OHIO STATE DENTAL BOARD 77 SOUTH HIGH STREET, 18TH FLOOR COLUMBUS, OHIO 43266-0306

October 8, 1998

IN RE:	The Suitability of Michael R. Crites, D.D.S. To Retain His License To Practice Dentistry))	NOTICE OF OPPORTUNITY FOR HEARING
то:	Michael R. Crites, D.D.S. 418 Northeast Avenue Tallmadge, Ohio 44278)	

In accordance with Chapter 119. and Chapter 4715. of the Ohio Revised Code, you are hereby notified that the Ohio State Dental Board intends to determine whether or not to warn, reprimand or otherwise discipline you or to suspend or revoke your license to practice dentistry in Ohio for one or more of the following reasons.

COUNT 1

Between August 18, 1994 and August 4, 1997, you treated Patient #1. You failed to take any x-rays of Patient #1, resulting in your failure to diagnose and treat caries in teeth #A; B; J; L; M; S.



COUNT 2

Between January 26, 1993 and April 7,1997, you treated Patient #2. On or about May 24, 1994, you seated a permanent bridge #29-31. You subsequently recemented #29-31 bridge two times. You failed to x-ray patient #2 prior to recementing this bridge on March 21, 1997 and April 7, 1997. You failed to diagnose and treat caries below the margin of the crown and a periapical lesion on tooth #29. Tooth #29 was subsequently extracted.

COUNT 3

Between June 24, 1993 and March 25, 1997, you treated Patient #3. You failed to x-ray Patient #3's anterior teeth. You did a post and core build-up on tooth #7. The post perforated the root of tooth #7. You crowned tooth #7 and repeatedly recemented this crown. Tooth #7 abscessed. You failed to diagnose #7 perforation and abscess and tooth #7 was subsequently extracted.

COUNT 4

Between March 4, 1993 and February 3, 1997, you treated Patient #4. You seated a #29-31 bridge with an open margin on distal surface of tooth #31.

COUNT 5

Between June 26, 1993 and January 14, 1997, you treated Patient #5. You failed to routinely take x-rays. During this time, you extracted several teeth, performed root canal therapy, prepared and placed post and cores, crowns, a bridge and several interproximal restorations.

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Michael R. Crites, D.D.S.
Notice of Opportunity (cont'd)

COUNT 6

Between February 1, 1993 and August 20, 1996, you treated Patient #6. You failed to properly x-ray Patient #6. You failed to diagnose and treat decay in tooth #2; decay in #13; root with periapical involvement on #18 and treat distal decay into pulp on #30. Furthermore, you performed inadequate endodontic treatment on #31.

COUNT 7

Between December 2, 1992 and July 11, 1996, you treated Patient #7. You placed a crown on tooth #5 which fell below the standard of care. You subsequently failed to diagnose and treat a wide open margin on #5 crown.

COUNT 8

Between February 11, 1993 and June 3, 1996, you treated Patient #8. You failed to properly x-ray patient #8. You failed to timely diagnose decay on teeth #'s 15;19 and 20. On or about August 26, 1993, you extracted tooth #16 without taking x-rays.

COUNT 9

Between July 12, 1994 and April 30, 1996, you treated Patient #9. You failed to take appropriate x-rays of Patient #9. You failed to diagnose and treat caries in teeth #'s 3, 4, 7, 20 and 30.

COUNT 10

Between July 8, 1993 and January 16, 1996, you treated Patient #10. You failed to take appropriate x-rays of Patient #10.

COUNT 11

Between March 29, 1993 and January 11, 1996, you treated Patient #11. You failed to properly take x-rays of Patient #11. You failed to diagnose and treat caries in teeth #'s 13 and 14.

COUNT 12

Between May 11, 1993 and September 12, 1995, you treated Patient #12. You failed to properly take x-rays of Patient #12. You failed to diagnose and treat generalized periodontal involvement with localized advance periodontitis. You failed to diagnose caries on teeth #'s 13, 14 and 15; caries and severed root tip on #31. You improperly extracted tooth #32 without taking an x-ray and leaving a root tip.

COUNT 13

Between April 12, 1993 and April 21, 1994, you treated Patient #13. While performing endodontic treatment on tooth #13, you failed to take appropriate x-rays, perforated the root and failed to properly fill the root canals. Tooth #13 was subsequently extracted.

