

STATE BOARD OF DENTISTRY

MINUTES

August 5, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Ted Reese called the meeting to order at 9:01 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:

Ted M. Reese, D.D.S., President
Richard R. Nowakowski, D.D.S., Vice President
Robert D. Findley, D.D.S., Secretary/Designee
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
Tammera Glickman, Consumer Member- arrived 9:05 a.m.
Twyla Rader, L.D.H.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.

Board Members Not Present:

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

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Lief 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.

Sammons/Findley
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to accept the minutes of February 25, 2022; April 1, 2022, and June 3, 2022, as amended.

Reese/Nowakowski
Motion carried 9-0-0

IV. APPEARANCE

A. Candace Backer, LCSW, LCAC

Clinical Coordinator
IDA Well-Being Program

Ms. Backer was present and stated that she has been working for the IDA Well Being program for over ten (10) years. She has worked with several professionals with substance abuse and some psychiatric disorders. Primarily she works with the professional by completing an assessment and a diagnosis with a treatment plan. If a professional disagrees with the assessment, diagnosis, or treatment plan, then she will give them a list of treatment providers where they can obtain a second opinion. If the professional continues with the Well Being Program, they are given a five (5) year contract which will cover random screenings, counseling recommendations, participation with a twelve (12) step program, and AA meeting participation. Ms. Backer provided information regarding the different drug screenings the program uses, including the information on the electronic monitoring system. She stated that she reports any relapse to the Board. She does not report those to the Office of Attorney General. She reports to the Board if a professional has violated their contract with the Well Being Program. If the practitioner does not comply with the contract, it will become terminated. She stated that the payment to be enrolled with the Well-Being program is paid for by the professional and their insurance.

V. PERSONAL APPEARANCES

A. PROBATION

1. **Michael Foster, D.D.S., License No. 12013301A**
Cause No. 2020 ISBD 0001

Dr. Foster appeared as requested to discuss his ongoing probation. He last appeared before the Board in February 2022. He informed the Board he has no new updates for the Board but has moved since his last meeting with the Board. He was last before the Board. He stated that he is in compliance with the Well Being Program and still working on improving himself.

2. **Lucian Boboia, D.D.S., License No. 12010910A**
Cause No. 2021 ISBD 0011

Dr. Boboia appeared as requested to discuss his ongoing probation. He stated that he has maintained compliance with the Well Being Program. Working 34 to 40 hours per week. Attends 3-6 NA meetings per week. He has attended a self-help/faith-based recovery center as well to support his recovery looking into Celebrate Recovery. Dr. Boboia has changed his employment from Dr. Rekha Chaudhari to Dr. Juan Yepes as of July 18, 2022. At the meeting he submitted a signed copy of his probationary order by Dr. Yepes. Dr. Yepes is aware of his situation. Dr. Boboia is required to submit the signed order within 10 days of employment. This was not submitted timely. Dr. Boboia reported on June 7, 2022, that he did not check in with the Well Being Program on June 1, 2022, due to being very ill with COVID. He stated he communicated this with Candice Backer, and she sent him to test the following day. He had a fever of 102 but he did drive himself for the test. Ms. Backer stated that if she had been aware of the positive result, she would have made arrangements for Dr. Boboia to test at a different time. Ms. Backer did inform the Board that Dr. Boboia has been compliant with the program. Dr. Boboia was required to report the closure of the The Ark within 90 days of the Final Order. He informed the Board that he placed an advertisement in the paper stating that his previous practice

is now closed. He did not report such to the Board until June 7, 2022. The Final Order was issued on January 12, 2022. Dr. Boboia has not submitted quarterly reports that were due in April and July 2022 from his counselor and the person evaluating his practice. Dr. Boboia stated that he was not aware that was a requirement. He has completed part of his community service hours at the Catholic Parish in Fort Wayne. He was told that he would need to provide verification of such by someone at the church. He stated he has not completed any continuing education at this time but would begin this soon.

Ms. Backer did inform the Board that Dr. Boboia has been compliant with the program. The Board stated that Dr. Boboia needed to have his employer submit a report within ten (10) days of his start with them. At this time, the Board has not received a report from the employer. The Board also stated that he is required to have his employer sign a copy of his Order and provide it to the Board. At this time, the Board has not received that either. Dr. Boboia stated that he was not aware that was a requirement. The Board reminded him to read his order carefully to ensure he is following all requirements.

