

OHIO STATE DENTAL BOARD

BOARD MEETING

MAY 13, 2015

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OHIO STATE DENTAL BOARD

BOARD MEETING

MAY 13, 2015

Attendance

The Ohio State Dental Board (Board) met in Room 1932, of The Vern Riffe Center for Government and the Arts, 77 South High Street, 19th Floor, Columbus, Ohio on May 13, 2015, beginning at 1:00 p.m. Board members present were:

Marybeth Shaffer, D.D.S., President
Ashok Das, D.D.S., Secretary
Martin Chambers, D.D.S., Secretary
Ann Aquillo
Chris Hanners, D.D.S.

Susan Johnston, R.D.H.
Lawrence Kaye, D.D.S.
William G. Leffler, D.D.S.
Gregory A. McDonald, D.D.S.
Charles Smith, D.D.S.

Constance Clark, R.D.H., Vice President, was not in attendance.

The following guests were also in attendance: Katherine Bockbrader, Esq. and James Wakley of the Ohio Attorney General's Office, Nathan DeLong, Esq. and Henry Fields, D.D.S. of the Ohio Dental Association (ODA); Jeanne Huber, R.D.H. of the Ohio Dental Hygienists' Association; Nelson H. Heise, M.S., P.C.C-S, L.I.C.D.C.-CS. of the Ohio Physicians Health Program; Lili C. Reitz, Esq., Executive Director, Kathy Carson and Barb Yehnert, Dental Board Enforcement Officers, Heidi Massaro, Compliance Coordinator, Jayne Smith, Licensure Coordinator, and Malynda Franks, Administrative Professional, of the Ohio State Dental Board.

Call to Order

Dr. Marybeth Shaffer introduced herself as the Board President, a general dentist from Leetonia. After extending greetings to everyone Dr. Shaffer noted that there was a quorum present and called the meeting to order at approximately 1:05 p.m.

Introduction of Board Members

Dr. Shaffer then introduced the rest of the Board members. She introduced Dr. Ashok Das, the Board's Secretary, a general dentist from Mason, Dr. Martin Chambers, the Board's Vice Secretary, a general dentist from Cleveland, Dr. Chris Hanners, a general dentist from Piketon, Dr. Lawrence Kaye, a periodontist from Akron, Dr. William Leffler, a general dentist from Massillon, Dr. Gregory McDonald, a general dentist from Springboro, Dr. Charles Smith, a general dentist from Tipp City, Ms. Susan Johnston, a dental hygienist from Columbus, and Ms. Ann Aquillo, the Board's Public member from Powell. She stated that Ms. Constance Clark, the Board's Vice President and a dental hygienist from Dublin, was not in attendance at the meeting.

Review of Minutes

March 2015

Motion by Dr. Kaye, second by Dr. McDonald, to approve the March 11, 2015 Board meeting minutes as presented.

Motion carried unanimously.

Review of Case Wherein a Notice of Opportunity for Hearing Was Issued and No Hearing Was Requested

Michael J. Griesmer, D.D.S.

Dr. Shaffer turned the meeting over to Dr. Das to conduct the Review. Dr. Das then stated:

“This is an evidentiary review in the matter of Michael J. Griesmer, D.D.S., pursuant to chapters 119. and 4715. of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter in order that a determination can be made.

Dr. Griesmer was issued a Notice of Automatic Suspension and Opportunity for Hearing on March 11, 2015. Dr. Griesmer requested a hearing but subsequently withdrew his request. Therefore this matter is now before the Board for decision. Please note that a court reporter is present to record the proceedings in this matter.”

All the official transcripts from the hearing are maintained in the exhibits section of this journal.

Quasi-Judicial Deliberations

Motion by Ms. Aquillo, second by Dr. Chambers, to recess for the purpose of conducting quasi-judicial deliberations in the disciplinary matter of Michael J. Griesmer, D.D.S., pursuant to R. C. Chapter 119, and to reconvene in open session following deliberations.

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

Motion carried unanimously.

Open Session

The Board resumed open session at 2:23 p.m. Dr. Das stated:

“Let the record reflect that I, Dr. Ashok Das, D.D.S. and Dr. Marybeth Shaffer, D.D.S. were the secretaries in this matter, and therefore will abstain from final vote. Also, Dr. Charles Smith will abstain from the final vote due to his involvement with the QUIP Case in this matter.”

Dr. Das then asked if there was a motion in regards to the matter of Michael J. Griesmer, D.D.S.

Decision in the Matter of Michael R. Griesmer, D.D.S.

Motion by Dr. McDonald, second by Ms. Johnston, that in the matter of Michael J. Griesmer, D.D.S.,

It is hereby ORDERED that:

- 1. The AUTOMATIC SUSPENSION of the license of DR. GRIESMER to practice dentistry in the state of Ohio will continue INDEFINITELY.**
- 2. The Board shall not consider REINSTATEMENT of DR. GRIESMER’s license to practice dentistry unless and until he submits documentation to the Board of successful completion of the DPrep program administered through the American Association of Dental Boards.**
- 3. Once REINSTATED, DR. GRIESMER shall be subject to the following terms and conditions for a period of one (1) year:**
 - a. DR. GRIESMER shall submit to the SUPERVISORY INVESTIGATIVE PANEL, by the FIFTH (5th) day of each month, the following documentation for five (5) patients for whom DR. GRIESMER provided treatment during the preceding month:**
 - i. Diagnosis**
 - ii. Treatment plan**
 - iii. Progress notes**
 - iv. Pre-operative radiographs**
 - v. Any post-operative radiographs.**

DR. GRIESMER may submit color copies of progress notes. Radiographs can be duplicates or copied to a CD or memory stick.

- 4. DR. GRIESMER’s failure to comply with paragraph 3 of this Order will result in further administrative proceedings against his dental license in accordance with Ohio Revised Code Chapters 119 and 4715.**

This ORDER shall take effect immediately upon the mailing of this ORDER.

Roll call vote: Ms. Aquillo – Yes
Dr. Chambers – Yes
Dr. Das – Abstain
Dr. Hanners – Yes

Ms. Johnston – Yes
Dr. Kaye – Yes
Dr. Leffler – Yes
Dr. McDonald - Yes
Dr. Shaffer – Abstain
Dr. Smith – Abstain

Motion carried.

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.

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

Motion carried unanimously.

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

Open Session

The Board resumed open session at approximately 2:40 p.m.

Enforcement Report

Notices of Opportunity for Hearing

The Board reviewed three (3) proposed notice of opportunity for hearing. 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.

Phillip T. Latham, D.D.S.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the proposed notice of opportunity for hearing and forward it to Phillip T. Latham, D.D.S., license number 30.013309, case numbers 15-25-0036 and 15-25-0037.

Motion carried unanimously.

Nancy J. Myers, D.D.S.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the proposed notice of opportunity for hearing and forward it to Nancy J. Myers, D.D.S., license number 30.017887, case numbers 13-71-0273, 13-71-0373, 13-71-0360, and 13-71-0241.

Motion carried unanimously.

Jason P. Yanich, D.D.S.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the proposed notice of opportunity for hearing and forward it to Jason P. Yanich, D.D.S., license number 30.021662, case number 14-51-0219.

Motion carried unanimously.

Review of Proposed Voluntary Retirement

The Board reviewed one (1) proposed Voluntary Retirement of Licensure. 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.

Joyce S. Stroud, D.D.S.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the proposed voluntary retirement in lieu of disciplinary action for Joyce S. Stroud, D.D.S., license number 30.016196, case number 13-31-0183.

Motion carried unanimously.

Review of Proposed Consent Agreement(s)

The Board reviewed five (5) proposed Consent/Monitoring Agreements and one (1) Addendum to Consent Agreement. 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

Mark D. Jones, D.D.S.

Motion by Dr. McDonald, second by Ms. Johnston, to approve the proposed addendum to consent agreement for Mark D. Jones, D.D.S., license number 30-019978, case number 12-78-0084.

Motion carried unanimously.

Gerald M. Lawson, D.D.S.

Motion by Dr. McDonald, second by Ms. Johnston, to approve the proposed consent agreement for Gerald M. Lawson, D.D.S., license number 30-017861, case number 15-31-0045.

Motion carried unanimously.

Michael Misencik, D.D.S.

Motion by Dr. Leffler, second by Dr. Kaye, to approve the proposed consent agreement for Michael Misencik, D.D.S., license number 30-018257, case number 14-18-0246.

Motion carried unanimously.

Lynda K. Rose, R.D.H.

Motion by Dr. McDonald, second by Ms. Johnston, to approve the proposed monitoring agreement for Lynda K. Rose, R.D.H., license number 31-009971, case number 14-25-0432.

Motion carried unanimously.

Jihad I. Saliba, D.D.S.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the proposed consent agreement for Jihad I. Saliba, D.D.S., license number 30-021525, case number 12-46-0101.

Motion carried unanimously.

Christine M. Painley, R.D.H.

Motion by Dr. McDonald, second by Ms. Aquillo, to approve the proposed monitoring agreement for Christine M. Painley, R.D.H., license number 31-011357, case number 10-39-0335.

Motion carried unanimously.

Enforcement Update

Ms. Reitz began the report by informing the Board that there are two (2) cases pending hearings of which one (1) has been assigned. She indicated that there were currently forty-six (46) licensees and certificate holders under suspension, forty-nine (49) licensees on probation, and informed the Board members that there were two hundred and forty-five (245) active cases. Ms. Reitz said that there were four (4) licensees actively participating in QUIP and no new referrals to QUIP. She informed the members that there were ninety-five (95) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with six (6) warning letters issued.

90-day Open Case Report

Ms. Reitz provided the members with a report on open cases over 90 days. She reported that there are fifty-five (55) cases currently over 90 days. She shared with the members a breakdown of the cases by investigator and explained that several of these cases involved the same practitioner whom they just approved to be sent a notice of opportunity for hearing. She stated that a few of them are joint investigations with other agencies or are awaiting expert review.

Closed Cases

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.", Dr. Shaffer reviewed the cases to be closed with the Board.

The following cases are to be closed:

13-18-0060
14-48-0502
14-31-0382

14-31-0406
15-29-0046
15-18-0172

14-32-0465
14-31-0356
14-09-0065

15-18-0157	15-25-0136	15-05-0044
15-28-0168	15-09-0144	15-52-0056
14-48-0428	15-18-0158	14-18-0414
15-48-0019-WARNING	14-18-0298-WARNING	15-18-0147
15-55-0179		14-18-0352-WARNING
15-47-0139	15-18-0174	15-17-0151
14-55-0029	15-18-0159	14-31-0462
15-83-0170	15-48-0067	14-35-0419
15-18-0146	14-25-0292-WARNING	15-83-0131
14-13-0496	15-31-0183	15-50-0155
15-13-0012	15-18-0057-WARNING	15-25-0186
15-13-0130-WARNING	15-31-0020	15-31-0042
15-57-0129	15-12-0016	15-45-0051
14-53-0426	15-47-0066	15-71-0109
15-57-0141	15-52-0175	15-44-0007
14-84-0267	15-35-0047	15-25-0148
15-25-0027	15-09-0123	15-83-0014
15-31-0149	15-00-0133	14-25-0307
14-48-0450	15-22-0001	15-57-0024
15-13-0043	13-18-0040	15-18-0050
15-76-0058	15-25-0028	15-18-0156
15-50-0126	15-77-0173	15-83-0011
15-83-0180	15-45-0166	14-31-0260
14-31-0461	14-47-0277	15-31-0010
15-21-0189	15-50-0154	15-76-0054
15-31-0018	15-18-0176	15-09-0181
15-18-0177	15-47-0052	15-25-0138
15-18-0049	15-76-0004	15-57-0017
15-31-0122	15-83-0060	15-18-0061

Prior to the vote to close the above listed cases, Dr. Shaffer 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:

- Ann Aquillo – No
- Dr. Chambers – No
- Dr. Das – No
- Dr. Hanners – No
- Ms. Johnston - No
- Dr. Kaye – No
- Dr. Leffler - No
- Dr. McDonald – No
- Dr. Shaffer– No
- Dr. Smith – No

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

Motion by Dr. Leffler, second by Dr. Smith, to close the above ninety-five (95) cases.

