

STATE BOARD OF DENTISTRY

MINUTES

October 6, 2023

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Robert Findley called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

Board Members Present:

Robert D. Findley, D.D.S., President
Ted M. Reese, D.D.S., Vice President
Annette J. Williamson, D.D.S., Secretary/Designee
Richard R. Nowakowski, D.D.S.
Jeffrey L. Snoddy, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.
Tammera Glickman, Consumer Member

Board Members Not Present:

Dental Member - Vacant
R. Daron Sheline, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Bradley Repass- Litigation Specialist, Professional Licensing Agency
Leif Johnson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda as amended.

Glickman/Reese
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES

The minutes of August 4, 2023 are still under review. Minutes tabled.

Kolkman/Snoddy
Motion carried 9-0-0

VI. PERSONAL APPEARANCES

A. PROBATION

1. **Brent Swinney, D.D.S., License No. 12010095A**
Cause No. 2023 ISBD 0003

Dr. Swinney appeared with counsel Ms. Henshaw. Ms. Henshaw stated that counsel Mary Watts was unavailable, and she is representing Dr. Swinney for this appearance. Dr. Swinney stated that he completed his rehab program on August 18th. He informed the Board that his last drug screening came back too diluted, and he was discharged from the Indiana Well Being Program. Candace Backer of the Well Being program was present to provide a report to the Board. She stated that Dr. Swinney was discharged from the program due to relapse and for the diluted samples. She clarified that the Well Being Program cannot track what they do not know. She stated that Dr. Swinney did come back for a blood screening which was negative for alcohol. Ms. Henshaw stated that there are other ways to test, and that this a consequence on something that cannot be monitored. She stated that Dr. Swinney would be willing to do other monitoring as required. Dr. Swinney stated that he does drink a lot of water and did not know that the sample was diluted. The Board discussed different drug screening testing and processes. Dr. Swinney stated that he has followed the requirements set out in his probation order and has scheduled an appointment with a psychiatrist next week. He stated that he sees his therapist weekly and his AA Sponsor two to three times a week. Dr. Swinney stated that he is still under his criminal probation. He sees his mentor twice a week and as this date the Compliance Officer visits have not been scheduled by the Board. The Board expressed concerns as Dr. Swinney does have a history of diluted screening from previous contracts with the Well-Being program and he had admitted to the Board, during those times, to be deliberately diluting them.

Board Action: A motion was made and seconded to issue an Order to Show Cause in the matter of Dr. Swinney

Kolkman/Nowakowski
Motion carried 9-0-0

B. APPLICATION

There were no application appearances.

C. REINSTATEMENT

1. Aroon Pal, DDS

Dr. Pal appeared as requested to discuss the reinstatement of his dental license that expired in 2020. Dr. Pal is currently licensed in the state of Illinois and has requested reinstatement in order to assist with setting up a new practice in Indiana. Dr. Pal failed to respond to the question that disciplinary action had been taken in the State of Illinois regarding his dental license. Dr. Pal has received discipline against his Illinois dental license five years ago. He informed the Board that in 2017 his license was suspended for failure to pay Illinois State Income taxes in the amount of \$60,000. Dr. Pal stated that he was informed by friend that his license was suspended for a period of three or four months. The Board asked if he received any notices regarding the issue. Dr. Pal stated that during that time he worked at various locations, so he is unsure which location the notices were sent to. He stated that after he found out about the suspension he continued to work while he dealt with the State and tax issues. He stated that he understands it was a bad judgement call. The Board asked why he did not disclose the action on his Indiana license renewal or reinstatement request. He stated that he asked his attorney on how to answer the questions and received bad advice. He did try to limit his practice during the time he was suspended. In 2020 the Illinois Dental Board issued a fine of \$50,000 due to Dr. Pal having engaged in the unlicensed practice of dentistry by providing dental services while his dental license was in a suspended status, and for having prescribed controlled substances while his dental license was in suspended status. Since that time his license has been reinstated.

