

**Ohio State Dental Board
Board Meeting
April 21, 2004**

ATTENDANCE.....1

CALL TO ORDER.....2

EXECUTIVE SESSION2

 OPEN SESSION2

NEW BOARD MEMBER – FRANKLIN D. WRIGHT, D.M.D.2

INTRODUCTION OF BOARD MEMBERS.....2

REVIEW OF THE MARCH 2004 BOARD MEETING MINUTES3

REVIEW OF LICENSE APPLICATIONS3

 LICENSURE REPORT3

 DENTAL3

 DENTAL HYGIENE.....4

 DENTAL ASSISTANT RADIOGRAPHER.....4

 REGIONAL BOARD DENTAL APPLICATION(S).....5

 REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)5

 GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES6

 LIMITED RESIDENT'S LICENSE APPLICATION(S)6

 LIMITED TEACHING LICENSE APPLICATION(S)6

 LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)7

 DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION7

 DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)7

 CRITERIA APPROVAL LICENSE APPLICATION(S)8

 REINSTATEMENT LICENSE APPLICATION(S).....8

 BRYAN T. TERVO, D.D.S.....8

 CLAUDIA J. DIAZ, R.D.H.....8

 JUDITH K. KOWALSKI, R.D.H.....9

ENFORCEMENT REPORT10

 REPORT AND RECOMMENDATIONS.....10

 PERSONAL APPEARANCE(S)10

 DONALD C. DUNNING, D.D.S.....10

 AMARDEEP TONY S. KHARA, D.D.S.11

 REVIEW OF CASES WHEREIN NOTICE(S) OF OPPORTUNITY WERE ISSUED AND NO HEARING WAS REQUESTED.....11

 REVIEW OF PROPOSED CONSENT AGREEMENT(S)12

 CHRISTOPHER T. KIRKUP, D.D.S.....12

 BRUCE A. MASSING, D.D.S.12

 REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)12

 ALAN G. HADLEY, D.D.S.....12

 REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING.....13

 ANTHONY J. MONTEVIDEO, D.D.S.....13

 LYNN E. MACK, D.D.S.13

<i>BRENT L. MILLER, D.D.S.</i>	13
<i>CHRISTOPHER M. MARTIN, D.D.S.</i>	14
ENFORCEMENT UPDATE	14
ANESTHESIA COMMITTEE REPORT	16
REVIEW OF PROVISIONAL ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES	16
REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S)	16
REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)	16
COMMUNICATIONS COMMITTEE REPORT	17
NEWSLETTER	17
EDUCATION COMMITTEE REPORT	17
REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)	18
REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)	18
REVIEW OF DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)	19
REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)	19
REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)	19
REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)	19
REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)	20
REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)	20
REVIEW OF CONSCIOUS SEDATION COURSE(S)	20
REVIEW OF REQUEST FOR WAIVER(S) OF THE CONTINUING EDUCATION REQUIREMENT ...	20
<i>LETTER OF CLARIFICATION/INFORMATION</i>	20
<i>30-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT</i>	20
<i>60-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT</i>	21
<i>90-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT</i>	21
<i>6 MONTH EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT</i>	21
<i>RECOMMEND APPROVAL OF REQUEST FOR WAIVER OF THE CONTINUING EDUCATION REQUIREMENT</i>	21
<i>FORWARDED TO ENFORCEMENT</i>	22
LAW AND RULES REVIEW COMMITTEE REPORT	22
POLICY COMMITTEE REPORT	22
TREATMENT CENTER APPROVAL COMMITTEE REPORT	23
WAIVER COMMITTEE REPORT	23
SECRETARY'S EXPENSE REPORT	23
OFFICE EXPENSE REPORT	24
EXECUTIVE DIRECTOR'S REPORT	24
CRIMINAL BACKGROUND CHECKS	24
DENTAL SUMMIT MEETING	25
CORRESPONDENCE	26
ANYTHING FOR THE GOOD OF THE BOARD	26
NEW COMMITTEE ASSIGNMENTS	26
BOARD MEETING SCHEDULE	26
FAREWELL TO ASSISTANT ATTORNEY GENERAL, MARY CRAWFORD, ESQ.	26
ADJOURN	27

APPENDIX A	29
POLICY REGARDING LICENSURE REINSTATEMENT INTERVIEWS	30
APPENDIX B.....	31
OHIO STATE DENTAL BOARD COMMITTEES.....	32
APPENDIX C	34
MEMORANDUM.....	35

**Ohio State Dental Board
Board Meeting
April 21, 2004**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1960, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, April 21, 2004, beginning at 1:00 p.m. Board members present were:

Lynda L. Sabat, R.D.H., President
Paul Vesoulis, D.D.S., Vice-President
Edward R. Hills, D.D.S., Secretary
Mark T. Armstrong, D.D.S.
Phillip J. Beckwith, D.D.S.
Berta I. Howard, D.D.S.
Billie Sue Kyger, D.D.S.
Gregory A. McDonald, D.D.S.
T. Michael Murphy, D.D.S.
Ann E. Naber, R.D.H.
Sandra L. Wise, R.D.H.
Frank A. Wright, D.D.S.

Mark Landes, Esq., the Boards public member was not in attendance.

The following guests were also in attendance: Mary Crawford, Esq. and Rebecca Hockenberry, Esq., Assistant Attorney's General; Keith Kerns, Esq. and Dennis Burns, D.D.S. of the Ohio Dental Association (ODA); Denise Bowers, R.D.H. and Linda Hewetson, R.D.H. of the Ohio Dental Hygienists' Association (ODHA); Lili C. Reitz, Esq., Executive Director, Tom Smith, Enforcement Officer, Jayne A. Rasmussen, Licensure Coordinator, and Malynda Franks, Executive Secretary of the Ohio State Dental Board; and other guests.

CALL TO ORDER

Ms. Sabat extended greetings to everyone and noting that there was a quorum present called the meeting to order at 1:03 p.m.