Board Action: At this time, based upon the noncompliance of Dr. Boboia's probationary order, a motion was made and seconded to issue an Order to Show Cause in this matter.

Reese/Nowakowski
Motion carried 9-0-0

B. APPLICATION

1. Vanessa Gajewski (LDH)

Ms. Gajewski appeared as requested to discuss why she did not disclose her background on her application. Ms. Gajewski is a 2021 graduate from Indiana University Northwest, and she has completed the NBDHE and CDCA examinations. Ms. Gajewski stated she was charged with a DUI in February 2022 and she obtained a lawyer to assist with the charges. She pled guilty and was required by the courts to be on criminal probation until May of 2023 and attend counseling. She stated that she is looking into having the record expunged upon completion of the probation. She is currently employed as a dental assistant and is licensed in state of Illinois as a dental hygienist. As the dental office is on the border between the States, she is helping serve clients for both States.

Board Action: A motion was made and seconded to place Ms. Gajewski's dental hygiene license on probation until her criminal probation has been completed.

Reese/Findley

The Board held discussion on the motion. If Ms. Gajeski's license is placed on probation will this remain on her record as disciplinary action? Mr. Johnson stated that it would. She would then be required to report this if another state board would request information on any past disciplinary history. The Board stated that Ms. Gajewski could withdraw her application, until all her criminal matters are resolved. Ms. Gajewski stated she will withdraw her application.

Motion did not pass as applicant has withdrawn her application.

2. **Katelyn Hudson (LDH)**

Ms. Hudson appeared as requested to discuss her yes response to the question “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. Hudson is a 2022 graduate of IVY Tech and has taken and passed the NBDHE and CDCA examinations. Ms. Hudson provided a statement regarding her 2014 and 2018 incidents with supporting documents. In 2014 she was placed on a Diversion Program for a Class C Misdemeanor of Illegal Consumption of an Alcoholic Beverage. The program was completed on November 10, 2015, and was dismissed. In 2018 she was placed on probation for a Class C Misdemeanor for Operation a Vehicle with an ACE of .08 or more. Probation was completed on May 24, 2019. She stated that she completed a substance abuse evaluation in 2014 and completed a one-year criminal probation for her 2018 incident. She informed the Board that she had no issues during her probation and has stated that she no longer enjoys drinking. She stated that if she does drink, she ensures she has a designated driver, or she calls an Uber. She informed the Board that she is not currently employed.

Board Action: A motion was made and seconded to approve Ms. Hudson’s application for licensure pending the completion of the jurisprudence examination.

Findley/Rader
Motion carried 9-0-0

3. **Daniel Hyneman (DDS)**

Did not appear. Dr Hyneman has submitted a request to reschedule his appearance by telephone for the next meeting. He is currently in an Oral & Maxillofacial Surgery program at LSU. The Board reviewed his application and positive response documents. Dr. Hyneman has had several drug/alcohol arrests from 2008 to 2011. Since that time, he has completed dental school in 2017 at the University of Colorado and has been in his Oral and Maxillofacial surgery program since 2017. He is currently licensed in the state of Louisiana and California.

Board Action: A motion was made and seconded to approve Dr. Hyneman's application for dental licensure pending the completion of the jurisprudence examination

Rader/Glickman
Motion carried 9-0-0

4. Harpravjeet Malhi (DMD)

Dr. Malhi appeared as requested with his counsel Mike Gaerte to discuss why he did not disclose his background on his application. Dr. Malhi is a 2022 graduate of the University of Kentucky and has taken and passed the NBDE and CDCA examinations. Dr. Malhi provided a statement and supporting documents on his arrest in August 2021. He stated it was not his intention to mislead the Board. He informed the Board he was not sure how to answer the questions on the application as his case was dismissed and he googled how to answer the questions. He informed the Board that he was pulled over and blood tested at .074. He was still charged with reckless driving and a DUI but was not required to complete a criminal probation per the courts as the DUI charge was dropped. Mr. Gaerte provided Exhibit D for the Board to review which shows the case was dismissed. Mr. Gaerte provided Exhibit A, B, and C which were three letters of recommendation from practicing dentist's attesting to Dr. Malhi's character and professionalism. Dr. Malhi stated that is currently employed under Dr. Meeks at Gentle Family Dentistry. He informed the Board that he has informed his employer about what occurred.

Board Action: A motion was made and seconded to approve Dr. Malhi's application for dental licensure pending the completion of the jurisprudence examination.

