Ohio State Dental Board

Board Meeting

February 4, 2015

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OHIO STATE DENTAL BOARD
BOARD MEETING
FEBRUARY 4, 2015

Attendance
The Ohio State Dental Board (Board) met in Room 1932, of The Vern Riffe Center for Government and the Arts, 77 South High Street, 19th Floor, Columbus, Ohio on February 4, 2015, beginning at 1:15 p.m. Board members present were:

Marybeth Shaffer, D.D.S., President
Constance Clark, R.D.H., Vice President
Ashok Das, D.D.S., Secretary
Martin Chambers, D.D.S., Secretary
Chris Hanners, D.D.S.
Susan Johnston, R.D.H.
Lawrence Kaye, D.D.S.
William G. Leffler, D.D.S.
Gregory A. McDonald, D.D.S.
Anne Missig, R.D.H.

Ann Aquillo, the Board’s Public Member and Charles Smith, D.D.S. were not in attendance.

The following guests were also in attendance: Katherine Bockbrader, Esq. of the Ohio Attorney General’s Office, Keith Kerns, Esq. of the Ohio Dental Association (ODA); Michele Carr, R.D.H., M.A., Chair, The Ohio State University College of Dentistry Department of Dental Hygiene; Senior Dental Hygiene Students from Columbus State Community College; Lili C. Reitz, Esq., Executive Director, Kathy Carson, Dental Board Enforcement Officer, Jayne Smith, Licensing Coordinator, and Malynda Franks, Administrative Professional, of the Ohio State Dental Board.

Call to Order
Dr. Marybeth Shaffer introduced herself as the Board President, a general dentist from Leetonia. After extending greetings to everyone Dr. Shaffer noted that there was a quorum present and called the meeting to order at approximately 1:06 p.m.

Introduction of Board Members
Dr. Shaffer then introduced the rest of the Board members. She introduced Ms. Constance Clark, the Board’s Vice President and a dental hygienist from Dublin, Dr. Ashok Das, the Board’s Secretary, a general dentist from Mason, Dr. Martin Chambers, the Board’s Vice Secretary, a general dentist from Cleveland, Dr. Chris Hanners, a general dentist from Piketon, Dr. Lawrence Kaye, a periodontist from Akron, Dr. William Leffler, a general dentist from Massillon, Dr. Gregory McDonald, a general dentist from Springboro, Ms. Susan Johnston, a dental hygienist from Columbus, and Ms. Anne Missig, a dental
hygienist from Morrow. She stated that Dr. Charles Smith, a general dentist from Tipp City and Ms. Ann Aquillo, the Board’s Public member from Powell were not in attendance to the meeting.

Review of Minutes

December 2014
Motion by Dr. Leffler, second by Ms. Johnston, to approve the December 3, 2014 Board meeting minutes as presented.

Motion carried unanimously.

Review of Case(s) Wherein Notice(s) of Opportunity for Hearing Were Issued and No Hearing Was Requested

In the Matter of Karen S. Grady
Dr. Shaffer then stated:

“This is an evidentiary review in the matter of Karen S. Grady, pursuant to chapters 119. and 4715. of the Ohio Revised Code. The purpose of this proceeding is to give the Board information about this matter, in lieu of the administrative hearing that would have occurred if Ms. Grady had properly requested a hearing. The Board’s minutes will serve as the record of this proceeding.”

Dr. Shaffer then asked:

“Would the State like to present any additional information to support the charges outlined in the notice of proposal to deny application and opportunity for hearing?”

Katherine Bockbrader, Esq., Assistant Attorney General
Ms. Bockbrader stated that in the past, the Board has presented evidence by having the Board’s records custodian identify the relevant documents. In an effort to be more efficient, she stated that the members were provided an affidavit from Heidi Massaro, Compliance Coordinator, which detailed the attached State’s Exhibits 1-7 for their review and consideration prior to the meeting. Ms. Bockbrader then identified the exhibits as follows:

State’s Exhibit 1: The Notice of Proposal to Deny Application for Certificate and Notice of Opportunity for Hearing (Notice) that was issued to Ms. Karen Grady on December 3, 2014 with the attached is the Certified Mail receipt showing her signature and receipt of that Notice.

State’s Exhibit 2: A copy of Ms. Grady’s application to practice as a dental assistant radiographer.

State’s Exhibit 3: An e-mail statement from Dr. Michael Fleitz to Investigative Assistant Erica Tkac detailing information regarding Ms. Grady’s employment with him
State’s Exhibit 4: A dental assistant radiographer renewal certificate obtained by the Board in its investigation. This document came from Dr. Fleitz who indicated that Ms. Grady presented to him when she began her employment. Ms. Bockbrader noted that as detailed in the affidavit from Ms. Massaro, there is no radiographer certificate number 51.448653, as well as other indications that this is not a valid certificate, including the expiration date.

State’s Exhibit 5: A legitimate, valid dental assistant radiographer renewal certificate that was recently issued by the Board executive office for comparison purposes. Ms. Bockbrader stated that this certificate was randomly selected in order for the members to see what a real certificate looks like. She noted that the licensees address had been redacted.

State’s Exhibit 6: An affidavit from Ms. Tkac detailing information she had obtained in her investigation which indicates that Ms. Grady presented this certificate upon employment and then performed the functions of a dental assistant radiographer for Dr. Fleitz from October 2011 through July 15, 2014.

