

OHIO STATE DENTAL BOARD
Board Meeting
September 11th, 2002

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OHIO STATE DENTAL BOARD
Board Meeting
September 11th, 2002

M I N U T E S

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 September 11th, 2002 beginning at 2:00 p.m. Board members present were:

Edward R. Hills, D.D.S., President
Eleanore Awadalla, D.D.S., Secretary
Scott Borgemenke
William J. Lightfoot, D.D.S.
T. Michael Murphy, D.D.S.
Lynda L. Sabat, R.D.H.
Paul Vesoulis, D.D.S.

The following guests were also in attendance: Robert Angell, Esq. and Mary Crawford, Esq., Assistant Attorneys General, Keith Kerns, Esq. and Dennis Burns, D.D.S. of the *Ohio Dental Association (ODA)*, Linda Hewetson, R.D.H. and Sandy Held, R.D.H. of the *Ohio Dental Hygienists' Association (ODHA)*, Mark Knutsen, R.D.H., M.A. of *The Ohio State University Dental Hygiene Program*, Darice Carroll, R.D.H. M.S. Ed. of the *University of Cincinnati Raymond Walters College Dental Hygiene Program*, Lili C. Reitz, Esq., Executive Director, Michael Everhart, Assistant Director, Thomas Smith, Dental Board Enforcement Officer, Jayne A. Rasmussen, Licensing Coordinator, Malynda Franks, Executive Secretary, and other guests.

CALL TO ORDER

Dr. Hills extended greetings to everyone and called the meeting to order at 2:23 p.m. He then requested a moment of silent observance in memory of those whose lives were affected by the terrorist attacks of September 11th, 2001.

After a brief moment of silence Dr. Hills welcomed Ms. Reitz, the Boards Executive Director, back from maternity leave.

EXECUTIVE SESSION

Motion by Dr. Lightfoot, second by Dr. Murphy, 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 imminent or pending court action.

Roll call vote.

Motion carried unanimously.

Dr. Hills invited Ms. Reitz, Mr. Everhart, Ms. Crawford, Mr. Angell, and Ms. Hockenberry to attend the executive session.

OPEN SESSION

At 3:24 p.m., the Board resumed open session. Dr. Hills approved the agenda for the afternoon as presented with the notation that the Chair may modify the agenda due to extenuating circumstances.

REVIEW OF THE JULY BOARD MEETING MINUTES

The Board reviewed the minutes of the July 17th and 18th, 2002 Board meeting.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the July 17th and 18th, 2002 Board meeting minutes as presented.

Roll call vote.

Motion carried unanimously.

REVIEW OF LICENSE APPLICATION(S)

REGIONAL BOARD DENTAL APPLICATION(S)

The following persons have applied for dental licenses, based on successful completion of the *North East Regional Board of Dental Examiners, Inc.* (NERB) examination or another regional board examination and the NERB Dental Simulated Clinical Exercise (DSCE), National Board examination, and the Ohio examination on the statute and regulations:

Dr. Victoria Lynn Eapen

Dr. Vladimir Pastoukh

Dr. Matthew Craig Schaeferle

Dr. Adelline Wouako

Motion by Dr. Lightfoot, second by Dr. Murphy, to approve these four (4) regional board dental license applications.

Roll call vote.

Motion carried unanimously.

FOREIGN TRAINED DENTAL APPLICATION(S)

The Board reviewed the licensure application for Dr. Akhlar H. Khan, a 1986 graduate of the *Montmorency College of Dentistry*, in Lahore, Pakistan.

Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve Dr. Khan's license application for dental licensure in Ohio only.

Roll call vote.

Motion carried unanimously.

DENTAL ASSISTANT RADIOGRAPHER APPLICATION(S)

The Board executive office reviewed the applications for the dental assistant radiographer licenses. All applicants were found to have submitted satisfactory proof of certification for the *Dental Assisting National Board (DANB)* or the *Ohio Commission on Dental Assistant Certification*, or have completed a Board-approved initial training course and passed the DANB Radiation Health and Safety examination. A list of candidates follows:

Natasha N. Ankrom
Sabrina J. Antonetti
Jodie A. Aumiller
Heidi E. Beck
Malinda K. Black
Juntaewathip N. Boonyaganon
Jamie E. Brush
Jaklin A. Buczynski
Carrie A. Bullinger
Tabiath A. Burrows
Noel H. Cagnina
Christina S. Campbell

Michelle R. Corfman
Jacqueline K. Cottingham
Brezelia Culpepper
Donna G. Daniel
Twila S. Devine
Amanda J. Drainer
Rosemary L. Drouillard
Michelle M. Eischen
Kerri S. Eveland
Regina L. Farley
Melissa K. Ferreebee
Jamie J. Frederick

Laura R. fultz
Stephanie E. Gilliam
Lisa M. Gostlin
Wendy E. Guthrie
Lisajo Hargett
Karen m. Hartley
Erin K. Heppe
Marissa A. Hill
Melissa R. Hodge
Lori M. Jamiol
Sherri R. Kay
Rena N. Kish
Carla M. Klamic
Cynthia M. Kovalchek
Elizabeth K. Kyle
Randi J. Linehan
Krystyna Z. Lisiecki
Andrea S. Lynch
Khadijah Martin
Sandra L. McCreary
Rosita E. McDonald
Michelle R. Melnik
Jarrod D. Mihalic
Stefani R. Mittermaier
Maryjo E. Morse
Christine A. Muldoon
Tricia L. Myers
Jennifer L. Napier
Christopher M. Nowak
Amy E. Paul
Kelly M. Pavella

Jana M. Peterson
Janice B. Prestigomo
Chie K. Pruitt
Olga N. Randolph
Andria D. Reeves
Tiffany D. Rodgers
Brenda S. Rotella
Rhonda I. Roxbury
Nancy Ruiz
Elizabeth T. Rumpke
Minas Sarakinakis
Janice M. Sauvey
Margaret M. Schultz
Mary M. Seckman
Mary L. Shelton-Oaugh
Lisa M. Sherman
Joann Shihadeh
Amy S. Shultz
Jennifer N. Skaggs
Stacey N. Slone
Asia W. Speakman
Peggy M. Stepp
Anna E. Stiegemeier
Abigail L. Stowe
Amy L. Theis
Tammy K. Thompson
Rebecca A. Tipmore
Sherry N. Trick
Tami K. Vorhies
Amy L. Willis
Cori M. Zetzer

Motion by Ms. Sabat, second by Mr. Borgemenke, to approve these eighty-six (86) dental assistant radiographer applications.

