

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING  
HYATT REGENCY ORLANDO  
9300 JEFF FUQUA BOULEVARD  
ORLANDO, FL 32827  
(407) 825-1234  
AUGUST 22, 2014, 7:30 A.M.**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order at 7:30 a.m. by Dr. Thomas, Chair. Those present for all or part of the meeting included the following:

**Members present:**

Joe Thomas, D.D.S., Chair  
Robert Perdomo, D.M.D., Vice-Chair  
Wade Winker, D.D.S.,  
William Kochenour, D.D.S.  
Dan Gesek, D.M.D.  
T. J. Tejera, D.M.D.  
Catherine Cabanzon, R.D.H., B.A.S.D.H.  
Leonard Britten, D.D.S.  
Tim Pyle  
Anthony Martini  
Angela Sissine, R.D.H.

**Staff present:**

David Flynn, Board Counsel  
Sue Foster, Executive Director  
Candace Rochester, Esq., Asst. General Counsel, PSU  
Cindy Ritter, Program Administrator  
Court Reporter, American Court Reporting, 407.896.1813

**REVIEW OF MINUTES**

**May 16, 2014 General Business Meeting**

The minutes of the May meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Kochenour to approve the minutes as presented  
Second: by Dr. Gesek  
Vote: unanimous

**June 30, 2014 General Business Meeting**

The minutes of the June meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Gesek to approve the minutes as presented  
Second: by Dr. Winker  
Vote: unanimous

**RULES WORKSHOP**

**Rule Draft 64B5-17.002, FAC**

Dr. Thomas read the following excerpt from the statute, s. 466.018(3), Florida Statutes, as the basis for the rule:

Every dentist shall maintain written dental records and medical history records which justify the course of treatment of the patient. The records shall include, but not be limited to, patient history, examination results, test results, and if taken, x-rays.

The following dentists were present and offered opinions that the rule needed to be returned to Committee for further review and edits:

Dr. Don Ilkka, Florida Dental Association, Dr. Richard Mufson, representing Florida Society of Oral and Maxillofacial Surgeons (FSOMS) and Mr. Mike Huey, Attorney for the FSOMS, Dr. Oscar Morejon, Florida Association of Periodontists, Dr. Patti Dowling, Florida Association of Endodontists, Dr. Nick White, Florida Association of Pediatric Dentists, and Dr. Reza Iranmanesh, Florida Association of Prosthodontists

Dr. Mufson stated that the associations felt the current rule adequately addresses the record requirements. The sentiment was that the proposed rule was burdensome. Dr. Thomas advised that the board's responsibility is public protection and to do this adequately the Board needed to address inadequate dental records that are present in the current disciplinary cases. Dr. Mark Falco, Florida Academy of General Dentistry, referred to the letter previously provided to the board. Following discussion, the following action was taken by the Board:

Dr. Thomas asked Dr. Winker to again chair this task force and Dr. Winker stated he would advise of his decision at a later time. Ms. Cabanzon, Dr. Tejera and Dr. Perdomo volunteered to serve on the task force. The majority of board members were opposed to moving forward with the current proposed language and were opposed to keeping the current language.

After hearing comments from the audience, Dr. Thomas clarified that the proposed rule was not created to increase revenue for the board. Dr. Thomas also stated that these changes, if adopted, should lead to less prosecution for the (m) charge - records violation.

The following correspondence relating to the workshop was received:

**Letter & Email Correspondence from the Florida Society of Oral and Maxillofacial Surgeons**

Mark Braxton, DMD, President of the Florida Society of Oral and Maxillofacial Surgeons, on behalf of the Board of Directors of FSOMS, is requesting a rules workshop to discuss concerns with changes to Rule 64B5-17.002, F.A.C. Written Dental Records: Minimum Content, Retention.

**Letter from Richard Mufson, D.D.S., on behalf of FSOMS**

**Letter from Florida Dental Association with attachment**

**Correspondence received regarding rules Workshop/Rule Draft**

1. Florida Academy of General Dentists
2. Florida Association of Periodontists
3. Florida Licensed Dentists

Motion: by Dr. Gesek to recreate the task force and move this draft language back to committee for additional input and rule development

Second: by Mr. Martini

Vote: motion passed with 3 opposed

**REPORTS**

**Council on Dental Hygiene Telephone Conference Call (July 9, 2014)**

Ms. Cabanzon, Chair of the Council, discussed the items acted upon at the meeting on July 9, 2014.