Reese/Nowakowski
Motion carried 9-0-0

5. Krishna Patel (DMD)

Dr. Patel appeared as requested to discuss his yes response to the question "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Patel is a 2018 graduate of the University of Louisville and has taken and passed the NBDE and CDCA examinations. He is currently licensed in the state of Kentucky. He submitted a statement and supporting documents to the Board regarding a malpractice action that occurred in 2019. He stated that the patient reported pain a few days after she completed an extraction. He diagnosed the issue as dry socket and provided a treatment. He then did not hear from the patient until four (4) months later when the malpractice suit was filed by the patient and their lawyer. Dr. Patel stated that he was informed that the patient had gone to an oral surgeon who diagnosed the patient with a fractured jaw. He stated

that malpractice was reviewed by a third party, and he had disputed the case based upon lack of documentation from either the surgeon or himself. Dr. Patel stated the malpractice was reported to the Kentucky Board who did not pursue any action against him.

Board Action: A motion was made and seconded to approve Dr. Patel's application for dental licensure pending the completion of the jurisprudence examination.

Kolkman/Findley
Motion carried 9-0-0

6. Mahdi Taha (DMD)

Dr. Taha appeared as requested to discuss his yes response to the question "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?" Dr. Taha is a 2022 graduate of Tufts University and has taken and passed the NBDE and CDCA examinations. He submitted a statement and supporting documents regarding the incidents in 2015 and 2018. He stated that they occurred when he was in school, and the record is technically incorrect. He informed the Board that the arrests were against his brother who used his identification at the time of the arrests. Dr. Taha stated he attempted to get the names corrected during the court proceedings in 2010, but it was not done. Dr. Taha stated he does not wish to file an identity theft charge against his family. Dr. Taha stated the second incident occurred when the police found his brother's medical marijuana in his car. The Board stated based upon the supporting documentation that was submitted they have concerns as the second incident was a conviction. The Board advised him that currently the charges are in his name, and if it was his brother, he will need to consult with a lawyer to address any issues. The Board asked if the any of the incidents were a concern with his school or entering the dental program. Dr. Taha stated it was not brought up, but he did disclose the information in his interview with the program.

Board Action: A motion was made and seconded to approve Dr. Taha's application for dental licensure pending the completion of the jurisprudence examination.

Nowakowski/Snoddy
Motion carried 9-0-0

C. REINSTATEMENT

1. Joseph Workman, D.D.S., License No. 12010896A

Dr. Workman appeared as requested to discuss the reinstatement of his dental license that expired in 2008. He submitted copies of his continuing education certificates and a statement for the Board to review. He is currently licensed in the state of Kentucky with no discipline and has been working with the VA. He has completed at least thirty (30) years of military service.

Board Action: A motion was made and seconded to approve the reinstatement application of Dr. Workman pending the completion of the jurisprudence examination.

Williamson/Kolkman
Motion carried 9-0-0

D. RENEWALS

There were no renewals for review.

VI. ADMINISTRATIVE HEARINGS

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

10:00 a.m.

Administrative Cause No. 2017 ISBD 0001

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present
Brittney McMann, Deputy Attorney General for the State of Indiana
Heather Orbaugh, Court Reporter, Accurate Reporting

Participating Board Members:

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

Witnesses for State:

Cindy Vaught, Indiana Professional Licensing Agency, Board Director

Case Summary: On or about March 2016 Ms. Shrock submitted a report on her license renewal regarding her arrest and criminal conviction. She was requested to appear where upon the Board ruled to file an Administrative Complaint against her license. On or about May 2016 Ms. Shrock's dental hygiene license was placed on probation with the following terms:

- License placed in indefinite probation for no less than one (1) year
- Quarterly reports from her employer outlining her duties and responsibilities

- Quarterly reports from her criminal probation officer
- Quarterly reports from her mental health therapist detailing progress and frequency of her therapy
- Quarterly personal appearances before the Board or upon their request
- Shall submit a fine of \$500.00 to be paid within ninety (90) days of her Final Order
- Shall submit a \$5.00 fee to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund
- Shall understand that any violation of the terms may result in further disciplinary action before the Board.