Roll call vote.

Motion carried unanimously.

REGIONAL BOARD DENTAL HYGIENE APPLICATION(S)

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

Christine M. Eilerman

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve Ms. Eilerman's regional board dental hygiene license application pending receipt of a criminal record clearance from the state of Arizona.

Roll call vote.

Motion carried unanimously.

Dr. Hills took a moment to introduce the Board. He introduced himself as a general dentist from Cleveland and the President of the Ohio State Dental Board. He then introduced the other Board members: Dr. Eleanore Awadalla, the Board Secretary, a general dentist from Toledo, Dr. William J. Lightfoot, an orthodontist from Columbus, Dr. T. Michael Murphy, an oral and maxillofacial surgeon from Marion, Dr. Paul Vesoulis, a general dentist from Toledo, Ms. Lynda Sabat, the Board's dental hygienist member from Brecksville and Mr. Scott Borgemenke the Board's public member from Columbus.

CRITERIA APPROVAL INTERVIEW(S)

Steven A. Ruffin, D.D.S.

The first applicant for criteria approval interview with the Board was Steven A. Ruffin, D.D.S., a 1979 graduate of the *University of Missouri, Kansas City School of Dentistry*. He is currently licensed in Missouri but has been practicing for the past 20 years in the U.S. Air Force. He took and passed the *Central Regional Dental Testing Service (CRDTS)* examination in 1979. Dr. Ruffin explained to the Board that he was currently stationed at Wright Patterson Air Force Base and will soon retire from the Service. He stated that his wife is a native Ohioan and he has two (2) children in the eighth and ninth grades and wishes to remain in Ohio after his retirement.

Motion by Dr. Awadalla, second by Dr. Murphy, to approve Steven A. Ruffin's criteria approval application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

Charles B. Spriggs, D.D.S.

The next applicant for criteria approval interview with the Board was Charles B. Spriggs, D.D.S., a 1974 graduate of the *Baylor College of Dentistry*. He is currently licensed in Arizona, Nevada and Washington and has held previous licensure in New Mexico. He recently took and passed the *Western Regional Examining Board (WREB)* examination in order to apply in Ohio. Dr. Spriggs explained to the Board that he was currently practicing in Las Vegas, Nevada and that while he had held a license in New Mexico, he had never worked in that state. Dr. Spriggs stated that he was tired of the desert and the "big city" life. He stated that he has the opportunity to purchase a practice in the Lima, Ohio area. He stated that he would be practicing as an oral and maxillofacial surgeon.

When questioned by the Board, Dr. Spriggs explained that he had taken a state-only examination for each state in which he had been licensed. Additionally, he stated that he had taken the WREB in order to apply for licensure in Ohio. He stated that it was his opinion that those states in which he took a state-only examination, the students were held to a higher standard.

Motion by Dr. Awadalla, second by Dr. Murphy, to approve Charles B. Spriggs' criteria approval application for licensure as a dentist in the state of Ohio, pending receipt of passing grades from WREB.

Roll call vote.

Motion carried unanimously.

Mary E. Lange, R.D.H.

The final applicant for criteria approval interview with the Board was Mary E. Lange, R.D.H., a 1976 graduate of the *Albany Junior College*. She has been licensed and practicing in Georgia since that time. She has not taken a regional board examination since they were unavailable at that time. Ms. Lange stated that her husband is originally from Piqua, Ohio and that they had moved back into the family home approximately a year and a half ago. She stated that she had been practicing three (3) days per week when they were living in Atlanta, Georgia, but that she has not practiced dental hygiene since moving to Ohio.

When questioned by the Board, Ms. Lange informed the Board that she is current in her continuing education requirement and is also certified in CPR.

Motion by Ms. Sabat, second by Dr. Lightfoot, to approve Mary E. Lange's criteria approval application for licensure as a dental hygienist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

REINSTATEMENT INTERVIEW(S)

David P. Ember, D.D.S.

The first applicant for reinstatement interview with the Board was David P. Ember, D.D.S., who retired his dental license in 1999. Dr. Ember informed the Board that he has been practicing overseas for 12 years and that he had difficulty maintaining the continuing education requirements. Therefore, he stated that he had retired his license in 1999.

When questioned by the Board regarding his intent to practice in the state of Ohio, Dr. Ember informed the Board that he did not intend to practice in Ohio. He stated that he was considering volunteering and would possibly require a current dental license for that purpose. Board members informed Dr. Ember that if he was only reinstating his license in order to volunteer, then he should consider a Volunteer Permit rather than a license. Dr. Ember informed the Board that he was unaware of this option, however, he still wished to reinstate his license for ego purposes.

Motion by Dr. Lightfoot, second by Dr. Vesoulis, to approve David P. Ember's reinstatement application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

Constantine Kademenos, D.D.S.

The final applicant for reinstatement interview was Constantine Kademenos, D.D.S. who retired his dental license in 1999. Dr. Kademenos is currently licensed and practicing in West Virginia. Dr. Kademenos informed the Board that he wishes to

reinstate his license in order to relocate closer to his two (2) children. He stated that he intends to practice in the Columbus area.

Motion by Dr. Lightfoot, second by Mr. Borgemenke, to approve Dr. Kademenos' reinstatement application for licensure as a dentist in the state of Ohio.

Roll call vote.

Motion carried unanimously.

ENFORCEMENT REPORT

REPORT AND RECOMMENDATIONS

John F. Zak, D.M.D., M.D.

Dr. Lightfoot announced that the Board would now consider the Hearing Officer's Report and Recommendation in the matter of John F. Zak, D.M.D., M.D. that was filed by Christopher B. McNeil, Esq., Hearing Examiner on August 30th, 2001 and July 31st, 2002.

Dr. Lightfoot then proceeded by asking whether each member of the Board had read both of the Hearing Examiner's Reports and Recommendations in the matter of John F. Zak, D.M.D., M.D.?