EXECUTIVE SESSION

Motion by Dr. Vesoulis, second by Ms. Naber, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(3) to confer with counsel on matters that are the subject of pending or imminent court action and Ohio Revised Code Section 121.22(G)(1) to discuss matters involving personnel.

Roll call vote.

Motion carried unanimously.

Ms. Sabat invited Ms. Reitz, Ms. Crawford, and Ms. Hockenberry to attend the executive session.

OPEN SESSION

At 2:38 p.m., the Board resumed open session. Ms. Sabat approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to timing constraints or extenuating circumstances.

NEW BOARD MEMBER – FRANKLIN D. WRIGHT, D.M.D.

Ms. Sabat introduced the newest member of the Board, Dr Frank Wright, a general dentist from Cincinnati, Ohio. She welcomed Dr. Wright to the Board and stated that all the Board members looked forward to working with him.

INTRODUCTION OF BOARD MEMBERS

Ms. Sabat took a moment to introduce the Board. She introduced herself as the Board President, he Board's dental hygiene member from Brecksville. She then introduced the other Board members: Dr. Paul Vesoulis, the Board Vice-President, a general dentist from Toledo, Dr. Edward Hills, the Board Secretary, a general dentist from Cleveland, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Gregory McDonald, a general dentist from Springboro, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phil Beckwith, an orthodontist from Columbus, Dr. Berta

Howard, a general dentist from Hamilton, Dr. Billie Sue Kyger, a general dentist from Gallipolis, Ms. Ann Naber, a dental hygienist from Bellbrook, and Ms. Sandra Wise, a dental hygienist from Fremont.

REVIEW OF THE MARCH 2004 BOARD MEETING MINUTES

The Board reviewed the minutes of the March 17, 2004 Board meeting.

Motion by Dr. Murphy, second by Ms. Wise, to approve the March 17, 2004 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Rasmussen, Licensure Coordinator, had prepared a report of the licenses issued since the March 2004 meeting, for Board member review. Ms. Sabat then requested the Board's vote of approval for the Licensure Report.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the licensure report for the following dental and dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination, for the following dental assistant radiographer licenses 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 DANB Radiation, Health and Safety examination and for the following limited teaching licenses issued by acceptable documentation submitted by the applicant and the endorsing dental college:

DENTAL

*Reza Bolourian, D.D.S.
Ryan R. Dedels, D.D.S.
Jinous Eslami, D.D.S.*

*John E. Miceli, D.D.S.
Melissa M. Mullane, D.D.S.
Kapil Vij, D.D.S.*

DENTAL HYGIENE

Deanna M. Hospodar, R.D.H.

DENTAL ASSISTANT RADIOGRAPHER

*Jennifer M. Aponte
Jantzi L. Arkin
Ivana Batkovic
Jayne M. Beal
Cynthia L. Beckner
Amanda H. Bennett
Jeanette y. Bollinger
Becky Brizzolara
Jamie L. Carpenter
Christy R. Clark
Kirsten L. Cleveland
Jacqueline M. Cross
Rocky L. Cullop
Jill K. Day
Erin M. Doering
Faith m. Drozin
Sherry A. Ehrenberg
Catherine H. Ennis
Misti D. Erwin
Tara M. Farrell
Randi R. Finley
Michele L. Fugate
Lisa L. Gee
Quiana M. Greene
Amber L. Gregory
Theresa D. Griffin
Brenda S. Hamm
Jennifer L. Highman
Erin L. Hines
Shauna K. Kelley
Jennifer M. King
Megan L. Kirker
Lisa D. Koehler
Julie L. Kops
Rachael D. Leibolt
Elisabeth G. Mann*

*Lisa A. martin
Felicia T. McCleskey
Melissa m. McGraw
Carolyn M. Melson
Lydia E. Mikol
Sheilia L. Mills
Deanna J. Montie
Diietta D. Oxman
Billie Jo Patterson
Valerie R. Peddicord
Robyn A. Powers
Tina M. Pukrop
Rachel A. Puru
Erin E. Quinlan
Thea M. Reaser
Tammy L. Ross
Sheila J. Rucker
Nadia Ryan
Myra A. Scott
Doris A. Selhorst
Heather A. Smith
Tracy E. Smith
Kathleen N. Southwick
Robin A. Starner
Lourdes A. Taliaferro
Amanda R. Taylor
Susan A. Terry
Melissa G. Vines
Leah M. Vlasaty
Kimberly A. Waddle
Carrie A. Wade
Abigail M. Wheatley
Karen M. Whitney
Courtney R. Whitt
Jennifer Wyatt
Victoria K. Young*

Sharon T. Zimmerman

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL APPLICATION(S)

The following persons applied for dental licenses, based on successful completion of a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Kimberly A. Lindquist, D.D.S.
Jeffrey T. Milton, D.D.S.
Sami J. Webb, D.D.S.

Motion by Dr. McDonald, second by Ms. Naber, to approve these three (3) regional board dental license application.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

The following persons applied for dental hygiene licenses, based on successful completion of a regional board examination, National Board examination, and the Ohio examination on the statute and regulations:

Tonia L. Tolbert-Moore, R.D.H.
Alea D. Wadrup, R.D.H.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve these two (2) regional board dental license application.

Roll call vote.

Motion carried unanimously.

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES

Ms. Sabat noted that there were no license applications for graduates of unaccredited dental colleges located outside the United States for review at this time.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

The following individuals have applied for limited resident's licenses for the purpose of participating in residency programs:

Niket Amin, D.D.S. – Miami Valley Hospital, General Practice
Jeremiah Bondra, D.D.S. - St. Elizabeth Health Center, General Practice
Alyson K. Burns, D.D.S. – Dayton Ohio DVA Medical Center, General Practice
Malvin T. Calimlim, D.D.S. – Miami Valley Hospital, General Practice
Corina A. Custelcean, D.D.S. - Miami Valley Hospital, General Practice
Errol Isaac, D.D.S. – Dayton Ohio DVA Medical Center, General Practice
Matthew J. Lawz, D.D.S. – St. Elizabeth Health Center – General Practice
Andrew S. Matta, D.D.S. – St. Elizabeth Health Center – General Practice
Rishad Shaikh, D.D.S. – St. Elizabeth Health Center – General Practice
Nimisha Somaiya, D.D.S. – Miami Valley Hospital, General Practice

Motion by Dr. Murphy, second by Dr. Kyger, to approve these ten (10) applications for limited resident's licenses.

