated that there were two (2) matters pending the hearing officer's report and recommendation. She indicated that there were currently forty-six (46) licensees under suspension and informed the Board members that there were three hundred and seventeen (317) active cases. Ms. Reitz said that there were seven (7) licensees currently considering QUIP, and seven (7) licensees actively participating in QUIP. She informed the members that there were twenty-five (25) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with two (2) warning letters issued.

Due to the requirement in Chapter 4715.03(B) of the Ohio Revised Code, that "A concurrence of a majority of the members of the board shall be required to... ..(6) Dismiss any complaint filed with the board.", Ms. Reitz reviewed the cases to be closed with the Board.

The following cases are to be closed:

13-31-0295	13-25-0387	14-45-0038
13-31-0243	13-31-0353	14-18-0044
13-32-0191	13-09-0315	13-18-0368
14-57-0055	13-22-0277-Warning Letter	13-18-0053
13-43-0192	12-57-0298	14-18-0015
13-50-0349	13-25-0326	13-60-0384
13-48-0028	14-31-0056	13-51-0119- Warning Letter
13-25-0380	13-18-0364	
13-18-0379	13-57-0253	

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

Roll call:

- Dr. Chambers – No
- Ms. Clark – No
- Dr. Das – No
- Ms. Johnston - No
- Dr. Kaye – No
- Dr. Leffler - No
- Dr. McDonald – No
- Ms. Missig – No
- Dr. Shaffer – No
- Dr. Smith – No
- Dr. Wallace – No

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

**Motion by Dr. Leffler, second by Ms. Clark, to close the above twenty-five (25) cases.**

Roll call vote: Dr. Chambers – Yes  
Ms. Clark – Yes  
Dr. Das – Yes  
Ms. Johnston – Yes  
Dr. Kaye – Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Missig – Yes  
Dr. Shaffer – Yes  
Dr. Smith – Yes  
Dr. Wallace – Yes

Motion carried.

## 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. Wallace, second by Ms. Missig, to approve the licensure report for the following dental licenses issued by a regional board examination:**

Dominik Berdysz  
James S. Boley  
Shannon K. Carps  
Chase E. Crowley  
Peyman Fattahi  
Nathan A. Fennell  
Douglas E. Ford  
Andrew R. Glynn  
Deepak Krishnan  
Kelsey H. Gross  
Elyse M. Grothouse  
Arman G. Haghighi  
Lee T. Hartzler  
Lauren E. Hehl  
Scott J. Hudepohl  
Courtney R. Jacocks  
Erick Q.N. Jayjohn  
Steven W. Johnson  
Mary K. Kochenour

Daniel P. Magness  
Lindsey A. McMahan  
John W. Melde  
Stephanie M. Merrill  
Monica M. Monfredi  
Stephanie F. Morris  
Arya Namboodiri  
Jason S. Perlman  
Davide G. Pipitone  
Nathan W. Prueter  
Venkat Ragiru  
Joel J. Richards  
Jason A. Robson  
Derek M. Ross  
David J. Rothwell  
Nicholas M. Rudy  
Shana L. Schnipke  
Christopher R. Sinick  
Jun A. Soetanto

Joanna K. Stoyanova  
Clinton J. Sweitzer  
Andrew J. Tremont  
John V. Unger  
Patrick J. Walsh

Ryan L. Wheaton  
Jonathan A. Winnyk  
Alicia M. Yokum  
Tao Zhang

Motion carried unanimously.

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

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

Ruth H. Adams  
Brooke A. Alexander  
Brianna M. Aubin  
Hannah L. Baer  
Amber D. Bogue  
Courtney C. Brakeall  
Autumn R. Burton  
Debra A. Cain  
Julia C. Carmichael  
Katherine L. Caufield  
Lauren A. Clouse  
Ronda Cook  
Amy E. Echler  
Sarah E. Eckhardt  
Kelsey N. Galyk  
Rachel L. Gieseke  
Meghan M. Greening  
Ashlee N. Hairston  
Alycia N. Hairston  
Melinda S. Henry  
Reem A. Husein  
Nicole A. Lange  
Diane J. Magoto  
Bethany A. Mannarino  
Edit V. Mason  
Ashton O. Miller  
Miranda M. Miller

