

**Ohio State Dental Board
Board Meeting
March 9, 2005**

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**Ohio State Dental Board
Board Meeting
March 9, 2005**

MINUTES

ATTENDANCE

The Ohio State Dental Board (Board) met in room 1952, 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio on Wednesday, March 9, 2005, beginning at 1:00 p.m. Board members present were:

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

Edward R. Hills, D.D.S., Secretary, and T. Michael Murphy, D.D.S. were not in attendance.

The following guests were also in attendance: Jonathan Fulkerson, Esq. Assistant Attorney General; Tara Slane and Molly Hughes, students from The Ohio State University Dental Hygiene Program; Keith Kerns, Esq. 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 Reitz, Esq., Executive Director, Rebecca Hockenberry, Esq., Assistant Director, Larry Mansfield, Enforcement Officer, Kim Gandee, Enforcement Secretary, 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 1:12 p.m. She requested all members and guests sign the attendance roster.

EXECUTIVE SESSION

Motion by Dr. Wright, 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 pursuant to 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. Hockenberry, and Mr. Fulkerson to attend the executive session.

OPEN SESSION

At 1:45 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.

INTRODUCTION OF BOARD MEMBERS

Ms. Sabat took a moment to introduce the Board. She introduced herself as the Board President, a 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. Gregory McDonald, a general dentist from Springboro, Mr. Mark Landes, the Board's Public member from Gahanna, Dr. Mark Armstrong, a general dentist from Troy, Dr. Phillip 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, Ms. Sandra Wise, a dental hygienist from Fremont and Dr. Frank Wright, a general dentist from Cincinnati.

Ms. Sabat noted that the Board Secretary, Dr. Edward Hills, a general dentist from Cleveland and Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion were not in attendance at the meeting.

REVIEW OF THE FEBRUARY BOARD MEETING MINUTES

The Board reviewed the minutes of the February 16, 2005 Board meeting.

Motion by Ms. Wise, second by Ms. Naber, to approve the February 16, 2005 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATIONS

LICENSURE REPORT

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses issued since the February 2005 meeting, for Board member review. Ms. Sabat then requested the Board's vote of approval for the Licensure Report.

Motion by Dr. Vesoulis, second by Dr. Kyger, to approve the licensure report for the following dental licenses issued by North East Regional Board, Inc. (NERB) examination:

DENTAL

Miguel L. DeFina, D.D.S.
Joshua K. Gunther, D.D.S.
Lee P. Heid, D.D.S.

Kevin M. Lane, D.D.S.
Laith A. Sawalha, D.D.S.

Roll call vote.

Motion carried unanimously.

Motion by Ms. Wise, second by Dr. Kyger, to approve the licensure report for the following dental hygiene licenses issued by North East Regional Board, Inc. (NERB) examination:

DENTAL HYGIENE

Jessica J. Schuster, R.D.H.

Roll call vote.

Motion carried unanimously.

Motion by Dr. Kyger, second by Ms. Naber, to approve the licensure report 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:

DENTAL ASSISTANT RADIOGRAPHER

Cynthia A. Augustine
Leah J. Balon
Jacqueline A. Barr
Nicole A. Bayer
Emily F. Bechstein
Cassandra R. Bergant
Nataliya Bilovus
Alison M. Bosco
Merika L. Boyer
Liliana M. Boyk
Jessica L. Brocious
Karen A. Caruso
Jamie S. Charles
Karen M. Christ
Danielle M. Clayworth
Teresa H. Cohen
Latia L. Collier
Terina M. Costilo
Amber N. Cramer
Kelly L. Dallas
Jamey M. Dalrymple
Caitlin C. DeBoard
Megan D. DelGrosso
Karen K. Fulton

Heather M. Fultz
Angela C. Gage
Denise R. Gardner
April R. Garner
Heather A. Gibson
Brenda J. Gross
Irene Hernandez
Rebekah R. Hobbs
Heather N. Hoobler
Heather L. Hunt
Leesa A. Hutsler
Laura L. Irish
Michelle F. Izzi
Gretchen M. Jackson
Alberta Jones
Nevenka Josipovic
Jill N. Kirker
Melissa A. Laboy
Megan J. Leslie
Nancy K. Lodge
Olga Mikityuk
Alexis M. Mook
Suzanne M. Moss
Nancy E. Mullins-Weiss

Holly M. Ochoa
Carol S. Pfirman
Krista R. Ramsey
Michelle M. Reardon
April D. Reisinger
Michelle A. Rieman
Joy D. Risner
Devaron L. Roach
Anthony J. Sharp
Colleen R. Shawk

Jacqueline R. Smith
Bonnie R. Snyder
Dawn M. Stanisa
Jennifer C. Surber
Mitzi D. Tarkany
Tasha M. Troendly
Tammy A. Untisz
Rebecca M. Watkins
Katherine J. Williams
Keren K. Williams

Roll call vote.