Roll call vote.

Motion carried unanimously.

LIMITED TEACHING LICENSE APPLICATION(S)

The following individual has applied for a limited teaching license and has been appointed to The Ohio State University College of Dentistry, Department of Restorative and Prosthetic Dentistry.

Alejandro Peregrina, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve Dr. Peregrina's application for limited teaching license.

Roll call vote.

Motion carried unanimously.

LIMITED CONTINUING EDUCATION LICENSE APPLICATION(S)

The following individuals have applied for limited continuing education licenses for the purpose of participating in and I.V. conscious sedation externship offered at the *Miami Valley Hospital* under the direction of Dr. Daniel Becker:

Carl B. Beard, D.D.S.
John A. Collier, D.D.S.
Michael Haddow, D.D.S.
Daniel Humiston, D.D.S.

Vincent C. Johnson, D.D.S.
Stephen McHatton, D.D.S.
Peter Monagham, D.D.S.
John W. Scott, D.D.S.

Additionally, the following individual has applied for a limited continuing education license for the purpose of participating in a dental implant externship offered at the *Mid-West Implant Institute* under the direction of Dr. Alfred Heller

John D. Harker, D.D.S.

Motion by Dr. Murphy, second by Dr. Kyger, to approve these nine (9) applications for limited continuing education licenses.

Roll call vote.

Motion carried unanimously.

DENTAL APPLICATION(S) WITH SPECIALTY DESIGNATION

Ms. Sabat noted that there were no license applications for dentists with a specialty designation for review at this time.

DENTAL ASSISTANT RADIOGRAPHER LICENSE APPLICATION(S)

Ms. Sabat noted that there were no dental assistant radiographer license applications for review at this time.

CRITERIA APPROVAL LICENSE APPLICATION(S)

Ms. Sabat noted that there were no criteria approval license applications for review at this time.

REINSTATEMENT LICENSE APPLICATION(S)

BRYAN T. TERVO, D.D.S.

The first applicant for reinstatement interview was Bryan T. Tervo, D.D.S. whose license was suspended in January 2002. He is currently licensed in Massachusetts where he has been practicing since 2000. Dr. Tervo explained that he had been practicing in the Cleveland area until August 2000. He stated that at that time he had accepted an appointment to Harvard School of Dental Medicine in Boston where he taught for one and a half (1½) years. Dr. Tervo informed the Board that he has recently been approached to assist in the development of a new program in the Cincinnati area and therefore is seeking reinstatement of his dental license in Ohio.

Upon questioning by the Board, Dr. Tervo stated that he has completed the requisite forty (40) hours of continuing education and he has applied for the FBI background check.

Motion by Dr. Murphy, second by Dr. Howard, to approve Dr. Tervo's reinstatement application for licensure as a dentist in the state of Ohio, pending receipt of an acceptable FBI criminal background check.

Roll call vote.

Motion carried unanimously.

CLAUDIA J. DIAZ, R.D.H.

The next applicant for reinstatement interview was Claudia J. Diaz, R.D.H. whose license was suspended in January 2002. Ms. Diaz is currently licensed in the states of Virginia and Texas. Ms. Diaz explained that her husband is in active duty in the U.S. Air Force and followed him whenever he changed duty stations. She stated that she had practiced in Virginia for one (1) year prior to relocating to Texas and then back to Virginia. She stated while practicing in Texas she had allowed her license to lapse since her daughter graduated there and they had originally intended to retire in Texas. Ms. Diaz stated that this past June her husband was relocated to Wright Patterson Air Force Base in Dayton, Ohio. She stated that they decided that it would be better for her

husband to retire in Ohio and therefore is seeking reinstatement of her dental hygiene license.

Upon questioning by the Board, Ms. Diaz informed the members that she is currently certified in CPR and has obtained the twelve (12) hours of continuing education required in Ohio. She indicated that she does not currently have any employment prospects since she was looking to have her license reinstated prior to searching for gainful employment.

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

Roll call vote.

Motion carried unanimously.

JUDITH K. KOWALSKI, R.D.H.

The final applicant for reinstatement interview was Judith Kowalski, R.D.H. who retired her dental hygiene license in January 2001. Ms. Kowalski explained that back in 2001 she had been audited for her continuing education. She stated that at that time, she had relied on others to keep the documentation with the understanding that the continuing education hours had been tracked and submitted to the appropriate agency. However, Ms. Kowalski stated that it became apparent during the audit that this was not done and therefore she did not have the required number of hours and could only find documentation for six (6) of the twelve (12) required number of continuing education credits. Therefore, she stated that she placed her license in retirement and pursued a career in Real Estate. Ms. Kowalski stated that she now wishes to return to the practice of dental hygiene in order to have more consistent work hours now that her children have begun elementary school.

Upon questioning by the Board, Ms. Kowalski informed them that she is currently certified in CPR and has obtained the requisite number of continuing education hours in office sterilization procedures, drug abuse in the office setting, and emergency procedures in the dental office. She further explained that while she has not practiced dental hygiene since 1999, she feels that she has kept her skills since she practiced for twenty-one (21) years prior to retiring her license.

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

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

Ms. Sabat noted that there were no Report and Recommendations for consideration at this time.

PERSONAL APPEARANCE(S)

DONALD C. DUNNING, D.D.S.

Ms. Sabat began by stating that this was Dr. Dunning's second appearance before the Board. She then asked Dr. Dunning to discuss with the Board how he felt his aftercare was proceeding.