State’s exhibit 7: The Board’s infection control evaluation form that was filled out during an evaluation performed by Ms. Tkac. Ms. Bockbrader explained that it was during this evaluation that the Ms. Tkac obtained the falsified certificate which had been presented to Dr. Fleitz by Ms. Grady.

Concluding her description of the exhibits presented, Ms. Bockbrader stated that these documents relate to the charges in the Notice that Ms. Grady presented a false certificate to her employer and then worked as a dental assistant radiographer without having a valid dental assistant radiographer certificate from 2011 to 2014.

Ms. Bockbrader stated that these documents clearly detail the facts and evidence the members need to make a determination in this matter. She then requested the affidavit and exhibits be admitted into the record.

Dr. Shaffer admitted the evidence into the record and then thanked Ms. Bockbrader for providing testimony in this matter. She then asked if Ms. Grady was in attendance to the meeting. Hearing no response, Dr. Shaffer asked if there was a motion from the Board for executive session to consider this matter.

Executive Session

Motion by Ms. Missig, second by Ms. Johnston, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the matter involving Karen S. Grady and 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.

Roll call vote: Dr. Chambers – Yes
Ms. Clark – Yes
Dr. Das – Yes
Dr. Hanners – Yes
Ms. Johnston - Yes

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Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Ms. Missig – Yes
Dr. Shaffer – Yes

Motion carried unanimously.

Dr. Shaffer noted that she and Dr. Das would not be in attendance for the first portion of the executive session relevant to the Board’s deliberations in the matter of Karen S. Grady. However, she stated that they, along with Ms. Reitz would be attending the second portion of the executive session with Ms. Bockbrader, regarding issues involving imminent court action.

Open Session
The Board resumed open session at 1:45 p.m. Dr. Shaffer stated:

“Let the record reflect that I, Dr. Marybeth Shaffer, D.D.S. and Dr. Ashok Das, D.D.S. were the secretaries on the Supervisory Investigative Panel in this matter, and therefore we will abstain from final vote. Furthermore, we were not present during that portion of the executive session wherein the Board members discussed this matter and did not participate in the deliberations in this matter.”

Dr. Shaffer then asked if there was a motion in regards to the matter of Karen S. Grady.

Decision in the Matter of Karen S. Grady
Motion by Ms. Clark, second by Dr. Chambers, that Counts 1 and 2 of the Notice of Proposal to Deny Application for Certificate and the Notice of Opportunity for Hearing were found to be true.

Roll call vote:  Dr. Chambers – Yes
Ms. Clark – Yes
Dr. Das – Abstain
Dr. Hanners – Yes
Ms. Johnston - Yes
Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Ms. Missig – Yes
Dr. Shaffer – Abstain

Motion carried with Drs. Shaffer and Das abstaining.

Motion by Ms. Clark, second by Ms. Johnston, that the application of Karen S. Grady to practice as a dental assistant radiographer be PERMANENTLY DENIED.

Roll call vote:  Dr. Chambers – Yes
Ms. Clark – Yes
Dr. Das – Abstain
Dr. Hanners – Yes

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Ms. Johnston - Yes
Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Ms. Missig – Yes
Dr. Shaffer – Abstain

Motion carried with Drs. Shaffer and Das abstaining.

Motion by Ms. Johnston, second by Ms. Missig, that this matter be referred to the Attorney General’s Office for further consideration of Ms. Grady for practicing as a dental assistant radiographer without a certificate.

Roll call vote: Dr. Chambers – Yes
Ms. Clark – Yes
Dr. Das – Yes
Dr. Hanners – Yes
Ms. Johnston - Yes
Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Ms. Missig – Yes
Dr. Shaffer – Yes

Motion carried unanimously.

Dr. Shaffer informed the members that this matter was now concluded.

Enforcement Report

Notice(s) of Opportunity for Hearing
The Board reviewed two (2) proposed notice of opportunity for hearing. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes.

Dean R. Gladura, D.D.S.
Motion by Ms. Johnston, second by Dr. McDonald, to approve the proposed notice of opportunity for hearing and forward it to Dean R. Gladura, D.D.S., license number 30.019510, case number 14-45-0038.

Motion carried unanimously.

Mary C. Lauer, D.D.S.
Motion by Ms. Johnston, second by Dr. McDonald, to approve the proposed notice of opportunity for hearing and forward it to Mary C. Lauer, D.D.S., license number 30.017941, case number 13-18-0217.

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Motion carried unanimously.

**Review of Proposed Retirement(s)/Surrender(s) of Licensure**
The Board reviewed two (2) proposed Retirements/Surrenders of Licensure. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes.

*Leslie H. Paley, D.D.S.*

**Motion by Ms. Johnston, second by Dr. Kaye, to approve the proposed voluntary retirement in lieu of disciplinary action for Leslie H. Paley, D.D.S., license number 30.012080, case number 14-18-0440.**

Motion carried unanimously.

*Stacy Jo Brown-Whitaker, Dental Assistant*

**Motion by Dr. Kaye, second by Dr. Leffler, to approve the proposed voluntary surrender of certificates and registration in lieu of disciplinary action for Stacy Jo Brown-Whitaker, certificate numbers 51.000121 and CP986, registration number EFDA01577, case number 14-48-0444.**

Motion carried unanimously.

**Review of Proposed Consent Agreement(s)**
The Board reviewed four (4) proposed Consent Agreements. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes.

