

**STATE BOARD OF DENTISTRY
MINUTES**

June 4, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Mara Catey-Williams called the meeting to order at 8:03 a.m. through virtual video and audio conferencing. Dr. Mara Catey-Williams declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Mara Catey-Williams, D.M.D., President
Richard R. Nowakowski, D.D.S., Vice President
Jeffrey L. Snoddy, D.D.S.
Annette J. Williamson, D.D.S.
Jennifer K. Bartek, L.D.H
R. Daron Sheline, D.D.S.
Ted M. Reese, D.D.S., Secretary/Designee
Mark R. Stetzel, D.D.S.
Robert D. Findley, D.D.S.

Board Members Not Present:

Gregory A. Berger, D.D.S.
Consumer Member, Vacant

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Claire Dyer, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

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

Findley/Reese
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES

A. October 2, 2020

A motion was made and seconded to accept the minutes from the October 2, 2020 meeting as edited.

Nowakowski/Williamson
9-0-0

B. December 4, 2020

A motion was made and seconded to accept the minutes from the December 4, 2020 meeting as edited.

Bartek/Williamson
9-0-0

C. February 5, 2021

The minutes of February 5, 2021 were tabled for edits.

D. March 26, 2021

A motion was made and seconded to accept the minutes from the March 26, 2021 meeting with the exception of the Discussion House Bill section as edited. The discussion section is set to be addressed at next meeting after edits.

Catey-Williams/Nowakowski
9-0-0

E. April 16, 2021

A motion was made and seconded to accept the minutes from the April 16, 2021 meeting as edited.

Williamson/Stetzel
9-0-0

IV. ADMINISTRATIVE HEARINGS

A. Ghiath A. Halwani, D.D.S., License No. 12010049A

Administrative Cause No. 2020 ISBD 0008

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was present with counsel Peter Pogue
Amanda Cassidy, Deputy Attorney General for the State of Indiana who was
standing in for Timothy Weber, Deputy Attorney General
Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Dr. Catey-Williams, DMD (Hearing Officer)
Dr. Nowakowski, DDS
Dr. Sheline, DDS
Dr. Williamson, DDS
Dr. Findley, DDS
Dr. Reese, DDS
Ms. Bartek, LDH
Dr. Stetzel, DDS

Recused Board Members:

Jeffrey L. Snoddy, D.D.S.

Case Summary: On or about May 25, 2021, a Proposed Settlement Agreement was filed. The proposed stated that Dr. Halwani failed to refer the patient to a practitioner willing to perform emergency treatment and is in violation of and subject to disciplinary action pursuant to Ind. Code § 25-1-9-4(n)(3) and 828 IAC 1-1-159 (a)(15). The Proposed Settlement stated:

- Both waive rights to a public hearing on the Complaint, and all other proceedings which either party may be entitled to by law, including judicial review.
- Dr. Halwani will receive a Letter of Reprimand for the above-mentioned violations.
- Within six (6) months of the Board's Final Order, Dr. Halwani shall complete a total of twenty (20) approved Continued Education units in the area of Dental extraction and provide proof of completion of the Continued Education to the Board within the six (6) month timeframe. These Continued Education units are in addition to the required units needed for license renewal.
- Within ninety (90) days of the Final Order, Dr. Halwani shall pay a fine of \$500.00 dollars to the Indiana Professional Licensing Agency.
- Dr. Halwani shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Dr. Halwani understands that any violation of the Final Order may result in the license be summarily suspended, and an Order to Show Cause may be issued to the Board.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement as read in the matter Dr. Halwani. Dr. Halwani stated he agreed and understands the agreement.

Stetzel/Nowakowski
Motion carried 8-0-1 (Snoddy Recuse)

B. Samuel Osobu, D.D.S., License No. 12012451A

Administrative Cause No. 2016 ISBD 0007

Re: Petition for Withdrawal of Probation

Parties Present:

Respondent was present

April Keaton, Deputy Attorney General for the State of Indiana

Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Dr. Catey-Williams, DMD (Hearing Officer)

Dr. Nowakowski, DDS

Dr. Sheline, DDS

Dr. Williamson, DDS

Dr. Findley, DDS

Dr. Reese, DDS

Ms. Bartek, LDH

Dr. Stetzel, DDS

Dr. Snoddy, D.D.S.