Dr. Dunning informed the Board that he felt great and had been doing pretty much the same as his last appearance before the Board in March. He stated that he was attending three (3) Alcoholics Anonymous (AA) meetings per week in addition to caduceus meetings. Dr. Dunning stated that his surgeon has prescribed a non-narcotic for back pain due to his surgery and that he has been attempting to increase his endurance by walking and bending but that has created some discomfort. Dr. Dunning indicated that his surgeon expects him to have a full recovery from his back surgery within a year.

When questioned by the Board, Dr. Dunning stated that he would initially like to return to work part-time, possibly a half day per week, three to four (3-4) days per week at first and then move gradually back into full-time practice. He stated that at this time he did not feel that he would last more than two (2) weeks if he went back to work full-time initially. Dr. Dunning stated that with regards to his practice, members of his study club had been helping out until March 10, 2004. He stated that currently study club members are only working one and a half (1½) days per week.

Motion by Dr. Murphy, second by Dr. McDonald, to reinstate the license of Donald C. Dunning, D.D.S., pursuant to the terms and conditions set forth in the consent agreement with the Board.

Roll call vote.

Motion carried unanimously.

AMARDEEP TONY S. KHARA, D.D.S.

Ms. Sabat then requested Amardeep Tony S. Khara, D.D.S. to address the Board regarding reinstatement of his dental license. Ms. Reitz briefly explained that copies of the May 19, 1999 Report and Recommendation, June 10, 1999 Adjudication Order, and June 20, 2000 Adjudication Order had been provided in the Board notebooks regarding advertising violation of the Dental Practice Act.

Upon questioning by the Board, Dr. Khara stated that he had chosen to retire his license in 2000 but now wishes to reinstate his license to practice dentistry in Ohio for "closure" purposes and to put it behind him. He stated that he is happy practicing where he is now, but may return to practice in Ohio some day. Dr. Khara stated that the Board action was taken prior to his retiring his dental license, that he is still not a Board Certified Orthodontist, but has obtained the additional twenty (20) hours of continuing education required by the adjudication order.

Dr. Khara further explained that at the time of the adjudication order, he was in a group orthodontic practice. He stated that he had never personally indicated that he was a Board Certified orthodontist and had contacted the advertising department at the phone company in an effort to correct the advertisement. However, Dr. Khara indicated that no action was taken by his employer to correct the problem and therefore the issue escalated from what might have been a warning letter to an adjudication order by the Board.

Motion by Dr. Hills, second by Dr. Vesoulis, to reinstate the license of Amardeep Tony S. Khara, D.D.S. to practice dentistry in the state of Ohio.

Roll call vote.

Motion carried unanimously.

**REVIEW OF CASES WHEREIN NOTICE(S) OF OPPORTUNITY
WERE ISSUED AND NO HEARING WAS REQUESTED**

Ms. Sabat noted that there were no cases wherein notices of opportunity were issued and no hearing was requested for consideration at this time.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed two (2) proposed consent agreement.

CHRISTOPHER T. KIRKUP, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the proposed consent agreement for Christopher T. Kirkup, D.D.S., limited resident's license number 1934.

Roll call vote.

Motion carried unanimously.

BRUCE A. MASSING, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for Bruce A. Massing, D.D.S., license number 30-02-0737.

Roll call vote.

Motion carried unanimously.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

The Board reviewed one (1) proposed voluntary retirement.

ALAN G. HADLEY, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed voluntary retirement for Alan G. Hadley, D.D.S., license number 30-01-1729.

Roll call vote.

Motion carried unanimously.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed four (4) Notice of Opportunity for Hearing. The names of the individuals/licenses were not included in the documents reviewed by the Board. The names of the individuals/licenses have been added to the minutes for public notice purposes.

ANTHONY J. MONTEVIDEO, D.D.S.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the notice of opportunity for hearing and forward it to Anthony J. Montevideo, D.D.S., license number 30-02-0316, case number 99-78-001.

Roll call vote.

Motion carried unanimously.

LYNN E. MACK, D.D.S.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the notice of opportunity for hearing and forward it to Lynn E. Mack, D.D.S., license number 30-01-5865, case number 02-43-261.

Roll call vote.

Motion carried unanimously.

BRENT L. MILLER, D.D.S.

Motion by Ms. Wise, second by Dr. Kyger, to approve the notice of opportunity for hearing and forward it to Brent L. Miller, D.D.S., license number 30-01-4309, case number 02-18-289.

Roll call vote.

Motion carried unanimously.

CHRISTOPHER M. MARTIN, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the notice of opportunity for hearing and forward it to Christopher M. Martin, D.D.S., license number 30-02-1194, case number 02-42-6701.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT UPDATE

Ms. Reitz informed the Board that there were currently five (5) cases listed as pending hearings and of which two (2) have been scheduled for hearing. She stated that there were currently five (5) cases under appeal and indicated that there were eighteen (18) licensees currently under suspension. She stated that the executive office had received one (1) Report and Recommendation and that it has been sent out to the licensee for objections. Ms. Reitz stated that there had been eighty-one (81) cases that had been investigated and reviewed by the Acting Board Secretary and Board Secretary that are recommended to be closed.

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

The following cases are to be closed:

02-18-345	03-48-1460	03-18-342	04-25-0044
02-18-437	03-52-902	03-25-105	04-48-0019
02-18-479	03-76-1045	03-25-152	04-48-0041
02-18-494	03-77-150	03-28-1304	04-48-0042
02-18-507	03-85-1181	03-35-183	03-23-1469
02-52-504	04-25-0017	03-39-726	03-71-1477
03-18-1420	04-25-0043	03-45-1333	04-13-0038
03-23-1526	04-25-0045	03-48-097	04-21-0086
03-25-1515	02-18-430	03-48-853	04-25-0052
03-25-1525	02-18-478	03-74-1446	04-25-0077
03-34-1527	02-18-491	03-76-1473	04-25-0098
03-39-725	02-18-496	03-85-1180	04-29-0091
03-39-727	02-31-339	04-04-0030	04-31-0075
03-47-1449	02-52-505	04-25-0018	04-31-0094

04-31-0109	04-47-0065	04-25-0119	04-57-0110
04-57-0071	03-25-1478	04-31-0070	04-68-0068
04-57-0073	04-09-0082	04-31-0092	04-73-0051
04-57-0095	04-13-0074	04-31-0106	04-79-0067
04-57-0113	04-25-0049	04-48-0096	
04-71-0090	04-25-0076	04-57-0072	
04-73-0099	04-25-0078	04-57-0083	

Prior to the vote to close the above listed cases, Ms. Sabat 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 vote: Dr. Armstrong – No
Dr. Beckwith – No
Dr. Hills - No
Dr. Howard – No
Dr. Kyger – No
Dr. McDonald - No
Dr. Murphy - No
Ms. Naber – No
Ms. Sabat - No
Dr. Vesoulis – No
Ms. Wise – No
Dr. Wright - No

Ms. Sabat then called for a motion to close the cases and approve the enforcement report.