**Disciplinary**

*Jack R. Kneisley, D.D.S.*

**Motion by Ms. Johnston, second by Dr. McDonald, to approve the proposed consent agreement for Jack R. Kneisley, D.D.S., license number 30-014578, case number 14-12-0391.**

Motion carried unanimously.

*James T. Leon, D.D.S.*

**Motion by Ms. Johnston, second by Dr. McDonald, to approve the proposed consent agreement for James T. Leon, D.D.S., license number 30-018705, case number 14-51-0390.**

Motion carried unanimously.

*Alan B. Schlesinger, D.D.S.*

**Motion by Ms. Johnston, second by Dr. Leffler, to approve the proposed consent agreement for Alan B. Schlesinger, D.D.S., license number 30-020746, case number 14-43-0299.**

Motion carried unanimously.
Andrew M. Wrobleisky, D.D.S.
Motion by Ms. Johnston, second by Dr. McDonald, to approve the proposed consent agreement for Andrew M. Wrobleisky, D.D.S., license number 30-019966, case number 13-04-0363.

Motion carried unanimously.

Enforcement Update
Ms. Reitz began the report by informing the Board that there are five (5) cases pending hearings, all but one of which has been assigned. She indicated that there were currently forty-six (46) licensees and certificate holders under suspension, forty-seven licensees on probation, and informed the Board members that there were three hundred and eleven (311) active cases. Ms. Reitz said that there were five (5) licensees actively participating in QUIP and one (1) licensee recently referred to QUIP. She informed the members that there were one hundred and forty (140) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with fifty-six (56) warning letters issued.

90-day Open Case Report
Ms. Reitz provided the members with a report on open cases over 90 days. She reported that there are seventy-one (71) cases currently over 90 days. She provided the members with a breakdown of the cases by investigator and then indicated that almost all of these cases were initiated within the past year. She commented that many of the cases were joint investigations with other agencies or were awaiting expert review.

Closed Cases
Due to the requirement in Chapter 4715.03(B) of the Ohio Revised Code, that “A concurrence of a majority of the members of the board shall be required to... ...(6) Dismiss any complaint filed with the board.”, Dr. Shaffer reviewed the cases to be closed with the Board.

The following cases are to be closed:

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<td>14-18-0047</td>
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</table>
Prior to the vote to close the above listed cases, Dr. Shaffer 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. Chambers – No  
Ms. Clark – No  
Dr. Das – No  
Dr. Hanners – No

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Ms. Johnston - No
Dr. Kaye – No
Dr. Leffler - No
Dr. McDonald – No
Ms. Missig – No
Dr. Shaffer – No

Dr. Shaffer then called for a motion to close the cases.

Motion by Ms. Missig, second by Dr. Leffler, to close the above one hundred and forty (140) cases.

Roll call vote:  
Dr. Chambers – Yes
Ms. Clark – Yes
Dr. Das – Yes
Dr. Hanners – Yes
Ms. Johnston - Yes
Dr. Kaye – Yes
Dr. Leffler - Yes
Dr. McDonald – Yes
Ms. Missig – Yes
Dr. Shaffer – Yes

Motion carried unanimously.

**Licensure Report**

**License/Certification/Registration Report (Approved by the Executive Office)**

Jayne Smith, Licensure Coordinator, had prepared a report of the licenses, certificates, and registrations issued since the previous Board meeting.

**Dentist(s)**

**Motion by Dr. Kaye, second by Dr. Leffler, to approve the licensure report for the following dental licenses issued by a regional board examination:**

Robin R. Daniel  
Ann N. Downer  
Ashley C. Dunlevy  
Stephanie A. Henderson  
Khurram A. Khan  
Shelly L. Kitain  
Ali E. Mohammad  

Bahru S. Nure  
Michael C. Pappas  
Michelle A. Scott  
Trent L. Tucker  
Christopher J. Walinski  
Kevin A. Ward

Motion carried unanimously.
Dental Hygienist(s)
Motion by Dr. Kaye, second by Ms. Missig, to approve the licensure report for the following dental hygiene licenses issued by a regional board examination:

Roua Abdulraoof
Anna Leilani C. Akers
Rita Baranov
Erica N. Barkey
Tara R. Felter
Lisa K. Gammon
Samantha R. Ginley

Motion carried unanimously.

Dental Assistant Radiographer(s)
Motion by Dr. McDonald, second by Dr. Kaye, to approve the licensure report for the following dental assistant radiographer certificates 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 Board-approved radiography course:

Momenat Abbass
Madalena Abraham
Eloisa Acevedo Rodriguez
Avery Adams
Olubunmi Adigun
Braxtyn Alaniz
Cara Alexander
Gloria Allen
Jesi Allen
Tricia Allen
Paula Altier
Allisa Andelmo
Jamie Anderson
Marcella Anderson
Melinda Andres
Elibeth Andres Angeles
Sara Andzelik
Angela Angersola
Lyudmyla Antonova
Shanyse Argus
Rowan Arndts
Shana Arnett
Markia Ashford

Amanda Asmus
Amber Ater
Nicole Atkins
Amanda Babcock
Faith Bailey
Samantha Bain
Tanesha Baker
Taylor Baker
Lamiah Baldwin
Special Baldwin
Darrielle Ballard
Dakota Banik
Alexis Barbadaes
Michelle Barber
Dawn Bass
Serenity Bass
Samantha Battig
Lacey Bell
Samantha Betancourt Vargas
Kayla Bishop
Dierica Blackwell
Alexandra Blanco
Atlanta Blevins