Kristin L. Moore  
Amanda M. Morgan  
Malinda S. Muffley  
Beth M. Poeppelman  
Lynzie L. Polk  
Melissa A. Raley  
Shea I. Reese  
Abigail E. Rose  
Farahnaz Roshanipour  
Samantha J. Saville  
Megan E. Schroeder  
Lindsay A. Sellers  
Meghan R. Shaver  
Caitlin M. Spencer  
Lauren N. Steele  
Sydney M. Steinecker  
Kimberly S. Telek  
Kayla R. Thomas  
Amanda Trisler  
Brittany N. Troxell  
Katelyn M. Veltri  
Kelly N. Wentink  
Logan M. Williams  
Amy H. Wooldridge  
Jessica S. Yaney  
Kayla M. Zapior

Motion carried unanimously.

**Dental Assistant Radiographer(s)**

Motion by Dr. Kaye, second by Ms. Johnston, 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:

Daniel Barrera-Acosta	Megan Larkin
Debra Bellamy	Katarzyna Leara
Amy Bober	Alexandra Litfin
Kimberly Bradley	Makala Lykins
Jennifer Brej	Sydney Marsh
Martin Britt	Tiffany Mavis
Megan Campbell	Kelli Mays
Candace Caris	Antoinette McCleskey
Katherine Chesbrough	Emily McGahey
Brianda Coachman	Ellen Meiering
Alexis Cox	Bianca Messina
Michelle Crueta	Caitlin Newman
Bhumi Dalal	Opal Pierce
Tracy Davis	Marissa Quinones
Jacqueline Deem	Lisa Rainey
Megan Duvall	Gretchen Riley
Michelle Falb	Shelby Selbert
Cora Flick	Jade Smith
Jillian Foster	Krista Stefanac
Lisa Galliher	Dianna Sumer
Christeen Gayed	Breianna Trapp
Cynthia Greenlaw	Emily Wallace
Macie Hatten	Siyana White
Brittany Holt	Danielle Wiley
Mackenzie Hunter	Gwendolyn Williams
Ambuer Jameson	Halie Wirick
Haylee Jordan	Alisha Wright
Noel Kedzierski	Assata Ysrayl
Sara Kulbacki	

Motion carried unanimously.

**Coronal Polishing**

Motion by Dr. Kaye, 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:

Brittany K. Dellagatta  
Kimberly R. Dumas  
Alla F. Lawson  
Dana N. Powell

Theresa A Pratt  
Viorica Rumley  
Mary E. Walcott

Motion carried unanimously.

### **Expanded Function Dental Auxiliary**

**Motion by Dr. Kaye, second by Dr. Shaffer, to approve the licensure report for the following expanded function dental auxiliary registrations issued by: certification by the Dental Assisting National Board (DANB) or the Ohio Commission on Dental Assistant Certification (OCDAC) and completion of the requirements necessary to obtain registration:**

Lisa M Henning  
Cheri L Henning

Kellie S Pettit

Motion carried unanimously.

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

**Motion by Dr. Wallace, second by Dr. Kaye, that the following applicants have met the requirements necessary to obtain a license to practice dentistry in Ohio as graduates of unaccredited dental colleges outside the United States:**

Dr. Rahim Abdul  
Dr. Anuya Diwan  
Dr. Waleed Elmallah

Dr. Bharat Kundnani  
Dr. Mohammed Taifour  
Dr. Hadil Yousef

Motion carried unanimously.

### **Reinstatement Application(s)**

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

#### **Dentist(s)**

Michael Mermigas, D.D.S.

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 in the appropriate modality.

Dr. Charles H. Stevens – Troy –Intravenous

Dr. Todd W. Hasty – Maumee - Intravenous

**Motion by Ms. Missig, second by Dr. Smith, to accept the Anesthesia Committee report and approve these applicants to receive provisional privileges.**

Motion carried unanimously.

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

Dr. Kaye informed the Board that the Ad Hoc Board Operations Committee met earlier this morning to review and discuss a draft of the Board's new Enforcement Manual which will be a comprehensive overview of the enforcement process. He stated that the manual is being created with the intention of use as a reference guide for Board investigators, Secretaries, and others involved in the enforcement and disciplinary processes. Dr. Kaye stated that once completed, the approved version of the manual will be available to Board members and personnel only and that a redacted version, due to matters of confidentiality, will be posted to the Board's website once the final version has been approved.