Motion carried unanimously.

Motion by Dr. Kyger, second by Ms. Naber, 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 requirements necessary to obtain certificate:

CORONAL POLISHING

Amy L. Batts
Tammy M. Brightman
Sharon L. Camardo
Christina M. Chaney
Tracy L. Goodyear
Ellen A. Isfort
Jennifer L. Keller
Trisha N. Kowalski
Robin P. Lindsay

Danielle R. Powers
Lisa M. Priebe
Susan E. Qualls
Karen R. Rozsnaki
Cynthia D. Stahl
Jennifer M. Thurmond
Tricia M. Waddell
Kimberley C. Williams

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:

Huong N. Doan, D.D.S.
Errol Isaac, D.D.S.

Motion by Dr. McDonald, second by Ms. Naber, to approve these two (2) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES

The following person applied for a license to practice dentistry in the state of Ohio. They have completed the requirements necessary to obtain licenses as graduates of unaccredited dental schools located outside the United States.

Dr. Eser Tufekci

Motion by Dr. Kyger, second by Dr. Vesoulis, to approve Dr. Tufekci's license application to practice dentistry in the state Ohio, pending receipt of jurisprudence exam.

Roll call vote

Motion carried unanimously.

LIMITED RESIDENT'S LICENSE APPLICATION(S)

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

Dr. Sankalp Jain – Forum Health/Western Reserve Care System, General Practice

Dr. Praveena Osuri – Case Western, Peridontal

Dr. Carlos Alberto Pires – Case Western, Periodontal

Motion by Dr. Vesoulis, second by Dr. Kyger, to approve these three (3) applications for a limited resident's licenses.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT LICENSE APPLICATION(S) INTERVIEWS:

JOHN L. THOMPSON, D.D.S.

The only applicant for reinstatement interview was John L. Thompson, D.D.S. whose license was automatically suspended January 1, 2004 for failure to renew. Dr. Thompson began by saying he can't defend himself and that he messed up. He explained he has had harrowing experiences over the past two (2) years. Both he and his wife have had significant health issues. Dr. Thompson said he is ready to retire but he has three (3) active patients of which one (1) he has already referred to Dr. Ray to remove the appliance, etc. He stated that he has two (2) others that if allowed to practice he will take off appliances and provide retainers. He stated that if he is not allowed to practice, he will refer the patients to other dentists. Ms. Hockenberry informed Dr. Thompson that in order to retire his license he must be in good standing; otherwise his license must remain in a lapsed status and his patients would need to be referred to other dentists. Ms. Sabat asked Dr. Thompson if he understood what his options were and Dr. Thompson stated yes. Ms. Hockenberry asked Dr. Thompson if he would like to withdraw his application for reinstatement. Dr. Thompson then stated yes. Dr. Thompson was advised that he must immediately refer all remaining patients to other practitioners.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

REPORT AND RECOMMENDATION IN THE MATTER OF MELISSA L. LAVANCE, RADIOGRAPHER.

Ms. Sabat announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of Melissa L. LaVance, Radiographer, that was filed by Paul Stehura, Esq., Hearing Examiner on January 24, 2005.

Ms. Sabat then proceeded by asking whether each member of the Board had read the Hearing Examiner's Report and Recommendation in the matter of Melissa L. LaVance, Radiographer.

Roll call: Dr. Armstrong – Yes
 Dr. Beckwith – Yes
 Dr. Howard – Yes
 Dr. Kyger – Yes

Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright - Yes

Ms. Sabat then proceeded by asking whether each member of the Board had the record, including the transcript, available to refer to when necessary in reviewing this matter.

Roll call: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright - Yes

Ms. Sabat then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of Melissa L. LaVance, Radiographer.