Board Action: A motion was made and seconded to reinstate Dr. Pal's dental license pending the passing of the jurisprudence examination.

Nowakowski/Sammons
Motion carried 8-1-0 Glickman nay

V. ADMINISTRATIVE HEARINGS

A. Desiree Dal Pra Dech, L.D.H., License No. 13006348A

Administrative Cause No. 2022 ISBD 0007

Re: Petition for Withdraw of Probation

Parties Present:

Respondent present

Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Robert D. Findley, D.D.S., (Hearing Officer)

Ted M. Reese, D.D.S.

Richard R. Nowakowski, D.D.S.

Annette J. Williamson, D.D.S.

Jeffrey L. Snoddy, D.D.S.

Edward Sammons, D.D.S.

Matthew Kolkman, D.D.S.

Twyla Rader, L.D.H.

Tammera Glickman, Consumer Member

Case Summary: On or about April 1, 2022 Ms. Dech appeared before the Board to discuss her license renewal where she disclosed that she had been arrested for OWI on June 9, 2021. The Board renewed her license on probation with the following terms:

- Licensee's dental hygienist license renewal is granted on INDEFINITE PROBATION. Applicant may not petition for probation withdrawal until at least ONE (1) YEAR has elapsed from the date of entry of this Order.
- The probation on Licensee's license shall include the following terms:
 - Licensee shall make personal appearances every six (6) months for as long as the probation is in effect.
 - Licensee must notify the Board of any change in the status of her criminal probation.
 - Licensee must report any alcohol relapse to the Board.
 - In order to be eligible for probation withdrawal of probation, Licensee must provide proof of successful completion of her criminal probation.
- Any failure to comply with the terms of her license probation may subject Licensee to an Order to Show Cause and a possible hearing to impose further sanctions upon her license.

Ms. Dech has requested the withdraw of the probation. She stated that she still attends AA and sees her sponsor on a regular basis. She stated that she has learned her lesson and finds her recovery going well. She stated that she has not consumed any alcoholic drinks since this incident, and she has met all requirements of her probation. She stated that she is requesting the Board grant her request to withdraw probation.

Board Action: A motion was made and seconded to grant Ms. Dech's petition for withdraw of probation.

Rader/Reese
Motion carried 9-0-0

B. Thomas Ringenberg, D.D.S., License No. 12008932A

Administrative Cause No. 2023 ISBD 0006

Re: Administrative Complaint

The hearing in the matter of Dr. Ringenberg has been continued.

C. Michelle Brown, D.D.S., License No. 12011745A

Administrative Cause No. 2023 ISBD 0002

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present

Brittney McMann, Deputy Attorney General for the State of Indiana

Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Robert D. Findley, D.D.S., (Hearing Officer)

Ted M. Reese, D.D.S.

Richard R. Nowakowski, D.D.S.

Annette J. Williamson, D.D.S.

Jeffrey L. Snoddy, D.D.S.

Edward Sammons, D.D.S.

Matthew Kolkman, D.D.S.

Twyla Rader, L.D.H.

Tammera Glickman, Consumer Member

Case Summary: On or about May 9, 2023 an Administrative Complaint was filed against Dr. Brown with allegations that she failed to keep adequate records for a client. On or about August 10, 2023 a Proposed Settlement Agreement was reached with the following terms:

- The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
- The parties execute this Agreement voluntarily.
- Both parties voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial review.
- Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana dental license.
- Respondent shall receive a Letter of Reprimand.
- Respondent shall pay a fee of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
- Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of dentistry, or any violation of

this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Ms. McMann stated that the incident occurred in 2019 and the violation was only for one client. She stated that Dr. Brown informed the State that she no longer works at that practice or resides in the State. The Board inquired as to why this case take four (4) years. Ms. McMann stated that some cases can take that long, and she cannot provide any details as she was just assigned to the case. The Board stated that they wished to know more details of case. Ms. McMann stated that she cannot provide that as they have a Settlement Agreement, and investigations are confidential unless there is a full hearing. She stated that the terms of the Settlement Agreement were based upon a similar case before the Board. She requested that the Board accept the Proposed Settlement Agreement.