Ms. Shrock stated that she knows she has been on license probation for many years. She informed the Board that she was released early from her criminal probation. When asked regarding her criminal conviction and completion of probation by the state, she stated that she was not convicted, and not under the influence but she has completed all her probation terms. Ms. Shrock stated that she has paid her \$500.00 fine, the \$5.00 fee, has made quarterly appearances before the Board, and has submitted her quarterly reports unless a Board meeting had been cancelled. She stated that one or two of her quarterly reports might have been missed due to the timing of the Board meetings. She stated that she submitted quarterly reports from the counselor and probation officer when she had one. Ms. Shrock stated that she worked at Highland Creek Dental from 2015 to 2019. Her employment reports were submitted quarterly, and the employer was aware of the terms of her probation. She stated that she has submitted reports from her therapist, and last time she saw her was in May 2022. She informed the Board that her therapist does not feel like she needs routine sessions. She did state that her therapy has been choppy as COVID impacted her ability to see her therapist.

The State called Cindy Vaught as witness. Ms. Vaught is the keeper of records for Ms. Shrock's file. She verified that Ms. Shrock has submitted all requirements of her probation and there are no concerns to note.

The State informed the Board that Ms. Schrock has met all terms and there are no concerns should they accept her request to withdraw the probation status.

Board Action: A motion was made and seconded to grant the petition for withdraw probation in the matter of Ms. Shrock's dental hygiene license.

Reese/Findley
Motion Carried 9-0-0

B. Gary Weber, D.D.S. License No. 12007534A
Administrative Cause No. 2020 ISBD 0009
Re: Petition for Withdraw of Probation

10:15 a.m.

Parties Present:

Respondent was present with counsel Logan Hughes
Brittney McMann, Deputy Attorney General for the State of Indiana
Heather Orbaugh, Court Reporter, Accurate Reporting

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)
Richard R. Nowakowski, D.D.S.
Annette J. Williamson, D.D.S.

Twyla Rader, L.D.H
Matthew Kolkman, D.D.S.
Jeffery Snoddy, D.D.S.
Robert D. Findley, D.D.S.
Edward Sammons, D.D.S.
Tamera Glickman, Consumer Member

Witnesses for State:

Cindy Vaught, Indiana Professional Licensing Agency, Board Director

Case Summary: On or about November 2020 an Administrative Complaint was filed against Dr. Weber. After due process, a hearing was held at or around August 2021 a Finding of Fact, Conclusions of Law and Order was filed. Dr. Weber's license was placed on probation with the following terms:

- Indefinite probation for at least six (6) months.
- Shall complete forty (40) hours of community service
- Shall complete twenty (20) hours of continuing education comprised of ten (10) hours of record keeping and/or prescribing practices and ten (10) hours on the topic of ethics.
- Shall submit a \$5.00 fee to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund
- Shall submit a fine of \$1000.00
- Shall understand that any violation of the terms may result in further disciplinary action before the Board.

Dr. Weber submitted a petition for withdraw of probation as he has met all probationary terms. He affirmed that he completed all his community service hours and provided proof of completion to the Board. He stated that he completed twenty-seven (27) hours of continuing education and provided copies of the certificates of completion to the Board. He stated that he submitted his fine and fee by certified mail. He informed the Board that he was not thinking at the time the incident occurred and that the completion of the continuing education completed showed him a lot of information on prescribing controlled substances. He stated that he has been practicing since 1977 and this has been his only disciplinary issue. He stated he no longer has any contact with LB. He informed the Board that he is currently working two days a week and obtained a new Controlled Substance Registration. He stated that despite that Registration, he has not prescribed much. He has implemented a number of safeguards in his practice to prevent errors such as theft and misreading scripts.

The State called Cindy Vaught as witness. Ms. Vaught is the keeper of records for Dr. Weber's file. She verified that Dr. Weber has submitted all required reports of his probation and there are no concerns to note.

The State concluded to say that all issues have been addressed and have no objection should the Board accept Dr. Weber's request to withdraw his probation.

Board Action: A motion was made and seconded to grant the petition to withdraw probation in the matter of Dr. Weber's dental license.

Kolkman/Findley
Motion carried 9-0-0

C. Michael Edward Bajza, D.D.S., License No. 12009652A

10:30 a.m.