Mary E. Lawton
Aphton R. McElheney
Emily E. Ornouski-Canella
Cerise N. Smith
Amanda J. Zigler
Sonja Bolser
Paige Borror
Aquila Boughton
Kari Bowlin
Katelyn Bragg
Taylor Brandenburg
Brittany Braun
Meagan Brickner
Aheisha Brown
Olivia Brown
Seija Brown
Ashley Brush
Ashley Buckalew
Carissa Bumpus
Shanita Burgess
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Nyasia Buzzard
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<td>Madison Joseph</td>
<td>Corey Mahon</td>
<td>Jessica Morrow</td>
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<td>Laci Kearney</td>
<td>Tache Malone</td>
<td>Sarah Moser</td>
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<td>Rebekah Kelly</td>
<td>Tabatha Marcum</td>
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<td>Dana Kemmer</td>
<td>Ashton Martin</td>
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<td>Jeanette Key</td>
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<td>Courtney Kinder</td>
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<td>Kaela King</td>
<td>Briana Martinez</td>
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<td>Mitzi Kinnard</td>
<td>Kimberly Mascaro</td>
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<td>Jillian Mattingly</td>
<td>Kara Neitzke</td>
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<td>Alissa Klein</td>
<td>Ashley Mauk</td>
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<td>Stephanie Klunk</td>
<td>Lauren Maximo</td>
<td>Holly Nock</td>
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<tr>
<td>Jasmine Knight-Respress</td>
<td>Audra Maxwell</td>
<td>Bret Nutter</td>
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Motion carried unanimously.

**Limited Residents**

Motion by Dr. McDonald, second by Dr. Kaye, to approve the licensure report for the following limited resident’s licenses:

Daisy N. Bachala                    Martina WN Gerges

Motion carried unanimously.

**Limited Teaching**

Motion by Dr. Kaye, second by Dr. McDonald, to approve the licensure report for the following limited teaching license:

Dr. Ali Z. Syed

Motion carried with Dr. Hanners opposed.

**Coronal Polishing**

Motion by Ms. Clark, second by Dr. Das, 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 the requirements necessary to obtain certification:
Motion carried unanimously.

**Graduate(s) of Unaccredited Dental Colleges Located Outside the United States**

Motion by Dr. Kaye, second by Dr. Das, that the following applicants have met the requirements necessary to obtain licenses to practice dentistry in Ohio as graduates of unaccredited dental colleges outside the United States:

- Dr. Anilkumar B. Patel
- Dr. Lubna Taj

Motion carried with Dr. Hanners and Ms. Missig opposed.

Dr. Hanners inquired as to whether the members of the Board would consider voting on these applications for graduates of dental colleges outside the United States individually. Dr. Shaffer noted that the consensus of the Board was to take a vote on these applications individually.

Motion by Ms. Johnston, second by Dr. Hanners, to approve the licensure application for Dr. Anilkumar B. Patel, a graduate of an unaccredited dental college located outside the United States, to practice dentistry in the State of Ohio.

Motion carried with Ms. Missig opposed.

Motion by Dr. Kaye, second by Ms. Clark, to approve the licensure application for Dr. Lubna Taj, a graduate of an unaccredited dental college located outside the United States, to practice dentistry in the State of Ohio.

Dr. Kaye commented that they have a fiduciary responsibility as Board members, and therefore, sometimes personal views needed to be put aside.

Motion carried with Ms. Missig and Dr. Hanners opposed.

Motion by Dr. Leffler, second by Dr. McDonald, to withdraw the original motion to approve the applicants for licenses to practice dentistry in Ohio that are graduates of unaccredited dental colleges outside the United States.

Motion carried unanimously.
Anesthesia Permit(s)
Motion by Ms. Johnston, second by Dr. McDonald, that based on the information provided by the Board’s Anesthesia Consultant, the following individual has applied for a conscious sedation permit and the applicant is recommended to receive a permit for the specified modality.

Dr. Hany Emam

Motion carried unanimously.

Ad Hoc Board Operations Committee Report
Dr. Kaye informed the Board that the Ad Hoc Board Operations Committee met earlier that morning and indicated that he was presenting the Enforcement Manual to the members for Board approval from the Committee. He stated that Ms. Reitz reported to the Committee on the Ohio Automated Rx Reporting System (OARRS) and provided an update on the Opioid and Other Controlled Substance Committee meeting. Dr. Kaye indicated that Ms. Reitz would discuss both reports further during her Executive Director’s Report. Concluding, Dr. Kaye said that the Committee had also discussed the statute regarding acceptable testing agencies for licensure.

Motion by Ms. Johnston, second by Dr. Leffler, to approve the Ad Hoc Board Operations Committee report.

Motion carried unanimously.

Education Committee Report
Ms. Johnston informed the Board members that the Education Committee had not met this month. However, she stated that the sponsor and course applications that had been submitted since the previous meeting in December, 2014 had been reviewed by Committee members for compliance with the requirements set forth in the Dental Practice Act and Board guidelines. Ms. Johnston informed the Board that there were three (3) Biennial Sponsor applications and one (1) Biennial Sponsor Renewal application for 2014-2015, one (1) anesthesia permit course and one (1) dental hygiene medical emergency recognition course that were being recommended for approval.