Motion by Dr. Murphy, second by Dr. Kyger, to approve the enforcement report and close the above eighty-one (81) cases.

Roll call vote.

Motion carried unanimously.

Ms. Sabat thanked Ms. Reitz for the Enforcement Report.

ANESTHESIA COMMITTEE REPORT

REVIEW OF PROVISIONAL ANESTHESIA AND CONSCIOUS SEDATION PRIVILEGES

Dr. Murphy stated that the following individuals have applied for Anesthesia and Conscious Sedation permits. He explained that the applications were reviewed by the Anesthesia Committee and are recommended to receive provisional privileges:

Lawson Alan Wilkinson, D.D.S. – Provisional privileges

Richard W. Bowen, D.D.S. – Provisional Conscious Sedation privileges

Motion by Dr. Murphy, second by Ms. McDonald, to approve the provisional privileges for Dr. Wilkinson and Dr. Bowen for the appropriate modalities.

Roll call vote.

Motion carried unanimously.

REVIEW OF GENERAL ANESTHESIA PERMIT APPLICATION(S)

Dr. Murphy stated that there were no anesthesia permit applications for review at this time.

REVIEW OF CONSCIOUS SEDATION PERMIT APPLICATION(S)

Dr. Murphy stated that the following individual has applied for a Conscious Sedation permit. He explained that the application has been reviewed by the Anesthesia Committee and a facility evaluation has been performed and is recommended for approval:

Katherine I. Raymond, D.D.S. - Akron, Ohio

Motion by Dr. Murphy, second by Dr. McDonald, to approve the anesthesia permit application for Katherine I. Raymond, D.D.S.

Roll call vote.

Motion carried unanimously.

Ms. Sabat thanked Dr. Murphy for the Anesthesia Committee report.

COMMUNICATIONS COMMITTEE REPORT

NEWSLETTER

Ms. Reitz informed the Board members that State Printing has awarded the printing of the Spring Newsletter to a company in Dayton and that it is scheduled to be delivered to our contracted mailing services on the 29th or 30th of April.

Ms. Sabat thanked Ms. Reitz for her report.

EDUCATION COMMITTEE REPORT

Ms. Sabat stated that the committee had met early that morning and discussed on-line CPR re-certification and determined that it was acceptable to meeting the basic life support renewal requirement for the dental hygienist. She stated that the committee had also discussed issues regarding dental assistant radiographer licensure and determined that a letter would be mailed to the current providers of the Initial Training courses in which the following information is clarified:

- Board no longer accepts old (yellow) applications
- Criminal Background Checks
- Letter of completion of Initial Training course – 60 clinical component
- Certificates of completion only upon attestation of completion of clinical component
- Board requires notification of change in course curriculum or instructor
- Board requires notification of change of course contact

Continuing on, Ms. Sabat explained that the committee had reviewed several renewal applications wherein the licensee had indicated that they had not completed the required number of continuing education hours. She stated that the committee recommended that these renewal application be forwarded to the Enforcement Division for further processing.

Motion by Ms. Naber, second by Dr. Kyger, to forward to enforcement for further processing those renewal applications wherein it has been determined that the licensee is not in compliance with the continuing education requirement for renewal.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following individual/organization has applied for approval as a biennial sponsor of continuing education for the years 2004-2005 and has been recommended for approval by the Education Committee:

A. Reza Miremadi, D.D.S.

Motion by Ms. Wise, second by Dr. Kyger, to approve this application for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Sabat stated that the following individuals/organizations have applied for renewal as biennial sponsors of continuing education for the years 2004-2005 and have been recommended for approval by the Education Committee:

Igleburger-Mori Orthodontics
Sunbury Seminars, Inc.
Toledo Periodontics

Motion by Dr. Kyger, second by Ms. Naber, to approve these three (3) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote.

Motion carried unanimously.

REVIEW OF DENTAL ASSISTANT RADIOGRAPHER INITIAL TRAINING COURSE(S)

Ms. Sabat noted that there were no dental assistant radiographer initial training courses for review at this time.

REVIEW OF ANESTHESIA CONTINUING EDUCATION COURSE(S)

Ms. Sabat informed the Board that the following sponsor has submitted an application for the anesthesia permit renewal continuing education course. She stated that the Education Committee has reviewed the course, determined that it fulfills all the necessary requirements, and has recommended the following course for approval:

Sunbury Seminars, Inc. – “Current Concepts in Office Anesthesia 2004” Presented by Carl R. Fleser, DDS, MS, Joel M. Weaver, DDS, PhD, and Steven Ganzberg, DMD, MS.

Motion by Dr. Kyger, second by Ms. Naber, to approve this application for anesthesia permit renewal continuing education course.

Roll call vote.

Motion carried unanimously.

REVIEW OF CONSCIOUS SEDATION CONTINUING EDUCATION COURSE(S)

Ms. Sabat noted that there were no conscious sedation continuing education courses for review at this time.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat informed the Board that the following sponsor has submitted an application for the substance abuse continuing education course. She stated that the Education Committee has reviewed the course, determined that the qualifications of the instructor do not fulfill the necessary requirements, and therefore has recommended the following course be denied:

Ohio Dental Hygienists' Association – "Raising Awareness About Dental Addictions in the Dental Community" Presented by Patty Bonasso Byrd, R.D.H., B.S.