Such conduct, as alleged in Counts 1 - 13, inclusive, constitute a violation of Section 4715.30(A)(7) of the Ohio Revised Code, which states in relevant part: "The holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons . . ." (7) "Providing or allowing dental hygienists or other practitioners of auxiliary dental occupations working under his supervision, or a dentist holding a temporary limited continuing education license under division (C) of section

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Michael R. Crites, D.D.S.
Notice of Opportunity (cont'd)

4715.16 of the Revised Code working under his direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results."

Pursuant to Chapter 119. of the Ohio Revised Code, you are advised that you are entitled to a hearing on this matter. If you wish to request such a hearing, the request must be made in writing and must be received in the offices of the Ohio State Dental Board within thirty (30) days of the date of the mailing of this Notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing made within thirty (30) days of the date of the mailing of this Notice, the Ohio State Dental Board may, in your absence, and upon consideration of the foregoing charges, in its discretion, warn, reprimand or otherwise discipline you, or suspend or revoke your license.

BY THE ORDER OF THE OHIO STATE DENTAL BOARD

WILLIAM J. LIGHTFOOT, D.D.S.

Secretary

SEAL.

I, Lili C. Kaczmarek, Executive Director of the Ohio State Dental Board, hereby certify that the foregoing Notice of Opportunity for Hearing was mailed to Michael R. Crites, D.D.S., by Certified U.S. Mail, on October

LILI C. KACZMAREK Executive Director

SEAL

CONSENT AGREEMENT BETWEEN MICHAEL R. CRITES, D.D.S. AND THE OHIO STATE DENTAL BOARD

This Consent Agreement is entered into by and between, MICHAEL R. CRITES, D.D.S., and THE OHIO STATE DENTAL BOARD (BOARD), the state agency charged with enforcing the Dental Practice Act, Chapter 4715 of the Ohio Revised Code.

DR. CRITES enters into this CONSENT AGREEMENT being fully informed of his rights afforded under Chapter 119, Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. The BOARD is empowered by Section 4715.30, Ohio Revised Code, to suspend, revoke, place on probation, limit, or censure a certificate holder for violation of any of the enumerated grounds.
- B. DR. CRITES is licensed to practice dentistry in the State of Ohio.
- C. DR. CRITES admits that the treatment to some of the patients listed in the Notice of Opportunity for Hearing dated October 8, 1998, attached hereto as Appendix A and incorporated herein by this reference, fell below the accepted standards of care for the profession.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, DR. CRITES knowingly and voluntarily agrees to the following terms, conditions and limitations:

- DR. CRITES shall demonstrate proficiency in the areas of Diagnosis and Treatment Planning, Crown and Bridge Treatment, Endodontics, Restorations, and Radiography. In order to fulfill this requirement:
 - a. DR. CRITES's proficiency in these areas shall be evaluated by the Ohio State University College of Dentistry (OSU). DR. CRITES shall submit to this evaluation within two (2) weeks of being notified by OSU that it is ready to conduct an evaluation.
 - b. If, based upon the evaluations conducted pursuant to Paragraph 1.a. of the CONSENT AGREEMENT, DR. CRITES is found by the BOARD Secretary to be seriously deficient in any area(s), DR. CRITES agrees to immediately cease practicing in such area(s) until such time as he successfully completes the continuing education described in Paragraph 1.c. of the CONSENT AGREEMENT and is able to demonstrate to the satisfaction of the BOARD Secretary that he is able to practice dentistry in such area(s) in a competent and safe manner, provided that the remedial training set forth in Paragraph 1.c. of the CONSENT AGREEMENT be made readily available.
 - c. DR. CRITES shall take such continuing education courses and/or clinics, if necessary, as recommended by OSU and approved by the BOARD Secretary. DR. CRITES shall commence these continuing education courses and/or clinics within two (2) weeks of being notified that OSU is ready to provide the continuing education. Furthermore, DR. CRITES shall abide by the conditions for continuing education as set forth by OSU and the BOARD. It is expressly understood that the continuing education required by this paragraph is in addition to the forty (40) hours of continuing education credit required for renewal of his license under R.C. 4715.141 of the Ohio Revised Code;
- 2. DR. CRITES shall take and pass the Jurisprudence examination at the office of the BOARD within thirty (30) days of the effective date of this CONSENT AGREEMENT.
- 3. DR. CRITES's license to practice dentistry shall be subject to such PROBATIONARY terms and conditions to be determined by the BOARD upon completion of the evaluations and remedial training

required by Paragraphs 1.a. and c. of the CONSENT AGREEMENT. Such terms and conditions shall become part of this CONSENT AGREEMENT and incorporated herein.