2014-2015 Biennial Continuing Education Sponsor Application(s)
Stacey Blume, D.M.D., M.S.
SmileMD, L.L.C.
Violet Orthodontics, L.L.C./Dr. Violet Barbosa

2014-2015 Biennial Continuing Education Sponsor Renewal Application(s)
Dental Associates Laboratory, L.L.C.

Review of Course(s)
Anesthesia Permit Renewal
Ohio Society of Oral and Maxillofacial Surgeons
“Ambulatory Anesthesia Review of Oral Surgeons”

Dental Hygiene Medical Emergency Recognition
Akron Dental Society
“Medical Emergencies & Urgencies in Dental Practice”

Concluding, Ms. Johnston mentioned to the Board members that the dental hygiene jurisprudence examination was currently under review as there were many changes made to the Dental Practice Act during the past year. Michele Carr, R.D.H., M.A., Chair of The Ohio State University College of Dentistry Department of Dental Hygiene inquired as to whether the revised Dental Practice Act and dental hygiene examination would be made available to all the dental hygiene program directors throughout the state. Ms. Clark indicated that they were making every effort possible to complete this project in a timely manner in order to provide these documents to all the dental hygiene directors so that the 2015 graduating class would have the most current information on the law and rules in Ohio.

Motion by Ms. Clark, second by Dr. Hanners, to accept the Education Committee report and approve the applications and courses.

Motion carried unanimously.

EFDA Subcommittee Report – Susan Johnston, R.D.H.
Ms. Johnston stated that the EFDA Subcommittee consisting of Dr. Chambers, Ms. Clark, Dr. Hanners, Dr. Shaffer and herself had met earlier that morning at 9:00 a.m. She stated that the Subcommittee and guests were refreshed on the recommendations proposed by the Subcommittee at its previous meeting in December 2014 and recorded in the official Board minutes.

Ms. Johnston informed the members that guests from the Commission on Dental Testing; Dr. Jim Merrill and Dr. Timothy Hottel, were given a chance to address the Subcommittee on the suggestions regarding the exam. She stated that their biggest concern was that their exam was using a different typodont system and replacement of the typodonts would be very cost prohibitive for the schools to incorporate.

Continuing on, Ms. Johnston stated that a representative of the Commission on Dental Competency Assessments (CDCA), formerly known as the North East Regional Board of Dental Examiners, Inc. (NERB), Dr. Mark Armstrong, gave an update on the exam that entity is researching. She stated that the CDCA indicated that they will have a sample typodont test and process of a written exam along with their sample questions for the members to review at the next Subcommittee meeting in March. Ms. Johnston informed the Board members that Drs. Merrill and Hottel were also invited to attend the discussions at the next Subcommittee meeting.

Motion by Dr. McDonald, second by Ms. Missig, to approve the EFDA Subcommittee Report.

Motion carried unanimously.
Scope of Practice Committee Report

Dental Radiographs – Out-of-State Contracted Radiologists
Dr. Shaffer stated that she would be providing the Scope of Practice Committee Report as Dr. Das was running late at the beginning of the meeting and therefore, she had chaired the meeting. She stated that the Committee met earlier this morning to discuss two (2) issues that had been brought to the Board for clarification. Dr. Shaffer stated that the first issue involved the legality of radiographs being reviewed by out-of-state contracted radiologists. She said that Committee members expressed varying positions, specifically in regards to report of findings versus diagnosis. Dr. Shaffer indicated that this matter is only one small part of the larger issue of teledentistry, which has been discussed on other occasions.

Continuing, Dr. Shaffer stated that the specific question addressed from Dr. Lloyd at The Ohio State University (OSU) to the Board was shared with the Supervisory Investigatory Panel (SIP), the Board’s Assistant Attorney General, Katherine Bockbrader, Esq., and former Board member, Doug Wallace, D.D.S.

Dr. Shaffer stated that Ms. Bockbrader provided information on the Position Statement on Telemedicine from the Medical Board of Ohio and their specific statute regarding a Telemedicine Certificate. Additionally, she informed the members that Dr. Wallace had replied via e-mail stating “The treating DDS is ultimately responsible for treatment rendered. The Ohio dentist must judge the quality of the diagnostics performed elsewhere, whether in or out of state.” Dr. Shaffer shared that Committee member, Dr. Leffler, had suggested that there should be a letter directed to Dean Lloyd indicating that this issue would take much more time to research and discuss at the committee level and that OSU would best be served by consulting with their own attorneys as to any legalities, keeping in mind that Ohio law states that it is ultimately the supervising dentist’s responsibility to ensure the proper diagnosis and treatment whether it is in a single dental practice or within the dental clinic setting. She stated that Ms. Reitz has been directed to send a response in this regard by committee consensus.

Permissible Practices of Dental Assistants – Digital Impressions
Continuing on, Dr. Shaffer stated that the second issue before the Committee regarded the taking of digital impressions by the dental assistant. She commented that as with the other matter, this issue had been discussed previously by the Board. She stated that it was the consensus of the Committee to forward this matter to the Law and Rules Review Committee to define “digital impression” and to delegate, through Board policy, the defining point where the dentist gets involved in the “final impression”.

Dr. Shaffer made the motion from the Scope of Practice Committee to accept the report.