Roll call:

- Dr. Awadalla – Yes
- Mr. Borgemenke - Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Yes
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Dr. Lightfoot then asked 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. Awadalla – Yes
- Mr. Borgemenke - Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Yes
- Dr. Murphy – Yes

Ms. Sabat – Yes
Dr. Vesoulis – Yes

Dr. Lightfoot then proceeded by asking whether each member of the Board had read any Objections to the Report and Recommendation in the matter of John F. Zak, D.M.D., M.D.?

Roll call: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Dr. Lightfoot stated that at the September 2001 Board meeting, a motion was filed by the State asking that the Board reconsider the Hearing Examiner's decision to not include as evidence information which allegedly proved that Dr. Zak was permitting Dr. Diamantis to practice dentistry as a specialty, and Dr. Diamantis did, and still does not, have an Ohio dental license. He stated that the state noted in its motion that this would address counts 1-28 of the Notice of Opportunity for Hearing, which the hearing examiner had recommended be dismissed since no evidence was permitted on that issue.

Dr. Lightfoot informed the Board that the basis for the hearing examiner not allowing that information was noted in his Report and Recommendation. He then stated that Dr. Zak, in response, filed a motion in opposition to the State's motion, and asked that counts 1-28 be dismissed.

Dr. Lightfoot stated that the Board granted the State's request and remanded the matter to have the evidence heard and admitted by the hearing examiner before the Board ruled on the case. He stated that per the Board's instruction, Hearing Examiner McNeil proceeded, and a second Report and Recommendation including this information was filed.

Dr. Lightfoot then asked if Dr. Zak or his attorney, David M. Levine, Esq. were present. Mr. Levine indicated that he was in attendance, but that Dr. Zak was not.

Dr. Lightfoot asked Mr. Levine to come forward and he informed him that there was no court reporter present and that the Board Minutes would serve as the official record of the proceedings. Mr. Levine indicated that there were no objections.

Dr. Lightfoot 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. Also, any materials forwarded to the Board members after the hearing record was closed cannot be considered in the Board's deliberations.

Dr. Lightfoot instructed Mr. Levine to proceed.

David M. Levine, Esq., Attorney for John F. Zak, D.M.D., M.D.

Mr. Levine began by stating that since he had appeared before the Board on a previous occasion, he would be limiting his remarks to the second Report and Recommendation. Mr. Levine stated that back in 1998 when Drs. Diamantis and Zak were fresh out of training, there was a vague statute and no rules regarding whether a Ohio licensed medical doctor could practice as an oral and maxillofacial surgeon. Additionally, he stated that there was no case law, no Attorney General Opinion, nor anything within the Board's own regulations which addressed the practice of a medical doctor as an oral and maxillofacial specialist.

Mr. Levine quoted the dictionary as defining a specialist as "one who specializes in a particular field of study". He stated that at that time, the information that Drs. Diamantis and Zak had obtained from the *American Dental Association* stated that a person who maintained a dual degree in medicine and dentistry could practice as an oral and maxillofacial surgeon if the person held an active medical license without an active dental license.

Continuing on, Mr. Levine stated that this began as a criminal case against Dr. Diamantis for practicing dentistry without a dental license. He stated that Dr. Diamantis was not licensed as a dentist in the state because he was unable to perform a tooth prep on a maniken during the licensing examination, a duty which he was not performing under the auspices of his medical license.

Mr. Levine stated that the Board's prerogative is to enforce the law in a manner which protects the health, safety and welfare of the public. Therefore, he questioned the Board's concerns since Dr. Diamantis is a Board Certified licensed physician.

Concluding, Mr. Levine stated that throughout this case and the hearing, his client has attempted to reach out to resolve this issue. However, he stated that should the Board

wish to pursue the Hearing Officer's recommended order then this matter would be resolved by the courts.

Robert Angell, Esq., Assistant Attorney General

Mr. Angell began by stating that it would be easy to think of this as a case against Dr. Diamantis when in reality it is a case against Dr. Zak for permitting an unlicensed dentist to practice. He stated that the second phase of the hearing clearly indicated unlicensed practice of dentistry, in that Dr. Diamantis performed dentistry as his specialty.

Mr. Angell stated that it was clearly the intention of Drs. Zak and Diamantis to practice together as dentists as evidenced by their filing articles of incorporation to establish a dental practice. He stated that although Dr. Diamantis failed the dental licensing examination this did not change the doctors' course as they purchased an oral and maxillofacial surgery practice. Mr. Angell also stated that the doctors developed and used a referral slip indicating that the majority of the procedures were dental.

Continuing on Mr. Angell stated that the Board had pursued criminal prosecution against Dr. Diamantis since he was not a licensed dentist, and is pursuing administrative charges against Dr. Zak for permitting because he is a licensed dentist. However, he stated that an acquittal on the criminal charge does not preclude further action administratively against Dr. Zak.

Concluding, Mr. Angell stated that the Board should adopt the Hearing Officer's recommended order without hesitation based on the history of this case and the fact that Drs. Diamantis and Zak continue to both practice as oral and maxillofacial surgeons.

Dr. Lightfoot then stated that this concluded these discussions and called for a motion for the Board to go into executive session.

Executive Session

Motion by Dr. Awadalla, second by Dr. Vesoulis, 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 licensee, John F. Zak, D.M.D., M.D.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 4:06 p.m.

Dr. Lightfoot did not attend the executive session.

Open Session

At 4:33 p.m. the Board resumed open session.

Decision in the Matter of John F. Zak, D.M.D., M.D.

Dr. Lightfoot stated:

Let the record reflect that I was the Secretary in this matter, and therefore, I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Dr. Murphy, second by Dr. Vesoulis, that counts one through thirty-nine (1-39) of the charges as contained in the Board's notice of opportunity for hearing are found to be true.

Roll call vote:

- Dr. Awadalla – Yes
- Mr. Borgemenke - Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

Motion by Dr. Awadalla, second by Dr. Vesoulis, that the proposed Hearing Examiner's Recommended Order be accepted as follows:

It is hereby ORDERED:

The license of John F. Zak, D.M.D., M.D. to practice dentistry in the State of Ohio shall be REVOKED.