4. DR. CRITES agrees that if, in the discretion of the Secretary of the BOARD, he appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD has the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

Any action initiated by the BOARD based on alleged violations or breaches of this CONSENT AGREEMENT shall comply with the Administrative Procedures Act, Chapter 119, Ohio Revised Code.

- 5. DR. CRITES, with the intention of binding himself and his successors in interest and assigns, holds harmless from liability and forever discharges the State of Ohio, the BOARD, the Ohio State University College of Dentistry and any of their members, officers, attorneys, agents, faculty and/or employees, personally or in their official capacities, from any and all claims that were raised or could have been raised in or relating to this matter and the terms and implementation of this CONSENT AGREEMENT, including but not limited to costs, expenses, attorney fees and/or all other damages.
- 6. DR. CRITES acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code and may be reported to any appropriate data bank or reporting agency.

This CONSENT AGREEMENT is to be signed and returned to the Ohio State

Dental Board by April 9, 1999.

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the President and Secretary and shall become effective upon the last date of signature below.

MICHAEL R. CRITES D.S.S.

4-13-99 DATE

FRANK R. RECKER Attorney for Dr. Crites DATE

ОЩО STATE DENTAL BOARD

By

ONALD E. DEMKEE, D.D.S.

President

DATE

RV

WILLIAM J. LIGHTFOOT, D.S.

Secretary

5/6/9

DATE

MARY K CRAWFORD

Assistant Attorney General

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OHIO STATE DENTAL BOARD 77 SOUTH HIGH STREET, 18TH FLOOR COLUMBUS, OHIO 43215-6135

December 5, 2007

IN RE:	The Suitability of Michael R. Crites, DDS License No. 30.019501 To Retain His License)))		
	To Practice Dentistry)	NOTICE OF OPPORTUNITY FOR HEARING	
TO:	Michael R. Crites, DDS 2020 Unit E., Lincoln Way East Massillon OH, 44646)))		
	Case No. 05-48-0196			

)

In accordance with Chapter 119. and Chapter 4715. of the Ohio Revised Code, you are hereby notified that the Ohio State Dental Board intends to determine whether or not to warn, reprimand or otherwise discipline you or to suspend or revoke your license to practice dentistry in Ohio for one or more of the following reasons.

05-07-0493

COUNT 1

On or about March 4, 2003 you failed to diagnosis and treat distal decay on tooth #30 for Patient 1.

COUNT 2

On or about March 3, 2003 you cemented a FPD on teeth #3 - 6, and 7 for Patient #2 with open margins on tooth #6 and 7 as seen on the radiograph dated November 20, 2003 from the office of Dr. Russin.

COUNT 3

Between the dates of June 4, 2002 and June 24, 2003 you failed to diagnosis decay on tooth #4 and 13 for Patient #3.

COUNT 4

On or about January 4, 2000 you failed to diagnosis decay on tooth #3 for Patient #5. Further, radiographs dated March 12, 2002 reveals that once tooth #3 received treatment that you failed to remove all the decay.

COUNT 5

During the treatment of the following patient's you placed crowns that had open margins or margins that terminated on direct restorations, rather than on sound tooth structure.

Patient	Tooth/Teeth	Dates of services
4	#19	November 26, 2002
5	#3&14	October 2, 2002 and October 7, 2003
6	#30	March 22, 2000
7	#4	October 10, 2002

Such conduct, as alleged in Counts 1 through 5 constitutes a violation of Section 4715.30(A)(7) and (9) of the Ohio Revised Code, which states in relevant part:

(A) The holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons: (7) Providing or allowing dental hygienists or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results; (9) Violation of any provision of this chapter or any rule adopted thereunder;

Pursuant to Chapter 119. of the Ohio Revised Code, you are advised that you are entitled to a hearing on this matter. If you wish to request such a hearing, the request must be made in writing and must be received in the offices of the Ohio State Dental Board within thirty (30) days of the date of the mailing of this Notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing made within thirty (30) days of the date of the mailing of this Notice, the Ohio State Dental Board may, in your absence, and upon consideration of the foregoing charges, in its discretion, warn, reprimand or otherwise discipline you, or suspend or revoke your license.

BY THE ORDER OF THE OHIO STATE DENTAL BOARD

Secretary

SEAL

1, Lili C. Reitz, Executive Director of the Ohio State Dental Board, hereby certify that the foregoing Notice of Opportunity for Hearing was mailed to Michael R. Crites, DDS, by Certified U.S. Mail, on December 6, 2007.