Administrative Cause No. 2005 DB 0011

Re: Modification of Probation

Parties Present:

Respondent was present with counsel Michael Roth
Brittney McMann, Deputy Attorney General for the State of Indiana
Heather Orbaugh, Court Reporter, Accurate Reporting

Participating Board Members:

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

Witnesses for Respondent:

Dr. William Shideler

Witnesses for State:

Cindy Vaught, Indiana Professional Licensing Agency, Board Director

Case Summary: On or about in 2005 an Administrative Complaint was filed against Dr. Bajza with allegations of fraud, failure to keep himself up to date on current practices, and failure to provide appropriate supervision. In 2006 Dr. Bajza submitted a request for license renewal that was denied by the Board, and in 2007 his license was revoked. Dr. Bajza submitted an appeal which then went through judicial review, and his revocation was turned over to the Board. The Board then agreed on a Proposed Settlement Agreement with the Dr Bajza in 2009 with the following terms:

- Shall pay a fine of \$1000.00 to the Indiana Attorney General's Office Consumer Protection Fund within ninety (90) days from the date of the Final Order Approving Settlement Agreement.
- Shall pay a fine of Five Thousand Dollars (\$5,000.00) to the Indiana Professional Licensing Agency
- License shall be SUSPENDED for a period of SIX (6) MONTHS effective on the date of the Final Order Approving Settlement Agreement ("Suspension Period"). The License shall be reinstated and renewed six (6) months from the date of the Final Order Approving Settlement Agreement, automatically and without reapplication.
- Upon reinstatement, Dr. Bajza's license shall be placed on PROBATION for an indefinite period of not less than TWO (2) YEARS effective on the date of reinstatement set forth above.
- Dr. Bajza shall appear before the Board at regularly scheduled meetings during the first twelve months of the Probation Period. Thereafter, Dr. Bajza may petition for permission to appear before the Board at its regularly scheduled meeting on a quarterly basis.

- Dr. Bajza shall perform a total of TWO HUNDRED (200) HOURS of community service
- Dr. Bajza shall perform TEN (10) HOURS of continuing education per year in the areas of: a) billing & record keeping; b) diagnosis and treatment planning; c) current treating methods or d) ethics, in each twelve-month period, for a total of TWENTY (20) HOURS during the Probation Period and/or Suspension Period.
- Prior to the initiation of the Probation Period, Dr. Bajza shall enter into a Services Agreement with Limoli & Associates, Atlanta Dental Consultants, Inc. and/or Affiliated Monitors, for the entire length of the Probation Period, to provide education, training, support and compliance monitoring for proper coding and billing practices.
- Verification of the Services Agreement and a summary of the training and services to be provided during the Probation Period, shall be provided to the Board at the end of Dr. Bajza's suspension, and annually thereafter until the removal of the probationary status from Dr. Bajza's License.
- Verification of satisfactory performance of the terms of the Services Agreement during the Probation Period shall be provided annually to the Board.
- During the Probation Period, Dr. Bajza shall meet with an ethics mentor assigned to him by the Board. The mentor shall report to the Board's designee, when necessary.
- Dr. Bajza shall make additional personal appearances before the Board upon the Board's written request during the Suspension and Probation Periods.

On or about December 2014 Dr. Bajza submitted a request of Modification of Probation. Dr. Bajza stated that his circumstances had changed, and he could not complete the terms. He stated that he was not practicing dentistry at that time. The Board modified his probation to state:

- Dr. Bajza shall appear before the Board once every six months as long as he is not practicing dentistry. He shall submit a written report to the Board before resuming the practice of dentistry. Upon resuming the practice of dentistry, he shall make personal appearances before the Board at every Board meeting.
- All other Probation terms shall still be imposed.

Dr. Bajza stated that he has not been in dental practice and has complied with all terms of his probation. He stated that in June he did have an unofficial appearance before the Board, as they did not request his appearance. He stated that the Board did discuss his situation and he created a preceptorship contract with a mentor to help ease him back into the field.

Mr. Roth presented Exhibit's B and C which are copies of the 130 hours of current CE that shows Dr. Bajza is current in his field. He stated that Dr. Bajza has now created a formalized contract with a mentor to assist with his volunteer work. This mentor has agreed to provide the Board with quarterly reports on Dr. Bajza's progress, and they have submitted a copy to the Office of Attorney General's office. The State informed the Board that the current issue with this proposed contract is that the mentor contract does not align with Dr. Bajza's current probation terms, and Dr. Bajza must show his change in circumstances to allow the Board to modify or withdraw his probation.