Roll call: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Yes
Ms. Wise – Yes
Dr. Wright - Yes

Ms. Sabat asked if Ms. LaVance was present. Ms. LaVance indicated that she was present along with her attorney, Mr. Doug Graff. Ms. Sabat asked Ms. LaVance to come

forward and informed her that there was no court reporter present and that the Board minutes would serve as the official record of the proceedings.

Ms. Sabat then stated for the record:

You have been granted five (5) minutes to address the Board, and the Assistant Attorney General will be given the opportunity to respond. Your remarks should be related to the Hearing Officer's Findings of Fact, Conclusions and Proposed Order in this matter. Please be advised that the Board will only consider the evidence presented in the administrative hearing in this matter, therefore, there will be no questions from the Board members.

Ms. Sabat instructed Ms. LaVance to proceed:

DOUG GRAFF, ESQ., ATTORNEY FOR MS. LAVANCE

Mr. Graff explained to the Board that Ms. LaVance received a Driving While Under the Influence (D.U.I.) charge and entered into treatment at Maryhaven, which is not a Board approved facility. He stated that she graduated from the program in December 2004 and has eighteen (18) months of sobriety. Mr. Graff asked the Board to give Ms. LaVance a little leeway, as she is ongoing with her recovery. He said that she is attending Alcoholics Anonymous (AA) three times a week.

Mr. Graff requested that the Board consider reducing the three (3) years probation suggested in the Hearing Examiners recommended Order based on her continued sobriety and ongoing recovery efforts. Additionally, he asked that the order allow Ms. LaVance to enter a non-approved treatment program. Mr. Graff assured the Board that Ms. LaVance was safe to return to practice. He stated that Ms. LaVance has been a radiographer since 1999 and has worked in the area since 1994.

MELISSA LAVANCE, RADIOGRAPHER

Melissa LaVance stated she completed treatment at MaryHaven and is working on AA and Caduceus meetings three times a week. She apologized to the Board for not being forthcoming on her applications. Ms. LaVance then thanked the Board for the opportunity to appear today.

JONATHAN FULKERSON, ASSISTANT ATTORNEY GENERAL

Mr. Fulkerson stated that this is a relatively simple case in that it is not an impairment issue but a case of dishonesty. He explained that Ms. LaVance has not completed the standard requirements involved in cases of impairment of the licensee. Mr. Fulkerson said that AA is a good thing but is not a controlled environment in that they rely on self-reporting. He informed the Board that Ms. LaVance only did what was necessary after being caught and this is something the Board should not look upon lightly.

Executive Session

Motion by Dr. McDonald, second by Ms. Naber, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the charges and report and recommendation filed in the matter of Melissa L. LaVance, Radiographer

Roll call vote.

Motion carried unanimously.

DECISION IN THE MATTER OF MELISSA L. LAVANCE, RADIOGRAPHER

Motion by Mr. Landes, second by Dr. Kyger, that Count #1 as contained in the Board's notice of opportunity for hearing is found to be true.

Roll call vote.

Motion carried unanimously.

Motion by Mr. Landes, second by Dr. McDonald, that the proposed Hearing Examiner's Recommended Order be AMENDED as follows:

Change Paragraph 3 (A) to read as follows: within seventy-two (72) hours of the effective date of this Order, or as otherwise approved by the Board, Ms. LaVance shall submit to a three day assessment by a Board approved treatment provider for alcohol dependency or abuse. The rest should read as standard impairment language.

Add Paragraph 4(F) to read as follows: Ms. LaVance is required to enter into a contract with OPEP or similar provider for monitoring purposes.

Change Paragraph 2 to read as follows: 90 days to 60 days.

Mark Landes stated that the Board was willing to reduce the time from 90 to 60 days, and that they would give Ms. LaVance "credit" for the treatment she underwent. He stated that the Board wants her to comply with the standard protocol for monitoring of impairment, and that they wished her continued success in her recovery. (Maryhaven is not an approved provider; however, in this case, the Board acknowledged her efforts to address her problem.)

