Open letter to Dr. Shankland’s patients:

From Dr. Wesley Shankland:

As many of you may be aware, this has been a very difficult year as I have been publicly accosted by the media, mainly WBNS-TV and the Columbus Dispatch for months on end. The most recent story included an individual (not one of the patients referred to in the dental board complaint) who was very untruthful concerning the level of care she alleged to have received in my office. Even after notifying WBNS-TV of this indiscretion, the station repeatedly continued to report the inaccurate and unfounded information.

Beginning May 1, 2007, I will be taking a required four-month sabbatical. As loyal patients of mine, I believe you are entitled to information which will allow you to better understand the basis for this decision and allow you to make informed choices about your future dental care. Once you have had the opportunity to review “my side of the story,” I am hopeful you will remain confident in me and my ability to continue to serve as your dentist and friend.

In February, 2007, at the recommendation of my attorneys, I signed a Consent Agreement with the OSDB. While I did not and do not admit to any wrongdoing nor does the agreement conclude I have done anything wrong, my penalties as a result of signing the Consent Agreement include:

- License suspension May 1, 2007 thru August 31, 2007
- License reinstatement September 1, 2007 through October 31, 2007
- License suspension November 1, 2007 through December 31, 2007
- 300 hours Continuing Dental Education, including 40 hours ethics education
- 5 year probation

These penalties were instituted without any admission of guilt or without any patient complaints to the OSDB.

Many of you may ask why I would sign a Consent Agreement in lieu
of continuing the legal battle. The painful truth is I could not financially afford to continue my own legal defense. While my attorneys were committed to defending me, it became increasingly obvious that those wishing to see me prosecuted were in a much greater financial position to pursue this than I. Having spent thousands and thousands of dollars on my legal defense, I have exhausted all personal financial means by which to continue this long legal battle. I have learned that the resources of one man can rarely compete with the resources of a major corporation such as Aetna Insurance Company.

Even though my wife and I have no choice but to sell our home of 20 years (to fund our legal and upcoming living expenses) we continue to trust God and stand on our faith in Him as our provider and defender.

In an effort to provide you a history of this situation, I am sharing this timeline of events leading to my required sabbatical. I believe this information will expand your insight into what has truly transpired over the years. Hopefully you will agree the accusations against me are driven by an outside entity.

I have been treating patients with various forms of ischemic bone disease (e.g., osteomyelitis, osteonecrosis) since 1986. In 1998, I met Mr. Bob Jones of Aurora, Colorado. Mr. Jones, a former captain for American Airlines and an engineer had recently recovered from the devastating effects of jaw bone lesions which had painfully consumed years of his life. As a result of his own debilitating experience, and his passion to bring hope and help to others, he and his son (an acoustic engineer) invented an ultrasonic device called the Cavitat. This non-invasive imaging device was designed to effectively locate bony lesions (termed cavitations) in human jaws. The development of the Cavitat greatly improved our ability to diagnose and effectively treat these painful problems. I began using the Cavitat in the late 1990s.

In addition to using this wonderful ultrasonic device, I also conducted research, which was used in a study designed to demonstrate to the FDA that this device should be approved for use by dentists to aid in diagnosing jaw bone cavitations. I also lectured and testified to an FDA scientific panel, which was comprised of PhDs, MDs and two DDSs.
Although the FDA approved the sale and use of the Cavitat, Aetna Insurance Company contacted other insurance companies and reported that jaw bone cavitations did not exist. Aetna Insurance Company also informed others that the Cavitat was inaccurate and those who used this device were "quacks." Such negative and inaccurate publicity literally ruined Cavitat's sales. With no other recourse, Cavitat Medical Technologies made a decision to file a federal law suit, in Denver, against Aetna Insurance Company. I was asked to testify in federal court on behalf of Cavitat Medical Technologies, which I agreed to do.

Almost immediately Aetna Insurance Company filed a federal law suit against me in an effort to intimidate me not to testify on behalf of Cavitat Medical Technologies. The lawsuit was dismissed by a federal judge as having no merit. This lawsuit certainly had no merit, but I did incur sizable legal expenses to defend myself.

On the advice of my attorney, I declined to testify personally in the Cavitat case, but I did write an extensive scientific report concerning cavitations and the accuracy of the Cavitat device in diagnosing jaw bone lesions. This report was critical in the outcome of the Cavitat lawsuit against Aetna Insurance Company. Ultimately, Aetna Insurance Company LOST the lawsuit!

Following the loss, one of Aetna Insurance Company’s attorneys bragged in a federal courtroom that they would "get those guys, me being one of the two people targeted by Aetna. Thus the intimidation attempt has continued.

At this time, to the best of our knowledge, Aetna Insurance Company has yet to pay the "undisclosed amount" (speculated to be around $100 million) of this settlement, even though ordered to do so by a federal judge.