Dr. Lightfoot 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. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Dr. Lightfoot then proceeded by asking whether each member of the Board had read the State's Post-Hearing Brief in the matter of Anthony D. DiNozzi, D.D.S.?

Roll call: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

James M. McGovern, Esq., attorney for Dr. DiNozzi, indicated that he had not received a copy of the State's Post-Hearing Brief to review prior to this meeting. He inquired as to the substance of the document.

Mr. Angell indicated that the substance of the document was on record at the hearing within the State's closing arguments. He indicated that on page 16 of the Report and Recommendation the Hearing Examiner "...invited the parties to present legal arguments that might shed light on the options available to the Board under the facts presented..." Mr. Angell stated that the State's Post-Hearing Brief was the response to that invitation.

Ms. Crawford interjected to suggest that the Board take a brief recess in order to provide sufficient time for Mr. McGovern to review a copy of the document. Dr. Lightfoot agreed to a brief recess.

Upon returning from the recess, Dr. Lightfoot asked if Dr. DiNozzi was present. Mr. McGovern indicated that Dr. DiNozzi was not in attendance. However, Mr. McGovern indicated that he was in attendance to represent Dr. DiNozzi.

Dr. Lightfoot asked Mr. McGovern to come forward and informed him that there was no court reporter present and that the Board Minutes would serve as the official record of the proceedings. Mr. McGovern indicated that there were no objections.

Dr. Lightfoot 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. Also, any materials forwarded to the Board members after the hearing record was closed cannot be considered in the Board's deliberations.

Dr. Lightfoot instructed Mr. McGovern to proceed.

James M. McGovern, Esq., Attorney for Anthony D. DiNozzi, D.D.S.

Mr. McGovern began by stating that he had found out that day that Dr. DiNozzi would not be in attendance as he was in California. He stated that he was present to represent Dr. DiNozzi in order to address issues, fully support the Hearing Examiner's Report and Recommendation, and to explain Dr. DiNozzi's conduct regarding his felony conviction in Clermont County.

Mr. McGovern commented that he had not heard of an instance wherein a dentist or primary care provider had been found guilty of a felony based on one (1) prescription issued to a patient. He stated that in this case Dr. DiNozzi had issued a prescription to a stripper who had subsequently lied to the police or to the court and was believed during the trial. Mr. McGovern stated that Mr. McNeil was able to see the "big picture" in that this felony does not warrant this type of a conviction.

Continuing on, Mr. McGovern stated that with regards to the State's Post Hearing Brief, he requested the Board to carefully consider the original objections to the Hearing Officers Report and Recommendation. He stated that the legal arguments were intertwined with the Objections to the Report and Recommendation. However, he stated that it was inappropriate for the Board to entertain a post hearing brief which attacks the view of the Hearing Officer in the Report and Recommendation.

Concluding, Mr. McGovern suggested that the Board has a full range of sanctions available in that there seemed to be substantial mitigating factors to consider.

Robert Angell, Esq., Assistant Attorney General

Mr. Angell began by addressing the last part of Mr. McGovern's comments first. He stated that the issues contained within the State's Post Hearing Brief had been made in the closing arguments and had been filed appropriately. He stated that the thrust of the arguments and the theme of being railroaded indicated that Dr. DiNozzi still refuses to accept responsibility for his actions. Mr. Angell stated those actions being a violation of the Ohio Revised Code section 4715.30(A)(4), conviction of a felony.

Mr. Angell informed the Board that Ohio Administrative Code section 4715-15-25 states that "A certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court... ..is conclusive proof of the commission of all the elements of a crime." He stated that for the Hearing Officer to express his disbelief of the findings of the Clermont County Court goes beyond his [Hearing Officer's] scope of responsibility or authority.

In conclusion, Mr. Angell stated that the Hearing Officer has tainted the deliberative process. He then suggested that the Board should consider a penalty apart from the Hearing Officer's Finding of Fact, Conclusion and Recommended Order.

Dr. Lightfoot called for a motion for the Board to go into executive session.

Executive Session

Motion by Dr. Awadalla, second by Dr. Murphy, 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 licensee, Anthony D. DiNozzi, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 4:50 p.m.

Dr. Lightfoot did not attend the executive session.

Open Session

At 5:03 p.m. the Board resumed open session.

Decision in the Matter of Anthony D. DiNozzi, D.D.S.

Dr. Lightfoot stated:

Let the record reflect that I was the Secretary in this matter, and therefore, I will abstain from final vote. Furthermore, I was not present during executive session and did not participate in the deliberations in this matter.

Dr. Lightfoot then questioned:

Is there a motion concerning the Hearing Examiner's Report and Recommendation in this matter?

Motion by Dr. Murphy, second by Ms. Sabat, that Count #1 of the charges as contained in the Board's notice of opportunity for hearing is found to be true.

Roll call vote:

- Dr. Awadalla – No
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

Motion by Dr. Murphy, second by Mr. Borgemenke, that the proposed Hearing Examiner's Recommended Order be rejected.

Roll call vote:

- Dr. Awadalla – Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

Motion by Dr. Murphy, second by Ms. Sabat, it is hereby ORDERED:

That the license of Anthony D. DiNozzi, D.D.S. to practice dentistry in the State of Ohio is hereby subject to the following condition:

- A. Dr. DiNozzi shall complete, to the satisfaction of the Board, seven (7) hours of continuing education in ethics and professionalism, approved in advance by the Board Secretary. These hours shall be in addition to the forty (40) hours of continuing education necessary for renewal of his license under Ohio Revised Code 4715.141.**

This ORDER shall become effective thirty (30) days from the mailing of this ORDER.

Dr. Hills stated that what Dr. DiNozzi has been through has been sufficient punishment, however, the Board believed Dr. DiNozzi needed to learn how to follow rules.

Roll call vote:

- Dr. Awadalla – Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

PERSONAL APPEARANCES

John A. Cheek, D.D.S., M.D.

Mr. Everhart informed the Board that Dr. Cheek was present pursuant to the terms of his consent agreement for his second appearance to update them prior to any consideration for reinstatement of his dental license.