It is hereby ORDERED:

1. *The license of Melissa LaVance to practice dental assistant radiography in the state of Ohio is SUSPENDED for an indefinite period of time.*
2. *The Ohio State Dental Board shall not consider reinstatement of Ms. LaVance's license to practice for at least sixty (60) days after the effective date of the suspension. The Board shall not consider reinstatement of Ms. LaVance's license unless and until all the following requirements are met:*
3. *Conditions for Reinstatement:*
 - a. *Within 72 hours of the effective date of this ORDER, or as otherwise approved by the Board, Ms. LaVance shall submit to a three day assessment by an approved treatment provider(s) for drug and alcohol dependency or abuse. Prior to initial assessment, Ms. LaVance shall provide the approved provider with copies of the Board ORDER in this matter (including any documents attached and incorporated by reference) and the Board may provide any other documentation it deems necessary and helpful to the provider.*

Within ten (10) days after completion of the initial assessment, or as otherwise determined by the Board, Ms. LaVance shall cause a written report to be submitted to the Board from the approved provider, which shall include:

1. *A detailed plan of recommended treatment based on the treatment provider's informed assessment of Ms. LaVance's current needs;*
2. *A statement indicating that Ms. LaVance entered into or commenced the recommended treatment program within 48 hours of it's determination.*
3. *A copy of a treatment contract signed by Ms. LaVance, establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare, and*

Motion by Dr. Kyger, second by Ms. Wise, to accept the final order as amended.

Roll call vote.

Motion carried unanimously.

PERSONAL APPEARANCES

DANIEL A. GLICK, D.D.S.

Dr. Glick stated he wrote a letter to the Board explaining his situation. He reiterated he was arrested at the Cleveland airport in 2003 and charged with attempted drug use. Dr. Glick said he served time in jail and was on probation and paid \$1000 fine. He stated that he entered a diversion program because it was his first offense. Dr. Glick went through the IOP program and completed the program in November 2003.

Dr. Glick stated that in October 2004 he went to court to have the misdemeanor conviction expunged. He said that the Board was informed and he was asked by Tom Smith to do an assessment at LaurelWood. He stated that the assessment determined that he was not a drug user but this was a case of abuse and therefore, LaurelWood would not accept him.

Dr. Glick stated that his license was suspended for two (2) months when he came back before the Board in January 2004 and was reinstated. He stated that he has been in compliance since reinstatement.

Dr. Glick stated that he was before the Board to request termination of his probation now that the courts have expunged the conviction. He stated that this was affecting his business, patients, cash flow and family, now that insurance companies are taking action because of his probationary status.

Dr. Beckwith asked if all urine and blood work tests have been negative and Dr. Glick indicated that he has passed every one of them. Dr. Vesoulis asked Dr. Glick if he had ever admitted to an investigator that he had ever used illegal drugs. Dr. Glick replied yes but never used while practicing as a dentist. Dr. Vesoulis then asked why Dr. Glick was only now coming back before the Board and why he had not approached the Board with this information from the beginning. Dr. Glick explained that he acted upon advice given him.

Dr. Wright questioned Dr. Glick as to why the courts expunged the records. Dr. Glick said it was because he followed the court's probation and the charge was reduced

from a felony to a misdemeanor. He further stated that he was told that after being on probation for one (1) year he could request the charges be expunged.

EXECUTIVE SESSION

Motion by Dr. Vesoulis, second by Dr. McDonald, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and consider the matter of Daniel A. Glick, D.D.S.

Roll call vote.

Motion carried unanimously.

OPEN SESSION

DECISION IN THE MATTER OF DANIEL A. GLICK, D.D.S.

Motion by Dr. Wright, second by Ms. Wise, to approve Dr. Glick's request to terminate the remaining four (4) years of his probation of his consent agreement.

Roll call vote.

Motion carried unanimously.

JOHN A. GASSER, D.D.S.

Ms. Sabat then requested John Gasser, D.D.S. to address the Board. Dr. Gasser thanked the Board for their time. He stated he notified Ms. Rebecca Hockenberry in early part of November 2004 that the Drug Enforcement Administration (D.E.A.) had come into his office and taken his D.E.A. certificate. He stated that he has misused opiates for ten (10) years. Dr. Gasser further stated that Ms. Hockenberry had set him on the right track. Dr. Gasser stated that Dental Board Enforcement Officer, Tom Smith, had interviewed him regarding this incident and reported his findings to the Board. He stated that he had contacted The Cleveland Clinic and throughout this whole process he has been riddled with guilt and shame and holds remorse for this. Dr. Gasser stated that he is grateful that the Board members were hearing his story and helping him to work through this.