The Council passed a requirement for a laws and rules course beginning in the 2017 biennium for two hours every 4 years.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to send the draft language to the rules committee  
Vote: unanimous

Motion: by Dr. Thomas on behalf of Committee to add new subsection (9) in rule 64B5-14.002, F.A.C. replacing treating dentist with supervising dentist and changing "supervision" to supervising dentist to correct grammar.  
Vote: motion passes unanimously

Motion: by Dr. Thomas to allow language regarding assessment of exam candidates to be added; was omitted when rule was revised and Council voted to add this language back into the rule  
Second: by Ms. Cabanzon  
Vote: unanimous

Motion: by Dr. Thomas that no SERC is required  
Second: by Dr. Gesek  
Vote: unanimous

Motion: by Dr. Gesek to accept Council recommendation to delete "within 10 years" in 64B5-2.0144 to coincide with statute  
Second: by Dr. Kochenour  
Vote: unanimous

No Statement of Estimated Regulatory Impact is required. The rule change would bring rule in line with the statute.

Motion: by Dr. Gesek to reject proposal regarding packing and removing retraction cord in rule 64B5-16.006(1)(f), F.A.C. Remediable Tasks Delegable to a Dental Hygienist.  
Second: by Dr. Tejera  
Vote: motion passes with 2 opposed

Motion: by Dr. Gesek to accept the rule draft of 64B5-16.0075, Dental Charting by Dental Hygienists regarding epidemiological surveys or oral health surveillance  
Second: by Dr. Thomas  
Vote: unanimous

Motion: by Dr. Gesek to also include dentists this language for dentists  
Second: by Dr. Winker  
Vote: unanimous

Motion: by Dr. Thomas to allow dental hygienists to receive credit for practice management in rule 64B5-12.016, F.A.C.  
Second: by Dr. Gesek  
Vote: unanimous

No SERC required as this has a positive impact on regulation of small businesses.

**Draft language received from Florida Dental Association, (Rule 64B5-14.002, FAC)**

The Florida Dental Association provided a rule draft limiting the number of patients that could be anesthetized by a dental hygienist. Dr. Thomas advised that the statute requires dental hygienists to administer local anesthesia under direct supervision. Dr. Gesek felt the intention of the legislation was that hygienists administer local anesthesia to their hygiene patient and not anesthetize all dental patients. The language presented in the addendum was not reviewed by the Council on Dental Hygiene and following discussion, the board took the following action:

Motion: by Dr. Gesek to send this language to the Council on Dental Hygiene  
Second: by Dr. Thomas  
Vote: unanimous

### **Board Counsel Annual Regulatory Plan**

Motion: by Dr. Gesek to approve the annual regulatory plan  
Second: by Dr. Winker  
Vote: unanimous

### **Rules Report**

Mr. Flynn stated there are two rules currently noticed for development; Rules 64B5-17.002 and 64B5-13.0046, FAC.

### **Rule Challenge**

**Current Citation Rule, 64B5-13.0046, FAC, Citation Authority  
Petition to Determine the Invalidity of Existing "Non-Rule" Agency Policy and Rule 64B5-13.0046(1) and (8), Florida Administrative Code  
Notice of Appearance**

### **Joint Motion to Dismiss Cause Against the Board of Dentistry**

Mr. Flynn discussed this Petition regarding Isolda Gamble, D.D.S. vs. the Department of Health and Board of Dentistry. Dr. Gamble received a citation with \$123 in costs and through her attorney, Jon Pellett, Esq. is challenging the costs of investigation and the above-cited rule. Mr. Flynn stated that this case had been settled.

### **Application Revisions**

#### **Application for Teaching Permit**

Minor corrections were made to the application for teaching permit which required board approval.