Motion by Dr. Vesoulis, second by Dr. McDonald, to deny this application for substance abuse continuing education course.

Roll call vote.

Motion carried unanimously.

REVIEW OF DENTAL HYGIENE MEDICAL EMERGENCY COURSE(S)

Ms. Sabat noted that there were no dental hygiene medical emergency courses for review at this time.

REVIEW OF SPECIAL NEEDS PROGRAM REQUEST(S)

Ms. Sabat noted that there were no special needs program requests for review at this time.

REVIEW OF CONSCIOUS SEDATION COURSE(S)

Ms. Sabat noted that there were no conscious sedation permit courses for review at this time.

REVIEW OF REQUEST FOR WAIVER(S) OF THE CONTINUING EDUCATION REQUIREMENT

LETTER OF CLARIFICATION/INFORMATION

Ms. Sabat informed the Board that the Education Committee was not recommending any letters of clarification of the continuing education requirements at this time.

30-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee was not recommending any 30-day extensions of the continuing education requirements at this time.

60-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee was not recommending any 60-day extensions of the continuing education requirements at this time.

90-DAY EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee was not recommending any 90-day extensions of the continuing education requirements at this time.

6 MONTH EXTENSION OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had reviewed the following application for Request for Waiver of the Continuing Education Requirement and recommended approval of a six (6) month extension based on unusual circumstance, emergency or special hardship for the following individuals:

Lisa P. Caporaso, R.D.H.

Motion by Dr. Vesoulis, second by Dr. Murphy, to approve Ms. Caporaso's application for Request for Waiver of the Continuing Education Requirement to receive a six (6) month extension.

Roll call vote.

Motion carried unanimously.

RECOMMEND APPROVAL OF REQUEST FOR WAIVER OF THE CONTINUING EDUCATION REQUIREMENT

Ms. Sabat informed the Board that the Education Committee had reviewed the following application for Request for Waiver of the Continuing Education Requirement and recommended approval for the following individuals:

Keith E. Heller, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve Dr. Heller's application for Request for Waiver of the Continuing Education Requirement.

Roll call vote.

Motion carried unanimously.

FORWARDED TO ENFORCEMENT

Ms. Sabat concluded her report by indicating that there were four (4) Requests for Waiver of the Continuing Education Requirement that have been forwarded to enforcement. The names of the individuals have been withheld pending investigation.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Murphy informed the Board that the Law and Rules Review Committee had met earlier that day and would meet again prior to the Board meeting in June. He stated that based on discussions during the committee meeting the Board would need to consider motions to final file most of the rules with the Joint Committee on Agency Rule Review.

Motion by Dr. Murphy, second by Dr. Vesoulis, to final file Ohio Administrative Code Rules 4715-1-02, 4715-1-03, 4715-5-03, 4715-9-02.1, 4715-9-03, 4715-11-01, 4715-11-02, 4715-11-03, and 4715-11-04 for rescision.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Murphy, second by Dr. Vesoulis, to final file new and amended rules 4715-3-01, 4715-5-01.1, 4715-5-03, 4715-9-01, 4715-9-03, 4715-10-01, 4715-11-01, 4715-11-03, 4715-11-05, and 4715-11-06.

Roll call vote.

Motion carried unanimously.

Ms. Sabat thanked Dr. Murphy for the Law and Rules Review Committee report.

POLICY COMMITTEE REPORT

Ms. Reitz informed the Board members that a draft of the Policy Regarding Licensure Reinstatement Interviews (Appendix A) had been provided in the Board notebooks for their review. She stated that due to the enactment of Senate Bill 51, an interview before the Board is no longer required for those applicants who are applying by "criteria approval." Ms. Reitz stated that in fairness to applicants for reinstatement, this

procedural policy eliminates the requirement for a Board interview, unless an applicant has not fulfilled the routine requirements or has had action taken against their license in another jurisdiction and the Board Secretary recommends an interview prior to reinstatement.

Motion by Dr. Vesoulis, second by Dr. McDonald, to approve the "Policy Regarding Licensure Reinstatement Interviews" as presented.

Roll call vote.

Motion carried unanimously.

TREATMENT CENTER APPROVAL COMMITTEE REPORT

Ms. Reitz informed the Board that the Treatment Center Approval Committee had nothing new to report at this time.

Ms. Sabat thanked Ms. Reitz for both reports.

WAIVER COMMITTEE REPORT

Ms. Sabat informed the Board that the Waiver Committee had reviewed one (1) Hepatitis B Waiver Request application and recommended approval of a one (1) year waiver based on medical reasons. The Waiver Committee recommended a waiver for the following individual:

Tabitha Krul

Motion by Dr. Murphy, second by Ms. Wise, to approve a Ms. Krul's application for a one (1) year Hepatitis B Waiver.

Roll call vote.

Motion carried unanimously.

SECRETARY'S EXPENSE REPORT

Dr. Hills reported by stating that he had spent in excess of twenty (20) hours per week attending to Board business.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the Secretary's expense report.

Roll call vote.

Motion carried unanimously.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Murphy, second by Dr. McDonald, to approve the expense report and approve payment of the March, 2004 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

CRIMINAL BACKGROUND CHECKS

Ms. Reitz informed the Board that there was a copy in the notebooks for their review of a memorandum that was recently sent to the members electronically and has also been posted on the Board's website regarding criminal background checks for licensure applicants (Appendix C). She explained that in November of last year the Board had implemented this procedural requirement with the consent of the Board Secretary for dental and dental hygiene licensure. Subsequently, she stated that further administrative discussions resulted in the reasoning that all licensees should be treated equally in this regard since the Dental Practice Act mandates "evidence of good moral character" for each type of license applicant.

Continuing on, Ms. Reitz indicated that she had not notified the members of the Board with regards to this procedural administrative change, and there had not been any questions or problems with its initial implementation for dentists and dental hygienists back in November. She stated that now, as in the past, any changes to internal procedure are discussed and executed with input and knowledge and subsequent approval of Board officers and therefore, full Board member input was not sought for this issue.