Motion carried unanimously.
Supervisory Investigative Panel Report
Dr. Das, as Secretary, attested that he had spent in excess of twenty (20) hours per week attending to Board business. Dr. Chambers, the Board’s Vice Secretary, attested that he had spent in excess of twenty (20) hours per week attending to Board business.

Motion by Dr. McDonald, second by Dr. Hanners, to approve the Supervisory Investigative Panel report.

Motion carried unanimously.

Office Expense Report
Motion by Dr. Kaye, second by Dr. McDonald, to approve the expense report and approve payment of the December 2014 Board bills.

Motion carried unanimously.

At this time, Dr. Leffler left the meeting.

Executive Director’s Report

North East Regional Board (NERB) Meeting Update
Ms. Reitz began her report by providing a brief video presentation from the Commission on Dental Competency Assessments (CDCA) formerly known as the North East Regional Board of Dental Examiners, Inc. (NERB). The video provided a history of NERB’s inception in 1969 as the first independent non-profit regional dental testing agency with seven (7) member states and the District of Columbia, to Ohio joining in 1972, to its current twenty-four (24) member states/jurisdictions. The video presentation was to announce that as of January 9th, 2015 the NERB became the Commission on Dental Competency Assessments (CDCA) and administers clinical dental and dental hygiene examinations which are accepted in 46 states/jurisdictions and Jamaica.

Ms. Reitz noted that while the CDCA is the new name, they will still be doing business as NERB as they recognized it might take time for all of the states and jurisdictions to make appropriate changes to policy, law and or rules for acceptance of the new name.

Governor’s Opiate Action Team
Ms. Reitz stated that she had shared information at the Ad Hoc Board Operations meeting earlier in the day that in November 2014 she had taken part in the discussions of the Governor’s Opiate Action Team regarding the proper prescribing of controlled substances. She stated that this was the third area of these discussions; the first area covered was regarding prescribing controlled substances in the emergency setting and the second area was over prescribing in the chronic pain setting. Ms. Reitz informed the members that they are now discussing prescribing for acute pain, and that this area is of particular interest to dentists in that they do not typically treat chronic pain but rather they treat in acute pain scenarios such as surgeries or accidents.
Ms. Reitz stated that the Board is being asked to provide some input into the development of guidelines for prescribing for acute pain for dentistry. She informed the members that she had asked former Board member and our Anesthesia Consultant, Doug Wallace, D.D.S. if he would consider assisting in this matter. However, she stated that had recommended someone local who could more actively participate. Dr. Wallace suggested one of the Board’s Experts, Rick Sheetz, D.D.S. Ms. Reitz said that Dr. Sheetz has not only participated in the Prescribing Subcommittee meeting, but also in the Acute Pain Definition Subcommittee. She indicated that they would now be participating in the Guidelines Subcommittee also, in order to assist prescribers in prescribing for acute pain. Ms. Reitz indicated that they have set a six (6) month timeframe for development of the guidelines.

Ohio Automated Rx Reporting System (OARRS) Update
Ms. Reitz informed the members that the Ohio Automated Rx Reporting System (OARRS) information that has been posted to the Board website thus far has been provided by the Ohio Board of Pharmacy (Pharmacy Board) and is pertinent to all prescribers. She stated that as an update, she has prepared a guidance document with the information she believes is most specific for dentists and has added the guidance document to our website. She stated that this information will also be mailed to the Board licensees.

Ms. Reitz informed the members that the Pharmacy Board has also shared with all the prescribing boards an updated “Frequently Asked Questions” document which has also been added to our website. Concluding, she said that they will also be adding information for those dentists who compound dangerous drugs as those dentists need to be aware of an application for license which must be file with the Pharmacy Board as Practitioners/Compounder as a Terminal Distributor of Dangerous Drugs.

President’s Report

Acknowledgement – Vice President Connie Clark
Dr. Shaffer stated that she was formally acknowledging Vice President Connie Clark for going through the Board’s Operations Manual and making editorial changes that were appropriate for what has been enacted in the last year. She informed the members that Ms. Clark has worked diligently on that project and was formally thanking her.

Prescription Drug Abuse and Telemedicine Summit Meetings
Next, Dr. Shaffer informed the members that Ms. Reitz had requested her to approve her attendance to two (2) courses that she felt would be appropriate for Ms. Reitz’ development, as well as for the Board. Dr. Shaffer indicated that her management style was to look at something and then run it by someone else and therefore, she ran it by Ms. Clark. She stated that they had reviewed Ms. Reitz’ goals and objectives and felt the coursework was appropriate.

Dr. Shaffer explained that the first course regarding prescription drug abuse was being held in Atlanta, Georgia and had been recommended by the Attorney General’s Office. The second course, she stated, would be held in Washington, was a summit on telemedicine and was recommended by the Ohio Medical Board. Dr. Shaffer stated that Ms. Reitz would attend the courses and bring the information back to the Board to share with the members.
Motion by Dr. McDonald, second by Ms. Johnston, to approve Ms. Reitz attendance to the course in Atlanta Georgia on prescription drug abuse and to attend the summit in Washington on telemedicine.

Motion carried unanimously.

New Operations Committee

Dr. Shaffer stated that the next thing she would like the Board to consider was the development of a new committee; Operations Committee. She stated that the Board has recently eliminated the Anesthesia and Communications Committees and she felt that there is justification for a new committee on Board operations.