Case Summary: On or about February 18, 2016 Dr. Osobu's license was placed on probation. Dr. Osobu requested that his probation status be withdrawn as he is unable to find work in Indiana with his license in probationary status. The State informed the Board that in order for the probation status to be withdrawn, Dr. Osobu must show he has met all terms of his probation. Dr. Osobu stated that he has maintained contact with the Board, kept the Board apprised of his updated employment history, and completed the Indiana jurisprudence exam. He informed the Board that he is currently working in Illinois as a General Dentist, and he has not been monitored by the compliance officer as he is not working in Indiana. The Board inquired if he has ever been arrested or had a malpractice suit filed against him since his license was placed on probation status. Dr. Osobu stated that he had a DUI in 2016 that was dismissed in 2017. He informed the Board that there have been no other incidents. The State informed the Board that they have no objection should the Board accept Dr. Osobu's request to withdraw probation.

Board Action: A motion was made and seconded to grant Dr. Osobu's petition to withdraw his probationary status.

Nowakowski/Findley
Motion carried 9-0-0

C. Piper C. Narey, D.D.S., License No. 12009727A

Administrative Cause No. 2002 DB 0001

Re: Petition for Withdrawal of Probation

Parties Present:

Respondent was present with counsel Barclay Wong
April Keaton, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Dr. Catey-Williams, DMD (Hearing Officer)
Dr. Nowakowski, DDS
Dr. Sheline, DDS
Dr. Williamson, DDS
Dr. Findley, DDS
Dr. Reese, DDS
Ms. Bartek, LDH
Dr. Stetzel, DDS
Jeffrey L. Snoddy, D.D.S.

Case Summary: On or about March 12, 2021 Dr. Narey requested to withdraw her probation status that was modified on or about May 23, 2019. Dr. Narey had been placed on probation based upon the Findings of Fact, Conclusions of Law and Order filed on or about December 18, 2006. Mr. Wong stated that Dr. Narey has completed all terms of her probation and has completed the Indiana Well-Being program. Dr. Narey attested she has been apart of the Indiana Well-Being program since 1998. Mr. Wong presented Exhibit A with no objections from the State. Exhibit A is a letter from Candace Backer of the Well-Being program. The letter from Ms. Backer provides information regarding Dr. Narey's counseling sessions, drug screens that have been completed, and if there have been any relapses. It was noted that there was a relapse in 1998, but no other lapses have occurred since. Dr. Narey stated that she is currently participating in the program, but it is more for support. Her contract is set to expire

October 2022. Her intention is to stay until the contract has ended and then complete another evaluation to see where she is at mentally if she needs to stay in the program. Mr. Wong submitted Exhibit B which is a letter from the Dental Care Center with no objections from the State. The letter outlines Dr. Narey's generalist dental duties. Mr. Wong submitted Exhibit C with no objection from the State. Exhibit C is a letter from Dr. Baker who has been the practice monitor for Dr. Narey. Dr. Baker expressed she has had no issues with Dr. Narey. Dr. Narey attested that she has been sober since 1998 and she ensured the Board that it will continue with support from the Well-Being program, her family, friends, and coworkers. The State had no objections to the withdraw of the probation status.

Board Action: A motion was made and seconded with grant Dr. Narey's petition to withdraw the probation status.

Williamson/Reese
Motion carried 9-0-0

D. Gary Weber, D.D.S., License No. 12007534A
Administrative Cause No. 2020 ISBD 0009
Re: Administrative Complaint

Parties Present:

Respondent was present with counsel Logan Hughes
Whitney Cooper, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Dr. Catey-Williams, DMD (Hearing Officer)
Dr. Nowakowski, DDS
Dr. Sheline, DDS
Dr. Williamson, DDS
Dr. Findley, DDS
Dr. Reese, DDS
Ms. Bartek, LDH
Dr. Stetzel, DDS
Jeffrey L. Snoddy, D.D.S.

Case Summary: On or about October 7, 2020 an Administrative Complaint was filed against Dr. Weber with allegations that Dr. Weber was in violation of Ind. Code§ 25-1-9-4(a)(11), engaged in a sexual contact with a patient under his care, and Ind. Code§ 25-1-9-4(a)(9), that he knowingly prescribed a drug classified as a narcotic to a habitue or addict. Dr. Weber stated that he was assisting a mom and her children during their move to the state of Indiana. During their transition they were living in his basement, and then he entered into a sexual relationship with the mother, known as L.B. Dr. Weber stated that after the relationship had ended, L.B. became his patient, and was prescribed narcotics as part of her treatment. He stated that he did receive an inquiry from the pharmacists on one of the prescription fills, and he had simply continued with the script that was already noted in her file. Mr. Hughes stated that there was no boundary conflict between Dr. Weber and L.B. Mr. Hughes stated that L.B. was not a patient at the time of their relationship, and only became his patient after they had broken up amicably. He continued to state that Dr. Weber did not know at the time that L.B. was his patient, that L.B. was an addict. He informed the Board that she did not exhibit any addictive behaviors. Mr. Hughes stated that Dr. Weber became aware of her addiction behaviors months after she