Roll call vote: Ann Aquillo – Yes
Dr. Chambers – Yes
Dr. Das – Yes
Dr. Hanners – Yes
Ms. Johnston - Yes
Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Dr. Shaffer – Yes
Dr. Smith – 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. Leffler, second by Dr. Kaye, to approve the licensure report for the following dental licenses issued by a regional board examination:

Seth P. Askins	Camille V. Gannam
Caroline H. Bateman	Kari L. Gano
Mena S. Bedir	Diego E. Hurtado
Pooja W. Bhardwaj	Robert E. Klein
Lauren G. Bourell	Christi L. Lahey
Johnna M. Burns	Bounghoon Lee
Daniela Cuadra	Sheu-Lun Jason Mok
Brian A. Custer	Nira S. Patel
Gabriel M. Dawson	Emerald JG Powell
Heidi G. Decker	Alexandra Radu
Margaret M. Ernst	John D. Reimschiissel
Alexis N. Ferrera	Benjamin Jon-Spoon Simonton
Maria C. Ferriol	Sean M. Thoms
Natasha Furghtgott	Edegar Vergara

Motion carried unanimously.

Dental Hygienist(s)

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

Jennifer R. Boivin
Lyric E. Brewster
Olivia F. Brock
Janelle M. Fulton

Jordan L. Howarth
Jenna N. Hubosky
Kayerra C. Patterson
Sarah E. Theiss

Motion carried unanimously.

Dental Assistant Radiographer(s)

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

Megan Abshire
Tiffany Adams
Sara Adamska
Samira Ahmed
Tara Amert
Brittany Anderson
Chelsea Andrick
Alli Baker
Jenna Baker
Rachel Baker
Alexes Banik
Sydnee Banks White
Megha Bansal
Amber Barnes
Brittany Barrett
Sarah Benedetto
Kathleen Benninger
Rebekah Birkholz
Bethany Black
Kayla Blacksmith
Katelyn Blair
Chessica Bobbitt
Brittany Bolaslky
Megan Boldt
Brittany Bozak
Alissa Brandenburg
Brianna Brennan

Traci Brooker
Traci Brooks
Blair Brown
Kamyah Brown
Mackenzie Brown
Megan Brown
Savannah Brown
Taylor Burd
Jessica Burwick
Shanesha Byrd
Tylondia Callender
Tara Carl
Saira Carpenter
Hymie Carr
Sarah Chamberlain
Karla Chamorro Robles
Mariah Christian
Keshia Clark
Meranda Clark
Ashley Clinedinst
Antoinette Colagiovanni
Lyndsay Coleman
Ashley Cook
Chelsea Cooper
Jena Corris
Shalina Covington
Lkya Covington Bush

Jessica Crislip
Cassandra Cupp
Madison Daines
Emily S Danckaert
Cheyenne Davis
Kerri Day
Kassandra Dean
Melissa Debrosse
Jacqueline Delewski
Caitlyn Dennison
Kelly Deyell
Kelsey Dixon
Caitlin Donohoe
Michaela Dowdy
Iyana Drake
Wendy Dunkerton
Heather Duquette
Mackenzie Dutton
Anne Emerson
Sherri Endsley
Alescia Estis
Mckenzie Exner
Brittany Fischer
Cierra Fletcher
Gabriella Fletcher
Brittany Fox
Abigail France

Rizia Francis	Breanna Johnson	Madison McEndree
Adrianna Frey	Jayna Johnson	Adrianna McFarland
Kim Furgye	Emily Joseph	Hayley Meehan
Cassie Gatton	Natalie Jouriles	Amy Meyers
Stephanie Gebhart	Courtney Juris	Alison Miller
John Gill	Barbara Keck	Rhonda Miller
Olivia Gillespie	Lashawnda Keith	Habsa Mohamed
Rylee Gillman	Jeanette Kennedy	Makala Monday
Shanae Gober	Kirsten Keplar	Brittany Monhollen
Angel Goff	Sanaz Khaleghi	Tamara Morales Bernard
Samica Gordon	Emily Kibler	Rebecca Murphey
Elisa Grady	Morgan Klavinger	Hannah Murphy
Star Gray	Kelsey Klotzbach	Matthew Murrell
Joanna Grayson	Kira Knight	Melissa Myers
Alicia Green	Shannon Kondziola	Cassandra Nagy
Lea Griffith	Danielle Kotlarek	Sarah Nix
Justine Griggs	Nicole Lacroix	Lyndee Nolan
Karen Hall	Lauren Lawson	Yelena Nosov
Savannah Harbour	Sara Leasure	Kasey Nowotka
Madison Hardin	Emily Leis	Christina Oleary
Marissa Harris	Jaqueline Lemus	Kaylia Orwig
Kenyeta Harvey	Jasmine Lewis	Morgan Osullivan
Olivia Hathaway	Kelsey Lierman	Natasha Overstreet
Charlotte Heinrichs	Bryeanna Ligas	Cheyenne Pack
Hannah Herbst	Ashley Lingo	Bethany Palmer
Autumn Hernandez	Olivia Long	Jennifer Pansegrau
Jillian Herpy	Brittany Longwinter	Mckenzie Parker
Alichia Hess	Jessica Lowe	Tiffany Parks
Nikia Hines	Heather Maag	Bryie Pasquariello
Rachel Hite	James Mahl	Dhruva Patel
Jessica Honeycutt	Lindsey Mairs	Prashant Patel
Brittini Horn	Ashley Makin	Deanna Phillips
Adam Hornsby	Athena Malavite	Chanika Pollack
Rebecca Horsfall	Shamira Maley	Nichole Pufnock
Kelsey Horsley	Kayla Malley	Marlen Ramirez Lopez
Alyssia Hunt	Jordan Matthews	Tracey Reece
Tinequia Hunter	Shannon Maxson	Tylaunna Reed
Jamie Huth	Makayla May	Latoya Reid
Alexis Jackson	Rheannon May	Renee Reker
Heather Jacobs	Amber McCloud	Susan Rengert
Shelby Jefferson	Alexandra McCollister	Jennifer Reynoso
Paige Jennings	Beverly McCoy	Rachel Richards

Kristin Richardson	Erika Sniegowski	Patricia Vincent
Kayla Richie	Tiawauna Sparks	Sarah Vorhees
Eileen Roberts	Brandy Spears	Cory Waggoner
Tara Robinson	Alyssa Spiess	Brooke Walker
Maria Rodriguez	Jaycie Stackhouse	Morgan Walker
Mickey Rohrig	Joshua Starkey	Makenzie Wallace
Allissa Roselli	Hayley Starrett	Marissa Warner
Laura Ross	Jena Stephen	Asia Washington
Ceanah Ross Evans	Myra Steuver	Brittany Watson
Terra Runyon	Miranda Stillion	Tessa Watson
Illona Ryumshin	Rachell Swailes	Madison Watts
Alexis Salsbury	Shannon Swint	Jordan Webb
Eduardo Sanchez	Cheyenne Swisher	Presley Weinberg
Tiffany Saporito	Jill Szymanski	Susanna Wheatley
Sierra Savin	Paige Szymanski	Alyson White
Martha Schoener	Amy Talbert	Jessica Wiget
Lily Schwarz	Gloria Taylor	China Williams
Jomikka Scrutchen	Latara Taylor	Antwan Wills
Alexis Shackelford	Madison Teague	Darein Wilson
Corina Shoemaker	Eleni Teegarden	Sarah Winston
Katelyn Shook	Maggie Tennant	Katelyn Wirander
Alexis Siegfried	Dnita Thomas	Ariel Witherspoon
Brianna Simmons	Tabitha Thomas	Jessica Woodruff
Jasha Sims	Rachel Thompson	Jessie Woodward
Meghan Sims	Hailey Titko	Danielle Worth
Kimberly Singleton	Candice Tracy Totman	Jasmin Wyatt
Ann Slay	Brittany Tucker	Octavia Wyche
Brandon Smith	Hope Twinem	Heather Yoak
Kazee Smith	Lindsay Valentine	
Wadiya Smith	Demi Vanhouten	

Motion carried unanimously.

Limited Continuing Education

Motion by Ms. Aquillo, second by Dr. Kaye, to approve the licensure report for the following limited continuing education license:

George W. Bushford
Zachary D. Gilbertson

Zachary T. Worsley

Motion carried unanimously.

Coronal Polishing

Motion by Dr. Kaye, second by Dr. McDonald, 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:

Vilma J. Cabrera
Ashley N. Couch
Samantha J. Gatian
Melissa S. Glenn
Breanna L. Hagans
Jessica L. Honeycutt
Katilynn E. Liber
Janie L. Lively
Breanna L. McNabb
Ashley N. Mitchell
Paula L. Nicholson

Denise C. Parete
Traci S. Pringle
Hillarie R. Rhodes
Chelsea R. Roth
Brittany R. Saunders
Stacy A. Schehl.
Galina Snyder
Shelby A. Stocker
Angela R. Valentine
Rachel A. Yeich

Motion carried unanimously.

Expanded Function Dental Auxiliary

Motion by Dr. McDonald, second by Ms. Aquillo, 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:

Melissa Bollinger

Jenna Kurtz

Motion carried unanimously.

Oral Health Access Supervision Permit(s)

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

Dentist(s)

Dr. Lauren M. Czerniak - Toledo
Dr. Frances Ladopoulos - Canton
Dr. Helen Nahouraii - Alliance
Dr. James A. Pierce - Amelia
Dr. Kalpana Yadav - Toledo

Dental Hygienist(s)

Mindy H. Jordan - Vermillion
Holly R. Kohli - Elida
Patricia P. Stevens - Mason

Motion carried unanimously.

Conscious Sedation Permits

Through Director Reitz, Doug Wallace, D.D.S., the Board's Anesthesia Consultant, provided a report indicating that the following individuals have applied for conscious sedation permits, evaluations have been conducted, and the applicants are recommended to receive permits for the specified modality.

Dr. Erin Gross – Oral for children 12 years or younger

Dr. Marlina Judd – Non-intravenous Parenteral

Dr. Elizabeth Koenig – Intravenous

Dr. Monica Patel – Oral for children 12 years or younger

Motion by Ms. Johnston, second by Dr. Kaye, to accept the Anesthesia Consultants report and approve these applicants to receive permits for the specified modality.