Ms. Reitz explained the justification for and details of this new procedural change. She stated that the Board has had recent examples of individuals who in seeking licensure have not been forthcoming and truthful on their applications regarding their criminal history. Ms. Reitz explained that since the Board is responsible for protecting the public, and we must take steps to ensure that all license applicants are of good moral character. She stated that the criminal background check can be obtained in three to six (3-6) weeks from the Federal Bureau of Investigation (FBI) for a fee of \$18 and that an insert with specific information is now included in each application requested from the Board. Ms. Reitz explained that this is the least expensive, most efficient way the Board can determine whether an applicant is of good moral character as is required by the Dental Practice Act.

Ms. Reitz further clarified that if a negative criminal background check exists, then the Board may obtain copies of the police report related to the arrest and any court related documentation. She stated that all these factors, including recency of the event, are considered in an attempt to determine the applicant's good moral character and that the determinations are made on a case by case basis by the Board Secretary in determining whether denial of licensure is warranted.

A few of the Board members expressed their concerns with the way this information was communicated to the members. Ms. Reitz explained that since there had not been any negative response in November upon execution of this requirement for the dental and dental hygiene applicants, she had not anticipated the questions and negative fallout that this has generated with regards to the dental assistant radiographer license. She reminded the Board members that this was implemented for this last group of licenses on April 1, 2004 and only in an effort to be consistent and fair to all license applicants.

Discussion ensued wherein it was determined that communication between the administrative staff and the Board members regarding issues that may have an impact on the dental community should not necessarily include all Board members input but should be made available to the Board members in a timely manner.

DENTAL SUMMIT MEETING

Ms. Reitz informed the Board members that she and Ms. Franks had attended the Dental Summit Meeting that was hosted by the ODHA, the previous Friday, April 16th, 2004. She stated that the primary topics discussed were not ones in which the Board actively participates such as increase in association memberships, the Ohio Department of Health OPTIONS program, etc. Ms. Reitz stated that she had included a copy of the draft minutes from the Summit meeting for the Board members review.

Ms. Sabat thanked Ms. Reitz for her report.

CORRESPONDENCE

Ms. Sabat noted that there was no correspondence for Board consideration at this time.

ANYTHING FOR THE GOOD OF THE BOARD

NEW COMMITTEE ASSIGNMENTS

Ms. Sabat indicated that copies of the new committee assignments had been provided in the Board notebooks (Appendix B). She stated that each of the Board members should remove the copy to take back with them for review, since there were quite a few changes.

BOARD MEETING SCHEDULE

Dr. Vesoulis stated that he would like to revisit his suggestion to change the September Board Meeting date. After a brief discussion, the members decided to keep the September Board meeting date the same.

Also during the discussion it was determined that the June meeting would remain the same and the Board would not require a two-day meeting as was discussed during the March Board meeting.

FAREWELL TO ASSISTANT ATTORNEY GENERAL, MARY CRAWFORD, ESQ.

Ms. Sabat stated:

“I would like to take this opportunity to acknowledge our Assistant Attorney General, Mary Crawford.

Mary will be retiring from the State in May of this year. She has represented the Board in all legal matters since June of 1996. With her advice and guidance, Mary has represented the Board with the utmost of integrity and professionalism.

The Board has been most fortunate to have had Mary’s legal services as long as we have. Most agencies are lucky to have experienced attorneys representing them, and not only is Mary experienced, she is a consummate professional who

enjoys an excellent reputation among her peers with whom she works, on both sides of the case.

Mary has worked closely with the enforcement staff, our director and with the Board in all areas requiring legal expertise. She has always had the best interests of the Board in mind in all her work on our behalf, and she has been a strong advocate for the Board and its mission to protect the public.

Mary, you have been a true asset to the Board and we will all miss you. We wish you well in all of your future endeavors, and we hope you enjoy your well-earned retirement.

On behalf of the Board, I present you with this plaque recognizing you and your service over the past eight years. Thank you.”

Ms.Sabat invited the attendees to join her in a warm round of applause for Ms. Crawford.

Ms. Crawford replied that it had been an honor and a pleasure to work with the Board. She stated that over the course of the last nine (9) years she has learned a great deal from all the Board members, as well as the dental experts. Ms. Crawford stated that in working on projects, and in working through disagreements, she can truly say that this Board really cares about the public and its duty to protect the citizens of the state. She thanked the Board and reiterated that it had been an honor and fun to work hand-in-hand with them.

ADJOURN

Motion by Ms. Wise, second by Ms. Naber, to adjourn the meeting until Wednesday, June 2nd, 2004.

Motion passed by acclamation.

Lynda L. Sabat, R.D.H.
President

Edward R. Hills, D.D.S.
Secretary

APPENDIX A

POLICY REGARDING LICENSURE REINSTATEMENT INTERVIEWS

Preamble: The purpose of this policy is to change the Ohio State Dental Board's (Board) position regarding the need for licensure reinstatement interviews before the Board.

The changes made to Ohio Revised Code 4715.10, Application for Licensure, in Amended Substitute Senate Bill 51, changed the requirements for the Board's "criteria approval" licensure process. Paragraph 4715.10(D)(3) now allows any one coming to Ohio to qualify for licensure if the applicant:

"Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application."

No longer is an interview before the full board part of the process. In fairness to our reinstatement of license applicants, no interview will be required of them either if they meet all routine requirements for reinstatement.

If a requirement has not been met or if an action has been taken against their license in another jurisdiction, this application will not be processed until a decision is made by the board secretary made as to whether an interview is required.

