

FORMAL ACTION REPORT

Please find below a summary of actions taken or initiated by the Ohio State Dental Board in February 2005.

CITATIONS/PROPOSED DENIALS:

BURKHART, GARRETT R., (30019589) – Folsom, CA

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005

GEHRING, GREGG E., (30015433) – Madison

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005

HARRIS, ROGER J., (30013286) – Milford

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

HOWARD, WENDY, (31002626) – Cincinnati

Based on the dental hygienist's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

KIRKPATRICK, JAMES E., (30019110) – Belpre

Based on the doctor's alleged failure to administer drugs/prescriptions for other than legal and legitimate therapeutic purpose and failure to meet the standard of care. Amended Notice of Opportunity for Hearing mailed February 18, 2005.

MCGINLEY, JACQUALINE S., (31003204) – Stow

Based on the dental hygienist's alleged failure to comply with the continuing education audit. Notice of Automatic

Suspension and Opportunity for Hearing mailed February 18, 2005.

MOILOV, REBECCA L., (31009887) – Olmsted Falls

Based on the dental hygienist's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

NIDA, BRADEN M., (30011132) – Marietta

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

PASSERINI, JODI L., (31010125) – Massillon

Based on the dental hygienist's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

SMITH, LAURA B., (31006479) – Loveland

Based on the dental hygienist's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

SOULT, MICHAEL C., (30013986) – Dublin

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

YOKUM, HARRY M., (30016513) – West Jefferson

Based on the doctor's alleged failure to comply with the continuing education audit. Notice of Automatic Suspension and Opportunity for Hearing mailed February 18, 2005.

FINAL ADJUDICATION ORDERS:

NONE

CONSENT AGREEMENTS:

DAWE, JOHN R., D.D.S. (30010399) – Wooster

Dr. Dawe's license to practice dentistry shall be suspended for a period of fourteen (14) days, effective March 1, 2005. In order to be reinstated, Dr. Dawe shall meet the following requirements: a) Dr. Dawe shall make a written request to the Board Secretary for reinstatement, b) Dr. Dawe shall submit documentation to the Board indicating that he is in compliance with the infection control provisions addressing each count in the Notice of Opportunity for Hearing and how he has changed his procedures or intends to change his procedures to correct the deficiencies, c) Dr. Dawe shall complete seven (7) hours of continuing education in dental infection control, and submit documentation to the Board within thirty (30) days of the effective date of the consent agreement, and d) Dr. Dawe shall take and pass the jurisprudence exam within twenty-one (21) days of the effective date. Upon reinstatement, Dr. Dawe's license to practice dentistry shall be subject to the following probationary terms for a period of one (1) year: a) Dr. Dawe shall fully cooperate in the Board's inspections and evaluations of his dental office, b) Dr. Dawe shall submit to the Board on a quarterly basis, documentation from an independent testing agency that the heat sterilizing devices are being test for proper function on a weekly basis by means of a biological monitoring system, c) Dr. Dawe shall submit quarterly declarations stating that he is in compliance with terms of this consent agreement and d) Dr. Dawe shall obey all laws and rules governing the practice of dentistry in Ohio. Effective date is February 16, 2005.

GASSER, JOHN A., D.D.S. (30014291) – Medina

Dr. Gasser's license to practice dentistry is indefinitely suspended.

Dr. Gasser surrendered his DEA certificate to the appropriate DEA representative effective November 4, 2004. Dr. Gasser shall to prescribe, order, dispense, administer or possess (except as prescribed for Dr. Gasser's use by a physician so authorized by law) any controlled substances. Should Dr. Gasser's DEA certificate be reinstated, he shall not prescribe, order, dispense, administer, or possess any scheduled controlled substances without prior written approval from the Board. Prior to reinstatement, the Board shall review documentation submitted to determine if Dr. Gasser is physically/mentally able to return to the practice of dentistry. Upon reinstatement, Dr. Gasser shall be subject to probationary terms for five (5) years. Effective date is February 16, 2005.

KIRKPATRICK, JAMES E., D.D.S. (30019110) – Belpre

In consideration of the Ohio State Dental Board's forbearance of initiating immediate action against Dr. Kirkpatrick's license, Dr. Kirkpatrick hereby voluntarily agrees to limit his dental practice by not administering any form of anesthesia to anyone under the age of fourteen. In the event that Dr. Kirkpatrick violates this consent agreement, he expressly agrees to waive his right to a hearing and his license to practice dentistry shall be immediately suspended. This agreement will expire upon the issuance of an adjudication order by the Board or an executed consent agreement or a letter from the Board's Secretary stating that any investigation of Dr. Kirkpatrick has been closed. Effective date is February 16, 2005.

MCDOWELL, SAM, III (51012815) – South Euclid

Mr. McDowell shall successfully complete seven (7) hours of continuing education in Ethics and submit said documentation to the Board within sixty (60) days of the effective date of the consent agreement. Upon completion of the requirements set forth, Mr. McDowell shall submit to the Board a two-hundred (200) word essay explaining why ethics is important for a dental assistant radiographer. Mr. McDowell's license to practice dental radiography shall be subject to the following probationary terms for a period of three (3) years to commence after Mr. McDowell has been issued a license to practice dental radiography: a) Mr. McDowell shall fully cooperate with the Board investigators in future investigations, b) Mr. McDowell shall obey all laws and rules governing dental radiography in Ohio. In the event Mr.