Motion carried unanimously.

Hepatitis B Waiver Request

Ms. Reitz informed the Board members that the Board Vice Secretary, Dr. Martin Chambers, had reviewed and considered the Hepatitis B Waiver application for Tina Bator, Dental Assistant, and was recommending that her request be approved due to medical reasons.

Motion by Dr. McDonald, second by Dr. Kaye, to approve the hepatitis B waiver request for Tina Bator, Dental Assistant.

Motion carried unanimously.

Committee Reports

Ad Hoc Board Operations

Dr. Kaye stated that the Ad Hoc Board Operations Committee met earlier that day to discuss recommended changes to the Boards Operations and Enforcement Manuals. He informed the members that the Committee will be referring review and consideration of any changes to the Operations Manual to Ms. Aquillo as Chair of the recently created Operations Committee.

Dr. Kaye stated that in regards to the discussions on the Enforcement Manual, the Committee considered two (2) form letters regarding adverse occurrences. He stated that self-reporting of adverse occurrences is unique and do not always fall within the normal process of complaints. Dr. Kaye stated that these form letters will be used if it is determined that no adverse occurrence has occurred or that the adverse occurrence is not as a result of substandard dental care. He informed the members that the Committee is recommending that these letters be placed in their own category within the Enforcement Manual. Additionally, Dr. Kaye informed the Board that changes were made to the Infection Control Evaluation Form as a result of H.B. 463. He stated that the revised version will replace the form currently in the manual and a copy of the revised form will also be sent to the Board members.

Continuing on, Dr. Kaye stated that the Committee had discussed licensing procedures for dental candidates, specifically licensure of candidates who are applying for licensure via residency in lieu of examination. He asked Ms. Reitz to explain the form that the committee is recommending be included with the applications.

Ms. Reitz explained that the new form will require the director of the dental residency program to attest that the candidate has completed the residency program and has demonstrated a level of competency in dentistry which qualifies the candidate for licensure.

Motion from the Ad Hoc Board Operations Committee to accept the report and to approve the attestation form as presented.

Motion carried unanimously.

Discussion followed wherein it was decided that the form should include witnessing by a Notary Public.

Motion by Dr. Leffler, second by Dr. McDonald, to approve the "Certificate of Director of Dental Residency Program Attestation" form [Appendix A] as amended for inclusion in the application materials for dental licensure candidates.

Motion carried unanimously.

Education

Ms. Johnston informed the Board members that the Education Committee had not met this month. However, she stated that the sponsor and course applications that had been submitted since the previous meeting in March, 2015 had been reviewed by Committee members for compliance with the requirements set forth in the Dental Practice Act and Board guidelines. Ms. Johnston informed the Board that there were six (6) Biennial Sponsor applications and two (2) Biennial Sponsor Renewal application for 2014-2015, one (1) medical emergency recognition course, and two (2) dental assistant radiographer initial training courses that were being recommended for approval.

Continuing Education Sponsor Application(s)

2014-2015 Biennial Sponsor Application(s)

Capital City Dental Forum
Cincinnati New Dentist Study Club
Joseph Krajekian, D.M.D., M.D.
National Provider Compliance Corporation (NPCC)
Spoonhower Orthodontics
Women in Peds Dental Study Club

2014-2015 Biennial Sponsor Renewal Application(s)

Heights Smiles – Dr. Jeffrey Dworkin
The Joan Levy Bisesi Foundation

Review of Course(s)

Dental Hygiene Medical Emergency Recognition

Keely Dental Society

“Emergencies in the Dental Office for the Dental Hygienist” by Jimmie L. Harper, D.D.S., M.S.

Dental Assistant Radiographer Initial Training

Antonelli College

“Dental Radiography I” and “Dental Radiography II”

Medina County Career Center JVSD

“Foundation of Radiology, Equipment & Safety”, “Digital Imaging, Film Processing”, Legal Issues, Quality Assurance & Infection Prevention”, and “Intraoral & Extraoral Imaging”

Motion from the Education Committee to accept the report and to approve the applications and courses as presented.

Motion carried unanimously.

Law and Rules Review

Dr. Leffler informed the Board that the Law and Rules Review Committee met earlier that morning and had a spirited conversation on a number of issues. He stated that the Committee had finished their old business from the last meeting and per Ms. Reitz request, the Committee revisited 4715-6-01 regarding OARRS. He stated that Ms. Reitz had informed them that there are some new changes coming out of recent meetings with the State Medical Board of Ohio and the Ohio Board of Pharmacy. Dr. Leffler stated that Ms. Reitz would be providing any updating to that rule for the next meeting.

Dr. Leffler stated that the Committee decided to table for now some of the permissible practices of the dental hygienist and also put on hold the new business, which he stated, is really a laundry list of permissible practices for dental auxiliary that the Committee will work their way through during the year.

Continuing, Dr. Leffler stated that the Committee had entertained a couple of issues from the Scope of Practice Committee regarding the permissible practices of dental assistants; specifically Invisalign and the possibility of using a digital scanner without the dentist being present and the permissible practice of EFDA’s placement of medicaments to stop bleeding during a restoration. He stated that the Committee determined there was no way to allow the use of a digital scanner when the dentist was not present and therefore no language was changed in that regard. He stated that the issue regarding EFDA’s placing medicaments required further discussion so it has been added to the laundry list or permissible duties to be reviewed. Dr. Leffler did comment that this issue may be covered in the language in rule 4715-11-04 paragraph (B) under the placement of restorations but felt it best to discuss both issues at the next meeting.

Dr. Leffler stated that the Committee had been asked to define what constitutes a final impression in regards to a digital scan. He stated that suggested language such as “a final impression in regards to digital scan is when approval of capture of the digital images that are involved in the final impression occurs” could

be place in the Board's definitions rule, 4715-3-01. He stated that there would be draft language for the Committee to review at their next meeting in June.

Motion from the Law and Rules Review Committee to accept the report as presented.

Discussion followed wherein Ms. Johnston commented that her earlier objections were to the placement of gingival medicaments and retraction cords with the use of hemostatic agents is not covered in EFDA education and training. She clarified that the improper use of medicaments could cause tissue sloughing and damage to the gingival tissue. Ms. Johnston explained that it was her opinion that EFDA's should not be retracting gingiva when using medicaments or cords subgingivally. However, she stated that after some discussion, she believes that placement of a cord around the neck of the tooth to get the gingiva out of the way in order to properly carve a composite could be permitted, as long as the cord does not contain a medicament.

Dr. Chambers commented that it appeared as though there were three (3) issues lumped together in one statement and asked if the Board would consider separating the issues for discussion. Those issues being:

1. The placement of retraction cord with medication;
2. The placement of retraction cord without medication; and
3. CDA's and EFDA's placing cord to temporarily retract the gingival tissue.

Dr. Chambers sought clarification regarding Dr. Leffler's report that there was no definitive language to consider at this time and that the Committee members would have language to review at their next meeting in June. He then expressed concerns about the separation of issues and how this information would be brought together and its placement in the rules for the Committee to come out with a consensus statement in order to make an educated decision. His specific concern was that the June meeting would be the last meeting before losing at least three (3) Board members and that this would postpone any decisions. He continued by stating it was his understanding that the Board would be able to bring these issues up for discussion this afternoon for a vote on possibly one or two of those issues. He stated that he is opposed to prolonging this because key members of the Board will not be here next month.

Dr. Leffler stated frankly that the Committee is being tasked with cleaning up bad legislation and therefore he felt it best to do it right the first time by drafting and considering appropriate language and not rushing through their considerations.

Further discussion resulted in Ms. Johnston agreeing that these issues could be separated so long as the resulting language does not imply that non-licensed professionals can place medicaments. Dr. Kaye suggested that Dr. Chambers make a motion specific to the issues he wished to address.

Motion by Dr. Chambers, second by Dr. Leffler, that present members of the Board can discuss the issue related to Certified Dental Assistants and EFDA's being permitted to temporarily retract gingival tissue for restorative purposes.

Discussion followed wherein Dr. Chambers stated that Dr. Kaye had some earlier comments about the placement of medicaments under the supervision of the dentist. He stated that the main point that he

wanted to make was that these procedures by registered dental auxiliaries would only happen under the direct supervision and direction of the dentist.

Dr. Kaye stated that the rules stipulate certain educational requirements for the EFDA and so in discussing the use of medicaments there might be a certain amount of pharmacology that needs to be added to their course of study.

Further discussion ensued.

Motion by Dr. Kaye, second by Dr. McDonald, to table the discussion and refer these issues back to the Law and Rules Review Committee.

Motion by Dr. McDonald, second by Ms. Aquillo, to approve the Law and Rules Review Committee Report.

Motion carried with Dr. Chambers opposed.

Motion by Dr. Chambers, second by Dr. Hanners, to strike paragraph (K) of Ohio Administrative Code rule 4715-11-06.

Discussion followed wherein Ms. Reitz clarified for Dr. Chambers that a vote to strike the language does not mean that the rule is changed and now effective. She explained that any recommended amendments to the rules would have to go through the rule review process of filings with the Office of Common Sense Initiative and the Joint Committee on Agency Rule Review, and the two public rules hearing required for testimony and final submission.

Further discussion revealed that the language in Ohio Administrative Code 4715-11-02 (B)(1) would also be required to be amended in order to allow for CDA's to be permitted to retract the gingiva for restorative purposes.

Dr. Shaffer commented that these discussions and suggested amendments would all have to go through the Law and Rules Review Committee because they are attempting to change the rules to get all of these issues addressed appropriately. She stated that is why Dr. Leffler was initially trying to get all of this together and present it in the proper places in the Dental Practice Act. Dr. Shaffer continued by stating that the Board has not statutory authority for many of the issues being brought forth regarding CDA's and EFDA's. She stated that was where the discussions were headed because of the loopholes in the law and what the Board could do to correct the loopholes in regards to EFDA practice.

Motion by Dr. Kaye, second by Dr. McDonald, to table the discussions and refer these issues back to the Law and Rules Review Committee.

Motion carried unanimously.

Scope of Practice

Dr. Das informed the members that the Committee met earlier that morning to discuss three (3) issues that have been brought to the Board for clarification. He stated that the first issue involved the scanning of teeth by the dental assistant when the dentist is not present and the second issue was whether an EFDA can place

medicaments to stop bleeding in the course of placement of restorations. Dr. Das stated that both of these functions are currently prohibited in the Dental Practice Act. However, he said, after much discussion it was determined that these specific functions should be referred to the Law and Rules Review Committee for consideration of amendments to the rules regarding delegable duties.

Continuing, Dr. Das stated that the final issue before the Committee regarded whether it is within the scope of practice of a dentist to perform post-implant therapy activation and programming for the Inspire hypoglossal nerve stimulator. He said that it is within the scope of practice of dentistry for licensed dentists to participate in the care of Obstructive Sleep Apnea patients. He stated that a dentist assisting in the use of this device is consistent with the scope of dental practice in Ohio and is consistent with the Board policy on "Treatment Within the Scope of Dental Practice" which indicates that it is incumbent upon the dentist in determining level of competence in their practice.

Motion from the Scope of Practice Committee to accept the report as presented.

Motion carried unanimously.