Dr. Cheek reiterated to the Board his past treatment for chemical dependency which included ten (10) weeks of treatment at Shephard Hill Hospital, seven (7) days per week in meetings, a contract with the *Ohio Physicians Effectiveness Program* (OPEP), and weekly random witnessed urine screenings. He admitted that he was cross-addicted with his drug of preference being Vicoprofen

When questioned by the Board with regards to two (2) questionable urine screens, Dr. Cheek explained that when a person drinks large quantities of fluids, such as himself, the specimen could become diluted. He explained that this could be construed as adulteration with intent. He stated that in this specific incident he had consumed a number of Diet Cokes® along with a huge quantity of water prior to being asked for to produce a urine screen that day. Dr. Cheek stated that Dr. Karafa of Shephard Hill had explained to him that the State Medical Board of Ohio (Medical Board) had a different

cutoff point with regards to specific gravity and creatinine levels in determining positive/negative screens. Dr. Cheek then indicated that in the instance of the second questionable screen, there had been an insufficient amount of specimen and therefore the screen had been disqualified.

The Board questioned where Dr. Cheek was regarding his license to practice as a physician in the state of Ohio. Dr. Cheek stated that the Medical Board had not reinstated his license during their meeting earlier. However, he indicated that the Medical Board had advanced the process to Step 2 of his agreement with them.

Continuing on, Dr. Cheek stated that he had learned from Shephard Hill Hospital that working too much had contributed to his problem. Therefore, he stated that he had made the decision not to practice medicine anymore. Dr. Cheek indicated that he was still pursuing reinstatement of his dental license as he wanted to practice dentistry and that lack of income was becoming a problem.

Dr. Cheek concluded by commenting that his wife has been delighted to have him around since his treatment this time and that his children have acted differently and positively towards him.

Motion by Dr. Awadalla, second by Dr. Vesoulis, that the license of John A. Cheek, D.D.S., M.D. be reinstated to practice dentistry in the state of Ohio.

Dr. Lightfoot clarified that the reinstatement of Dr. Cheek's license to practice dentistry was still subject to the probationary terms set forth in his consent agreement with the Board.

Roll call vote:

- Dr. Awadalla – Yes
- Mr. Borgemenke – Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

In parting, Dr. Cheek stated that he welcomed the agreement as addiction is an ugly decision. He stated that he realizes that even with as smart as he is he can still get into trouble by making the wrong decisions.

Mary Ann Chlysta, D.D.S.

Dr. Chlysta began by stating that at her last appearance before the Board she was sick and had quite a few illnesses. However, she stated that she was better now, considered herself a winner and was now before the Board to request reinstatement of her dental license as she felt she has fulfilled all the requirements of her consent agreement.

Dr. Chlysta explained that working on pain management has helped, that her blood tests have been consecutively normal, and for the past three (3) years there has been no increase in dosages due to maintenance and pain management. She stated that her urine screens have not been positive for substance other than what has been prescribed. She commented that she has never felt better since her first surgery when she was in dental school.

When questioned by the Board as to her scope of practice if she were reinstated, Dr. Chlysta informed the members that she would prefer to return to all aspects of dentistry performed previously as the quality her work and patient care was never in question. However, she indicated that she would probably begin by rebuilding slowly.

Dr. Chlysta addressed the issue of non-participation in *Alcoholics Anonymous* (AA), *Narcotics Anonymous* (NA) or a Caduceus program as being against the medical advice from her physicians. She stated they had informed her that it had been determined that she was not addicted, never had been addicted and therefore it was contraindicated.

When questioned, Dr. Chlysta detailed the amount of medication currently ingested for pain management. She pointed out that she still maintained a license to drive a vehicle in the state of Ohio with no restrictions even given the amount of narcotics prescribed.

Executive Session

Motion by Mr. Borgemenke, second by Dr. Awadalla, to move the Board into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code, to deliberate and discuss the matter of Mary Ann Chlysta, D.D.S.

Roll call vote.

Motion carried unanimously.

The Board went into executive session at 5:29 p.m.

Open Session

The Board resumed open session at 5:46 p.m.

Decision in the matter of Mary Ann Chlysta, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to deny reinstatement of Mary Ann Chlysta's license to practice dentistry in the state of Ohio.

Roll call vote:

- Dr. Awadalla – Yes
- Mr. Borgemenke - Yes
- Dr. Hills – Yes
- Dr. Lightfoot – Abstain
- Dr. Murphy – Yes
- Ms. Sabat – Yes
- Dr. Vesoulis – Yes

Motion carried.

Discussion followed wherein Dr. Awadalla explained that the Board had concerns with Dr. Chlysta's non-compliance with the terms of the consent agreement regarding attendance to NA and Caduceus meetings. She stated that this non-compliance indicated that Dr. Chlysta was not ready to return to the practice of dentistry.

Donald Antrim, who was in attendance to assist in representing Dr. Chlysta, stated that Dr. Chlysta had returned to Talbott Marsh Recovery Center (Talbott) for an extended evaluation as per the terms of Dr. Chlysta's agreement with the Board. He then pointed out that regarding paragraph D of the Voluntary Retirement agreement, the Board had received reports from Dr. Chevlen, Dr. Chlysta's pain management physician, indicating chemical dependence rather than chemical addiction. Therefore, he stated that attendance to AA, NA or Caduceus was contraindicated as Dr. Chlysta had stated.

Concluding, Mr. Antrim stated that the documentation provided from Talbott indicated that Dr. Chlysta had been tested and showed no deficiencies that would preclude her from practicing dentistry.

Dr. Chlysta appealed to the Board to reconsider their decision to deny reinstatement of her license to practice dentistry.

Dr. Hills explained that the Board has a responsibility to protect the public. With that in mind, he stated that the Board felt the level of medication that Dr. Chlysta required to manage her chronic pain indicated a danger to the public. He stated specifically that

the Board felt uncomfortable with use of morphine that Dr. Chlysta was utilizing for break-through pain management.

Dr. Chlysta inquired if the Board would consider discussing reinstatement should they be given the opportunity to discuss her pain management with her physician, Dr. Chevlen. She pointed out that the goal of pain management was not to obliterate all pain but rather to manage chronic pain to a level of normal functionality. She stated that Dr. Chevlen has worked with her for the past three (3) years as her desire to return to dentistry was obvious. Dr. Chlysta indicated that she has been monitored more closely than many practicing internal medical physicians have.