Motion: by Dr. Gesek to approve changes  
Second: by Dr. Thomas  
Vote: unanimous

### **Executive Director Budget Reports**

#### **Ratification of Lists**

Motion: by Dr. Gesek  
Second: by Dr. Winker  
Vote: unanimous

### **Chair None**

### **Vice-Chair**

None

## **Board Members**

None

## **TOPIC DISCUSSION**

### **Request for Clarification on CE Exemption (Rule 64B5-12.0135, FAC)**

Dr. Dietrich was not present nor represented by counsel. She is requesting clarification regarding the CE exemption for full time faculty serving at programs at dental schools accredited by the American Dental Association's Commission on Dental Accreditation.

In discussion with board counsel and Dr. Thomas, there is not an exemption for this type of hospital based program and CE should be taken.

## **FOR YOUR INFORMATION**

- **News Release – Joint Investigation Leads to Unlicensed Activity Arrest in Kissimmee**
- **Email from Ellis Hall, D.D.S., NERB regarding Injectable Local Anesthesia Use at Florida Dental Hygiene Exam Sites**
- **The Selection of Patients for Dental Radiographic Examinations**
- **Boards and Councils Healthiest Weight Liaison Meeting**

## **DISCIPLINARY PROCEEDINGS**

### **Hillel Abramov, D. D. S., Case No. 2012-07730, Settlement Agreement, (PCP N/A)**

Dr. Abramov was present and was represented by Jeffrey Howell, Esq. An administrative complaint filed August 26, 2013 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards regarding extraction of teeth #18 and #20 for partial lower denture and #22,23,24,25,26 and 27 prepped for crowns. Only one week interval of time between extraction and fabrication of denture; open margins with recurrent decay on crowns.

Probable Cause Panel recommendations: reprimand, fine of \$5000, record keeping (1); prosthodontic (1); crown and bridge (1); diagnosis and treatment planning (1); laws and rules exam.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$5000, costs of \$2061.34 payable within 6 months; level 1 in removable prosthodontics, level 1 in crown and bridge, level 1 in diagnosis and treatment planning; patient reimbursement of \$2157.00; laws and rules exam within 12 months.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept settlement with the clarification that the course in prosthodontics will be "removal" prosthodontics and remove the requirement of the patient refund as patient had refused to accept the refund

Second: by Dr. Winker

Vote: unanimous

### **Rodolfo Acosta-Ortiz, D.D.S., Case No. 2012-05205, Settlement Agreement, (PCP N/A)**

Dr. Acosta-Ortiz was present and was represented by Jon Pellett, Esq. An Administrative Complaint filed August 26, 2013 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards by failing to diagnose retained root tips following extractions and s. 466.028(1)(l) of making deceptive, untrue or fraudulent accusations in the practice.

Probable Cause Panel recommendations: fine of \$10,000, ethics, exodontia II, Diagnosis and treatment planning (1),

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$5000 payable within 6 months, costs of \$2916.67 payable within 6 months, level 1 in exodontia; level 1 in diagnosis and treatment; laws and rules exam within 12 months of final order. Level 1 is 3 – 6 hours at a CODA approved dental school until competency achieved.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept the settlement agreement  
Second: by Dr. Kochenour  
Vote: unanimous

**Matthew J. Fien, D.D.S., Case No. 2012-08477, Settlement Agreement (PCP Thomas)**

Dr. Fien was present and was represented by Richard Brooderson, Esq. An administrative complaint filed November 18, 2013 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards by failing to adequately determine position of mandibular canal, mental foramen and/or inferior alveolar nerve and failing to timely refer to nerve injury specialist. Count II alleges violation of s. 466.028(1)(m) by failure to keep written dental records justifying the course of treatment relevant to the neurosensory testing.

Probable Cause Panel recommendation: reprimand, \$10,000 fine, costs, CE in Diagnosis and treatment planning level II; dental implants level II; record keeping level I, ethics and passage of laws and rules.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$7500 payable within 6 months, costs of \$5133.98 payable within 6 months, continuing education to consist of diagnosis and treatment planning – 7-12 hours; dental implants 7-12 hours and record keeping – 3 hours, laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to reject the settlement  
Second: by Dr. Tejera  
Vote: unanimous

Motion: by Dr. Gesek to offer a counter- settlement agreement, reducing all courses in the settlement agreement to Level I (3 – 6 hours)  
Second: by Dr. Winker  
Vote: unanimous

Counter offer was accepted.