Supervisory Investigative Panel Report

Dr. Das, as Secretary, attested that he had spent in excess of twenty (20) hours per week attending to Board business. Dr. Chambers, 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. Hanners, second by Ms. Johnston, to approve the Supervisory Investigative Panel report.

Motion carried unanimously.

Office Expense Report

Motion by Dr. McDonald, second by Dr. Kaye, to approve the expense report and approve payment of the January, February, and March 2015 Board bills.

Motion carried unanimously.

President's Report

Dr. Shaffer began her report informing the Board that she wished to formally thank the Board Vice President, Connie Clark, R.D.H., for attending The Ohio State University's College of Dentistry's Convocation the previous Friday, May 8, 2015, while she was examining for The Commission on Dental Competency Assessments (CDCA). She stated that Ms. Clark represented the Board well and was able to meet Dr. Thomas Palmier, President of the Ohio Dental Association to encourage open lines of communication with the Board.

American Association of Dental Boards Meeting

Dr. Shaffer stated that Ms. Clark also sent a "Thank you" to the Board for the opportunity to attend the American Association of Dental Board's (AADB) meeting on April 26-27, 2015. Dr. Shaffer stated that she wished to thank the Board as well. She then summarized both Ms. Clark's and her own thoughts on the presentations from the AADB meeting as follows:

"There are many issues facing dentistry. The FTC ruling impacts all Boards. Active market participants must have active supervision by the state. Mr. Craig Busey, legal counsel for the ADA, presented several scenarios by which Boards may see action. The first is in specialty recognition and advertising other than CODA approved specialties. Texas, Florida, and California have already been challenged. The second is dental ownership. If it is in statute that it must be a dentist it will probably survive a challenge, but there is a threat. The third is licensure portability, i.e. it might be difficult to substantiate the safety issue in denying a licensed dentist the ability to relocate. OSCE exam in Canada offers portability throughout the provinces and in other countries.

Kathleen O'Loughlin, Executive Director of the American Dental Association, spoke about the changing demographics of the Millennials and the impact on practice ownership. The ADA has been meeting with Dental Service Organizations, (DSO's). The DSO's are looking to JCAHO for accreditation and the ADA is supporting that position. The ADA has made licensing portability a primary focus. It is on record by resolution to oppose patient based examinations, although the pilot Buffalo exam may be an alternative. An opinion on license portability from David Owsiany, Executive Director of the ODA, was presented.

There were presentation by David Johnson, Vice President of the Federation of State Medical Boards, Dr. Winkler of Florida, and an active DEA regional agent on the prescription drug abuse epidemic. It was very informative and gave an excellent evaluation of the problem and the need for interceptive programs.

Council of Interstate Testing Agencies - Correspondence

Dr. Shaffer distributed a copy to the members of a letter from Conrad P. McVea, III, D.D.S., and President of the Council of Interstate Testing Agencies (CITA). She explained that Dr. McVea was requesting Ohio to recognize the ADEX examination administered by CITA. She clarified that by statute, Ohio accepts the ADEX examination only if given by the other four (4) regional testing entities; North East Regional Board of Dental Examiners, Inc. (NERB) dba The Commission on Dental Competency Assessments (CDCA), Central Regional Dental Testing Service, Inc. (CRDTS), Southern Regional Dental Testing Agency, Inc. (SRTA), and Western Regional Examining Board (WREB). Therefore, she commented that their request would require a statutory change and the copy was for the Board members information.

"Boards That Lead" by Ram Charan

Dr. Shaffer inquired as to whether any of the Board members had anything they wished to discuss at this time.

Dr. Smith commented that he had recently read a book entitled "Boards That Lead" by Ram Charan and suggested that the other Board members might benefit from reading this very informative book. He then offered to purchase the book for those other Board members who wished to read the book.

The Commission on Dental Competency Assessments Meeting

Dr. Shaffer informed the members of the Commission on Dental Competency Assessments (CDCA) meeting coming up in which both she and Ms. Clark are attending as President and Vice president of the Board. She stated that Ms. Johnston and Dr. Kaye would be attending the meeting as well. Dr. Shaffer stated that would make four (4) people from Ohio who would be attending the meeting.

Continuing, Dr. Shaffer stated that it was unfortunate that the Dental Team Summit meeting was scheduled to be held at the ODA at the same time as the CDCA meeting. She explained that at the Dental Team Summit, there will be many questions regarding Expanded Function Dental Auxiliary; who they are, what they can do, and what they cannot do. She stated that she was seeking a consensus from the Board members as to who should attend the summit to best represent the Board. Dr. Shaffer commented that typically the Executive Director would go to the CDCA meeting, but Ohio will be well represented. She questioned whether it would be better for Ms. Reitz to go to the summit meeting and represent the Board.

Discussion followed wherein it was determined that Ms. Reitz should attend the Dental Summit Team meeting at the ODA as Ohio will already be represented by four (4) Board members at the CDCA meeting.

Executive Director's Report

Treatment Center Approvals

Ms. Reitz stated that the Board had received another application for approval of a Treatment Provider for dentists and auxiliary which meets the Board requirements. She stated that she was requesting that the Board make a motion to approve Healthcare Venture Partners, L.L.C., dba Northland & The Ridge as they meet our requirements for treatment providers.

Motion by Dr. Kaye, second by Ms. Johnston, to approve Healthcare Venture Partners, L.L.C., dba Northland and The Ridge as acceptable treatment providers for impaired dentists and auxiliary.

Motion carried unanimously.

Fiscal Budget Hearings 2016-2017

Ms. Reitz informed the members that she testified before the Senate on April 30, 2015 regarding the budget hearings for Fiscal Year 2016-2017. She stated that in her testimony before the House of Representatives (House), she had requested an increase to the Boards operating expenses. She stated that this request for additional appropriations was for the increases projected for rent, Central Service Agency bills, IT support, etc. She stated that the House did approve the additional appropriations requested and therefore, she requested the same funds in her testimony to the Senate.

Governors Opiate Action Team

Guidelines Subcommittee

Ms. Reitz reminded the Board members that the Governors Opiate Action Team Acute Prescribing Guidelines Subcommittee (Subcommittee) is continuing to work on the guidelines for prescribing controlled substances for acute pain and that the Subcommittee has been meeting every month. She stated that they

are trying to come up with a definition for acute pain and to provide guidelines for prescribing controlled substances in the acute pain setting. She stated that she has been attending the meetings with Dr. Rick Sheetz, an oral surgeon who is assisting the Committee at their request. Ms. Reitz stated that Dr. Sheetz has been very helpful in terms of educating the fifty-plus members attending the meetings as to what the issues are in regards to dentistry. She stated that they will have their next meeting on June 1 and are tasked with having guidelines for approval in June. However, she stated she is unsure as to whether they will meet that deadline as there are many varying opinions.

American Association of Dental Administrators/American Association of Dental Boards Meeting

Ms. Reitz informed the members that she had attended the American Association of Dental Administrators/American Association of Dental Boards Mid-year Meeting. She stated that the meeting schedule now allowed her to attend the AADA meeting in full. She explained that the meeting is for the administrators of all the dental boards in the United States and that the administrator from each state gave an update on what was going on in their individual states.

Ms. Reitz stated that she again chaired the Attorney Roundtable discussions and that they had a roundtable for half of that meeting. She stated that it was interesting because there was an attorney from Canada who addressed them on the Free Trade Agreement. She explained that Canada is being told to accept all international programs without concern about safety issues. She stated that it appears that in Canada the dentists are more interested in mobility versus safety. Ms. Reitz informed the members that the attorney spoke regarding the differences in the dental programs in the various countries and the problems those differences are creating in Canada. She stated that they intend to have the attorney provide an update at annual meeting.

Continuing, Ms. Reitz stated that a study was conducted in Canada that showed that dentists are prescribing reasonably compared to other prescribers. She said that the attorney shared that they have very severe penalties for inappropriate prescribing. She stated that if its determined that there has been a prescription that was not appropriately prescribed in Canada, the Board will issue an automatic suspension and the licensee has to appear before the Board to seek reinstatement.

Ms. Reitz informed the members that she was asked to present on a panel regarding the initial reaction to the Supreme Court decision vs. North Carolina. She commented that again this is still being discussed and then North Carolina and Oklahoma provided their updates. Ms. Reitz explained that the administrator for the board in North Carolina directly stated, "Believe it or not there is some good news regarding the decision; the decision does not mandate a change in the composition of the Board, the decision does not mandate a change in the selection of Board members, the decision does not impact the actions of the Board in disciplinary matters, and that the decision is very narrow and one must take the decision of the Supreme Court in conjunction with the order of the FTC." She said that basically the decision focuses on the wording of "cease and desist". She stated that it was the recommendation of the administrator of the North Carolina Board to take individuals to court and allow the courts to act as "supervisors".

Supreme Court Decision on FTC vs. North Carolina Board of Dental Examiners

Continuing, Ms. Reitz stated that in regards to her meeting with representatives of the Attorney General's Office (AG's Office) on the United States Supreme Court's decision on the Federal Trade Commission (FTC) case against the North Carolina Board of Dental Examiners (NC Board), she had provided introductory information and an overview based on her perspective in working with the NC Board. She stated that she had provided them with her interpretation of the issues that the Supreme Court's decision could present. She stated that many of the issues are still being discussed but that the current recommendation to the boards is that they should be very careful on issues of "cease and desist" and restraint of trade concerns, and to consult with the AG's Office when necessary.

LEANOhio

Ms. Reitz stated that she and Ms. Aquillo had met with representatives of LEANOhio. She stated that this meeting resembled her introductory meeting in that the first two (2) LEANOhio representatives had recently retired and therefore, she had been assigned a new representative. She stated that she and MS. Aquillo had provided them with the information requested and they expect a response regarding a proposal on how LEANOhio believes they can best meet the Boards' needs in regards to helping our agency become more efficient and effective.

Motion by Dr. Leffler, second by Ms. Johnston, to approve the Executive Directors Report

Motion carried unanimously.

Anything for the Good of the Board

Dr. Chambers commented that he felt Ms. Johnston did a great job with the EFDA subcommittee. He stated that the Subcommittee was created to discuss many issues surrounding EFDAs, specifically, continuing education, maintaining their CDA, and problems with lack of registration. He stated that these issues were sidelined or lost in the conflagration of examining issues, etc. Dr. Chambers commented that the Subcommittee had gotten away from their original objectives and that some of the concerns that people have about some of the delegable duties would be able to handle within the confines of implementing continuing education requirements. He stated that he wanted to ensure that we do not close the Subcommittee before we are able to address the underlying issues.

Dr. Leffler inquired as to whether any member of the Board would be attending the EFDA test being administered by the CDCA at Case Western Reserve University. Discussion ensued wherein Dr. Chambers offered to be an observer and report back to the board.

Board Member Recognition – Farewell to Drs. Kaye, Leffler, and McDonald

Dr. Shaffer stated:

"On behalf of the Ohio State Dental Board, I would like to take this opportunity to recognize three outstanding Board members whose terms on the Board expired this past April."

Lawrence B. Kaye, D.D.S.

