

FORMAL ACTION REPORT

Please find below a summary of actions taken or initiated by the Ohio State Dental Board in September 2004.

CITATIONS/PROPOSED DENIALS:

ADELSTEIN, DAVID R., D.D.S. (30013425) – Bedford

Based on the doctor's alleged failure to meet the standard of care. Notice of Opportunity for Hearing mailed September 21, 2004.

CHLYSTA, MARY ANN, D.D.S. (30015263) – Ravenna

Based on the doctor's alleged failure to meet the eligibility requirements for reinstatement. Proposal to Deny Application for reinstatement and Opportunity for Hearing mailed September 21, 2004.

DAHM, MICHAEL C., D.D.S. (30015738) – Kettering

Based on the doctor's alleged failure to meet the standard of care. Notice of Opportunity for Hearing mailed September 21, 2004.

FORBES, NEAL B., D.D.S. (30014577) – Perry

Based on the doctor's alleged failure to meet the standard of care. Notice of Opportunity for Hearing mailed September 21, 2004.

MACK, LYNN E., D.D.S. (30015865) – Painesville

Based on the doctor's alleged failure to comply with the March 2003 Consent Agreement. Notice of Immediate Suspension and Opportunity for Hearing mailed September 21, 2004

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

Based on the doctor's alleged failure to meet the standard of care. Notice of Opportunity for Hearing mailed September 21, 2004.

PROVINCE, SUSAN L., D.D.S. (30020902) – Andover

Based on the doctor's alleged practicing while under suspension. Notice of Opportunity for Hearing mailed September 21, 2004.

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

Based on the doctor's alleged failure to meet the standard of care and misrepresentation. Notice of Opportunity for Hearing mailed September 21, 2004.

WEISER, RICHARD S., D.D.S. (30019586) – Strongsville

Based on the doctor's alleged failure to comply with the infection control rules. Notice of Opportunity for Hearing mailed September 21, 2004.

FINAL ADJUDICATION ORDERS:

NONE

CONSENT AGREEMENTS:

DIAMANTIS, NICHOLAS, M.D. (NOT LICENSED) – Canton

Dr. Diamantis is licensed to practice medicine in Ohio. He is not licensed to practice dentistry in Ohio. Dr. Diamantis admits that he has entered into a Consent Agreement with the State Medical Board. Dr. Diamantis agrees that he will not perform dentistry in Ohio. Dr. Diamantis shall not represent himself as a dentist or as practicing dentistry or any specialty of dentistry, as recognized by

the ADA. Dr. Diamantis shall not attempt to obtain hospital privileges through the dental/oral maxillofacial department of a hospital. Within thirty (30) days of the effective date of this agreement, Dr. Diamantis shall provide a copy of this consent agreement to the Chief of Staff at each hospital where Dr. Diamantis applies for or obtains privileges or appointments. Dr. Diamantis shall not bill, or permit bills to be submitted to patients or third party payors for work he has performed under the name of or other personal identifiers of other service providers. For five (5) years after the effective date of this agreement, Dr. Diamantis shall submit quarterly declarations stating whether there has been compliance with all the conditions of this consent agreement. Dr. Diamantis need not submit quarterly declarations as specified upon his disassociation from any dental practice. Effective date is September 15, 2004.

GIBSON, REGINALD, A., D.D.S. (30015015) – Cincinnati

Within five (5) days after approval of this consent agreement, Dr. Gibson and the Board shall file a joint motion with the Hamilton County Court of Common Pleas in *Gibson v. Ohio State Dental Board*, Case No. A0101386, seeking dismissal and remand of the appeal to the Board. Dr. Gibson's dental license is currently suspended indefinitely. Prior to reinstatement, the Board shall review documentation submitted to determine if Dr. Gibson is physically/mentally able to return to the practice of dentistry. Upon receipt of a written report of evaluation by a treating practitioner indicating Dr. Gibson is no longer drug dependent and is able to practice dentistry, not sooner than six (6) months Dr. Gibson shall commence obtaining 160 hours of interactive continuing education in general dentistry at an ADA accredited dental college. Dr. Gibson shall take and pass the jurisprudence exam at the office of the Board. Upon reinstatement, Dr. Gibson's license shall be subject to probationary terms for a period of five (5) years. Effective date is September 15, 2004.

KENNY, DOUGLAS A., D.D.S. (30019431) – Geneva

Dr. Kenny's license shall be suspended effective August 4, 2004 through September 15, 2004, resuming practice on September 16, 2004. The Board shall not consider reinstatement of Dr. Kenny's license until he submits an application for reinstatement accompanied by appropriate fees, appears before the Board at its September 15, 2004 Board meeting and request reinstatement of his dental license and pass the jurisprudence exam. Upon reinstatement, Dr. Kenny agrees that he will automatically be audited for the next three (3) biennial renewal periods. Dr. Kenny agrees that he will obey all the laws and rules governing dentistry in the State of Ohio. Effective date is September 15, 2004.

MISENCIK, MARK S., D.D.S. (30017676) – Strongsville

Dr. Misencik's license shall be suspended for a period of thirty (30) days, effective September 16, 2004. Such suspension is stayed with the exception of twenty-one (21) days. In order to be reinstated, Dr. Misencik shall make a written request to the Board Secretary for reinstatement, submit documentation satisfactory to the Board Secretary indicating that he is in compliance with the infection control provisions, complete seven (7) hours of continuing education in dental infection control, pre-approved by the Board Secretary and submit documentation within twenty-one (21) days of the effective date of the consent agreement and pass the jurisprudence exam within twenty-one (21) days. Dr. Misencik's license shall be subject to probationary conditions for a period of three (3) years in which he shall cooperate in the Board's inspections and evaluations of his dental office, submit on a quarterly basis documentation from an independent testing agency that the heat sterilizing devices in his office are tested for proper function on a weekly basis, submit quarterly declarations stating that he is in compliance with the terms of the consent agreement and shall obey all laws and rules governing the practice of dentistry. Effective date is September 15, 2004.