Mr. Roth called Dr. Bajza as witness and submitted Exhibit A which is a copy of the mentorship contract with Dr. William Shideler. Dr. Bajza stated that he has not worked in dentistry for at least the past ten (10) years due to a number of family health issues that took his attention out of the field. He stated that he and Dr. Shideler agreed to the contract to both ease Dr. Bajza back into dentistry, and to also assist Dr. Shideler in his office. Currently he has performed

some expanded work at Dr. Shideler's office like fillings and minor procedures. He has remained under Dr. Shideler's supervision and has not done any procedures on his own. He attested that Dr. Shideler has been ensuring to select cases that are within his current skill level. Dr. Bajza stated that he submitted an email to the Board in February that he was returning to practice. The Board expressed concerns regarding Dr. Bajza's practice as he is currently practicing after he has not practiced in ten (10) years. Dr. Bajza understood the Board's concern and he stated that after their informal meeting in June he stopped his current practices until after the hearing. Dr. Bajza stated that he has completed his two hundred (200) hours of community service and completed the required two hundred and fifty hours (250) hours of continuing education. The Board asked for clarification on the service agreement aspect on his probation order. Dr. Bajza stated he did not sign up for that agreement as he was not in the current practice of dentistry. He stated it would have been a waste of time and money to be a part of a service that he could not use as that service agreement would only apply if he was in current practice.

Mr. Roth called Dr. William Shideler as witness. Dr. Shideler stated he has been in the practice for forty-two (42) years. He stated that Dr. Bajza has been interested in the same type of dentistry practice that he currently holds. He met Dr. Bajza through a mutual colleague in December of 2021. He stated that he agreed to the preceptorship agreement as he has a desire to help people. He understands that the probation does require Dr. Bajza to work within certain terms. He stated he is willing to provide reports to the Board and be a mentor for Dr. Bajza. Dr. Shideler stated that Dr. Bajza started shadowing in his office in January of 2022. The Board inquired on when Dr. Shideler was informed about Dr. Bajza's history. Dr. Shideler stated he was informed of Dr. Bajza's history after he had started shadowing in his office. The Board asked Dr. Shideler to expand on his qualifications for mentorship, and how supervision would occur. Dr. Shideler stated that he has a sincere love for the practice of dentistry and wants to have help in his office. He stated that he will not give Dr. Bajza any more cases than he can handle and will select cases within Dr. Bajza's skillset.

The State called Cindy Vaught as witness. Ms. Vaught is the keeper of records for Dr. Bajza's file. She stated that Dr. Bajza's has paid his five thousand dollar (\$5,000.00) fine and has received confirmation of the completion for the community service. She stated that Dr. Bajza has submitted over the required amount of CE and the Board did receive notice of Dr. Bajza's request to appear before the Board. She clarified that the reason Dr. Bajza was not scheduled to appear in June was that his attorney at the time requested a Continuance for the appearance. The Board had granted that continuance and he was currently being rescheduled.

Mr. Roth concluded that Dr. Bajza's circumstances have changed as he is ready to come back to the field of dentistry. He has provided a preceptorship to ensure he is practicing safely and within the bounds of his comfort level due to the time he has been out of the field. He stated that if the Board has concerns regarding billing oversight, they can add that in; however, the current agreement shows that Dr. Bajza will not be handling that aspect. The State affirmed that based upon what has been presented, they concur that Dr. Bajza's circumstances have changed, and will accept the preceptorship agreement as long as the Board accepts what has been presented.

Board Action: A motion was made and seconded to modify Dr. Bajza's probation due to change of circumstances.

Reese/Rader
Motion carried 9-0-0

A motion was made and seconded to modify the terms of Dr. Bajza's probation to the following:

1.
 - Remedial training through Prometheus. This training program should cover diagnosis treatment planning, patient education, coronal polishing, EFDA duties, radiographs. This training should align with the AADB remediate plus program.
 - Completion of one of the ADEX Clinical exams approved by the Board completed in no more than two (2) years from the date of the modification of the probation.
 - Quarterly reporting from Dr. Shideler, and if there is a change in mentors, it should be reported to the Board. Quarterly reports should indicate how many hours Dr. Bajza works, and that his hours of work should show a minimum of eighty (80) hours a quarter.
 - Dr. Bajza shall have no client contact until he has completed his remedial training and passing the ADEX Board clinical exam.
 - All other probation terms shall apply.

Glickman/Kolkman
Motion carried 9-0-0

D. Timothy Bussick, D.D.S., License No. 12009656A

10:45 a.m.

Administrative Cause No. 2022 ISBD 0005

Re: Administrative Complaint and Motion to Dismiss With Prejudice

Parties Present:

Respondent was not present

Brittney McMann, Deputy Attorney General for the State of Indiana

Heather Orbaugh, Court Reporter, Accurate Reporting

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)

Richard R. Nowakowski, D.D.S.