“Dr. Lawrence B. Kaye, D.D.S. was appointed to the Board in April 2007. In his two terms on the Board, Dr. Kaye served as the first QUIP Coordinator. He served after H.B. 215 was initiated and guided the process in effect today. He went on to serve as Vice President and as President for two years. Dr. Kaye has served on many Board committees including Education, Scope of Practice, Policy, and Law and Rules Review Committees. He chaired the Ad Hoc Board Operations Committee and has done so for several years.

Dr. Kaye is also a member of the American Association of Dental Boards (AADB) and is a member and examiner for the North East Regional Board of Dental Examiners (NERB), now referred to as the Commission on Dental Competency Assessments (CDCA). Dr. Kaye was instrumental in rewriting the bylaws for CDCA, as well as AADB.

William G. Leffler, D.D.S.

Dr. William G. Leffler, D.D.S. has been a member of the Board since April 2007. In his two terms on the Board, Dr. Leffler has served as Secretary of the Board, overseeing the investigation of complaints received against licensees. He served as Vice President and Acting President when needed. Dr. Leffler also served on many committees including Education, Scope of Practice, and Policy. He ably Chaired the Board’s Law and Rules Review Committee.

Dr. Leffler is a member of AADB and an examiner for CDCA, and has been the Board’s liaison to the Commission on Dental Accreditation for Ohio and the AADB.

Gregory A. McDonald, D.D.S.

Before being appointed to the Board, Dr. Gregory McDonald served as an expert witness for the Board. He was appointed to serve his first term in April 2008, and he served five years, active on committees and as Board President.

Dr. McDonald went off the Board, and was then reappointed to a second term in 2011. In this current term, Dr. McDonald again served as President, making him the first Board members to serve as President in two separate, vs. concurrent, terms. Dr. McDonald also served on various committees including Education, Ad Hoc Board Operations, Scope of Practice, and Law and Rules Review. He also is a member of the AADB and CDCA.

Dr. McDonald also served as a first responder member of the Ohio Forensic Team in New York on 9/11. We thank you for your service.

Drs. Kaye, Leffler, and McDonald have served the Board, the profession, and the public in a professional manner. Their commitment and service have brought great credit to themselves, 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 members of the Board, and we wish you nothing but the best in all of your future endeavors.

Please join me in a warm round of applause for these outstanding Board members.”

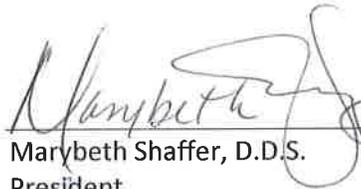
Dr. Shaffer then presented Drs. Kaye, Leffler, and McDonald each with a plaque commemorating their service to the Board. Board members and attendees congratulated them and joined in a round of applause.

Adjourn

Motion by Dr. Kaye, second by Dr. Chambers, to adjourn the meeting.

Motion carried unanimously.

Dr. Shaffer adjourned the meeting and reminded the Board members that their next meeting would be June 3, 2015.



Marybeth Shaffer, D.D.S.
President



Constance Clark, R.D.H.
Vice President

Appendix A

CERTIFICATE OF DIRECTOR OF DENTAL RESIDENCY PROGRAM ATTESTATION FORM



CERTIFICATE OF DIRECTOR OF DENTAL RESIDENCY PROGRAM

ATTESTATION

I am the Director of _____
(Residency Program)

This is a dental residency program accredited or approved by the Commission on Dental Accreditation and is administered by an accredited dental college or hospital, specifically

(Name of Dental College or Hospital)

As Director of the aforementioned dental residency program, I attest that
_____ has satisfactorily completed this program, and has
(Name of Applicant)
demonstrated a level of competency in dentistry which in my opinion qualifies
_____ for a license to practice dentistry in the state of Ohio.
(Name of Applicant)

PROGRAM DIRECTOR:

Printed Name

Signature

NOTARY:

Signed and sworn before me this _____ day of _____, 20____.

Signature of Notary Public: _____

Expiration Date of Commission: _____

(Notary Seal)

OHIO STATE DENTAL BOARD
STATE OF OHIO

- - -

In Re:)
The Suitability of)
Michael R. Griesmer) Case Nos. 11-50-0328
D.D.S., License No.) and 14-50-0064
30.017887, to Retain)
His License to Practice)
Dentistry)

- - -

Vern Riffe Center for
Government and the Arts
77 South High Street
19th Floor
Columbus, Ohio 43215
Wednesday, May 13, 2015

Met, pursuant to assignment,
at 1:07 o'clock p.m.

BEFORE:

Ashok Das, D.D.S.
Marybeth Shaffer, D.D.S.
Martin Chambers, D.D.S.
Ann Aquillo
Lawrence Kaye, D.D.S.
Chris Hanners, D.D.S.
Susan Johnston, R.D.H.
William G. Leffler, D.D.S.
Gregory A. McDonald, D.D.S.
Charles Smith, D.D.S.

- - -

McGINNIS & ASSOCIATES, INC.
614.431.1344 COLUMBUS, OHIO 800.498.2451

Page 2

1 APPEARANCES:

2

3 ON BEHALF OF THE OHIO STATE DENTAL BOARD:

4 Mike DeWine, Esq.

5 Ohio Attorney General

6 By: Katherine J. Bockbrader, Esq.

7 SeniorAssistant Attorney General

8 Health & Human Services

9 30 East Broad Street, Floor 26

10 Columbus, Ohio 43215

11 (614) 466-8600 Fax: (866) 805-6094

12 katherine.bockbrader@

13 ohioattorneygeneral.gov

14

15

16 ALSO PRESENT:

17 Lili C. Reitz, Esq., Ohio State Dental Board

18 Malynnda Franks

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Page 4

1 I N D E X (CONTINUED)

2 ---

3 EXHIBITS ADMITTED

4 Exhibit No. 6 - (Under Seal) 38

5 Medical Records

6 Exhibit No. 7 - (Under Seal) 38

7 Medical Records

8 Exhibit Nos. 8A - 8J - (Under Seal) 38

9 Medical Records

10 Exhibit No. 9 - (Under Seal) 38

11 Refresh Dental Medical Records

12 Exhibit No. 10 - (Under Seal) 38

13 Humility of Mary Health Partners Medical Records

14 Exhibit No. 11 - (Under Seal) 38

15 Medical Records

16 Exhibit No. 13A - (Under Seal) 38

17 Affidavit of Robert Haring

18 Exhibit No. 13B - (Under Seal) 38

19 Expert Report of Robert Haring

20 Exhibit No. 14 - 38

21 Guideline of Prescribing Dental Radiographs for

22 Infants, Children, Adolescents, and Persons with

23 Special Health Care Needs

24 Exhibit No. 15 - 38

25 Report of Investigation

Page 3

1 I N D E X

2 ---

3 WITNESSES PAGE

4 Heidi Massaro

5 Direct examination by Ms. Bockbrader 8

6 Kathy Carson

7 Direct examination by Ms. Bockbrader 8

8 ---

9 EXHIBITS ADMITTED

10 Exhibit No. 1 - 38

11 Notice of Automatic Suspension and

12 Opportunity for Hearing

13 Exhibit No. 1A - (Under Seal) 38

14 Patient Key

15 Exhibit No. 2 - 38

16 Letter with Attachments

17 Exhibit No. 2A - 38

18 Letter from Dr. Griesmer, D.D.S.

19 Exhibit No. 3 - 38

20 Consent Agreement

21 Exhibit No. 4 - (Under Seal) 38

22 Medical Records

23 Exhibit No. 5 - (Under Seal) 38

24 Letter with attachments

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Page 5

1 I N D E X (CONTINUED)

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3 EXHIBITS ADMITTED

4 Exhibit No. 16 - 38

5 Decision and Entry

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Page 6

1 PROCEEDINGS
2 ---
3 Wednesday, May 13, 2015
4 Afternoon Session
5 ---
6 DR. DAS: This is an evidentiary review
7 in the matter of Dr. Michael R. Griesmer, D.D.S.
8 pursuant to the Chapters 119 and 4715 of the Ohio
9 Revised Code. The purpose of this proceeding is
10 to give the board information about this matter
11 in order that a determination can be made.
12 Dr. Griesmer was issued a notice of
13 automatic suspension and opportunity for hearing
14 on March 11th, 2015. Dr. Griesmer requested a
15 hearing and was subsequently approved his
16 request. Therefore, this matter is now before
17 the board for decision.
18 Please note that a court reporter is
19 present to record the proceedings in this matter.
20 Would the State like to present any
21 additional information to support the charges
22 outlined in the notice of automatic suspension
23 and opportunity for hearing?
24 MS. BOCKBRADER: Yes, we would.
25 DR. DAS: Thank you. Please proceed.

Page 7

1 MS. BOCKBRADER: The board will be
2 presenting testimony -- the State will be
3 presenting testimony and documents in support of
4 the charges outlined in the March 11th, 2015,
5 notice.
6 I would first like to call as a witness
7 Miss Heidi Massaro.
8 Can you swear her in?
9 (Witness placed under oath.)
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Page 8

1 HEIDI MASSARO
2 of lawful age, being by me first duly placed under
3 oath, as prescribed by law, was examined and
4 testified as follows:
5 DIRECT EXAMINATION
6 BY MS. BOCKBRADER:
7 Q. Could you please state your name for the
8 record?
9 A. Heidi Massaro.
10 Q. Where are you employed?
11 A. The Ohio State Dental Board.
12 Q. What's your position?
13 A. Compliance coordinator.
14 Q. And what are your duties with respect to
15 filings in hearing cases?
16 A. I'm sorry. Getting all of the paperwork
17 together, sending out the letters to set up the
18 hearing, letters to the attorney, getting the
19 court reporter.
20 Q. Okay. And do you have responsibilities
21 relating to QUIP?
22 A. Yes, I do.
23 Q. What do you do for that program?
24 A. Again, administrative things, gathering
25 records, sending out letters, communicating with

Page 9

1 the QUIP panel.
2 Q. Okay. And do you have duties relating
3 to monitoring licensees who are under consent
4 agreements?
5 A. Yes, I do.
6 Q. What do you do for that?
7 A. Just log in materials as they're
8 received, making sure we get what we need when we
9 need it.
10 Q. Okay. Can you turn to the exhibits in
11 front of you?
12 A. Yes.
13 Q. And can you identify the document that's
14 identified as Exhibit 1?
15 A. Yes, that is a notice of automatic
16 suspension and opportunity for hearing for
17 Dr. Michael R. Griesmer.
18 Q. What's on the last page of that
19 document?
20 A. The certified mail receipt proving
21 delivery.
22 Q. Okay. And can you identify Exhibit 1A?
23 A. Yes, that is the patient key.
24 Q. Okay. And Exhibit 2A?
25 A. That is a letter that Dr. Griesmer sent

Page 10

1 to the board in response to his notice of
2 opportunity.
3 **Q. And Exhibit 2?**
4 A. That is a request for hearing from
5 Dr. Griesmer's attorney.
6 **Q. Okay. That's the first page of that?**
7 A. Oh, yeah.
8 **Q. Okay.**
9 A. The subsequent pages are letters that I
10 sent to Dr. Griesmer notifying him of the
11 hearing, letter to the hearing examiner to set up
12 a hearing.
13 **Q. Okay.**
14 A. And then Hearing Examiner Pratt's
15 pre-hearing entry.
16 **Q. Can you turn to page 15 of that**
17 **document?**
18 A. Yes.
19 **Q. What is that?**
20 A. That is a request for withdraw -- a
21 notice of withdraw of request for hearing from
22 Dr. Griesmer's attorney.
23 **Q. Okay. And then what is the document on**
24 **page 17?**
25 A. That is Hearing Examiner Pratt's entry