Continuing on, Dr. Kaye stated that the section in the Enforcement Manual regarding the Quality Intervention Program (QUIP) had been specifically discussed. He stated that the policies and procedures in the manual regarding QUIP had been reviewed and approved last year. He informed the Board members that the committee had again reviewed the documentation provided in the manual and that their discussions resulted in no suggestions, changes, or amendments being made to the QUIP section.

Dr. Kaye, along with Dr. McDonald, commended Ms. Reitz and Ms. Franks for their hard work on this project.

**Motion by Ms. Johnston, second by Ms. Clark, to approve the Ad Hoc Board Operations Committee report.**

Motion carried unanimously.

## **Education Committee Report**

Ms. Clark informed the Board members that the Education Committee met earlier that day and reviewed six (6) sponsor and five (5) sponsor renewal applications for 2014-2015. She informed the members that the Committee was recommending approval of all the sponsors and courses listed as meeting all the requirements set forth in the Dental Practice Act.

Ms. Clark explained that they reviewed one (1) Dental Hygiene Medical Emergency Recognition Course request and the Committee is recommending that the course be approved.

## **2014-2015 Biennial Continuing Education Sponsor Application(s)**

John R. Dawe, D.D.S.

Patrick Haggerty, D.D.S. & Melissa Dravecky Haggerty, R.D.H.

Jennifer Haywood, L.I.S.W.-S., L.I.C.D.C.–C.S.  
Brian N. Hockenberger, D.D.S., M.S.  
James E. Metz, D.D.S.  
Winer & Bevilacqua, Inc.

### **2014-2015 Biennial Continuing Education Sponsor Renewal Application(s)**

Carl O. Boucher Prosthodontic Conference  
The Carroll Center  
Orthodontic Associates, Inc./Matthew C. Mayers, D.D.S.  
ROE Dental Laboratory  
Underwood Orthodontics, Inc.

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

University of Cincinnati, Blue Ash Dental Hygiene - "Medical Emergencies in the Dental Office"

Continuing on, Ms. Clark stated that the Committee revisited its discussions regarding the definition of remedial education. She stated that the Committee is closer to a proposed definition but that they are not quite ready to present language to the Board for consideration.

**Motion by Dr. Wallace, second by Ms. Missig, to accept the Education Committee report and approve the sponsor and course applications.**

Motion carried unanimously.

### **Scope of Practice Committee Report**

Dr. Das informed the members that the Scope of Practice Committee met earlier that morning to discuss two (2) issues:

1. Whether chemical peels and facial laser treatments fall within the scope of practice of Oral and Maxillofacial surgery; and
2. Whether a dental hygienist is permitted to use "The Wand" and/or the LIGMAJET Syringe when administering local anesthesia to a patient.

Dr. Das stated that the Committee openly discussed and ultimately reaffirmed that chemical peels and laser treatments are within the scope of practice of dentistry and as such, it is within the scope of practice of oral and maxillofacial surgery. He informed the Board that it will be recommended to the licensee to check with his insurance provider as to whether the individual is covered.

Continuing on, Dr. Das stated that as to the second issue, use of "The Wand" and LIGMAJET Syringe are both used in the administration of local anesthesia and therefore, dental hygienists who have met Ohio's requirements to administer local anesthesia are permitted to utilize these methods. However, he stated that the members had concerns regarding the difficulty of use, types of sedation used, and location of

injections. Dr. Das informed the members that a response would be drafted to the licensee indicating that while they are permitted to use them, the licensee, as well as their supervising dentist, should be appropriately trained and comfortable in their use. Additionally, he stated that the letter will note that it is ultimately the licensee's responsibility to ensure competency in the use of "The Wand" and the LIGMAJET Syringe.

**Motion by Dr. Wallace, second by Ms. Johnston, to approve the Scope of Practice Committee report.**

Motion carried unanimously.