Dr. Hills stated that the Board would consider discussions with Dr. Chevlen as they were concerned regarding fine motor skills with these increased amounts of morphine. He then stated that the decision to deny reinstatement today stands.

A. Scott Santucci, D.D.S.

Mr. Everhart explained to the Board that Dr. Santucci was appearing before the Board for his first personal appearance.

Dr. Santucci extended his gratitude for being permitted the opportunity to appear before the Board. He stated that he had signed a consent agreement with the Board approximately eighteen (18) months ago, felt he has complied with all the terms of the agreement, and is seeking reinstatement of his dental license.

Dr. Santucci informed the Board that he had experienced a relapse in June, 2001 and that he had read, but disagreed with, a letter from GlenBeigh Hospital. He stated that subsequent to that letter he had been admitted back to GlenBeigh Hospital for relapse prevention from November to December, 2001.

Since that time, Dr. Santucci stated that he has submitted documentation from the Trumbull County Drug Court Program indicating compliance. Additionally, he stated that he attends four (4) AA/NA meetings per week, provides random urine screenings, and appears before a judge in Trumbull County on a bi-weekly basis. Dr. Santucci stated that he is scheduled to move to Phase III of the Trumbull County program and attends an aftercare caduceus program provide by Sally Bernard, MA, LPC, CCDC IIIIE of *ONE STEP, Inc.*

Motion by Dr. Awadalla, second by Ms. Sabat, to reinstate Dr. Santucci's license to practice dentistry in the state of Ohio subject to the probationary terms of his consent agreement with the Board.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Abstain
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

Scott D. Schumann, D.D.S.

Mr. Everhart informed the Board that this was Dr. Schumann's first appearance before the Board although he has been ordered to return to treatment due to a relapse.

Dr. Schumann thanked the Board for the opportunity to appear and briefly explained that he had been discharged from GlenBeigh Hospital in mid-August. He stated that he had relapsed subsequent to finding out that another dentist had suggested to his patients that they should sue him. He stated that he had spoken with Barry Farrier of the Ohio Physicians Effectiveness Program (OPEP) and since that time he has been attending meetings and awaiting his meeting with the Board for guidance.

Dr. Schumann explained that the amount of money required to return to GlenBeigh Hospital would leave insufficient funds to pay for his house and daily needs. Therefore, he stated that he has been doing what he can afford by attending meetings.

Dr. Lightfoot stated that the Board recommends in-patient treatment by Board policy due to the fact that they have had few successes with out-patient treatment facilities. He stated that the longer the in-patient program, the better the chance he would have to remain in recovery.

Dr. Schumann stated that he was not arguing the point that he needed to return to in-patient treatment, but rather that he was attempting to locate the financial resources in order to return to GlenBeigh Hospital.

Dr. Awadalla suggested that Dr. Schumann should contact the Ohio Dental Association as they have a program to provide financial assistance. Dr. Hills stated that the Board would like to see Dr. Schumann again at the first Board meeting after his treatment is completed and he is released from GlenBeigh Hospital.

REVIEW OF PROPOSED VOLUNTARY RETIREMENT(S)

The Board reviewed one (1) Proposed Voluntary Retirement of licensure.

Gerald A. Levitt, D.D.S.

Motion by Dr. Murphy, second by Dr. Lightfoot, to approve the proposed voluntary surrender of certificate of licensure for Gerald A. Levitt, D.D.S., license number 30-01-7568.

Roll call vote: Dr. Awadalla – Abstain
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

REVIEW OF PROPOSED CONSENT AGREEMENT(S)

The Board reviewed Six (6) Proposed Consent Agreements.

Steven J. Cohen, D.D.S.

Motion by Ms. Sabat, second by Dr. Awadalla, to approve the proposed consent agreement for Steven J. Cohen, D.D.S., license number 30-01-1979.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

Lynn D. Condos, R.D.H.

Ms. Crawford noted that on the first page, the second sentence in paragraph 1. under "probationary terms" should have been deleted.

Motion by Dr. Lightfoot, second by Ms. Sabat, to approve the proposed consent agreement as amended for Lynn D. Condos, R.D.H., license number 31-00-3017.

Roll call vote: Dr. Awadalla – Abstain
 Mr. Borgemenke - Abstain
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

Robert F. Deucher, D.D.S.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the proposed consent agreement for Robert F. Deucher, D.D.S., license number 30-01-2433.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

James E. Kirkpatrick, III, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for James E. Kirkpatrick, III, D.D.S., license number 30-01-9110.

Roll call vote: Dr. Awadalla – Abstain
 Mr. Borgemenke - Yes
 Dr. Hills – Abstain
 Dr. Lightfoot – Abstain

Dr. Murphy – No
Ms. Sabat – Yes
Dr. Vesoulis – Yes

Motion lost for lack of majority vote.

John I. Meilinger, D.D.S.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the proposed consent agreement for John I. Meilinger, D.D.S., license number 30-01-4849.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

Robert M. Rouzaud, D.D.S.

Motion by Ms. Sabat, second by Dr. Vesoulis, to approve the proposed consent agreement for Robert M. Rouzaud, D.D.S., license number 30-01-9103.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Abstain
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

RECOGNITION OF SERVICE – ROBERT ANGELL, ESQ.

Dr. Hills took a moment to recognize Robert Angell, Esq., Assistant Attorney General, who has represented the Board for several years. He stated that Mr. Angell has always been helpful and extremely supportive of the efforts of the Board to improve dentistry

and the Board's mission to protect the public. Dr. Hills stated that Mr. Angell had taken another position, however should he choose to come back he would always be welcome.

Board members and attendees wished him success in the future and applauded his time spent representing the Dental Board.

REVIEW OF PROPOSED NOTICE(S) OF OPPORTUNITY FOR HEARING

The Board reviewed two (2) Notices 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.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Richard G. Ivan, D.D.S., case numbers 01-52-369 and 02-52-256, license number 30-01-2686.

Roll call vote: Dr. Awadalla – Abstain
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

Motion by Dr. Murphy, second by Ms. Sabat, to approve the notice of opportunity for hearing and forward it to Anthony D. DiNozzi, D.D.S., case number 02-13-541, license number 30-02-1092.