Page 11

1 canceling the hearing.
2 **Q. All right. And were you involved in**
3 **collecting the documents, et cetera -- were you**
4 **involved in the monitoring of Dr. Griesmer while**
5 **he was in QUIP?**
6 A. Not personally. I was out on disability
7 at that time.
8 **Q. Are you familiar with the documents in**
9 **the file?**
10 A. Yes, I am.
11 **Q. Okay. Did he successfully complete**
12 **QUIP?**
13 A. He did not.
14 **Q. Why not?**
15 A. The materials he was submitting were
16 insufficient for the QUIP panel to make a
17 determination as to whether he had, in fact, been
18 remediated.
19 **Q. Did the board make attempts to get him**
20 **in compliance?**
21 A. The members of the QUIP staff did, yes.
22 **Q. Okay. So then he was terminated from**
23 **QUIP?**
24 A. Yes.
25 **Q. And then can you -- after he was**

Page 12

1 **terminated, what did the board do?**
2 A. The board offered him a consent
3 agreement, which he ultimately signed.
4 **Q. Okay. And what is Exhibit 3?**
5 A. That is the consent agreement between
6 Dr. Griesmer and the board.
7 **Q. Okay. Was he monitored as part of that**
8 **consent agreement also?**
9 A. Yes.
10 **Q. What was he required to do as part of**
11 **the monitoring?**
12 A. On a monthly basis, he was to submit
13 documentation for five patients that he had
14 treated the preceding month. Those records were
15 to be here by the 5th day of each month for a
16 period of 3 to 12 months.
17 **Q. And what paragraph of the consent**
18 **agreement requires that?**
19 A. Paragraph 2.
20 **Q. Okay. And does it state what documents**
21 **he was required to provide?**
22 A. Yes, it does.
23 **Q. And what are those?**
24 A. The board requested diagnosis, treatment
25 plans, progress notes, pre-operative radiographs

Page 13

1 and post-operative radiographs.
2 **Q. Can you identify Exhibit 4?**
3 A. Exhibit 4 is the information that
4 Dr. Griesmer submitted as part of his reporting
5 requirements under the consent. These records
6 are received on November 3rd, 2014, and should
7 have been five patients he treated in
8 October 2014.
9 **Q. Okay. And did he submit some type of**
10 **record for five patients?**
11 A. Yes.
12 **Q. And was it just one page per patient?**
13 A. Yes.
14 **Q. Were there any x-rays in those records?**
15 A. No.
16 And if I could clarify my answer, he
17 submitted one patient twice, a duplicate patient,
18 so it was actually information on four patients.
19 **Q. Okay. All right. And did he also**
20 **submit records that were due around -- were due**
21 **on October 5th, 2014?**
22 A. Yes.
23 **Q. And what did he submit for that?**
24 A. The same one sheet per patient on five
25 patients.

1 **Q. Were there any x-rays in those records?**
2 A. There were not.
3 **Q. Okay. Can you identify Exhibit 5?**
4 A. Exhibit 5 is a letter dated
5 November 12th, 2014, sent at the request of the
6 SIP panel advising Dr. Griesmer that the
7 documentation submitted was insufficient and that
8 the board was requesting additional information.
9 **Q. Okay. On the first page, there are five**
10 **patients listed there?**
11 A. Yes.
12 **Q. Where did you get those names?**
13 A. Off of the information that we received
14 in October 2014.
15 **Q. Okay. And then on the second page,**
16 **there is additional patients listed?**
17 A. Yes. That came from the documentation
18 we received in November.
19 **Q. And you said there was a duplicate so**
20 **you asked him to replace the last patient with a**
21 **different one?**
22 A. Yes.
23 **Q. And do you have -- are you aware of the**
24 **location of the documents that he submitted on**
25 **October 8th, 2014?**

1 A. I am not. They seem to have been
2 misfiled.
3 **Q. Okay. But you said they were basically**
4 **identical to the ones that were submitted**
5 **earlier?**
6 A. Yes.
7 **Q. And that letter also again listed the**
8 **items that he was required to provide for those**
9 **patients?**
10 A. Yes. We reiterated the requirements
11 from the consent agreement.
12 **Q. Okay. Can you identify Exhibit 6?**
13 A. Exhibit 6 is information submitted by
14 Dr. Griesmer in response to the November 12
15 letter.
16 **Q. When did the board receive those?**
17 A. December 4th, 2014.
18 **Q. And is this -- the first page, is that a**
19 **cover letter that he sent with the records?**
20 A. Yes.
21 **Q. And were they the same nine patients**
22 **that were referenced in your letter plus another**
23 **one?**
24 A. Yes.
25 **Q. So they supplemented the previous**

1 **records?**
2 A. Correct.
3 **Q. Can you identify Exhibit 7?**
4 A. Exhibit 7 is information received
5 December 5th, 2014, from Dr. Griesmer for the
6 patients he had treated in November.
7 **Q. How many -- he sent --**
8 A. Five. Actually, six.
9 **Q. And there was one page per patient for**
10 **those six patients?**
11 A. Generally. He sent radiographs for two
12 of them, two of the six.
13 **Q. Okay. All right. And can you identify**
14 **exhibits -- what are Exhibits 8A through 8J?**
15 A. That is information the board's attorney
16 received in April from Dr. Griesmer's attorney,
17 supplemental information on the original ten
18 patients that was sent after the board issued
19 Dr. Griesmer the notice of opportunity.
20 **Q. Okay. Did you receive any other records**
21 **from Dr. Griesmer other than the ones we've**
22 **talked about?**
23 A. No.
24 **Q. So he didn't submit any in January,**
25 **February, or March --**

1 A. Correct, he did not.
2 **Q. -- of this year?**
3 MS. BOCKBRADER: Okay. I have no other
4 questions for you.
5 THE WITNESS: Thank you.
6 MS. BOCKBRADER: Thanks.
7 (Witness excused.)
8 MS. BOCKBRADER: The State would now
9 like to call Kathy Carson.
10 (Witness placed under oath.)
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Page 18

1 KATHY CARSON
2 of lawful age, being by me first duly placed under
3 oath, as prescribed by law, was examined and
4 testified as follows:
5 DIRECT EXAMINATION
6 BY MS. BOCKBRADER:
7 Q. Could you please state your name for the
8 record?
9 A. Kathy Carson.
10 Q. And where are you employed?
11 A. Ohio State Dental Board.
12 Q. What's your position?
13 A. I'm an investigator/enforcement officer.
14 Q. And are you familiar with documents
15 relating to the notice of opportunity for hearing
16 that was issued to Dr. Griesmer?
17 A. Yes.
18 Q. Can you turn to Exhibit 1A?
19 In Count 2, there is a reference to a
20 patient. Is that patient 1 on the patient key,
21 Exhibit 1A?
22 A. Yes.
23 Q. Can you turn to Exhibit 3?
24 Are you aware that Dr. Griesmer under
25 his consent was required to submit records to the

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1 board on a monthly basis?
2 A. Yes.
3 Q. And what was the purpose of that review?
4 A. The purpose of the review is to make
5 sure that Dr. Griesmer's meeting the standard of
6 care pursuant to the consent agreement.
7 Q. And who selected which records were
8 sent, Dr. Griesmer or the board?
9 A. Dr. Griesmer.
10 Q. And what does the board -- what happens
11 when those records come in, who do they go to?
12 A. They go to the SIP panel and they're
13 reviewed to make sure he meets the standard of
14 care.
15 Q. Okay. And the SIP panel is the
16 supervisory investigative panel?
17 A. Yes.
18 Q. Can you turn to Exhibit 4?
19 Do you review treatment records in your
20 position as an investigator?
21 A. Yes, we do review them.
22 Q. Do you have any license or registration
23 relating to dentistry?
24 A. Dentistry, no.
25 Q. As a dental assistant or other type?

Page 20

1 A. Yes, I'm a -- I do have credentials as a
2 dental assistant.
3 Q. As a dental assistant?
4 A. I'm a certified dental assistant.
5 Q. Anything else?
6 A. An EFDA.
7 Q. Can you explain what an EFDA is?
8 A. Expanded functions dental assistant.
9 Q. Are you familiar with locating dental
10 treatment records as a dental assistant and an
11 EFDA investigator?
12 A. Yes.
13 Q. Can you turn to the second page of
14 Exhibit 4?
15 And this document at the top is titled
16 "Treatment Plan"?
17 A. Yes.
18 Q. What is a treatment plan?
19 A. A treatment plan is after an exam has
20 been done and a diagnosis has been made, they
21 formulate a plan of how they're going to proceed
22 with treatment.
23 Q. Okay. And for this patient on page 2,
24 what was treatment that was planned for this
25 patient?

Page 21

1 A. We have the extraction of D, the
2 extraction of E, extraction of F, extraction of
3 G, a pulpotomy on B, stainless steel crown on B,
4 one surface composite on L, composite on S, and a
5 composite on O, and a prophylaxis.
6 Q. When you listed those letters, D, E, F,
7 G, what do those refer to?
8 A. Those are the way baby teeth are
9 identified.
10 Q. Have you looked at all of those records
11 on Exhibit 4?
12 A. Yes, I have.
13 Q. These are all pediatric patients?
14 A. Yes.
15 Q. And so the letters are reading from the
16 column for teeth, and then the description is
17 where you got what the treatment is planned?
18 A. Yes.
19 Q. And then what other information is
20 there?
21 A. It tells the amount of what the total of
22 those -- the estimated insurance and the fees,
23 and the usual and customary fees and how much the
24 treatment is going to cost.
25 Q. Okay. So a billing estimate basically?