Dr. Gasser informed the Board that in December, he entered The Cleveland Clinic and completed inpatient care. Continuing on, Dr. Gasser stated that he recognized that

his abuse hurt his wife of 40 years and three (3) employees. He stated he was taught that genetics is responsible in one (1) out of eight (8) abusers but he takes full responsibility for his actions and does not blame others.

Dr. Gasser stated he was asking for the Board's forgiveness. He informed the Board that he has now entered on the road to restitution and recovery. Dr. Gasser stated he has learned a lot about life and looks forward to the rest of his life. He explained he would like to get back into practice and his faithful employees are waiting on him. He said he will continue to do the required things to get back as he is anxious to return to practice. Dr. Gasser stated he regrets these circumstances as he had never planned on this happening to him but asks for the Board's understanding.

Dr. Vesoulis asked Dr. Gasser if he began using opiates when he started having arm pain. Dr. Gasser replied that the arm pain is now gone and has been totally healed for two (2) years. He stated he realized his addiction after the pain was gone. Ms. Sabat stated that since this is Dr. Gasser's first visit the Board does not usually do anything at this point. She informed him that the Board would continue monitoring his progress. Ms. Sabat wished Dr. Gasser well in his treatment and stated the Board looks forward to seeing him again at the April Board meeting.

Mr. John Irwin introduced himself stating he represents Mr. Gasser. He indicated that he would like to address the Board. Mr. Irwin commented that he is accompanying Dr. Gasser today to share in his thanks to the Board for their assistance and for working with Dr. Gasser through this situation.

DENTAL BOARD ENFORCEMENT OFFICER INTRODUCTION

Ms. Hockenberry introduced Larry Mansfield, Enforcement Officer to the Board members. Mr. Mansfield has been employed with the Dental Board since 1994. Mr. Mansfield explained to the Board that he covers the area north of Knox County from Interstate 71 North including Cleveland all the way west to Elyria and on occasion Akron and Canton. After questioning by the Board, Mr. Mansfield thanked the Board members for their time and stated it was a pleasure getting the opportunity to meet with them today.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed nine (9) proposed consent agreements.

GREGG E. GEHRING, D.D.S.

Motion by Dr. Beckwith, second by Dr. Vesoulis, to approve the proposed agreement for Gregg E. Gehring, D.D.S., license number 30-01-5433.

Roll call vote.

Motion carried unanimously.

I. SCOTT GROSSER, D.D.S.

Motion by Dr. Kyger, second by Dr. Howard, to approve the proposed consent agreement for I. Scott Grosser, D.D.S., license number 30-01-5651.

Roll call vote.

Motion carried unanimously.

ROGER J. HARRIS, D.D.S.

Motion by Dr. Kyger, second by Dr. Howard, to approve the proposed consent agreement for Roger J. Harris, D.D.S., license number 30-01-3286.

Roll call vote.

Motion carried unanimously.

JACQUALINE S. MCGINLEY, R.D.H.

Motion by Ms. Wise, second by Ms. Naber, to approve the proposed consent agreement for Jacqueline S. McGinley, R.D.H., license number 31-00-3204.

Roll call vote.

Motion carried unanimously.

MICHAEL P. POWERS, D.D.S.

Motion by Dr. McDonald, second by Dr. Vesoulis, to approve the proposed consent agreement for Michael P. Powers, D.D.S., license number 30-01-8599.

Roll call vote.

Motion carried unanimously.

ROBERT S. SALMANS, D.D.S.

Motion by Dr. McDonald, second by Ms. Naber, to approve the proposed consent agreement for Robert S. Salmans, D.D.S., license number 30-01-6113.

Roll call vote.

Motion carried unanimously.

MICHAEL C. SOULT, D.D.S.

Motion by Dr. Howard, second by Dr. Kyger, to approve the proposed consent agreement for Michael C. Soutl, D.D.S., license number 30-01-3986.

Roll call vote.

Motion carried unanimously.

PETER G. WOLFRAM, D.D.S.

Motion by Dr. McDonald, second by Dr. Kyger, to approve the proposed consent agreement for Peter G. Wolfram, D.D.S., license number 30-01-9840.

Roll call vote: Dr. Armstrong – Yes
Dr. Beckwith – Yes
Dr. Howard – Yes
Dr. Kyger – Yes
Mr. Landes - Yes
Dr. McDonald - Yes
Ms. Naber – Yes
Ms. Sabat - Yes
Dr. Vesoulis – Abstain

Ms. Wise – Yes
Dr. Wright - Yes

Motion carried unanimously.