became his patient, when his prescription pad, car, money, personal items, and credit cards were stolen from him. Mr. Hughes informed the Board that Dr. Weber did file a police report regarding the stolen items. The State called Dr. Weber as witness. The State inquired how Dr. Weber became acquainted with L.B. Dr. Weber stated that he knew L.B.'s father as they had played golf together. He continued to state that L.B. had been friends with his daughter, now 28 years old, as they grew up. He stated that L.B. is a few years older than his daughter. Dr. Weber informed the Board that he had filed a police report regarding the stolen prescription pad, and he was aware that he was recorded during his police interview. The State submitted Exhibit 1 which is a video recording of Dr. Weber's interview with police. Mr. Hughes objected on the grounds that the video recording is hearsay and not factual evidence as the recording occurred months after the incident, and Dr. Weber is present to answer any questions. The Board accepted State's Exhibit 1. The Board was only able to view 20 minutes of the video as there was IT buffering issues. The Board was only able to see that Dr. Weber admitted to police that he had given L.B. money to get a hotel room but had not given her any of his credit cards or possessions. The Board stated that after the IT issues had been resolved they would not object to seeing the rest of the video. Both the State and Mr. Hughes agreed with this determination. The State submitted Exhibit 2 which is a record of L.B.'s treatment in Dr. Weber's office. Mr. Hughes challenged the Exhibit stating that the prescriptions in the Exhibit were not the ones Dr. Weber wrote for her, as he only wrote one prescription in January. Dr. Weber stated that the other prescription that L.B. obtained were fraudulent prescriptions. Mr. Hughes asked that page 4 of the Exhibit not be accepted as it is a handwritten record, and we cannot confirm who wrote the record or when it was recorded. The Board accepted Exhibit 2 minus page 4 of the record. The State informed the Board that based upon the record L.B. had come into Dr. Weber's office for x-rays in January when Dr. Weber was not in the office. Dr. Weber stated that the computers in his office were down in January, and December. L.B. had expressed that she was in pain while she was in the office. Dr. Weber stated that he had reviewed L.B.'s x-rays but did not see her in person that day as she did not stay long after the x-rays. Dr. Weber attested that he only wrote a prescription for her on January 27th. The State submitted Exhibit 3 which is a copy of L.B.'s criminal charges. Mr. Hughes objected to sections stating that some of the pages cannot be properly authenticated. The Board accepted pages 1-2, and 9 only of Exhibit 3. The State submitted Exhibit 4 which is a copy of L.B.'s prescription monitoring report. Mr. Hughes had no objection. Dr. Weber attested that he did not write a prescription for her in February or any consecutive dates and attested that those scripts were filled with her using his stolen prescription pad. Mr. Hughes submitted Exhibit 1-A which is a copy of Dr. Weber's charts for L.B. The State had no objection to the submission. Mr. Hughes submitted Exhibit K which is a copy of the prescriptions from Dr. Weber's script pad with no objections from the State. Dr. Weber informed the Board that L.B. had expressed that she was feeling pain, and that Motrin was no longer working. It is noted that she had come into the office on January 27th and was prescribed medicines. Mr. Hughes pointed out that on the script for that day there was no reorder number noted on the script. Mr. Hughes also stated that as shown in the February and following scripts, there was a reorder number listed. Mr. Hughes stated that those scripts came from the pad that had been stolen from Dr. Weber, and that those scripts had an obvious different signature from the January script. Mr. Hughes submitted Exhibit C which is a file stamp copy of L.B.'s criminal charges for forgery. The State did not object. Mr. Hughes submitted Exhibit E which is a copy of L.B.'s abstract of judgement, with no objection from the State. Dr. Weber attested that these documents show that he had asked L.B. to leave his house, and she refused to leave without a court eviction notice. Mr. Hughes submitted Exhibit B which is an affidavit from L.B.'s friend known as K.B. The State objection to the direction Mr. Hughes presenting on the grounds that L.B. is not present for the State to cross examine, nor can the State cross examine an affidavit statement. The State stated that the Exhibit is hearsay evidence. The Board accepted the Exhibits. K.B. attested in her statement