1 A. Um-hmm.
2 **Q. What is a pulpotomy?**
3 A. A pulpotomy is where you take a file and
4 you open up the tooth and you run a file up and
5 down to take out the vitals or the nerve, the
6 pulp chamber; take out the pulp, the nerve.
7 **Q. Is there anything similar to that for**
8 **adult patients?**
9 A. Yes.
10 **Q. What is that called?**
11 A. It's called a root canal.
12 **Q. What is a composite?**
13 A. A composite is a white foaming material,
14 it's light cured.
15 **Q. And that's to fill cavities?**
16 A. To fill the -- yes -- tooth.
17 **Q. All right. Can you turn to page 4? And**
18 **how many pulpotomies were planned for this**
19 **patient?**
20 A. Six pulpotomies.
21 **Q. And how many crowns?**
22 A. Six crowns.
23 **Q. And how many composites?**
24 A. And two fillings, two composites.
25 **Q. And you said you reviewed the other two**

1 **pages of Exhibit 4?**
2 A. Yes.
3 **Q. Did the other patients also have**
4 **multiple procedures of extractions, pulpotomies,**
5 **crowns, and fillings?**
6 A. Yes.
7 **Q. Did you see any diagnoses on any of**
8 **these pages?**
9 A. No.
10 **Q. Were there any x-rays in any of those**
11 **pages?**
12 A. No.
13 **Q. Did you see any progress notes?**
14 A. No.
15 **Q. What are progress notes?**
16 A. Progress notes are the documentation of
17 the treatment you've rendered to the patient.
18 **Q. Okay. Did you see the records that**
19 **Dr. Griesmer submitted that were received by the**
20 **board on October 8th of 2014?**
21 A. Yes.
22 **Q. What did they look like?**
23 A. They were identical to the ones that we
24 just reviewed.
25 **Q. But they were for different patients?**

1 A. For different patients.
2 **Q. They were just one page each?**
3 A. One page each, no diagnosis, no x-rays,
4 no progress notes.
5 **Q. Okay. Can you turn to Exhibit 6? And**
6 **Miss Massaro testified these were the records**
7 **that were supplementing those that were received**
8 **on December 4th?**
9 A. Yes.
10 **Q. And there is a cover letter there**
11 **written by Dr. Griesmer?**
12 A. Yes.
13 **Q. And it says pre-op x-rays are included?**
14 **Do you see that?**
15 A. Yes, it does say that.
16 **Q. How many of these ten records had**
17 **x-rays?**
18 A. Three.
19 **Q. Let's go to page 9.**
20 A. Page 9. Yes.
21 **Q. Is this one of the x-rays you're**
22 **referring to?**
23 A. Yes, it is.
24 **Q. What's the date on that?**
25 A. Those were taken 7-11 of 2013.

1 **Q. And what date was the treatment provided**
2 **by Dr. Griesmer?**
3 A. For this particular patient, it appears
4 it was sometime after August 2014.
5 **Q. Can you look at page 10?**
6 A. Um-hmm.
7 **Q. Do you have an exact date there?**
8 A. Oh, October 20th, 2014.
9 **Q. Thanks.**
10 A. I'm sorry.
11 **Q. No problem. Can you turn to page 20?**
12 A. Page what?
13 **Q. Actually page 10. That was for a**
14 **different patient.**
15 **Can you go back to page 3?**
16 A. It appears they were done on
17 August -- September 17th, 2014.
18 **Q. Okay. Now go back to page 20.**
19 A. Page 20.
20 **Q. And is this the second set of x-rays**
21 **that you saw in the record?**
22 A. Yes.
23 **Q. What was the date for those?**
24 A. August 22nd, 2014.
25 **Q. And then can you turn to page 15?**

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1 A. And that treatment was done on
2 September 17th, 2014.
3 **Q. Thanks. All right. Can you turn to**
4 **page 36?**
5 **Is this the third set of x-rays you saw?**
6 A. Yes.
7 **Q. What is the date on those?**
8 A. October 1st, 2012.
9 **Q. Can you turn to page 31?**
10 A. The treatment was rendered on
11 October 20th, 2014.
12 **Q. Were there any post-op x-rays for any of**
13 **these patients?**
14 A. No.
15 **Q. And there were no x-rays for the other**
16 **seven patients?**
17 A. No.
18 **Q. Stay in that same exhibit and turn to**
19 **page 10, or actually page 11.**
20 **Are there progress notes on this page**
21 **for this patient?**
22 A. Yes.
23 **Q. Do the progress notes show any treatment**
24 **by Dr. Griesmer, or the treatment that's**
25 **referenced?**

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1 A. Not the treatment that was completed.
2 It just says the patient was seen at Southwoods
3 and all treatment completed.
4 **Q. What is Southwoods?**
5 A. Southwoods is the hospital that
6 Dr. Griesmer uses to sedate his children -- the
7 patients -- to do treatment.
8 **Q. All right. Can you turn to page 15, 16?**
9 **Are there progress notes on that page?**
10 A. Yes, there are.
11 **Q. Do the progress notes show the treatment**
12 **completed by Dr. Griesmer?**
13 A. No, it does not.
14 **Q. Does it have any reference to it at all?**
15 A. It just says, "Consult with Dr. Griesmer
16 for Southwoods."
17 **Q. Okay. Can you turn to page 21?**
18 **In the clinical history for this**
19 **patient, is there a reference to any x-rays being**
20 **taken?**
21 A. Yes.
22 **Q. Where do you see that?**
23 A. The second entry is a "Bitewing - single
24 image" taken September 29th, 2014.
25 **Q. Okay. Was there any bitewing provided**

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1 **for this patient?**
2 A. No.
3 **Q. And turn to Page 22. Is there a**
4 **progress note there for October 20th, 2014?**
5 A. Yes.
6 **Q. What does it say?**
7 A. It says, "Patient was seen at Southwoods
8 10/15/14. All treatment completed."
9 **Q. What's the initials on that?**
10 A. "AP."
11 **Q. Did you review the progress notes for**
12 **all ten of these patients in Exhibit 6?**
13 A. Yes.
14 **Q. From the records, does it appear that**
15 **all of the treatment was provided in the hospital**
16 **for these ten patients?**
17 A. Correct.
18 **Q. Is there any progress notes in these ten**
19 **records that show the actual progress note,**
20 **operative progress note, for the treatment**
21 **Dr. Griesmer provided?**
22 A. No.
23 **Q. Do they all say something similar like,**
24 **"Treatment provided in the hospital"?**
25 A. Yes, they do.

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1 **Q. All right. Can you turn to Exhibit 7?**
2 **Have you reviewed this record --**
3 A. Yes.
4 **Q. -- that's time stamped December 5th?**
5 A. Yes, I have.
6 **Q. Were there any x-rays in this record, or**
7 **how many x-rays were in this record?**
8 A. In this record, there were -- well,
9 there were two PAs, anterior PAs and one Panorex.
10 **Q. And the two PAs were for the same**
11 **patient?**
12 A. Yes.
13 **Q. That was for Patient 15 on the patient**
14 **key?**
15 A. Yes, patient 15.
16 **Q. In the records from Exhibit 7, do you**
17 **see any diagnosis?**
18 A. No.
19 **Q. Any progress notes?**
20 A. No.
21 **Q. Any post-treatment x-rays?**
22 A. No.
23 **Q. And are there any pre-treatment x-rays**
24 **other than the two that you mentioned already?**
25 A. No.

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1 Q. And are these the same type of billing
2 estimates that were sent in October and November?
3 A. Yes.
4 Q. And is there any record showing there
5 was actually treatment provided for these
6 patients in November or is this just a treatment
7 plan?
8 A. This is just a treatment plan.
9 Q. All right. And have you reviewed the
10 documents that have been identified as Exhibit 8A
11 through 8J?
12 A. I have.
13 Q. And are they additional records for the
14 same ten patients --
15 A. Yes.
16 Q. -- that you reviewed?
17 Okay. Do they include operative
18 progress notes?
19 A. They do.
20 Q. And on the first page of 8A, is that an
21 operative progress note?
22 A. Yes.
23 Q. And is there a similar operative report
24 in each of these ten exhibits?
25 A. Yes.

Page 31

1 Q. Are there any pre-treatment x-rays in
2 these ten exhibits?
3 A. No.
4 Q. Are there any post-treatment x-rays in
5 these ten exhibits?
6 A. No.
7 Q. And is there any indication in the
8 records that Griesmer couldn't take x-rays
9 because the child was uncooperative or some other
10 reason?
11 A. I didn't see any.
12 Q. And did -- and was all of this treatment
13 provided under anesthesia?
14 A. Yes.
15 Q. And is it possible to take pre- and
16 post-op x-rays while a patient is under
17 anesthesia?
18 A. Yes.
19 Q. And did the board obtain information
20 about whether x-ray equipment was available at
21 the hospital where this treatment was provided?
22 A. Yes.
23 Q. Is it available?
24 A. There is an x-ray unit available.
25 Q. All right. Can you turn to Exhibit 9?

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1 Can you identify this record?
2 A. This is the patient record for Patient
3 Number 1 from Refresh Dental where Dr. Griesmer
4 is employed.
5 Q. Did the board subpoena this record as a
6 result of a complaint?
7 A. Yes.
8 Q. Were you the investigator assigned to
9 that for this case?
10 A. No.
11 Q. Did you -- is this patient different
12 than the ten we reviewed previously, separate
13 from --
14 A. No, I don't believe so.
15 I really can't answer that question.
16 Q. Okay. Are you aware whether
17 Dr. Griesmer is a general dentist or a
18 specialist?
19 A. He's a specialist.
20 Q. What's his specialty?
21 A. Pediatric dentistry.
22 Q. How long has he had a license in Ohio?
23 A. Since April of 1985.
24 Q. All right. Can you turn to page 6?
25 Is this the operative note for Exhibit

Page 33

1 No. 1?
2 A. Yes, it is.
3 Q. Does it show what treatment was
4 completed by Dr. Griesmer?
5 A. Yes. Extracted B. He did pulpotomies
6 on A, I, J, K, L, S, T. He put stainless steel
7 crowns on A, I, J, K, L, S, T.
8 Q. Do the records show that any x-rays were
9 taken before or pre-treatment x-rays for this
10 patient?
11 A. No.
12 Q. Can you identify Exhibit 10?
13 A. 10 is the -- these are the records that
14 were obtained from the Humility of Mary Health
15 Partners. They're part of St. Elizabeth Health
16 Center.
17 Q. And do these records relate to patient
18 1?
19 A. Yes.
20 Q. Okay. On page 2, what does it tell you
21 about the treatment or what was -- excuse me,
22 what do they show about -- what occurred with
23 patient 1 at this hospital?
24 A. He was brought into the hospital with
25 lower left swelling with pain. It occurred prior

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1 to arrival, and it had been constant and acutely
2 worsening and moderate to severe in severity.
3 **Q. And what was the date --**
4 A. That was --
5 **Q. -- that he was in the emergency room?**
6 A. That was on November 11th --
7 November 2nd, 2013.
8 **Q. And was that before or after**
9 **Dr. Griesmer --**
10 A. That was after Dr. Griesmer completed
11 treatment.
12 **Q. Can you turn to Exhibit 11?**
13 A. 11 is the master notes for the
14 St. Elizabeth Dental Clinic.
15 **Q. Do these relate to patient 1's**
16 **treatment?**
17 A. Yes, they do.
18 **Q. Is it treatment before or after**
19 **Dr. Griesmer provided treatment?**
20 A. Treatment after Dr. Griesmer.
21 **Q. And on page 2, what treatment did the**
22 **clinic provide for patient 1?**
23 A. On page 2, they did a check on the
24 extraction of -- they were looking at extraction
25 of K, where K had been previously extracted.