HARRY M. YOKUM, D.D.S.

Motion by Ms. Naber, second by Dr. Kyger, to approve the proposed consent agreement for Harry M. Yokum, D.D.S., license number 30-01-6513.

Roll call vote.

Motion carried unanimously.

REVIEW OF PROPOSED DISMISSAL

The Board reviewed one (1) Proposal for Dismissal.

JODI L. PASSERINI, R.D.H.

Motion by Dr. Kyger, second by Ms. Wise, to approve the Proposal for Dismissal due to the death of Jodi L. Passerini, R.D.H., license number 31-01-0125, case number 05-76-0165.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT UPDATE

Ms. Hockenberry informed the Board that there were currently eighteen (18) cases pending hearings, of which two (2) have been scheduled. We currently have one (1) case under appeal. Four (4) cases are pending the Hearing Officers Report and Recommendation. Currently we have no cases wherein no hearing was requested. Thirty-four (34) licensees are currently under suspension. Two (2) cases were referred to the Quality Intervention Program (QUIP) since the last Board meeting so we currently have ten (10) cases pending QUIP. Ms. Hockenberry stated that fifty-four (54) cases have been investigated and reviewed by the Board Secretary and 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. Hockenberry reviewed the cases to be closed with the Board.

The following cases are to be closed:

04-04-0636	04-77-0517	05-23-0002
04-18-0053	04-77-0524	05-25-0003
04-18-0461	04-77-0654	05-25-0005
04-28-0637	04-77-0655	05-25-0007
04-28-0638	04-77-0657	05-25-0008
04-41-0635	04-77-0658	05-25-0012
04-43-0226	04-77-0659	05-25-0015
04-43-0639	04-78-0661	05-25-0016
04-43-0641	05-02-0025	05-39-0085
04-43-0643	05-02-0026	05-39-0086
04-50-0645	05-02-0027	05-42-0020
04-50-0646	05-03-0044	05-42-0021
04-52-0364	05-12-0028	05-47-0093
04-76-0648	05-18-0045	05-48-0035
04-76-0650	05-18-0048	05-48-0036
04-76-0651	05-18-0053	05-48-0039
04-76-0652	05-18-0062	05-55-0041
04-76-0653	05-18-0068	05-55-0042

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: Dr. Armstrong – No
Dr. Beckwith – No
Dr. Howard – No
Dr. Kyger – No
Mr. Landes – 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. Howard, second by Dr. McDonald, to approve the enforcement report and close the above fifty-four (54) cases.

Roll call vote.

Motion carried unanimously.

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

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

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

G & H Wire Company
American Society for Clinical Research/Den-Mat Corporation

Motion by Dr. McDonald, second by Dr. Wright, to approve these two (2) applications for biennial sponsorship of continuing education for the 2004-2005 biennium.

Roll call vote.

Motion carried unanimously.

SPECIAL CONTINUING EDUCATION COURSE(S)

SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat stated that the following individual/organization has submitted a request for approval of a substance abuse continuing education course for dental licensure renewal. Ms. Sabat stated that the course has been reviewed and is recommended for approval by the Education Committee:

Manhattan Consultants, Inc. (eHealthcareCEU.com)
"Substance Abuse – The Threat of Prescription Drugs" by Anthony Zizzo, LICDC and Neal Britton, BA

Motion by Ms. Sabat, second by Dr. McDonald, to approve this course as acceptable substance abuse continuing education for dental licensure renewal.

Roll call vote.

Motion carried unanimously.

JURISPRUDENCE EXAMINATIONS

Ms. Sabat stated that since September of last year, members of the Education Committee have worked on revising jurisprudence examinations for both dental and dental hygiene applicants. She reminded the members that over the past few months the Board has approved both examinations for formatting and content with a “bank” of questions to be randomized for three (3) versions of each of the examinations.

Continuing on, Ms. Sabat stated that the examinations are offered in an “open book” format to licensure applicants and it has been suggested, and the Committee concurs, that one (1) each of the dental and dental hygiene jurisprudence examinations along with an answer sheet and an affidavit attesting to the applicants completion without assistance, be posted to the Board’s website. She said by providing the examinations in this manner, it will allow applicants to complete the examination at their convenience, as well as save the Board printing and mailing costs for the Dental Practice Act, the examinations and answer sheets.