**Thomas L. Showalter, Jr., D.D.S., Case No. 2011-06082, Settlement Agreement (PCP N/A)**

Dr. Showalter was not present due to family emergency however he was represented by Randolph Collette, Esq. The board voted to excuse Dr. Showalter's appearance. A two count administrative complaint filed February 24, 2012 alleged violations of s. 466.028(1)(m), F.S. of failing to keep written dental records justifying the course of treatment and s. 466.028(1)(x), F.S. of failing to meet minimum standards involving failure to provide findings from x-rays regarding ongoing conditions at teeth numbers 2, 11,13,15 and 30 regarding oral health conditions and failure to properly diagnose and/or treat areas of decay, pathology or other conditions indicated on x-rays.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$7000 payable within 12 months; costs of \$2880.49 not to exceed \$3250.00 payable within 12 months; level 11- 7 hours in diagnosis and treatment planning and level 1 (3 hours) in record keeping; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to reject the settlement agreement  
Second: by Dr. Gesek  
Vote: unanimous

Motion: by Dr. Kochenour to maintain settlement with the reduction to Level I for Diagnosis and Treatment Planning, add 3 semester hour college level Ethics course; all CE to be completed within 24 months.  
Second: by Dr. Gesek  
Vote: unanimous

**Mark Ramey Skaff, D.D.S., Case No. 2013-01504, Settlement Agreement (PCP Thomas)**

This case was continued at the request of Dr. Skaff and PRN.

**Juan C. Marcos, D.D.S., Case No. 2012-08192, Settlement Agreement (PCP N/A)**

Dr. Marcos was present and was represented by Kevin Mercer, Esquire. An administrative complaint filed April 21, 2014 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards involving implant treatment by delaying prosthetic treatment and leaving patient with implants under temporary dentures for more than 10 months resulting in significant bone loss; and s. 466.028(1)(m), F.S. of failing to keep written dental records justifying the course of treatment.

Probable Cause Panel: reprimand, \$15,000 fine, costs, reimbursement to patient for fees paid, laws and rules exam

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$10,000 within 2 years; costs of \$4885.31 payable within two years; one year comprehensive course at school of dentistry including a course in implant dentistry, patient reimbursement of at least \$15,000 and the financing of \$10,000 through CareCredit; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to reject the settlement agreement  
Second: by Dr. Gesek  
Vote: unanimous

Motion withdrawn

Motion: by Dr. Thomas to amend the settlement agreement with the addition of restricting respondent from placement of implants until he completes remediation and patient reimbursement of \$15,000.  
Second: by Dr. Winker  
Vote: unanimous

The amendment was accepted on the record.

**George C. Miller, D.M.D., Case No. 2012-04674, Settlement Agreement (PCP Thomas)**

Dr. Miller was present and was represented by Michael D'Lugo, Esq. A three count administrative complaint filed April 25, 2013 alleged violations of s. 466.028(1)m, F.S. of failing to provide records justifying the treatment of patient involving removal and replacement of lower bridges and s. 466.028(1)(x), of failure to meet minimum standards regarding refabricating and installing a bridge that lacked proper occlusion.

Probable Cause Panel recommended reprimand, fine of \$27,500, costs, two year comprehensive dental course, refund to patient, laws and rules exam.

A settlement agreement was presented to the board with the following terms: letter of concern, fine of \$15,000 payable within 12 months, costs of \$3644.95 payable within 6 months, level II (7 – 12 hours) prosthodontics, patient reimbursement of \$5974.00; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to offer a counter settlement agreement to include original settlement with the addition of a Level I course in Diagnosis and Treatment Planning, Level I in Risk Management, Level 1 in Recordkeeping, Level I in Crown and Bridge, 3 hour college level Ethics course within 24 months and payment of fines and costs payable within 12 months.  
Second: by Dr. Perdomo  
Vote: unanimous

Mr. Flynn will send the counter-offer by electronic mail.