Board Action: A motion was made seconded to accept the Proposed Settlement Agreement in the matter of Dr. Brown.

Glickman/Sammons
Motion carried 7-2-0 Nowakowski and Reese opposed.

VI. MOTION TO DISMISS

A. Praveena Aluri, D.M.D., License No. 12011908A Administrative Cause No. 2022 ISBD 0013

Parties Present:

Respondent was not present
Matthew Conery, counsel for Respondent
Ian Matthew, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Robert D. Findley, D.D.S., (Hearing Officer)
Ted M. Reese, D.D.S.
Richard R. Nowakowski, D.D.S.
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.
Tammera Glickman, Consumer Member

Case Summary: On or about November 17, 2022 an Administrative Complaint was filed against Dr. Aluri with allegations of performing a treatment or procedure that violates acceptable standards of practice and resulted in a failure to the detriment of the patient. On or about August 8, 2023 a Motion to Dismiss was filed. Mr. Matthew stated that during Pre-Settlement discussions, the State could not substantiate the violation against Dr. Aluri. The State is requesting to dismiss the case and issue a warning letter to Dr. Aluri. Mr. Conery stated that he and his client agree with the State's request.

Board Action: A motion was made and seconded to grant the State’s Motion to Dismiss in the matter of Dr. Aluri.

Nowakowski/Snoddy
Motion carried 9-0-0

VII. APPLICATIONS FOR REVIEW

A. Applications

1. Abd Al Hadi Kawaiah, DMD

Dr. Kawaiah’s application for licensure by examination was submitted for review. He indicated yes to the questions regarding past disciplinary action on a license he held, and that he had been previously denied a license to practice in another jurisdiction or country. Dr. Kawaiah submitted a statement and supporting documents regarding his past disciplinary action in Canada. The Board reviewed his discipline and stated that they had concerns. Dr. Kawaiah is a 1996 graduate of the University of Montreal. He is currently licensed in New Foundland & Labrador, Quebec, the state of Vermont and expired license in Ontario.

Board Action: A motion was made and seconded to deny Dr. Kawaiah’s application for dental licensure by examination based upon the past disciplinary action taken in Canada.

Rader/Reese
Motion carried 9-0-0

2. Nissa Latham, LDH LA

Ms. Latham application for a local anesthesia registration was reviewed. Ms. Latham is a 2023 graduate of South College. Ms. Latham provided a copy of her transcript, and verification of her Tennessee license that shows she was granted permission to administer anesthesia in their State. Ms. Latham has not provided the Board with a certificate of completion from her school stating she has met the educational requirements and passed an approved local anesthesia examination.

Board Action: A motion was made and seconded to deny Ms. Latham’s application for local anesthesia based upon not meeting requirements as specified in statute and administrative rules.

Nowakowski/Rader
Motion carried 9-0-0

3. Shonna Curry, DDS

Dr. Curry’s application by reciprocity was reviewed. Dr. Curry responded positive to the question regarding past disciplinary action, that she’s been previously denied a license, and been denied staff membership or privileges in any hospital or health care facility. Dr. Curry provided a statement and supporting documentation for the Board to review. Dr. Curry stated that she was placed on a three-year probation by the Georgia Dental Board and eventually surrendered her license in 2014. She was also disciplined by the Illinois Dental Board based upon the Georgia Board and placed on probation for a period of two years from 2018 to 2020.

Board Action: A motion was made and seconded to deny Dr. Curry's application for dental licensure by reciprocity based upon disciplinary action taken by the Georgia Dental Board and Illinois Dental Board and Ind. Code 25-1-21-5(5).