Annette J. Williamson, D.D.S.

Twyla Rader, L.D.H

Matthew Kolkman, D.D.S.

Jeffery Snoddy, D.D.S.

Robert D. Findley, D.D.S.

Edward Sammons, D.D.S.

Tammera Glickman, Consumer Member

Case Summary: On or about June 9, 2022, an administrative complaint was filed against Dr. Bussick with allegations of false advertising. The State said that this complaint cannot go forth as the Board no longer has rules regarding advertising. The State has filed a Motion to Dismiss with Prejudice for the Board to consider.

Board Action: A motion was made and seconded to grant the Motion to Dismiss with Prejudice in the matter of Dr. Bussick.

Reese/Sammons
Motion carried 9-0-0

E. Inna Grishin, D.D.S., License No. 12012306A
Administrative Cause No. 2022 ISBD 0004
Re: Administrative Complaint

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

VII. NOTICE OF PROPOSED DEFAULT

There were no notices of proposed default.

VIII. APPLICATIONS FOR REVIEW

A. LICENSURE APPLICATIONS

1. Hossam Abdelsalam (DDS)

Dr. Abdelsalam was submitted for review as a graduate of an unaccredited school. Dr. Abdelsalam is a graduate of Pharos University in Alexandria. He has taken and passed the NBDE and CDCA examination. He has completed a two-year program in advanced general dentistry at the University of Rochester on June 1, 2012. The Board noted that he has two (2) National Board failures, and two (2) Clinical Exam failures.

Board Action: A motion was made and seconded to approve Dr. Abdelsalam's application for dental licensure pending the completion of the jurisprudence examination.

Sammons/Kolkman
Motion carried 9-0-0

2. Alan Alfield (DDS)

Dr. Alfield was submitted for review as a graduate of an unaccredited school and review of his response to the question, "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?" Dr. Alfield is a 2012 graduate from October University for Modern Sciences and Arts and has taken and passed the NBDE and CDCA examination. Dr. Alfield completed a two-year prosthodontics program at the University of Florida on August 10, 2021. He is currently licensed in the state of Texas and Illinois. Dr. Alfield submitted a statement that indicated that his original arrest was in 2018, but he participated in a deferment program that reduced the charge in 2020, and the record was sealed. The Board did not express concerns regarding his education and training.

Board Action: A motion was made and seconded to approve Dr. Alfield's application for dental licensure pending the completion of the jurisprudence examination.

Nowakowski/Kolkman
Motion carried 9-0-0

3. **Jana Beltz (LDH)**

Ms. Beltz was submitted for review of her state constructed examination for her Dental Hygiene license. Ms. Belta is a 2006 graduate of Santa Rosa Junior College and has taken and passed National Boards and a California state constructed examination in 2006. She is currently licensed in California and has been in continuous practice. She submitted a copy of her California examination for the Board to review to determine equivalency.

Board Action: A motion was made and seconded to approve Ms. Beltz's application for licensure as a dental hygienist licensure pending the completion of the jurisprudence examination.

Rader/Snoddy
Motion carried 9-0-0

4. **Craig Copeland (DMD)**

Dr. Copeland was submitted for review of his state constructed examination for his Dental license. Dr. Copeland is a 2010 graduate of University of Florida, and he has taken and passed National Boards and a state constructed examination in the state of Florida. He is currently licensed in the state of Texas and holds an expired license in the state of Florida. There has been no discipline on either license. He has been in continuous practice. He submitted a copy of his Florida examination for the Board to review to determine equivalency.

Board Action: A motion was made and seconded to approve Dr. Copeland application for dental licensure pending the completion of the jurisprudence examination.

Reese/Sammons
Motion carried 9-0-0

5. **Jodi Deming (LA Permit)**

Ms. Deming was submitted for review of her dental hygiene anesthetic permit. Ms. Deming is a 1988 graduate of Pierce College and completed a state constructed examination in the State of Washington in 1988 for her license and to administer anesthetics. The State of Washington provided an email that they no longer have the examination scores, but the examination at that time covered anesthesia. The Board stated that it did not appear her program provided clarification on the didactic or clinical hours earned for the program. The Board noted that based upon the email from the State of Washington and the dental hygiene program she completed for dental hygiene, she meets the requirement for issuance of the permit.