Roll call vote: Dr. Awadalla – Abstain
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Yes

Motion carried.

ENFORCEMENT UPDATE

Mr. Everhart reported that there were ten (10) cases pending hearings of which eight (8) have been scheduled and that there were currently four (4) cases under appeal. He stated that there were now only ten (10) licensees currently under suspension since the Board's earlier decisions to reinstate two (2) licensees .

Mr. Everhart indicated that there were one hundred sixty-seven (167) cases listed that had been investigated and reviewed by the Board Secretary were now recommended to be closed. He commented that seventy-five of the cases involved failure of the licensee to renew.

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..." Mr. Everhart reviewed the cases to be closed with the Board.

The following cases are to be closed:

01-77-344	02-18-164	02-18-231	02-74-267
01-73-477	02-73-161	02-83-227	02-25-264
02-78-209	02-65-180	02-39-229	02-25-265
02-22-521	02-25-185	02-31-246	02-02-268
01-77-404	02-25-187	02-31-247	02-18-276
01-77-414	02-31-179	02-31-245	02-31-277
01-78-428	02-19-193	02-31-244	02-89-275
01-78-430	02-09-195	02-31-242	02-25-274
01-15-433	04-43-197	02-31-241	02-25-272
01-43-463	02-57-204	02-31-239	02-31-278
01-50-471	02-23-219	02-31-240	02-31-279
01-76-461	02-48-217	02-31-243	02-31-280
01-04-465	02-78-210	02-31-248	02-25-281
01-52-467	02-43-208	02-07-250	02-25-285
01-50-474	02-31-203	02-18-249	02-32-286
02-57-462	02-31-202	02-18-257	02-70-297
02-89-085	02-31-446	02-57-253	02-60-294
02-48-101	02-18-221	02-24-251	02-25-300
02-50-096	02-31-223	02-31-252	02-25-302
02-50-103	02-14-228	02-02-269	02-25-304
02-18-112	02-28-236	02-18-260	02-31-299
02-67-145	02-25-233	02-25-271	02-18-341
02-76-170	02-25-232	02-25-272	02-25-353

02-18-347	02-48-415	02-57-369	02-57-464
02-18-346	02-22-407	02-57-370	02-55-498
02-18-344	02-50-397	02-57-371	02-25-452
02-18-342	02-60-426	02-20-375	02-30-490
02-18-340	02-18-405	02-18-381	02-25-451
02-31-332	02-18-408	02-83-388	02-50-516
02-31-331	02-75-409	02-02-389	02-76-434
02-87-321	02-07-410	02-25-356	02-31-439
02-77-305	02-48-413	02-25-510	02-31-440
02-18-343	02-38-393	02-57-465	02-31-441
02-31-330	02-18-403	02-25-467	02-25-454
02-18-316	02-48-412	02-25-468	02-25-450
02-29-319	02-25-358	02-18-470	02-57-463
02-31-326	02-18-406	02-25-471	02-25-453
02-31-327	02-25-354	02-25-472	02-25-455
02-31-328	02-25-355	02-23-474	02-25-456
02-31-329	02-51-391	02-83-480	02-55-460
02-41-511	02-25-357	02-65-484	02-57-461
02-18-400	02-16-367	02-55-488	

Prior to a vote to close the above listed cases, Dr. Hills inquired as to whether any of the Board members had any personal knowledge that the cases involving Dr. Awadalla as the Board Secretary that were being voted on today involve either themselves or a personal friend.

Roll call: Dr. Awadalla – No
 Mr. Borgemenke - No
 Dr. Hills – No
 Dr. Lightfoot – No
 Dr. Murphy – No
 Ms. Sabat – No
 Dr. Vesoulis - No

Dr. Hills then called for a motion to close the cases and approve the enforcement report.

Motion by Dr. Murphy, second by Dr. Vesoulis, to approve the enforcement report and close the above one hundred sixty-seven (167) cases.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes

Ms. Sabat – Yes
Dr. Vesoulis -Yes

Motion carried.

Dr. Hills thanked Mr. Everhart for the *Enforcement Report*.

ANESTHESIA COMMITTEE REPORT

REVIEW ANESTHESIA PERMIT APPLICATION(S)

Dr. Murphy stated that David Kimberly, D.D.S. had submitted an application for an Anesthesia Permit. He explained that the application was reviewed by the *Anesthesia Committee* and was recommended for approval of an Anesthesia Permit.

Motion by Dr. Murphy, second by Ms. Sabat, to approve David Kimberly's application for anesthesia permit.

Roll call vote: Dr. Awadalla – Absent
 Mr. Borgemenke - Yes
 Dr. Hills – Absent
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis -Yes

Motion carried.

REVIEW OF TEMPORARY ANESTHESIA PRIVILEGES

Dr. Murphy made note that this was his first report as the new Chair of the *Anesthesia Committee* and then stated that the following individuals have submitted applications for Anesthesia or Conscious Sedation Permits. He explained that the applications were reviewed by the *Anesthesia Committee* and are recommended for approval of temporary privileges:

Dr. Richard L. Dennis – Bexley, Ohio
Dr. Philip L. Hahn – Lakewood, Ohio
Dr. John Clarke Sanders – Pickerington, Ohio
Dr. Walter P. Laverick - Steubenville, Ohio
Dr. Thomas E. Fisher - Zanesville, Ohio

Motion by Dr. Murphy, second by Ms. Sabat, to approve temporary anesthesia or conscious sedation privileges for these five (5) applicants.

Roll call vote: Dr. Awadalla – Absent
 Mr. Borgemenke - Yes
 Dr. Hills – Absent
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis -Yes

Motion carried.

Dr. Murphy indicated that the committee had reviewed one (1) additional application. However, he stated that due to background information on the applicant he wished to discuss this application separate from the others. Dr. Murphy informed the Board that information provided on Terry L. Hughes, D.D.S. application indicated that he had signed a consent agreement in 1983 subsequent to an investigation by the Board. Dr. Murphy stated that the Board had investigated Dr. Hughes based on a felony conviction for selling narcotics. Dr. Murphy stated that for this reason the committee was not recommending temporary privileges.