**Dennis Watkins, D.M.D., Case No. 2013-00456, Settlement Agreement (PCP Britten, Thomas)**

Dr. Watkins was present and was represented by David Corso, Esq. An amended administrative complaint filed July 3, 2014 alleged violations of s. 466.028(1)(II), F.S. through violation of rule 64B5-17.011 by failure to maintain liability coverage.

The patient in this case addressed the board. A settlement agreement was presented to the Board with the following terms: Letter of Concern, fine of \$5000 to be paid within 12 months, costs of \$4838.80 payable within 12 months, proof of insurance within one month of filing of final order and annually in September 2015 and 2016, laws and rules exam within 12 months.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept the settlement agreement  
Second: by Dr. Kochenour  
Vote: unanimous

**Victor Giol, D.D.S., Case No. 2012-09983, Settlement Agreement (PCP Britten, Thomas)**

Dr. Giol was present and was represented by Michael Ragan, Esq. A two count administrative complaint filed April 14, 2014 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards involving failure to identify and diagnose patient before rendering treatment and 456.072(1)(bb), F.S. for performing health care services on wrong patient, wrong site procedure, wrong procedure.

Probable Cause recommendation: reprimand, fine of \$4000, costs, level 1 in diagnosis and treatment planning, laws and rules exam

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$3000 payable within 12 months, costs not to exceed \$3000; Level I in diagnosis and treatment planning; successful completion of the laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to amend the settlement agreement to remove the reprimand and add a letter of concern  
Second: by Dr. Perdomo  
Vote: unanimous

Amended settlement agreement was accepted by respondent.

**Robert O. Bersot, D.M.D., Case No. 2013-06258, Settlement Agreement (PCP Britten)**

Dr. Bersot was present and was represented by Chandra Miller, Esq. An administrative complaint filed February 6, 2014 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards by failing to treat open margin of crown at tooth 18.

Probable Cause Panel recommendations: reprimand, fine of \$5000, costs, 3-6 hours in diagnosis and treatment; 7-12 hours in crown and bridge; patient reimbursement, laws and rules exam.

A settlement agreement was presented to the Board with the following terms: letter of concern; fine of \$4000 payable within 12 months; costs of \$4750 payable within 12 months; continuing education in diagnosis and treatment (Level I) hours; crown and bridge (Level II) hours; reimbursement to patient; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to accept the settlement agreement  
Second: by Dr. Perdomo  
Vote: motion passes with Dr. Gesek opposed

**Daryl E. Smith, D.D.S., Case No. 2011-03162, Settlement Agreement (PCP Thomas)  
(Dr. Gesek recused himself from case.)**

Dr. Smith was present and was represented by Clemente Inclan, Esq. An administrative complaint filed September 30, 2011 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards involving defective crown restoration on tooth 3 with open margins, poor fit and contour.

Probable Cause Panel recommendations: reprimand, fine of \$5000, level 1 (3-6 hours) in diagnosis and treatment; level II (7 – 12 hours) in crown and bridge; patient reimbursement; laws and rules exam.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$4000 payable within 12 months; costs of \$6000 payable within 12 months; continuing education to include 3 – 6 hours in crown and bridge; 3-6 hours in diagnosis and treatment; reimbursement to patient; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to reject the settlement agreement  
Second: by Dr. Winker  
Vote: unanimous

Motion: by Dr. Kochenour to offer a counter settlement agreement to include a reprimand and increase the remedial courses to Level II  
Second: by Dr. Winker  
Vote: unanimous

**Pasquale Almerico, Jr. D.D.S., DOH Case No. 2010-11573, DOAH Case No. 13-3286PL, Recommended Order, (PCP Dr. Thomas)**

Dr. Almerico was not present however he was represented by Max Price, Esq. An amended administrative complaint alleged violation of s. 466.028(1)(x), F.S. by failure to remove existing caries on tooth 20 before seating bridge at teeth numbers 19,20 and 21. A formal hearing was held on November 8, 2013 and on April 9, 2014. The Recommended Order from Judge Edward Bauer filed on July 9, 2014 recommends dismissal of Count 1 of the Administrative Complaint.