Ms. Sabat stated that the Board has already agreed to utilizing three (3) versions of each of the dental and dental hygiene applications. Therefore, she said that two (2) versions will be posted to the website randomly and the third version of each examination will be used by the Board’s enforcement section as a “closed book” examination for disciplined licensees.

Ms. Sabat concluded her report by stating that the newly amended rules are tentatively scheduled to go into effect around the first week of April. She stated that the Committee recommends that the examinations be posted to the website to coincide with the posting of the most current version of the Dental Practice Act.

LAW AND RULES REVIEW COMMITTEE REPORT

Ms. Reitz reported on the status of the rules from last year in Dr. Murphy’s absence. She stated that on Monday of this week, the Joint Committee on Agency Rule Review (JCARR) held its Public Rules Hearing regarding the proposed amended rules from last

year and no further testimony was forthcoming on these rules. Ms. Reitz said that we will be final filing all the rules from last year to have an effective date of April 7th, 2005 in order that the "volunteer" rule becomes effective after the effective date of Senate Bill 86.

Ms. Reitz indicated that the Law and Rules Review Committee did not meet again this month, however, the Scope of Practice Committee met and will be asking the Law and Rules Review Committee to revisit Ohio Administrative Code 4715-3-01 regarding an amendment to clarify the definition of topical anesthesia.

Ms. Reitz stated that the next meeting for the Laws and Rules Review Committee will be held on April 27th, 2005, tentatively at 10:30 a.m. She said that in addition to consideration for the definition of topical anesthesia the Committee will begin its review of the remaining Advertising rules, one rule regarding method of public notice, and the continuing education rules. The Committee will also continue its discussions on new and amended rules concerning licensure of graduates of unaccredited dental colleges located outside the United States.

Concluding, Ms. Reitz indicated in an effort to more effectively address the rules for review this year, the Chair of the Committee, was requesting the Education Committee to review and consider recommendations for changes to the education rules, 4715-8-01 through 4715-8-04 for presentation to the Law and Rules Review Committee at the next meeting.

SECRETARY'S EXPENSE REPORT

Ms. Reitz, in Dr. Hills absence, attested that he had spent in excess of twenty (20) hours per week attending to Board business.

Motion by Dr. McDonald, second by Ms. Wise, 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. McDonald, second by Dr. Kyger, to approve the expense report and approve payment of the February, 2005 Board bills.

Roll call vote.

Motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

INVESTIGATOR ASSISTANT POSITION

Ms. Reitz stated that a copy of a memorandum indicating that Gail Davis had been offered and accepted the position of Investigator Assistant had been provided in their notebooks for review. She stated that Ms. Davis' experience with Alvis House and education towards a Criminal Justice degree combined with her experience with the Board gives her the background to be a valuable asset to the Enforcement group.

EXECUTIVE BUDGET FY'S 06-07

Ms. Reitz informed the Board that there was nothing new to report regarding the Budget Bill and consolidation of the regulatory boards. She stated that there had been another bill introduced with a different opinion regarding the consolidation and that both bills would be running concurrently in the House of Representatives.

Ms. Reitz stated that some of the regulatory boards have been discussing alternative viable options to consolidation per the Governor's request in this regard. She stated that she had provided a copy of an excerpt from the American Association of Dental Examiners "Composite" which indicates the status of other state dental boards within their individual state government structure. She stated that she had been keeping the Board members apprised of the status of testimony via facsimile and electronic mail and would continue to do so.

When asked if individual Board members should contact Representatives or Legislators regarding this issue, Ms. Reitz clarified that they could address the issue as they wished.

CORRESPONDENCE

KENTUCKY BOARD OF DENTISTRY

Ms. Sabat informed the members that she had been contacted by Mary Ann Burch, R.D.H., Secretary-Treasurer of the Kentucky Board of Dentistry regarding refresher

courses for dental hygienists returning to practice after five (5) years inactivity. Ms. Sabat stated that the University of Louisville was in the process of developing a two-day course to mimic the course currently provided by The Ohio State University Department of Dental Hygiene for this purpose.

Concluding, Ms. Sabat stated that developing this course based on Ohio's template would allow for another location in which a dental hygienist could obtain the refresher course requirement.

ELECTION OF OFFICERS

Ms. Sabat stated that the Board would now consider nominations for officers for the upcoming year.