APPENDIX B

OHIO STATE DENTAL BOARD COMMITTEES April 2004

Anesthesia Committee

T. Michael Murphy, DDS, Chair
Greg McDonald, DDS
Billie Sue Kyger, DDS
Douglas Wallace, DDS
Jayne Rasmussen

Communications Committee

Lili C. Reitz, Esq., Chair
Edward R. Hills, DDS
Paul Vesoulis, DDS
Frank Wright, DDS

Education Committee

Lynda L. Sabat, RDH, Chair
Paul Vesoulis, D.D.S.
Billie Sue Kyger, DDS
Berta Howard, DDS
Frank Wright, DDS
Donna Homenko, RDH
Ann Nabor, RDH
Mark Knutson, RDH
Malynda K. Franks

Law and Rules Review Committee

T. Michael Murphy, DDS, Chair
Eleanore Awadalla, DDS
Edward Hills, DDS
Paul Vesoulis, DDS
Greg McDonald, DDS
Mark Armstrong, DDS
Lynda L. Sabat, RDH
Mark Landes, Esq.
Frank C. Williams, DDS
Leonard Weiss, DDS

Richard Behrman, DDS
Keith Kerns, Esq., ODA
Mark Knutsen, RDH
Donna Homenko, RDH, ODHA
Lili C. Reitz, Esq.
Mary K. Crawford, AAG
Rebecca Hockenberry, AAG
Malynda K. Franks

Scope of Practice Committee

Edward R. Hills, D.D.S., Chair
Francis Curd, D.D.S.
Lynda L. Sabat, R.D.H.
Donna Homenko, R.D.H.
Gregory McDonald, D.D.S.
Berta I. Howard, D.D.S.
Lili C. Reitz, Esq.
Jayne Rasmussen

Policy Committee

Paul Vesoulis, DDS, Chair
Edward R. Hills, D.D.S.
Mark Armstrong, DDS
Lili C. Reitz, Esq.

Treatment Center Approval Committee

Edward R. Hills, DDS, Chair
Rebecca Hockenberry, Esq.
Gregory McDonald, D.D.S.
Sandra Wise, R.D.H.
Tom Smith
Kim Gandee

Waiver Committee

Gregory McDonald, DDS, Chair
Phillip Beckwith, D.D.S.
Berta I. Howard, D.D.S.
Billie Sue Kyger, DDS
Ann Naber, RDH
Sandra Wise, RDH
Jayne Rasmussen

APPENDIX C

MEMORANDUM

TO: MEMBERS, OHIO STATE DENTAL BOARD

CC: STAFF
AAG'S

FROM: LILI C. REITZ, Esq.
Executive Director

DATE: April 6, 2004

RE: CRIMINAL BACKGROUND CHECKS

The primary focus of the Ohio State Dental Board (Board) is to ensure public protection by enforcing licensure standards, as well as enforcing acceptable standards of practice.

The Dental Practice Act requires that applicants for licensure be of good moral character as a primary licensure requirement¹. In the past, the Board had no formal mechanism for ensuring this licensure requirement was met, and the Board relied on the information provided by the licensee in the application process.

The Board previously required a record check from the applicant's home state, but we were repeatedly informed that not all states perform this service. The Board would then have to rely on a criminal record check from the applicant's city or county of residence, which has proven to be unreliable as it is incomplete, and further, this was inconvenient for the applicant.

The Board has had very recent examples demonstrating that individuals seeking licensure are not always forthcoming and truthful on their applications regarding their criminal history.

In one case, an applicant for a dental license filed an application with the Board. He did not inform the Board on his application that he had been convicted of a misdemeanor involving embezzlement and a felony involving Medicaid fraud, both in the state of Michigan. The Board did receive confirmation from the other licensing board that he was in good standing at the time he applied for licensure in Ohio. The Board issued the license, and then subsequently learned of the licensee's criminal history. The Board

¹ Dentists: ORC 4715.10, OAC 4715-5-01.1
Dental Hygienists: ORC 4715.21, OAC 4715-9-02.1
Dental Assistant Radiographers: ORC 4715.53, OAC 4715-12-02

expended significant additional funds to charge and ultimately revoke the license in compliance with the administrative process. This case resulted in media attention and it did not look favorable to the Board in terms of its ability to ensure that only competent, ethical individuals are considered for licensure in the state of Ohio.

In another case, an applicant for a license as a dental assistant radiographer gave false information regarding his criminal history on his application. He indicated that he had been convicted of felony drug possession. An investigation revealed that in fact the applicant was convicted of three drug related felonies, including trafficking in crack cocaine. His license was denied.

The FBI criminal background check is the least expensive, most efficient way the Board can determine whether the applicant is of good moral character as is required by law. It has been suggested that this function be accomplished during the educational phase. While the Board doesn't disagree with this, the reality is that the law currently places this responsibility on the Board, and further, that cases exist demonstrating that despite the educational process, there are examples of individuals applying for licensure with significant criminal histories.

The decision to require the FBI background check was an administrative one, with input from the Board Secretary. The cost for the background check is \$18.00. Since instituting this practice this year, while the Board has received many inquiries, there have been no complaints regarding the length of time it takes to get the necessary information to the Board. The Board staff is making every attempt to make procedural information available to those going through the application process, including providing the required fingerprint card if needed. Other state dental boards and other licensing boards in Ohio also require an FBI criminal background check as part of the licensure application process.

Further, case law supports the position that an applicant with a criminal history can be considered by the regulatory board as one who is not of good moral character. The criminal conviction has been ruled as proof that this licensure requirement has not been satisfied, and the license can be denied/disciplined by the board.

There are other options for the criminal background check. The Board could utilize the services of an entity in Arizona that does background checks for dental boards and other licensing boards nationwide, called Professional Background Information Service. The cost for this service, which is born by the applicant, ranges from \$300.00 - \$750.00 depending on the level of check requested. Many dental boards require this check for its licensure applicants.

It is important to note that obtaining a criminal record check is just the first step. If a record exists, the Board then obtains a copy of the police report related to the arrest and

any other court related documentation. All these factors, including the recency of the event, are considered in an attempt to evaluate the moral character requirement for licensure. Some boards automatically deny a license if the applicant is convicted of a felony. This Board hopes to maintain the public confidence in its attempts to evaluate the risk to the public in making these moral character determinations on a case by case basis, and .

The Board believes that the FBI check is sufficient for our purposes. If you have any questions, or would like to discuss this further, please let me know.