LILI C. REITZ
Executive Director

SEAL

Certified No. 70010320000468087079

CONSENT AGREEMENT BETWEEN MICHAEL R. CRITES, DDS AND THE OHIO STATE DENTAL BOARD

OHIO STATE DEVISE SOA

This CONSENT AGREEMENT is entered into by and between MICHAEL R. CRITES, DDS (DR. CRITES) and THE OHIO STATE DENTAL BOARD (BOARD), the state agency charged with enforcing the Dental Practice Act, Chapter 4715 of the Ohio Revised Code.

DR. CRITES enters into this CONSENT AGREEMENT being fully informed of his rights afforded under Chapter 119, Ohio Revised Code, including the right to representation by counsel and a right to a formal adjudication hearing on the issues considered herein. DR. CRITES acknowledges and agrees that he was duly notified of these rights by way of the December 5, 2007 Notice of Opportunity for Hearing, attached hereto as Appendix A and incorporated herein by this reference.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions, and understandings:

- A. The BOARD is empowered by Section 4715.30, Ohio Revised Code, to suspend, revoke, place on probation, limit, or censure a certificate holder for violation of any of the enumerated grounds.
- B. DR. CRITES is licensed to practice dentistry in the State of Ohio, License No. 30.019501.
- C. The BOARD hereby withdraws Count 3, Count 4 and Count 5 as it relates to Patients 4 & 5 from the Notice of Opportunity for Hearing dated December 5, 2007. (Copy attached and incorporated herein).
- D. DR. CRITES acknowledges the Dental Board has concerns about some of his cases and to avoid the risk and expense inherent in litigation, he admits that Count 1, Count 2 and Count 5 as it relates to Patients 6 & 7 from the Notice of Opportunity for Hearing dated December 5, 2007, might be proven if taken to hearing.

WHEREFORE, in consideration of the BOARD suspending the disciplinary proceedings with respect to the Notice of Opportunity for Hearing dated December 5, 2007, DR. CRITES knowingly and voluntarily agrees to the following probationary terms, conditions, and limitations:

- 1. DR. CRITES' license to practice dentistry shall be subject to the following terms and conditions:
 - a. DR. CRITES shall successfully complete thirty five (35) hours of continuing education through a BOARD approved course in restorative dentistry to include crown & bridge. It is expressly understood that the thirty five (35) hours of continuing education shall be in addition to the forty (40) hours of continuing education credit required for renewal of his license under R.C. § 4715.141.
 - b. DR. CRITES shall complete five (5) hours of continuing education through a BOARD approve course in diagnosis and treatment planning. It is expressly understood that the five (5) hours and shall be in addition to the forty (40) hours of continuing education credit required for renewal of his license under R.C. § 4715.141.
 - c. DR. CRITES shall take and pass an outcome assessment test on the continuing education set forth in paragraphs (a) and (b) with a score of at least 80%.

This test will be administered at the BOARD office.

- d. The requirements set forth in paragraphs (a) (b) and (c) shall be successfully completed within ninety (90) days from the date DR. CRITES signs this CONSENT AGREEMENT.
- 2. DR. CRITES' license to practice dentistry shall be subject to the following probationary terms, conditions and limitations for a period of one (1) years:
 - a. DR. CRITES shall fully cooperate with the BOARD investigators in future inspections and evaluations in accordance with law;
 - b. Further, upon BOARD request, DR. CRITES shall make any or all of his patient records available for inspection and review. At the BOARD's discretion, such records may be reviewed by a consultant to the BOARD; and
 - c. DR. CRITES shall obey all federal, state and local laws, and all rules governing the practice of dentistry in Ohio.

- 3. DR. CRITES agrees that if, in the discretion of the Secretary of the BOARD, he appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD has the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.
 - Any actions initiated by the BOARD based on alleged violations or breaches of this CONSENT AGREEMENT shall comply with the Administrative Procedures Act, Chapter 119, Ohio Revised Code.
- 4. DR. CRITES, with the intention of binding himself and his successors in interest and assigns, holds harmless from liability and forever discharges the State of Ohio, the BOARD, and any of their members, officers, attorneys, agents, and/or employees, personally or in their official capacities, from any and all claims that were raised or could have been raised in or relating to this matter, including, but not limited to, costs, expenses, attorney fees, and/or all other damages.
- 5. DR. CRITES acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

WHEREFORE, in consideration of the mutual promises contained herein, and subject to the terms, conditions, and limitations stated herein, the BOARD hereby agrees to suspend the disciplinary proceedings against DR. CRITES pending successful completion of these terms, limitations, and conditions.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code and may be reported to any appropriate data bank or reporting agency. DR. CRITES acknowledges that his social security number will be used if this information is so reported, and DR. CRITES agrees to provide his social security number to the BOARD for such purposes.