Motion by Dr. Awadalla, second by Mr. Borgemenke, to table consideration of Terry L. Hughes, D.D.S. temporary anesthesia privileges and invite Dr. Hughes for a personal interview.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Absent
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis -Yes

Motion carried.

Dr. Hills thanked Dr. Murphy for the *Anesthesia Committee* report.

COMMUNICATIONS COMMITTEE REPORT

Mr. Borgemenke informed the Board that there was nothing new to report at this time.

Dr. Hills thanked Mr. Borgemenke for his report.

EDUCATION COMMITTEE REPORT

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR APPLICATION(S)

Ms. Sabat stated that the following organizations have applied for approval as biennial sponsors of continuing education for the 2002-2003 biennium and have been recommended by the Education Committee for approval:

Columbus Academy of Periodontology
Northern Kentucky Periodontal Services (Pending receipt of original application materials)

Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) applications for Biennial continuing education Sponsors for the years 2002-2003, pending receipt of appropriate application materials.

Roll call vote.

Motion carried unanimously.

REVIEW OF BIENNIAL CONTINUING EDUCATION SPONSOR RENEWAL APPLICATION(S)

Ms. Sabat stated that the following organization has applied for approval for renewal as a biennial sponsor of continuing education for the years 2002-2003 and has been recommended by the Education Committee for approval:

Dental Care Partners
Patrick C. Haggerty, D.D.S., M.Sc.D.

Motion by Ms. Sabat, second by Dr. Murphy, to approve these two (2) renewal applications for Biennial continuing education Sponsors for the years 2002-2003.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke - Yes
 Dr. Hills – Abstain
 Dr. Lightfoot – Yes

Dr. Murphy – Yes
Ms. Sabat – Yes
Dr. Vesoulis -Yes

Motion carried.

REVIEW OF SUBSTANCE ABUSE CONTINUING EDUCATION COURSE(S)

Ms. Sabat informed the Board that the following sponsors have submitted applications for the substance abuse continuing education course. She stated that the Education Committee has reviewed the courses, determined that they fulfill all the necessary requirements, and has recommended the following courses for approval:

City of Cincinnati Employee Education Department
“Administrative Regulation No. 52: Substance Abuse”
Columbus Dental Society
“Substance Abuse Continuing Education”
The Ohio State University Continuing Dental Education
“Infection Control/Substance Abuse”
Polaris Career Center
“Substance Abuse”
West Virginia University Outreach Program
“Addiction and Dentistry”

Motion by Ms. Sabat, second by Dr. Murphy, to approve these five (5) applications for substance abuse continuing education courses.

Roll call vote.

Motion carried unanimously.

CONTINUING EDUCATION WAIVER REQUEST(S)

Ms. Sabat informed the Board that Dr. Angelo DeFalco had requested a waiver of the continuing education requirement for renewal. She stated that the Committee was not recommending approval based on lack of evidence or sufficient documentation.

Motion by Ms. Sabat, second by Dr. Murphy, to deny Dr. Angelo DeFalco’s request for waiver of the continuing education requirement for licensure renewal.

Roll call vote: Dr. Awadalla – Yes
 Mr. Borgemenke – Yes
 Dr. Hills – Yes
 Dr. Lightfoot – Yes
 Dr. Murphy – Yes
 Ms. Sabat – Yes
 Dr. Vesoulis – Absent

Motion carried.

DENTAL ASSISTANT RADIOGRAPHER LICENSURE PACKET

Ms. Sabat concluded her report by distributing copies of the new dental assistant radiographer licensure packet. Board members complimented Ms. Sabat on the final product and applauded her efforts.

Motion by Ms. Sabat, second by Dr. Vesoulis, to authorize the Board executive office to grant licensure to those dental assistant radiographer applicants who submit completed applications which include all the appropriate documentation.

Roll call vote.

Motion carried unanimously.

Motion by Ms. Sabat, second by Dr. Vesoulis, to authorize the Board executive office to grant reinstatement to those dental assistant radiographer applicants who submit completed applications which include all the appropriate documentation.

Roll call vote.

Motion carried unanimously.

Dr. Hills thanked Ms. Sabat for her informative report.

LAW AND RULES REVIEW COMMITTEE REPORT

Dr. Lightfoot informed the Board that the Law and Rules Review Committee had met earlier that day to continue the rule review for this year. He stated that the Committee had reviewed the rules regarding qualified personnel, Ohio Administrative Code sections 4715-11-01 through 4715-11-04. He then stated that a subcommittee would be meeting on October 7th, 2002 to discuss the new proposed rules to implement the Quality Intervention Program (QUIP).

Dr. Hills – Yes
Dr. Lightfoot – Yes
Dr. Murphy – Yes
Ms. Sabat – Yes
Dr. Vesoulis – Absent

Motion carried.

EXECUTIVE DIRECTOR'S REPORT

Ms. Reitz informed the Board that there was nothing new to report at this time, since this was her first week back to work from maternity leave. She stated that she would have a more comprehensive report at the November Board meeting.

OFFICE EXPENSE REPORT

The report of the Board expenditures was reviewed.

Motion by Dr. Murphy, second by Mr. Borgemenke, to approve the office expense report and approve payment of the July and August Board bills.

Roll call vote.

Motion carried unanimously.

CORRESPONDENCE

Dr. Hills informed the Board that there was no correspondence for discussion at this time.

ANYTHING FOR THE GOOD OF THE BOARD

Dr. Hills requested that the members bring their appointment schedules for the next meeting in order to discuss proposed meeting dates for 2003.

Ms. Reitz informed those in attendance that Dr. Hills would be presenting to the Ohio Dental Association House of Delegates at 8:00 a.m. on Thursday, September 12th, 2002. She stated that Assistant Director, Mr. Everhart and herself would be providing a presentation about the Board at 2:00 p.m. and that Ms. Franks would be presenting to the Executive Directors of the Dental Societies regarding the new dental assistant radiographer licensure packet and new procedures on the same day.

ADJOURN

Motion by Dr. Awadalla, second by Mr. Borgemenke, to adjourn the meeting until Wednesday, November 6th, 2002, at 3:00 p.m.

Roll call vote.

Motion carried unanimously.

Edward R. Hills, D.D.S.
President

Eleanore Awadalla, D.D.S.
Secretary