that she had moved into help with the L.B.'s children while she was living in Dr. Weber's basement. K.B. attested that L.B. had left the children alone frequently and that L.B. would claim to be Dr. Weber's daughter when using his credit cards. Mr. Hughes submitted Exhibit G which is a copy of L.B.'s criminal charges. The State did not object to the Exhibit. The Board asked for clarification on if Dr. Weber does digital charting in the office. Dr. Weber stated that they do hand charting, and that L.B.'s chart was short as she did not stay long for her appointment. She had left after the script was written. The Board asked clarification that if he had known that L.B. displayed that she was an addict more overtly, would he still prescribe her medications. Dr. Weber stated that he would as she did not display behaviors, nor did her x-rays show that she showed any physical signs of addiction. Mr. Hughes submitted a 3-4-minute video of L.B.'s police interview, the State objected as hearsay evidence and they cannot cross examine a video, or the individuals in the video as they are not present. The Board did not accept the video. The State concluded that Dr. Weber may have relations with whomever he would like; however, when you are both the dentist and prescribing the medication to your patients, then Dr. Weber's judgment became cloudy.

The State concluded that Dr. Weber did not display that he provided care for L.B.'s dental health, only her prescription access. Dr. Weber did ignore a number of signs in L.B.'s behavior as there was sexual relations mixed into their interactions. Dr. Weber struggled with informing the Board the details of her dental history as he indicated he needed to review the chart to remember the details. Based upon the dates of the scripts that have been written, there is a gap of 4 days between when scripts were written, and when it was filled. An addict would not wait multiple days after a script was given before attempting to fill it.

Mr. Hughes concluded that the complaint and evidence presented is an attack on the personal decisions that Dr. Weber has made. The State has not presented any record of proof that a sexual relationship occurred between L.B. and Dr. Weber, and requests that the charge of violation of sexual relations with a patient be dropped. Mr. Hughes stated that in regard to the second allegation of the prescribing to an addict, Dr. Weber was willfully fooled. Mr. Hughes stated that the signatures on the scripts that have been presented are not consistent with Dr. Weber's signature, and that Dr. Weber has filed police reports on the thefts. Dr. Weber did not see anything in L.B.'s charts or dental work to indicate a habitue or addict and requested the second allegation be dropped as well.

Board Action: A motion was made and seconded that the State has not proven that Dr. Weber is in violation of Indiana Statue Ind. Code§ 25-1-9-4(a)(11).

Stetzel/Nowakowski
Motion carried 8-1-0 (Reese - Nay)

A motion was made and seconded that the State has proven that Dr. Weber violated Ind. Code§ 25-1-9-4(a)(9).

Stetzel/Reese
Motion carried 5-4-0 Nowakowski-Nay, Findley-Nay, Sheline-Nay, Bartek-Nay

A motion was made and seconded to place Dr. Weber's license on probation with the following terms:

- No less than 6 months from the date of the Final Order.
- Must provide 20 hours of Continuing Education with 10 hours in record keeping, and 10 hours in prescribing

- Must complete 40 hours of Community Service
- \$1000 fine payable to the Indiana Professional Licensing Agency
- \$5.00 fee to the Record Keeping Protection Fund

Nowakowski/Stetzel
Motion carried 8-1-0 (Bartek - Nay)

V. SETTLEMENT AGREEMENTS

There were no settlement agreements for review.

VI. NOTICE OF PROPOSED DEFAULT

There was no proposed default for review.

VII. PERSONAL APPEARANCES

A. REINSTATEMENT

1. Samuel A. McGuire, D.D.S., License No. 12011022A

Dr. McGuire appeared as requested to discuss the reinstatement of his dental license that expired in 2014. Dr. McGuire stated that he has been practicing in Michigan since the expiration of his Indiana dental license. He has maintained his required continuing education and wants to locate a practice that borders Michigan and Indiana. His Michigan license is currently active with no discipline.

Board Action: A motion was made and seconded to approve Dr. McGuire's reinstatement application.

Sheline/Snoddy
Motion carried 9-0-0

2. Danielle Trulock, L.D.H., License No. 13006131A

Did not appear. Dr. Trulock was rescheduled for August 6, 2021 meeting.

B. PROBATION

1. Michael Bajza, D.D.S., License No. 12009652A

Cause No. 2005 ISBD 0011

Dr. Bajza appeared as requested to discuss his ongoing probation. Dr. Bajza stated that his sister has just passed away in hospice. He informed the Board that he has attended the Mid-Winter Conference this year and conveyed that it was very different with the virtual format. He continues to see his mentor, Dr. Jones, who is steering him more towards a teaching role than a practice role. Dr. Bajza also stated that he is looking into research roles as well. He stated that Dr. Graden could no longer be his mentor, and instead has obtained a new mentor Dr. Dick Jones, who he has seen for the past two years. Dr. Bajza is scheduled to appear before the Board again on December 3, 2021, and Dr. Williamson agreed to be the Board liaison with Dr. Jones.