Dr. Shaffer stated that the Board’s Operations Manual becomes a project for someone to go through each year to review and revise. She stated that the Board’s Public member, Ms. Ann Aquillo, has recommended that Ms. Reitz contact LeanOhio to see what might be available to assist her and the Board with making government simpler and less costly.

Continuing on, Dr. Shaffer commented that there has been an illusion throughout our Board about budgetary matters such as; are we going to need to increase licensure and registration fees and if so, by how much, and this gets too burdensome for the Ad Hoc Board Operations Committee. She stated that this new Operations Committee could deal with those kinds of issues. Dr. Shaffer informed the members that if approved, Ms. Aquillo has agreed to chair the new committee and that Ms. Clark and Dr. Hanners, due to his budgetary expertise, would be members.

Motion by Ms. Johnston, second by Dr. McDonald to approve the creation of a new Operations Committee for the Board.

Motion carried unanimously.

Committee Assignments

The last thing, Dr. Shaffer stated, was regarding committee assignments. She commented that she cannot accommodate all the members’ requests, however, she will make every effort possible to accommodate specific requests. She stated that all the Board members had a listing of the committees and she asked them to e-mail her with their preferences.

Anything for the Good of the Board

2015 Board Interns

Ms. Reitz took a moment to introduce the Board’s Dental Hygiene Interns from The Ohio State University this year; Taylor Christopherson and Maggie Taylor. She stated that both students had already been in the field with Dental Board Enforcement Officers Kathy Carson and Barb Yehnert. Ms. Reitz informed the members that they have talked with Board staff regarding functions of the Board office and are already scheduled to go out in the field with the rest of the investigative staff.
Columbus State Community College – Senior Dental Hygiene Students
Ms. Clark took a moment to recognize all of the Senior Dental Hygiene students from Columbus State Community College in attendance to the meeting. She also informed the members that Immediate Past-President, Dr. Greg McDonald would be speaking to all the dental hygiene students later this month.

Fiduciary Responsibility
Ms. Missig stated that she wished to comment regarding fiduciary responsibility in light of the dental hygiene students that were in attendance to the meeting. She stated that being a Board member is a fiduciary responsibility in that it is a duty of obedience and the duty of loyalty. She stated that it is in regards to once decisions are made by the Board, those decisions do not prevent open discussions where one may oppose or agree and it does not prevent voting one’s conscience. Once decisions are made by the Board, she said, fiduciary responsibility has to do with supporting and being loyal and obedient to the decisions of that Board.

Hearing Examiners
Ms. Reitz stated that at the first Board meeting of every calendar year we ask that the Board approve the Hearing Examiners and QUIP Panel members. She stated that the Hearing Examiners she is seeking approval for are the same ones we had for last year; Paul Stehura, Esq., Lawrence Pratt, Esq., and Chet Lyman, Esq.

Motion by Ms. Johnston, second by Dr. McDonald, to approve these three (3) attorney hearing examiners for 2015.

Motion carried unanimously.

Quality Intervention Program (QUIP) Panel
Continuing, Ms. Reitz stated that she was seeking Board approval for the QUIP Panel members. She informed the members that we currently have two (2) QUIP Panel members; Jim Pettricone, D.D.S., a general dentist from Cincinnati and Kathy Brisly-Sedon, D.D.S., a general dentist from Seville.

Ms. Reitz informed the Board that the Supervisory Investigative Panel (SIP), both old and new, looked over the resumes that were submitted based on the website posting asking people to submit if they were interested. She stated that information was given to Dr. Hanners as the new QUIP Coordinator for his consideration. Ms. Reitz then asked if Dr. Hanners had a recommendation for the third panel member. Dr. Hanners stated that he had several discussions regarding the candidates and requested that any decision or motion by the Board be tabled until the next meeting in March.

Ms. Reitz distributed to the Board members a copy of the report of the ADEX House of Representatives Meeting (Appendix A) from former Board member, Jacinto Beard, D.D.S.

American Association of Dental Boards Mid-Year Meeting
Dr. Shaffer mentioned that the next meeting of the American Association of Dental Boards (AADB) meeting would be in April. She stated that typically the Board President and Vice President go as representatives of the Board unless they are unable to attend. She mentioned that there is also a position on the Testing Commission which Ohio is welcome to send someone to attend.
Ms. Reitz stated that the Board typically pays for the registration, flight, and hotel accommodation for Board Officers and registration fees for any Board members who want to attend.

Continuing on, Dr. Shaffer stated that Dr. Leffler had provided her a note indicating his wish to attend the meeting, possibly in the position for the Testing Commission. She also indicated that she would be attending the meeting and representing the Board. Dr. Shaffer stated that Ms. Johnston has informed her that she would be attending the meeting regardless of reimbursement. Ms. Clark indicated that she would be unable to attend the meeting due to testing schedules.

Ms. Reitz asked the Board members to consider their attendance and to inform her of their decisions.

**Adjourn**

Dr. Shaffer adjourned the meeting at 2:32 p.m. She reminded the Board members that their next meeting would be March 11, 2015.