The Department withdrew all motions, including motion to assess costs. Mr. Price also withdrew his motions. Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to dismiss the case  
Second: by Dr. Kochenour  
Vote: unanimous

**Miriam R. Rubano, D.D.S., Case Nos. 2012-01856 & 2012-08389, Informal Hearing, (PCP Gesek)(Additional information – Motion to Assess Costs – Addendum pg. 148)**

Dr. Rubano was not present however she was represented by Jonathan Kaplan, Esq. Administrative complaints allege inability to practice with skill and safety due to mental condition and/or use of drugs. Allegations of s. 466.028(1)(s) and 466.028 (1)(q), F.S. for self- prescribing Tylenol with codeine #3. Practitioner is currently suspended.

Recommendation: suspension until fully compliant with PRN and appears before Board.

Motion: by Dr. Winker to adopt findings of fact  
Second: by Dr. Kochenour  
Vote: unanimous

Motion: by Dr. Winker to adopt the conclusions of law  
Second: by Dr. Thomas  
Vote: unanimous

Following discussion, the following action was taken by the Board:

Motion: by Dr .Thomas to suspend until fully compliant with PRN and appearance before Board  
Second: by Dr. Kochenour  
Vote: unanimous

A Motion to Assess Costs of \$14,787.92 (\$5496.75 and \$9,291.17) was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to dismiss the costs  
Second: by Dr. Perdomo  
Vote: motion passes with Dr. Winker opposed

**Mark H. Zahler, D.D.S., Case No. 2012-00034, Waiver, Mark H. Zahler, D.D.S., Case No. 2012-16759, Waiver, Mark H. Zahler, D.D.S., Case No. 2012-10511, Waiver, Mark H. Zahler, D.D.S., Case No. 2012-15679, Waiver – These cases were continued to the next meeting.**

**Keith Young, D.D.S., Case No. 2013-12117, Waiver (PCP Britten)**

This case was continued by the Prosecution Services Unit.

**Elizabeth Grogan, D.R., Case No. 2013-17209, Voluntary Relinquishment (PCP N/A)**

Ms. Grogan was not present nor represented by counsel. Allegations of arrest by Daytona Beach Police Department for destruction/tampering with evidence; narcotics offense; possible violation of s. 456.072(1)(k)(z)(dd), and 466.028(1)(l)(s)(mm), F.S.

A Voluntary Relinquishment of license was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to accept the voluntary relinquishment  
Second: by Dr. Gesek  
Vote: unanimous

### **Prosecutor's Report**

Ms. Rochester provided the following report:

176 complaints under review; 96 cases drafted for the probable cause panel, 32 cases in which probable cause was found, 10 cases holding supplemental investigation, 37 cases in which litigation has been requested, 1 case at Division of Administrative Hearings, 3 cases on appeal. There are 169 cases older than one year. Following the report the board took the following action:

Motion: by Dr. Gesek to allow the Department to continue prosecution  
Second: by Dr. Kochenour  
Vote: unanimous

### **PETITIONS FOR VARIANCE OR WAIVER**

**Andrea L. Bentz, R.D.H., Applicant for Dental Hygiene Licensure**

**Eleonor A. Vargas, R.D.H., Applicant for Dental Hygiene Licensure**

**Pamela Nene, R.D.H., Applicant for Dental Hygiene Licensure**

**Lyndsey N. Seacrist, R.D.H., Applicant for Dental Hygiene Licensure**

The Board reviewed four petitions for variance or waiver to rule 64B5-2.0135, F.A.C. It was noted by board counsel and Chair that there is currently no statutory requirement for dental hygienists to take the laws and rules exam within a certain time frame and the current rule may exceed the authority given to the Board. The Board Chair requested that applicants who filed petitions to withdraw their petitions at this time and proceed with the remaining requirements for license. This rule will be reviewed and amended in a future committee meeting.

### **Osman N. Soliman, B.D.S., Applicant for Dental Licensure**

Dr. Soliman was present and was not represented by counsel. He is an applicant for dental licensure. He has filed a petition for variance or waiver to the board rule that requires an applicant to complete one year of additional education if the applicant was unsuccessful with the examination 3 times. Dr. Soliman has failed the prosthetics section of the ADEX 3 times.