### **Treatment Center Approval**

Ms. Reitz stated that as a follow-up to the last Board meeting, one of our licensees had asked the Board members to consider Metrohealth Medical Center Drug Rehab as an acceptable aftercare treatment program. She stated that the Board had not addressed the request at that time. However, she stated that the information has been reviewed and she is now requesting them to consider approving this facility for the licensee in question.

**Motion by Dr. Wallace, second by Ms. Clark to approve MetroHealth Medical Center Drug facility as an approved aftercare provider for Lawrence Kaiser, D.D.S.**

Motion carried unanimously.

### **Supervisory Investigative Panel Report**

Dr. Shaffer, as Secretary, attested that she had spent in excess of twenty (20) hours per week attending to Board business. Dr. Das, as the Board's Vice Secretary, attested that he had spent in excess of twenty(20) hours per week attending to Board business.

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

Motion carried unanimously.

### **Office Expense Report**

**Motion by Dr. Wallace, second by Ms. Johnston, to approve the expense report and approve payment of the April 2014 Board bills.**

Motion carried unanimously.

## **Executive Director's Report**

### **Update on House Bill 463**

Ms. Reitz stated that she wished to update the members on HB 463. She stated that they were still holding hearings and receiving testimony on the bill. She informed the Board that a companion bill was introduced in the Senate; SB 327. She stated that both bills have basically the same language and are being heard on each side of the House of Representatives and the Senate. Ms. Reitz indicated that there are a few differences between the bills and that she would be discussing the differences with Mr. Coughlin and how to proceed. She stated that they have scheduled a meeting with one of the sponsors of the bill to see if they have any questions for the Board in regards to any proposed language.

Dr. Chambers inquired as to when the Board would be discussing and offering opinions on individual sections of the bill. Ms. Reitz informed him that the Ad Hoc Board Operations Committee had discussed the individual sections of the bill during the previous two (2) meetings and that the Board already voted on their position. Dr. Chambers stated that he was curious about their discussion regarding the additional year of dental school in lieu of examination as an avenue to licensure. Ms. Reitz stated that this is not the first time that one additional year of general dental residency leading to licensure, referred to as PGY1, has been proposed. She stated that the Board does not support that avenue to licensure, but rather supports examination in all key minimum competencies. She informed Dr. Chambers that she had testified before the House the morning of the last Board meeting and that she would share her testimony with him.

### **John Reid and Associates – Investigator Training**

Continuing on, Ms. Reitz informed the members that last week she had attended and completed the investigator and interrogation training offered by John Reid and Associates along with two (2) of the Board investigators. She stated that this training was originally scheduled in December in Cincinnati but they were involved in a car accident at that time, so they had rescheduled. She indicated that it was an excellent course and that she could make the materials available to the members of the Board. Ms. Reitz indicated that they will be sending more of the investigators to the same training when it is offered again this coming December in Cincinnati.

**Motion by Dr. Wallace, second by Ms. Johnston, to accept the Executive Directors report.**

Motion carried unanimously.

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

### **Botox/Juvederm Course**

Dr Shaffer stated that at the previous board meeting, Dr. McDonald mentioned attendance to a course on Botox and Juvederm that had been recommended at the American Association of Dental Boards (AADB) meeting that he recently attended. She stated that they had a conversation about Botox and Juvederm injections and that they were being used in more advanced ways for Temporomandibular Joint Disorders, etc. and they felt it was best to get more information by sending a representative of the Board to take this

course and report back to the Board. She stated that Dr. McDonald has agreed to give up a week of practice to attend the four (4) day seminar and therefore, she was asking the Board to consider reimbursing Dr. McDonalds expenses.

**Motion by Ms. Missig, second by Ms. Clark, to reimburse Dr. McDonald for travel expenses to attend the recommended course on Botox and Juviderm.**

Motion carried with Drs. Kaye and Wallace abstaining.

### **Record Retention**

Dr. McDonald asked Keith Kerns, Esq. to explain a recent change in Ohio law regarding record retention. Mr. Kerns stated in 2004-2005 a change in Ohio law, a statute of repose, became effective. He stated that as a result, there was an outward timeframe on when malpractice claims can be brought against a dentist or physician. Mr. Kerns informed the members that there is a four (4) year limitation from the date of delivery of care, except in the case of a minor or an individual with a mental disability. He stated that previously the statute of limitations was from the date of discovery with many complainants stating that they had recently discovered their injury immediately preceding filing a malpractice claim. Mr. Kerns stated that is where the statute of repose comes into play in that the Ohio Supreme Court upheld the constitutionality of that provision in the law.