A belief held by some individuals close to this case would suggest that it is the intention of Aetna Insurance Company to discredit key witnesses who were involved or presented reports used as evidence in the litigation between Aetna and Cavitat Medical Technologies. Based on the fact that the scientific information I provided was critical to the outcome of the case, it is believed that Aetna Insurance Company is making diligent attempts to discredit me in the eyes of the federal court, my colleagues, patients and friends. Remember, to
our knowledge, Aetna Insurance Company has not yet paid their large settlement. Wouldn’t it look good for them to file for an appeal, then try to persuade the court that a doctor whose report was used by the court to base their earlier judgment, is now not fit to hold a license to practice dentistry?

Interesting tactic! And, a lot less costly for them than paying the huge “undisclosed” settlement, as ordered by the court. This is the type of ongoing legal battle I would be faced with had I tried to continue my own defense.

Another point of interest is that prior to the federal lawsuit, I was singled-out and investigated on multiple occasions by the investigative branch of the Ohio State Dental Board (OSDB). Leading the investigative assault against me were the following two women, Dr. Eleanor Awadalla, of Toledo, OH Former secretary of the OSDB, and Rebecca Hockenberry, Assistant Administrator of the OSDB, neither of whom ever asked to speak to me personally. It is my understanding that Dr. Eleanor Awadalla was also a paid consultant of Aetna Insurance Company during the time of her investigation against me. This should have been considered a direct conflict of interest!

In August, 2006, after a lengthy investigation, and scouring through 76 patient records, an individual from the OSDB contacted Eve Mueller, a reporter at WBNS-TV in Columbus. Ms. Mueller showed up at my office on Friday afternoon, demanding an interview with me about charges I have never even seen! I spoke with her by phone and that evening, Channel 10 ran two inflammatory stories about me, which were anything but objective or truthful. In violation of the law, this award-winning reporter was given a list of charges filed against me by the OSDB five (5) days before I received them! As a seasoned reporter, Ms. Mueller should have recognized that being the first to report such “breaking news” was actually breaking the law! It was unethical of this reporter and WBNS-TV to report on insider information received prior to my knowledge of charges made against me.

During the past several months, my legal defense team has made attempts to negotiate with Jon Fulkerson, the state-appointed prosecuting attorney, Dr. Awadalla, and the current OSDB secretary,
Dr. Ed Hills of Cleveland, to no avail. The full OSDB, consisting of my peers and dental hygienists has never been involved in the decision making process regarding my suspension, but rather only a three member investigative team has been responsible for making critical decisions regarding the suspension of my license and future of my practice of nearly 29 years!

These events bring us to today. In February of this year, under the advice of my legal counsel, much prayer and discussion with family members and close friends, I acquiesced and signed the Consent Agreement. As you can imagine, this was an extremely difficult decision, but necessary to move forward and continue my life’s passion – those suffering from TMJ disorders and craniofacial pain.

HOW YOU CAN HELP:

The allegations against me were gleaned from a five-year review of many, many records and not the result of any patient complaints. Unfortunately, the individual who chose to publicly accept the spotlight in an effort to defame me was untruthful with her statements. In reality, several patients actually involved in the allegations were willing and eager to testify on my behalf; however the investigative team of the OSDB (consisting only of three individuals) was not willing to hear or interested in their testimony.

Since the beginning of the media coverage, our office has been inundated with phone calls and emails from faithful friends, colleagues and patients asking how they can help. Simply stated, I respect our patients’ privacy and I have chosen not to compromise the confidentiality of any of our patients by making individual records or cases a matter of public information.

However, if you would like to write letters to our Governor and the Ohio Inspector General to share the experience you have had with me personally, professionally or as your dental or pain management resource, I would be very grateful and would appreciate your help.

Write letters of support for me and asking for an investigation of the Administrative Branch of the OSDB because of suspected conflicts of interest, corruption, and unreasonable penalties to:

Governor Ted Strickland
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215-6108

Thomas P. Charles
Inspector General
Office of Ohio Inspector General
James A. Rhodes State Office Tower
30 East Broad Street, Suite 1820
Columbus, OH 43215-3414

Please reference the following case numbers in your letters:

1. 00-25-0603 and
2. 04-25-0260

The Inspector General has the responsibility of investigating agencies such as the OSDB. A governing agency should be above reproach, and certainly above being influenced by personal vendettas and huge insurance companies. No professional should lose their license based on the ridiculous and absurd charges that were brought against me. Your letters will make a statement, and might possibly make a difference!

Please know that even through this time of turmoil I am concerned about you. I have enlisted the help of very competent and dedicated dentists who will continue to provide you with quality care during my absence. I am also working hard to keep my staff employed until my return. Your loyal support and continuing trust can help me accomplish this goal over the next several months. I am determined to stand and if you continue to stand beside me, we will ultimately keep the door open for not only us, but for future patients and my dedicated staff. Your continued support has the potential to make a tremendous impact on our future!

Thank you in advance,
Dr. Shankland