Dr. Armstrong nominated Dr. Vesoulis as President, Dr. McDonald as Vice-president, and Dr. Hills as Secretary of the Board.

Ms. Sabat inquired as to any other nominations. There being none, she closed the nominations and asked:

“All those in favor of the nominations of Dr. Vesoulis as President, Dr. McDonald as Vice-president, and Dr. Hills as Secretary of the Board say ‘Aye’”

The nominations passed with overwhelming majority.

Ms. Sabat extended congratulations to Dr. Vesoulis, Dr. McDonald and Dr. Hills and indicated that it had been her pleasure to serve as Board President for the past year. Board members joined in and congratulated their fellow members on their appointments.

BOARD MEMBER RECOGNITION – LYNDA L. SABAT, R.D.H.

Dr. Vesoulis stated:

“On behalf of the Ohio State Dental Board, I want to take this opportunity to recognize you and your tenure as a Board member over the past 10 years. Ms. Sabat was appointed to the Board in 1995, and her term officially expires on April 6, 2005.

In her 10 years on the Board, Ms. Sabat has developed into a strong leader, and has served as a committed member of the Board in a myriad of ways.

In her ten years on the Board, Ms. Sabat has served as only the second dental hygienist in Board history to be President of the Board. She has served the Board tremendously as Chair of the Board's Education Committee. In this position, which she has held for six years, Ms. Sabat has worked to streamline the renewal review processes, the continuing education sponsor approval processes, and most importantly, the dental assistant radiographer renewal processes. Also in her 10 years on the Board, she has served as Chair of the Waiver Committee, and has been a long standing member of the Law and Rules Review Committee

In her years on the Board, Ms. Sabat has been a strong advocate for the Board and its mission to protect the public. She has also been very active at the national level as a member of the American Association of Dental Examiners, Inc., and as a member and examiner for the North East Regional Board of Dental Examiners, Inc. Ms. Sabat is currently a member of AADE American Dental Licensure Examination Committee (ADLEC). This committee's purpose is to create and implement national dental and dental hygiene examinations for licensure that would be accepted in all states in the United States.

Ms. Sabat will also be fondly remembered for her annual recognition awards that are presented at the end of the year! Her sense of humor and efforts to bring smiles on the faces of Board members and staff has been much appreciated!

Ms. Sabat has served the Board, the profession and the public in a manner that has truly demonstrated her level of dedication and commitment. The Board hopes to continue to benefit from her knowledge and expertise in the future.

Ms. Sabat's commitment to the Board has brought great credit upon herself, the Ohio State Dental Board, and the citizens of the state of Ohio.

We thank you for everything you have done in your years as a member of the Board, and wish you nothing but the best in all of your future endeavors."

Dr. Vesoulis then presented Ms. Sabat with a plaque to commemorate her service to the Board and the citizens of Ohio. He then asked her to ensure that she was available for questions, as he would probably need to rely on her knowledge and experiences with the Board.

Ms. Sabat thanked Dr. Vesoulis and the Board, stating that it had been a joy, a pleasure and overall exciting past ten (10) years. She then explained to the other Board

members how when she first came on the Board there was no formal structure and no committees as “that was the way it had always been done”. Ms. Sabat commented that a lot has changed during her tenure and then recognized Ms. Reitz and the staff for all their hard work and dedication in advancing the Board to its current status. She concluded by stating that she is proud of Ohio’s Dental Board.

ANYTHING FOR THE GOOD OF THE BOARD

OHIO COALITION OF ORAL HEALTH

Ms. Hockenberry stated that she had recently attended a meeting of the Ohio Coalition of Oral Health (OCOH) wherein Keith Kerns, Esq., of the Ohio Dental Association (ODA) had been one (1) of the presenters regarding the proposed budgetary cuts for Medicaid. She stated that she has a folder of information available for any Board members who wish to review discussions from the meeting. Ms. Hockenberry then asked Mr. Kerns if he would like to speak to the Board regarding this issue.

Mr. Kerns briefly explained that the ODA was attempting a “grass roots” effort to opposed the proposed cuts to Medicaid. He stated that templates of letters to legislators are available on the ODA’s website and that their goal is to have legislators receive several hundred letters per day opposing the cuts.

ADJOURN

The Board meeting was adjourned at 3:57 p.m. The next meeting will be on April 27, 2005 beginning at 1:00 p.m.

Paul Vesoulis, D.D.S.
President

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