Dr. Soliman completed an internship in Endodontics at the University of Florida in 2011 and an Endodontic residency at the University of Southern California in June 2013. He received his Texas dental license on May 22, 2013. Dr. Soliman has met the requirements for licensure with the exception of successful completion of the Prosthetic portion of the ADEX and the state Laws and Rules examination. Following discussion, the board took the following action:

Motion: by Dr. Gesek to allow Dr. Soliman to retake the exam after remediation in prosthodontics at a dental school accredited by the Commission on Dental Accreditation. The remediation should consist of a six week course.  
Second: by Dr. Tejera  
Vote: unanimous

### **APPLICATION REVIEW & APPEARANCES**

**Patricia Pepio, Request for Hearing, Applicant for Dental Hygiene Licensure**

Ms. Pepio requested a continuance to allow her to obtain representation.

### **Rami Ghurani, D.D.S., M.D., Application for General Anesthesia Permit**

Dr. Ghurani was present and was not represented by counsel. Dr. Ghurani is licensed as a medical doctor and dentist in the State of Florida. He recently obtained his Florida dental license and has made application for a general anesthesia permit. Dr. Ghurani completed an Oral and Maxillofacial

Residency at the University of Miami, Jackson Memorial Hospital in 2002. He is a diplomate of the American Board of Oral and Maxillofacial Surgeons and is certified by the National Board of Dental Anesthesia. In his practice of medicine as a plastic surgeon, Dr. Ghurani directly supervised Certified Registered Nurse Anesthetists administering anesthetics to his patients however he has not administered sedation himself.

After review of the application and discussion with the applicant, Dr. Gesek asked that Dr. Ghurani return to the University of Miami program and complete a refresher course in the administration of anesthesia for one month and then ask the program to provide written documentation of his participation and completion.

Dr. Ghurani has been participating in the refresher course at UM since mid- June 2014 and the documentation of his successful completion is provided in the addendum agenda materials.

Following discussion, the board took the following action:

Motion: by Dr. Gesek to approve the application for general anesthesia permit  
Second: by Dr. Thomas  
Vote: unanimous

#### **Shahrzad Haghayegh, D.M.D., Request for Reinstatement of Dental License**

Dr. Haghayegh was present and was represented by Stuart Cohen, Esq. She is petitioning the Board for reinstatement of her license. On March 10, 2014, the Board suspended respondent's license to run concurrently with the suspension imposed by the Massachusetts Board.

Following discussion, the board took the following action:

Motion: by Dr. Thomas to reinstate the license  
Second: by Dr. Winker  
Vote: unanimous

#### **Haidar Al Mohamadway, B.D.S., application for Credentials Review – Dental Licensure**

This item was removed from the agenda.

#### **Mark. S. Maggert, D.D.S., Request for Extension of time to pay fines**

Dr. Britten recused himself. Dr. Maggert was present and was not represented. Previous requests for extensions were denied by board chairs and the matter was placed on the agenda for the board's review.

Following review, the following action was taken:

Motion: by Dr. Gesek to dismiss the costs and fines  
Second: by Dr. Winker  
Vote: motion passes with Dr. Thomas opposed

#### **Proposal to Conduct a Dental Hygiene Refresher Program, Joyce Turcotte, RDH, M.Ed.**

Ms. Turcotte was present and was not represented by counsel. Following discussion, the Board was advised by counsel that they had no authority to grant approval to Ms. Turcotte. She may consider working within the confines of a CODA approved dental hygiene school.

#### **Kristin Marie Sutton, Application for Dental Hygiene Licensure**

Ms. Sutton was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application. Ms. Sutton waived the 90 day requirement for her application to be acted upon. The board directed Ms. Sutton to contact PRN and issued authority to the board chair to act upon the report when received.

#### **OLD BUSINESS**

None

**NEW BUSINESS**

The following dates have been submitted for 2015 board meetings:

February 20

May 29

August 21

November 20

**ADJOURNMENT**

The meeting was adjourned at 12:50 p.m.