5) Submits a signed affidavit affirming, under the penalties for perjury, the following:

(A) The individual is in good standing in all states and jurisdictions in which the individual holds a license or certificate for the occupation applied for.

(B) The individual has not had a license, certificate, registration, or permit revoked and has not voluntarily surrendered a license, certificate, registration, or permit in another state or jurisdiction while under investigation for unprofessional conduct.

(C) The individual has not had discipline imposed by the regulating agency for the occupation in another state or jurisdiction.

(D) The individual does not have a complaint or an investigation pending before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.

Reese/Rader

Motion carried 9-0-0

B. Continuing Education

There were no Continuing Education applications for review.

VIII. DISCUSSION

A. Compliance Fund Update

The Board discussed the Compliance Fund. Currently the MOU with the Office of Attorney General is with Deputy Director, Evan Bartel, of IPLA. Once the MOU is signed by the Office of Attorney General and IPLA then we can move forward.

Dr. Findley stated that \$500 has been added to the Compliance Fund and nothing has been taken out. The Board asked if the fund was an invested fund. Board staff stated they will need to check with the accounting department for further information.

B. Dental Licensure Reexamination Statute

Dr. Kolkman was approached by Elizabeth Brown to discuss a statutory change to clarifying taking the examination three times for dentists and dental hygienists. The Board discussed the changes that have occurred with the examination since it became law. Dr. Kolkman stated the proposed language would allow the Board rule making powers. Ms. Glickman stated that she is not sure how to feel about which direction to go in regarding a statute or rule change. She stated that a statute change is bigger than a rule change. The Board did a poll among members to see who would support a statute change versus a rule change.

Dr. Nowakowski, Dr. Reese, Dr. Findley, Ms. Glickman, Dr. Snoddy, and Ms. Rader, Dr. Williamson support leaving the statutory language as is and proposing a rule change.

Dr. Kolkman support a statute change.

The Board discussed how this change would impact future reciprocity and compact paths to licensure.

Currently there are 2 dental compacts being created, and they are reaching out to Board members for support. The IDA currently supports the ADA compact.

Board counsel stated he would review the current statutory language to determine if the Board has rule making authority regarding the examination requirements.

C. Ethics Training by the Office of the Inspector General

A presentation regarding Ethics Training was provided by Doreen Clark and Mark Mader of the Office of the Inspector General.

IX. REPORTS

A. Office of the Attorney General

Amy Osborne, Deputy of the Office of the Attorney General, provided a report to the Dental Board. She stated that currently there have been 101 complaints opened this year and 71 current consumer complaints open with a duration of 8 months. There have been 10 Consumer complaints closed within the past 30 days. She stated that complaints by county information is based upon where the dentist is located. The majority of complaints have been in the area professional incompetence, professional malpractice, and unprofessional conduct.

Litigations stands at 13 cases opened this year and 4 open cases. This year they have closed 11 litigation cases with a duration of 8.7 months. The current open litigation cases are in the areas of professional malpractice and professional incompetence.

Ms. Glickman asked about why the resolution of the previous case that was opened in 2019 but was finally resolved in 2023. Ms. Osborne stated that they were trying to substantiate the case and arrange pre-settlements during that time. Unfortunately, during the investigation, they could not keep the case open.

Dr. Kolkman asked if the Board is informed if there are multiple complaints of similar nature against a practioner. Ms. Osborne stated that if the AG's office receives multiple complaints about a practioner, then it will be presented to the Board. She stated that they normally do not provide the Board information on prior cases that have been presented, but they can always check with PLA regarding previous records.

Dr. Findley asked if they could see the warning letters. Ms. Osborne stated that the AG's office is now sending copies of those to PLA if a complaint is filed, but there is a concern with disclosure.

X. OLD/NEW BUSINESS

There was no old/new business for discussion.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 1:23 p.m. by consensus.

Robert Findley, D.D.S., President