RAIFFE, DAVID M., D.D.S. (30019625) – Lakewood

Dr. Raiffe shall immediately and permanently cease and desist from rendering endodontic treatment and shall immediately refer all current patients to other practitioner(s). The remaining terms of the November 7, 2002 Consent Agreement are incorporated herein. Dr. Raiffe's license shall be subject to probationary terms for a period of three (3) years: a) Dr. Raiffe shall fully cooperate with the Board investigations in future inspections and evaluations. Dr. Raiffe shall make any or all of his patient records available for inspection and review. b) Dr. Raiffe shall obey all laws and rules governing the practice of dentistry in Ohio. c) Dr. Raiffe shall submit quarterly declarations stating he is in compliance with the Consent Agreement. Effective date is September 15, 2004.

WOITH, HARRY P., D.D.S. (30016516) – Pickerington

Dr. Woith shall not prescribe any medication above DEA Schedule V for one year. For one year after the effective date of this consent agreement, Dr. Woith shall submit a quarterly log of all medications that he has prescribed during that quarter. Dr. Woith shall, within ninety (90) days of the effective date successfully complete forty (40) hours of continuing education in Pharmacology and proper prescribing through an ADA accredited dental college or institution or program. Dr. Woith shall receive credit in the amount of twenty (20) hours for the course taken at Case Western Reserve University. Dr. Woith shall, within ninety (90) days successfully complete seven (7) hours of continuing education in ethics. Dr. Woith shall, within ninety (90) days take and pass the jurisprudence examination. Dr. Woith shall subject to probationary terms for two (2) years in which he shall cooperate with the Board's inspections and evaluations of his office, shall obey all laws and rules governing the practice of dentistry in Ohio and shall submit to the Board written quarterly reports stating that he is in compliance with the terms of the consent agreement. Dr. Woith shall, within thirty (30) days submit to a drug evaluation at a Board approved treatment facility. If the evaluation reveals addiction, dependency or the presence of any drugs of abuse or controlled substances of any kind, Dr. Woith's license shall be immediately suspended. Effective date is September 15, 2004.

ZAK, JOHN F., D.D.S. (30020816) – Canton

Dr. Zak's dental license shall be permanently revoked. Such permanent revocation is stayed and Dr. Zak's license is suspended for a period of one (1) year to commence October 1, 2004. Dr. Zak shall provide four hundred (400) hours of pro bono dental services to underserved populations to be completed prior to reinstatement of his license. After completing the first nine (9) months of the suspension, Dr. Zak's license shall be reinstated for sole and restricted purpose of providing pro bono dental services to underserved populations. The Board shall not consider reinstatement of Dr. Zak's license until the following requirements are met: a) Dr. Zak shall submit an application for full reinstatement accompanied by appropriate fees and log evidencing completion of all required continuing education courses. Dr. Zak shall not make application prior to September 1, 2005. b) The Board has received documentation showing that Dr. Zak has completed a minimum of twenty (20) hours of continuing education in dental ethics. c) Dr. Zak shall take and pass the jurisprudence exam at the office of the Board. d) The Board has received documentation that Dr. Zak has completed the dental pro bono hours required. If Dr. Zak chooses to continue to practice with Dr. Diamantis, Dr. Zak must ensure that Dr. Diamantis complies with the terms of the Consent Agreement, which Dr. Diamantis entered into with the Board. Dr. Zak agrees not to enter into any future business arrangements/associations with any dentist who is not licensed by the Board to practice dentistry in Ohio. Dr. Zak shall not bill, or permit bills to be submitted to patients or third party payors under his name or other personal identifiers for work performed by other service providers. Upon reinstatement, Dr. Zak's license shall be subject to probationary terms for a period of five (5) years: a) if Dr. Zak continues his practice with Dr. Diamantis, Dr. Zak must submit an affidavit to the Board on a monthly basis stating that he reviewed records of all treatment provided by Dr. Diamantis and that no dental procedures were performed by Dr. Diamantis. If Dr. Diamantis did perform any of the prohibited procedures, Dr. Zak shall immediately notify the Board and the State Medical Board. b) Dr. Zak shall immediately and without prior notice make available

for inspection and review any or all patient records in his office including all billing records. c) Dr. Zak shall obey all rules governing the practice of dentistry in Ohio. d) Dr. Zak shall submit quarterly declarations stating whether there has been compliance with all the conditions of probation. Effective Date is September 15, 2004.

VOLUNTARY SURRENDER OF LICENSE:

MARKOPOULOS, ELEFTERIOS (TEDD) K., D.D.S. (30011641) – Warren

In lieu of a formal adjudicative hearing, Dr. Markopoulos voluntarily, knowingly and intelligently surrendered his license to practice dentistry. Voluntary Surrender of License effective September 15, 2004.

SELIG, DARRELL G., D.D.S. (30018547) – Gahanna

In lieu of a formal adjudicative hearing, Dr. Selig voluntarily, knowingly and intelligently surrendered his license to practice dentistry. Voluntary Surrender of License effective September 15, 2004.

REINSTATEMENTS:

YOUNT, JAMES J., D.D.S. (30021208) – Xenia

Dentist's request for reinstatement granted by the Board, subject to probationary conditions established by the July 2004 Consent Agreement. Reinstatement effective September 15, 2004.

KENNY, DOUGLAS J., D.D.S. (30021208) – Xenia

Dentist's request for reinstatement granted by the Board, subject to probationary conditions established by the July 2004 Consent Agreement. Reinstatement effective September 15, 2004.