Marybeth Shaffer, D.D.S.
President

Constance Clark, R.D.H.
Vice President
Appendix A

REPORT ON ADEX HOUSE OF REPRESENTATIVES MEETING – NOVEMBER 9, 2014

Reitz, Lili

From: Jacinto Beard
Sent: Tuesday, December 23, 2014 7:32 AM
To: Reitz, Lili
Subject: Fwd: Highlights from ADEX House of Representatives Meeting, Sunday, November 9, 2014
Attachments: Highlights_2014.pdf

Hi Lili,

I was waiting for ADEX to send us the official minutes from our meeting of the House of Representatives before submitting my report to the Board. I’ve only received this attached overview which I’m sure you received as well. In an effort to provide some information to Board members prior to our NERB meeting in January, please share my additional comments to the Board along with the attached overview.

In addition to the “ADEX Highlights” of the meeting of the House of Representatives on Nov. 9th, changes to the ADEX bylaws were voted on. The main focus of the changes would expand the membership in ADEX from “State Boards” to “Jurisdictions”. The definition of Jurisdiction would mean: a country, or the state, province, or other political subdivision thereof. It was explained this change was necessary to allow ADEX to go global and offer its examination to other countries who expressed an interest in using our exam, and or becoming a member of ADEX. It was clearly expressed that by making this change, it would not automatically allow foreign countries examiners to test in the United States, or allow an alternate path to licensure in the United States for the candidates who pass the ADEX exam in a foreign country.

District 5 caucused during the meeting of the House of Representatives, Dennis Manning, Ill. is our Director and officiated the meeting. Lynda Sabot, RDH, OH, was elected District Hygiene Representative to the house of delegates, Ms. Glance LaTurner, IN, was elected District Consumer Representative, and Peter Yamen, MI, was elected District Representative to the Examination Committee. I personally was disappointed in not seeing Janet Bolina, OH, appointed to the examination committee, after lobbying hard for her appointment. It was determined Peter Yamen was eligible for another term and he was appointed. I disagreed with this decision in light of the fact ADEX has only recently instituted term limits and many of the present committee members who served several years prior to the initiation of term limits were to step down and allow opportunity for other states. Last year it was also verbally agreed upon, that, as terms expire, positions would rotate equally to other states to allow full participation by member states on committees. Finally, I have observed many states consistently send the same representatives to the house year after year allowing those individuals to naturally build alliances and fully understand the process. Everyone at ADEX is friendly, supportive and helpful, but, I would recommend the Board when considering appointing the next representative, it be someone who can serve annually for 4-6 years.

I look forward to seeing everyone in Orlando!

Jacinto

Jacinto W. Beard DDS, FAGD, FICD

Subject: Highlights from ADEX House of Representatives Meeting, Sunday, November 9, 2014

Attached please find the ADEX Highlights memo that was recently sent to all Member Boards and to the States that do accept the ADEX Examinations and those that do not.

If you have any questions, please feel free to contact me.
Highlights of the American Board of Dental Examiners, Inc. (ADEX)
10th House of Representatives
November 9, 2014
Rosemont, IL

The following are highlights of the 10th ADEX House of Representatives:

34 out of 35 member states were represented and there were 49 out of 55 State Board, District Hygiene and District Consumer Representatives present.

2014 – 2015 Officers were elected: Dr. Stanwood Kanna, HI, President; Dr. William Pappas, NV, Vice-President; Dr. Robert Jolly, AR, Secretary and Dr. Jeffery D. Hartsog, MS, Treasurer.

District 6 re-elected Dr. Michelle Bedell, SC, to the ADEX Board of Directors.

District 8 elected Dr. David Perkins, CT, to the ADEX Board of Directors.

District 10 re-elected Dr. Richard Dickinson, VT to the ADEX Board of Directors.

District 12 re-elected Dr. Wade Winker, FL to the ADEX Board of Directors.

Ms. Mary Ann Burch, RDH, KY was elected as one of the Dental Hygiene Members to the Board of Directors.

ADEX Staffing

The ADEX Board of Directors announced that Dr. Guy Shampaine, MD will become the Chief Executive Officer of ADEX on February 1, 2015 and that there will be an announcement on February 1, 2015 regarding the appointment of a Chief Operating Office for ADEX.

The House of Representatives heard presentations from:

Dr. Chad Buckendahl, Psychometrician “Update on Psychometric Issues”

Ms. Sarina Butler of The Butler Group. “ADEX Business Plan”

Dr. Howard Strassler, Calibration Consultant “ADEX Calibration Update”

Changes to the Dental Examination:

- A change to two criteria areas (Pass/Fail) for Exam cycle 2015-2016.
- A pilot exam, true CIF, will be conducted this year.
- Allowing a second periodontal patient if first patient does not qualify.
Changes to the Dental Hygiene Examination:

- 2015 ADEX Dental Hygiene manual reviewed, revisions made and approved.
  - ODU explorer or UNC probe highly recommended – not required.
  - Selection is one quadrant and 2 posterior teeth from one other quadrant (one must be a molar).
  - Examiner one will add 2 additional surfaces with qualifying calculus to the 12 already chosen by the candidate for a total of 14.
  - Examiner #2 and #3 will get the same list.
  - Only 12 surfaces will be graded by the computer.
  - All teeth and surfaces in the selection will be debrided by the candidate.
  - An 8/5/3 criterion remains the same and minimum of 6 teeth.
  - Calculus detection and probing remain the same.

2015 ADEX House of Representatives: The 11th ADEX House of Representatives Meeting is scheduled for Sunday, November 15, 2015, at the Doubletree Hotel, Rosemont, IL.