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1 **Q. And it was extracted at that clinic?**
2 A. Yes, it was.
3 **Q. And that was after Dr. Griesmer's**
4 **treatment?**
5 A. Yes.
6 **Q. And then on page 4, were there other**
7 **extractions?**
8 A. Yes. On page 4, then they end up
9 extracting A, S, and T.
10 **Q. S as in Sam?**
11 A. Yes.
12 **Q. Can you turn to Exhibit 13A?**
13 **What is this document?**
14 A. This is the affidavit from the expert in
15 this case from Dr. Robert Haring, stating that
16 he's licensed to practice dentistry, and he took
17 a post-doctoral education program in pediatric
18 dentistry at Nationwide Children's Hospital and
19 that he's an expert for the board.
20 **Q. What is Exhibit 13B?**
21 A. 13B is a letter from Dr. Haring to
22 investigator Damon Green pursuant to a
23 conversation they had on the phone, a phone
24 conversation they had.
25 **Q. Is this his expert report?**

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1 A. This is his expert report, yes.
2 **Q. Does it indicate he reviewed the records**
3 **for the case?**
4 A. Yes, it does.
5 **Q. And he was retained to determine whether**
6 **Griesmer met the standard of care for patient 1?**
7 A. Yes.
8 **Q. And did he make a -- did he give his**
9 **opinion as to whether Griesmer violated the**
10 **standard of care?**
11 A. Yes, he did.
12 **Q. And what does the report reflect about**
13 **that? Did he say he violated the standard of**
14 **care or not?**
15 A. Yes, it does.
16 **Q. And by doing what, what was the**
17 **violation?**
18 **If you look at the next to the last**
19 **paragraph.**
20 A. He did not take pre-treatment
21 radiographs so it was impossible for him to
22 determine whether or not -- whether treatment was
23 rendered, but he couldn't determine if there was
24 an infection or not.
25 **Q. Can you identify Exhibit 14?**

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1 A. Yes, this is a guidelines to dental
2 radiographs for infants, children, and
3 adolescents, and persons with special needs.
4 **Q. Okay. And can you identify Exhibit 15?**
5 A. This is the -- I'm sorry.
6 This is an investigative report from
7 Damon Green that Damon Green wrote.
8 **Q. He's one of the board's investigators?**
9 A. Yes, he is.
10 **Q. And what did he report on that date?**
11 A. Well, he talked to Dr. Griesmer, and
12 asked him if he was practicing, and he indicated
13 that yes, he was practicing, and --
14 **Q. And what was the date of that report?**
15 A. The date of the report is 3-24 of '15.
16 **Q. Okay. And can you identify Exhibit 16?**
17 A. 16 is -- this is an entry where
18 Dr. Michael Griesmer petitioned to have a
19 temporary restraining order and preliminary
20 injunction, denied.
21 **Q. The court denied that?**
22 A. Yes. The court denied that.
23 MS. BOCKBRADER: I don't have any other
24 questions for you.
25 (Witness excused.)

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1 MS. BOCKBRADER: I would like to move to
2 admit Exhibits 1 through 16.
3 And I would move to -- I would ask that
4 Exhibits 1A, 4, 5, 6, 7, 8A through 8J, 9, 10,
5 11, and 13 be admitted under seal because those
6 records contain confidential patient information.
7 DR. DAS: Are there any objections?
8 The records will be admitted.
9 ---
10 Thereupon, Exhibit Nos. 1 through 16
11 were received into evidence.
12 ---
13 DR. DAS: Does the State's attorney wish
14 to make a closing argument?
15 MS. BOCKBRADER: Yes, please.
16 There is really no dispute that
17 Dr. Griesmer failed to comply with his consent
18 agreement. He was first given a chance to avoid
19 public discipline by being allowed to participate
20 in QUIP, and he failed to comply with that
21 despite the board's efforts to bring him in
22 compliance.
23 After failing QUIP, he was offered a
24 consent agreement again with monitoring and he
25 again failed to comply with the consent

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1 agreement. The consent agreement is very clear
2 about what is supposed to be provided. It's
3 separated out in the consent the five things that
4 need to be provided.
5 The first two months, he sent treatment
6 plans only. There was no diagnosis, no x-rays,
7 no progress notes. Then he did that for two
8 months in a row. The board sent him another
9 letter reiterating what was required,
10 specifically pointing out he needed to provide
11 the operative progress notes and the radiographs,
12 and he sent supplemental records for those ten
13 patients.
14 But those again still only had three
15 x-rays. There was no progress notes for the
16 actual treatment that he provided. They
17 basically just said, "Treatment provided in
18 hospital."
19 And then in December, on December 5th,
20 when he submitted the records even though the
21 board had just sent him a letter telling him the
22 treatment plan records are not sufficient, he
23 sent the exact same type of records in December.
24 So it's really kind of hard to
25 understand why he continued to do that,

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1 especially the third month after he just had just
2 been told that those type of records are not
3 complete. And it's pretty obvious that those
4 records don't contain progress notes or diagnosis
5 or certainly x-rays, and some of the records even
6 indicate that there were x-rays taken, but he
7 still didn't provide them.
8 And there were also no records provided
9 in January, February, March, even though the
10 agreement required him to do it for 3 to 12
11 months. He basically had no regard for his
12 responsibilities under this agreement. He made
13 it impossible for the board panel to determine
14 whether he was practicing within the standard of
15 care.
16 He is a dentist. He should know that
17 nobody -- no dentist can look at a treatment plan
18 and determine, A, whether that treatment was
19 appropriate for the patient or certainly whether
20 it was performed correctly.
21 You can't look at a treatment plan and
22 tell that. You need to see the x-rays to show,
23 you need to see the clinical notes and progress
24 notes to see what they diagnosed and what they
25 found upon their exam, and why to understand why

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1 they did what they did and how they performed
2 their treatment.
3 He should know that without being told
4 but he was reminded and still didn't do it. He
5 clearly violated the consent and the board had
6 cause to automatically suspend his license.
7 The board also received another
8 complaint against Griesmer regarding his
9 treatment of patient 1, and the evidence shows
10 that Dr. Griesmer violated the standard of care
11 in patient 1's treatment.
12 He performed extensive treatment on this
13 three-year-old patient. Extractions -- there was
14 an extraction, there were pulps and crowns --
15 pulpotomies and crowns on seven teeth. He took
16 no x-rays to determine whether the treatment was
17 appropriate, and as this board knows as experts,
18 and as the expert discussed in his report, the
19 failure to take x-rays can result in dentists
20 missing decay, missing problems, leaving those
21 problems to worsen.
22 They also might incorrectly select the
23 treatment because they might not realize that the
24 tooth they are treating is not salvageable. And
25 so that patient would have -- as happened in this

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1 case -- to go back and have treatment again, go
2 under anesthesia again, subjecting the patient to
3 additional risk and pain, and inconvenience, and
4 everything else that goes with an unaddressed
5 problem.
6 And here this patient later had to have
7 four teeth extracted after Dr. Griesmer's
8 treatment. Now, because there were no x-rays,
9 the expert said he couldn't determine whether the
10 treatment plan was appropriate or whether the
11 treatment was conducted properly, but he did say
12 that just the act of failing to take those x-rays
13 before engaging in that extensive treatment was
14 itself a violation of standard of care and that's
15 what he's been charged with, the failure -- with
16 the violation of standard of care is the failure
17 to take that x-ray to begin with.
18 And he repeated -- Dr. Griesmer
19 repeatedly failed to comply with his consent
20 after also failing to comply with QUIP, and he
21 violated the standard of care. He's completely
22 ignored his duties and responsibilities to the
23 board and to patient 1, and he violated standard
24 of care with that.
25 Since he's been suspended since March,

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1 he should face significant suspension time. He
2 has been suspended since March so you can make
3 the suspension retroactive to that time if you
4 would like to. But there should be additional
5 months to account for his repeated lack of
6 compliance and his violation of the standard of
7 care with patient 1.
8 Thank you.
9 DR. DAS: Is there a motion to go into
10 executive session?
11 MS. AQUILLO: I move to that the board
12 recess to engage in quasi-judicial deliberations
13 in the matter of Dr. Michael Griesmer. Following
14 quasi-judicial deliberation, the board will
15 return to open session to vote on this matter.
16 DR. DAS: Is there a second?
17 DR. CHAMBERS: Second.
18 DR. DAS: Roll call vote.
19 DR. LEFFLER: Yes.
20 DR. SMITH: Yes.
21 MS. AQUILLO: Yes.
22 DR. CHAMBERS: Yes.
23 DR. DAS: Yes.
24 DR. SHAFFER: Yes.
25 DR. HANNERS: Yes.

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1 MS. JOHNSTON: Yes.
2 DR. KAYE: Yes.
3 DR. MCDONALD: Yes.
4 MS. REITZ: We'll go into executive
5 session.
6 (Discussion held off the record.)
7 DR. DAS: Let the record reflect that I,
8 Dr. Ashok Das, and Dr. Marybeth Shaffer were the
9 secretaries in this matter and therefore will
10 abstain from final vote. Also Dr. Charles Smith
11 will abstain from the final vote due to his
12 involvement in the QUIP case.
13 Furthermore, Dr. Ashok Das, Dr. Marybeth
14 Shaffer, and Dr. Charles Smith were not present
15 during the executive session, therefore, we did
16 not participate in the deliberations in this
17 matter.
18 Is there a motion concerning this
19 matter?
20 DR. MCDONALD: For the court reporter,
21 this is Dr. Greg McDonald.
22 The board will not consider
23 reinstatement until such time as Dr. Griesmer --
24 MS. REITZ: Could you start from the
25 beginning?

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1 DR. MCDONALD: I move that -- I'm sorry.
2 I move that the board maintain automatic
3 suspension of Dr. Griesmer indefinitely. The
4 board will not consider reinstatement until such
5 a time as Dr. Griesmer successfully completes the
6 D-PREP program through the American Association
7 of Dental Boards and submits appropriate
8 documentation thereto.
9 Once reinstated, Dr. Griesmer will be
10 subject to one year of monitoring consistent with
11 monitoring set forth in paragraph 2 of the
12 consent agreement dated with the board 8-20-14.
13 Failure to comply with the monitoring
14 will result in further administrative action
15 pursuant to Ohio Revised Code Chapters 4715.119.
16 MS. REITZ: And 119.
17 MR. MCDONALD: And 119. I'm sorry.
18 MS. REITZ: Is there a second?
19 MS. JOHNSTON: Second.
20 DR. DAS: Roll call vote.
21 No. Any discussions?
22 Roll call vote.
23 DR. LEFFLER: Leffler, yes.
24 DR. SMITH: Dr. Smith, abstain.
25 MS. AQUILLO: Aquillo, yes.

1 DR. CHAMBERS: Chambers, yes.
2 DR. DAS: Das, abstain.
3 DR. SHAFFER: Shaffer, abstain.
4 DR. HANNERS: Hanners, yes.
5 MS. JOHNSTON: Johnston, yes.
6 DR. KAYE: Kaye, yes.
7 DR. MCDONALD: McDonald, yes.
8 DR. DAS: This matter is now concluded.
9 MS. REITZ: You're done.
10 ---
11 (Thereupon, the hearing was concluded at
12 2:24 o'clock p.m. on Wednesday,
13 May 13, 2015.)
14 ---
15
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1 CERTIFICATE
2 ---
3 State of Ohio,)
4) SS:
5 County of Franklin,)
6 ---
7 I, Amy L. Miller, Registered Professional
8 Reporter and Notary Public in and for the State of
9 Ohio, hereby certify that the foregoing is a true
10 and accurate transcript of the proceedings
11 hereinbefore set forth, as reported in stenotype
12 by me and transcribed by me or under my
13 supervision.
14  *Amy L. Miller*
15 Amy L. Miller, Registered
16 Professional Reporter and
17 Notary Public in and for
18 the State Ohio
19 My Commission Expires: October 30, 2016
20 ---
21
22
23
24
25

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