2. Donna Petro, L.D.H., License No. 13002646A

Cause No. 2020 ISBD 0005

Ms. Petro appeared as requested to discuss her ongoing probation. This is Ms. Petro's first appearance since being placed on probation on July 7, 2020. She is required to appear before the Board twice a year. Ms. Petro stated that her criminal case has been completed, and she has completed her community service. She is currently attending AA meetings and is 3 years sober as of April 1, 2018. Ms. Petro stated that she has informed her employer regarding the probation, but she has not kept the Board up to date regarding her employment as she has only been at her current employment for a month. She stated that she has not had an opportunity as she has been through a number of random screenings because of COVID. The Board stated that she must review her Order as it is up to her to follow the requirements, and it is not up to the Board to remind her of what is needed to be completed.

3. Stephanie Shrock, L.D.H., License No. 13005741A

Cause No. 2012 ISBD 0016

Ms. Shrock appeared as requested to discuss her ongoing probation. Ms. Schrock stated that she is still working at Ortman Family Dentistry and Dr. Guido. She stated that her residence has not changed, and that she will complete her criminal probation May 7, 2021. She stated that she is currently reviewing her information to see when she may be able to petition for withdraw of probation.

C. RENEWALS

There are no renewals for review.

D. APPLICATION

1. Katarina Drummond (L.D.H.)

Ms. Drummond appeared as requested to discuss her yes response to question number three (3) on the application "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Ms. Drummond submitted a statement and supporting documents to support her response. Ms. Drummond informed the Board that she had gone bar hopping with friends and decided to drive home. She knew that it was a bad decision, and it was out of character for her. She stated that she now takes Ubers home if she drinks, and she is currently phasing out of the bar scenes. She informed the Board that this is the only incident on her record, and it allowed her to grow up.

Board Action: A motion was made and seconded to approve Ms. Drummond's application for dental hygiene licensure pending the completion of the jurisprudence exam.

Catey-Williams/Nowakowski
Motion carried 9-0-0

2. Deon Pendergrass (L.D.H.)

Mr. Pendergrass appeared as requested to discuss his yes response to question number three (3) on the application “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Mr. Pendergrass submitted a statement and supporting documents to support his response. Mr. Pendergrass stated that he and friends were outside a club, when he saw a hat in the seat of a car. He stole the hat and was caught by an off-duty police officer. Since that incident he has gone to school and gained maturity. He stated that part of his background was that he had issues with getting caught driving without a license a few times, but he has fixed everything with his driving record. He stated that he has been resilient with correcting what has occurred and is trying to be a good role model for his son.

Board Action: A motion was made and seconded to approve Mr. Pendergrass’ application dental hygiene licensure pending completion of the jurisprudence exam.

Bartek/Findley
Motion carried 9-0-0

VIII. APPLICATION FOR REVIEW

A. CONTINUING EDUCATION

1. Dental Assisted

The coronal polishing course looks good; however, the Board noted that the certificate of completion did not include the number of hours earned. The Board also stated that it should also list the number of laboratory and didactic hours.

Board Action: A motion was made and seconded to approve the continuing education application for Dental Assisted.

Bartek/Nowakowski
Motion carried 9-0-0

2. Lakeshore Financial Group

The program looks comprehensive; however, applications that are usually reviewed by the are from dental entities rather than financial groups. The Board stated that from what has been presented, they would only be able to approve five hours of practice management. The Board noted that most of the programs submitted appear to be in the area of financial planning and insurance, rather than the practice of dentistry.

Board Action: A motion was made and seconded to deny the continuing application for Lakeshore Financial Group.

Reese/Findley
Motion carried 9-0-0

IX. DISCUSSION

A. Election of Officers

Election of officers will be held at the next scheduled Board meeting on August 6, 2021.

B. Caries Prevention Course Review

Dr. Kristtina Gratz's curriculum for dental assistants for coronal polishing expanded functions was approved by the Board on February 5, 2021. The curriculum has been updated and now includes caries prevention. Dr. Gratz has submitted a detailed copy of the program for review and approval by the Board. The program is presented in Dr. Gratz's office and is not intended to be used outside Dr. Kirstina Gratz's office at this time.

Board Action: A motion was made and seconded to approve the Dr. Gratz's Caries Prevention Course.

Catey-Williams/Nowakowski
Motion carried 9-0-0

X. REPORTS

There were no reports.

XI. OLD/NEW BUSINESS

There was no old/new business.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 3:21 p.m. by consensus.

Mara Catey-Williams, D.M.D., President

Date

Richard R. Nowakowski, D.D.S., Vice President

Date