Continuing on, Mr. Kerns stated that there may be other reasons a dentist should consider keeping records for longer than the four (4) years. For example, he said, under the Health Insurance Portability and Accountability Act (HIPAA), a dentist is required to be able to provide an accounting of any release of patient information. In the instance where the dentist has treated Medicaid patients, Mr. Kerns stated Medicaid requires records to be maintained for a period of six (6) years. Additionally, he stated that an accountant or a malpractice carrier might want the dentist to keep the records for a period of time greater than those mentioned previously.

Concluding, Mr. Kerns stated that most practice management experts from Ohio suggest that records be kept for approximately ten (10) years.

Dr. McDonald commented that from a forensics standpoint, records are invaluable and that he has seen 20-year old cold cases solved by dental radiographs.

### **Committee Appointments**

Dr. McDonald distributed an updated listing of the committee appointments. He noted that based upon recommendations from the Assistant Attorney General, Katherine Bockbrader, Esq., the committees have been reduced in order to address any concerns regarding a quorum of Board members in attendance to the committees.

Due to an earlier commitment, Dr. Kaye excused himself from the rest of the meeting.

## 2015 Board Meeting Schedule

Dr. McDonald opened discussions regarding the dates for the 2015 Board meetings. Discussion followed wherein it was decided that the Board would convene on the following dates:

February 4	July 22
March 11	September 16
May 13	November 4
June 10	December 9

Dr. McDonald noted that all meetings will begin at 1:00 p.m.

## Farewell to Board Member, Douglas W. Wallace, D.D.S.

Dr. McDonald stated:

“Dr. Wallace, on behalf of the Ohio State Dental Board, I want to take this opportunity to thank you for all your services for the past 10 years. Before he became a serving member of the Board, Dr. Wallace volunteered his time, along with Dr. T. Michael Murphy, as anesthesia consultants, assisting licensed dentists in the process to receive permits to safely provide anesthesia and conscious sedation to the citizens of Ohio.

Dr. Wallace was appointed to the Board in April, 2006 and in his years on the Board, Dr. Wallace has served on many committees, including Chair of Anesthesia, Ad Hoc Board Operations, and Policy Committees and as a member of the Law and Rules Review and Scope of Practice Committees. Dr. Wallace has served as the Vice president of the Board from 2011 to 2013 and has been instrumental in ensuring the safe regulation of anesthesia and sedation by qualified dentists in the State of Ohio. Dr. Wallace has been an advocate and has given his time and effort to the Board to help fulfill its mission of public protection. His work is truly appreciated by the Board.

Dr. Wallace has served the Board, the profession and the public in a manner that has truly demonstrated his level of commitment to the Board. Dr. Wallace’s commitment to the Board has brought great credit upon himself, the Ohio State Dental Board, and the citizens of the State of Ohio. We thank you for everything you have done in your years as a member of the Board, and we wish you nothing but the best in all of your future endeavors.”

Dr. McDonald invited the attendees to join him in a warm round of applause for Dr. Wallace.

## Executive Session

**Motion by Ms. Clark, second by Ms. Johnston, 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. Chambers – Yes  
Ms. Clark – Yes  
Dr. Das – Yes

Ms. Johnston – Yes  
Dr. Leffler – Yes  
Dr. McDonald - Yes  
Ms. Missig – Yes  
Dr. Shaffer – Yes  
Dr. Smith – Yes  
Dr. Wallace – Yes

Motion carried unanimously.

Dr. McDonald requested Ms. Reitz and Ms. Bockbrader to attend the executive session. He also informed attendees to the meeting that this would be the last order of business for the Board and that once they returned to open session they would be adjourning the meeting immediately.

### Adjourn

Dr. McDonald adjourned the meeting at 3:09 p.m. He reminded the Board members that their next meeting would be June 25, 2014.

  
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William G. Leffler, D.D.S.  
Vice President

  
\_\_\_\_\_  
Marybeth Shaffer, D.D.S.  
Secretary