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the President and Secretary and shall become effective upon the last date of signature below.

MICHAEL R. CRITES, D.D.S.	5/9/08 B DATE
Attorney for Dr. CRITES	5-16-08 DATE
OHIO STATE	DENTAL BOARD
GREGORY MCDONALD, D.D.S.	5/21/c8 DATE
President Lufff//S EDWARD R. HILLS, D.D.S. Secretary	5-21-08 DATE
Kather ine J. Bockbada PETER R. CASEY, ESQ- Katherine Boc Assistant Attorney General	15-2108 Whate DATE

ADDENDUM TO CONSENT AGREEMENT

This ADDENDUM is entered into by MICHAEL R. CRITES, DDS (DR. CRITES) and THE OHIO STATE DENTAL BOARD (BOARD), the agency charged with enforcing the Dental Practice Act, Chapter 4715 of the Ohio Revised Code

On or about May 21, 2008, DR. CRITES entered into a consent agreement with the BOARD. A copy is attached and fully incorporated herein. In that agreement, DR. CRITES is to take forty (40) hours of continuing education as specified herein.

Since the signing of May 21, 2008, issues have arisen concerning DR. CRITES' provision of services in the area of oral and maxillofacial surgery. WHEREFORE, in lieu of formal disciplinary proceedings, DR. CRITES knowingly and voluntarily agrees to the following terms, conditions, and limitations:

THE BOARD agrees to add to the terms of the original consent agreement as follows:

CONTINUING EDUCATION

Within 90 days of the effective date of the original Consent Agreement, DR. CRITES shall satisfactorily complete ten (10) additional hours of continuing dental education at a course approved by the Board in oral and maxillofacial surgery. These hours shall include instruction in extraction techniques. It is expressly understood that these hours shall be in addition to the forty (40) hours of continuing education necessary for renewal.

OUTCOME ASSESSMENT

DR. CRITES shall take and pass an outcome assessment test with a score of at least 80%.

Once DR. CRITES satisfactorily completes the requisite number of continuing education hours as indicated herein, along with any other conditions as outlined in his May 21, 2008 Consent Agreement, he will be subject to probation as set forth in the May 21, 2008 Consent Agreement.

It is expressly understood that this ADDENDUM is subject to ratification by the BOARD prior to signature by the President and Secretary. This agreement shall become effective as of the last date noted below.

FRANK R, RECKER

Attorney for Dr. Crites

OHIO STATE DENTAL BOARD

Vice-President

EDWARD R. HILLS, DDS

Secretary

DATE

KATHERINE BOCKBRADER

Assistant Attorney General

DATE



Liii C. Reitz, Esq. Executive Director

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Edmant & Relts, 0.0.5.

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Douglas W. Wallace, D.D.S.

Linda R. Staley, R.D.H.

Ann E. Naber, R.D.H.

Clifford Jones, R.D.H

Chad A. Readler, Esq.

77 S. High Street, 18th Floor Columbus, Ohio 43215-6135 August 28, 2008

Michael R. Crites, D.D.S. 2020 Unit E, Lincoln Way East Massillon, OH 44646

Re: Case # 05-48-0196

Dear Dr. Crites:

On May 21, 2008 you signed a Consent Agreement with the Ohio State Dental Board (Board), wherein you were required to successfully complete thirty five (35) hours of Board approved continuing education in restorative dentistry, to include crown and bridge, complete five (5) hours of Board approved continuing education in diagnosis and treatment planning, and take and pass an outcome assessment test on the education within ninety (90) days from the date you signed your Agreement.

Additionally, on or about July 9, 2008, you entered into an Addendum to Consent Agreement with the Board, wherein you were required to complete ten (10) additional hours of Board approved education in oral and maxillofacial surgery, to include instruction in extraction techniques, and take and pass an outcome assessment test on the education within 90 days of the effective date of the original Consent Agreement.

We have verified your compliance with these requirements. Please note that you are still subject to the probationary terms and conditions in your Agreement until May 20, 2009.

Thank you for your continued cooperation in this matter.

Sincerely,

THE OHIO STATE DENTAL BOARD

Heidi L. Massaro

HEIDI L. MASSARO Compliance Officer

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