McDowell is convicted of any misdemeanor or felony (other than minor traffic violations), he shall notify the Board of same within ten (10) days, and c) Mr. McDowell shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of the terms of this consent agreement. In the event that Mr. McDowell shall test positive by any law enforcement agency or drug-testing facility for drugs, Mr. McDowell shall immediately notify the Board. Mr. McDowell agrees that if he should test positive for drugs, or be convicted of any misdemeanor or felony (other than minor traffic violations), Mr. McDowell's license to practice dental assistant radiography shall be immediately suspended. Following the suspension, Mr. McDowell will be entitled to a hearing in accordance with the Ohio Revised Code. Effective date is February 16, 2005.

POMMIER, LINDA A., D.D.S. (30019624) – Copley

Dr. Pommier's license to practice dentistry shall be suspended for twenty-one (21) days beginning March 15, 2005. Dr. Pommier is prohibited from performing endodontics until such time as she has received specific written authorization from the Board Secretary. Dr. Pommier shall take and pass the jurisprudence exam within thirty (30) days of the effective date of the consent agreement. Dr. Pommier shall complete forty (40) hours of continuing education in Endodontics at an ADA accredited dental school and submit documentation of such to the Board. Upon completion of the forty (40) hours of continuing education in Endodontics, Dr. Pommier may submit a written request to the Board Secretary to resume performing endodontics provided her license is otherwise in good standing. In order to be reinstated, Dr. Pommier shall: a) complete seven (7) hours of continuing education in dental infection control and submit documentation to the Board, b) submit a written request for reinstatement and receive written notification from the Board Secretary that her license is reinstated before resuming the practice of dentistry, c) submit documentation indicating that she is in compliance with the infection control provisions addressing each count in the Notice of Opportunity for Hearing and describing how she has changed her procedures or intends to change her procedures to correct the deficiencies.

Upon reinstatement, Dr. Pommier's license shall be subject to the following probationary terms for three (3) years: a) Dr. Pommier shall cooperate in the Board's inspections and evaluations of her dental office, b) Dr. Pommier shall obey all laws and rules governing the practice of dentistry in Ohio, c) After receiving written authorization to perform endodontics, Dr. Pommier shall submit to the Board by the seventh day of each month the pre-treatment radiographs, relevant patient treatment records and finished endodontic post treatment radiograph of each patient to whom Dr. Pommier provided final endodontic treatment during the preceding month, d) Dr. Pommier shall submit to the Board on a quarterly basis, documentation from an independent testing agency demonstrating that the heat sterilizing devices in her office are tested for proper function on a weekly basis and e) Dr. Pommier shall submit quarterly declarations stating whether or not she is in compliance with the provisions of this consent agreement. Dr. Pommier shall provide a minimum of ninety-six (96) hours of pro bono dental services beginning April 11, 2005 or upon reinstatement, whichever occurs later. Effective date is February 16, 2005.

ROUZAUD, ROBERT M., D.D.S. (30019103) – Cleveland

Dr. Rouzaud's license is suspended for a period of one hundred and twenty (120) days, beginning on March 1, 2005 and ending on June 29, 2005. In order to be reinstated, Dr. Rouzaud shall: a) complete twenty-one (21) hours of continuing education in diagnosis and treatment planning and twenty (20) hours in dental ethics, b) Dr. Rouzaud shall write and submit a two hundred (200) word essay on the importance of periodontal charting and treatment planning and c) Dr. Rouzaud shall take and pass the jurisprudence exam. Dr. Rouzaud shall immediately cease and desist rendering endodontic treatment and shall refer all current patients to other practitioners for endodontic treatment. Dr. Rouzaud shall not undertake any new cases of endodontic treatment until he has completed forty-two (42) hours of continuing education in endodontics of which twenty-one (21) hours must be interactive. After the Board Secretary has informed Dr. Rouzaud that he may resume providing endodontic treatment, Dr. Rouzaud's endodontic practice is limited to endodontic

treatment on anterior teeth with single canals only. Dr. Rouzaud's license shall be subject to probationary terms for one (1) year following notification that he may resume providing endodontic treatment on anterior teeth with single canals only. Dr. Rouzaud shall submit by the seventh day of each month, documentation for each patient to whom he provided endodontic treatment during the preceding month. After successfully performing endodontic treatment on anterior teeth with single canals only for one year and complying with the probationary terms and conditions, Dr. Rouzaud may seek Board approval to perform endodontic treatment on posterior and/or multiple canal teeth. If approved to perform endodontic treatment on posterior and/or multiple canal teeth, Dr. Rouzaud shall for one (1) additional year submit to the Board Secretary by the seventh day of each month documentation for each patient to whom he provided endodontic treatment during the preceding month on posterior and/or multiple canal teeth. After successfully performing endodontic treatment on posterior and/or multiple canal teeth for one additional year and complying with the terms and conditions, Dr. Rouzaud may seek Board approval to perform unlimited endodontic treatment. Dr. Rouzaud shall be subject to probationary terms for two (2) years following the execution of this consent agreement. Dr. Rouzaud's license shall be subject to the following probationary terms: a) Dr. Rouzaud shall fully cooperate in the Board's inspection and evaluations of his office, b) Dr. Rouzaud shall obey and laws and rules governing the practice of dentistry in Ohio and c) Dr. Rouzaud shall submit to the Board Secretary written quarterly reports demonstrating compliance with the terms of the consent agreement. Effective date is February 16, 2005.

REINSTATEMENTS:

NONE