Board Action: A motion was made and seconded to approve Ms. Deming's application for a dental hygiene anesthetic permit.

Reese/Rader
Motion carried 9-0-0

6. **Carlos Garcia (DMD)**

Dr. Garcia was submitted for review of his program and state constructed examination. Dr. Garcia is 1973 graduate of the University of Puerto Rico and is currently licensed in the state of Texas and Puerto Rico. Dr. Garcia has taken and passed a Puerto Rico clinical examination in 1973. He

has not passed the National Board of Dental Examiners (NBDE) or one of the regional examinations. He was licensed in Puerto Rico in 1973 and obtained a license in Texas in 1996. The State of Indiana requires passing of a clinical examination and the NBDE examination. The state constructed examination Dr. Garcia completed will meet the requirement for the clinical exam requirement but not the NBDE.

Board Review: A motion was made and seconded to deny Dr. Garcia's application for dental license based upon 828 IAC 1-1-3 that he is required to have taken and passed the NBDE

Kolkman/Reese
Motion carried 9-0-0

7. **Rebecca O'Brien (LDH)**

Ms. O'Brien was submitted for review of her state constructed examination for her dental hygiene license. Ms. O'Brien is 2010 graduate of Southwestern Community College, and she is currently license in the state of California since 2010. She has taken and passed a California State constructed examination. She submitted a copy of her examination for the Board to review to determine equivalency.

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

Findley/Sammons
Motion carried 9-0-0

8. **Evelyn Perez (DDS)**

Dr. Perez was submitted for review as a graduate of an unaccredited school. Dr. Perez is a 2005 graduate of Universidad Internacional de las Americas and completed a two (2) year residency program at the University of Louisville in pediatrics. She has taken and passed the NBDE and CDCA examinations. She currently holds a license in Kentucky with no discipline. She has requested a waiver of the TOEFL examination requirement as she is an American citizen and was never requested to take this examination.

Board Action: A motion was made and seconded to grant Dr. Perez's request to waive the TOEFL examination requirement and grant her application for dental licensure pending completion of the jurisprudence examination.

Kolkman/Nowakowski
Motion carried 9-0-0

9. **Eric Sauk (DDS)**

Dr. Sauk was submitted for review of his state constructed examination. Dr. Sauk is 2005 graduate of the University of Southern California and is currently licensed in Kentucky and holds an expired license in the state of California. He has taken and passed the NBDE, and California state constructed examination is 2005. He has been in continuous practice. He submitted a copy of his California state examination for the Board to review to determine equivalency.

Board Action: A motion was made and seconded to approve Dr. Sauk application for dental licensure pending the completion of the jurisprudence examination.

Sammons/Nowakowski
Motion carried 9-0-0

10. Jennifer Van Wagoner (DMD)

Dr. Van Wagoner was submitted for review of her dental application by endorsement. Dr. Van Wagoner is a 2008 graduate of the University of Nevada and has taken and passed the NBDE and WREB examinations. She is currently licensed in states of Nevada, Arizona, Montana, Utah, Kentucky, and Idaho. She is requesting the Board to waive the requirement of three (3) letters of recommendation as she unable to obtain the letters. Per correspondence to the Board, she informed the Board that she works for the Federal prison system and that she does not need a license to work but she was requesting the license to work in the state prisons. She stated that if Board was unable to grant her a license without the letters of recommendation, she is withdrawing wants to withdraw her application.

Board Action: The Board stated they will accept Dr. Van Wagoner's request to withdraw her application as the administrative rule requires applicants to sub 3 letters of recommendation.

B. CONTINUING EDUCATION

There were not applications for approval.

IX. DISCUSSION

A. Compliance Fund Update

Dr. Reese stated that Mary Hutchinson and Evan Bartel were working on a new MOU for the Compliance Fund. Dr. Reese stated that some of the Board's concerns were not in the new proposed MOU and Ms. Hutchinson is working on a new MOU for the Board. The Board discussed their request for three Compliance Officers that will cover the North, Central, and Southern parts of the State for the new MOU. Dr. Findley stated he would not mind being a Compliance Officer for the Southern section of the State. The Board discussed the ethical concerns of a Board member engaging as a Compliance Officer. Mr. Leif, Board Counsel, stated that current MOU states that the Compliance Officers will bill the IPLA who will then pay out of the fund. Current proposed Officers that the Board would like to implement are Dr. Mara Catey-Williams for the North, Dr. Matt Miller for the Central, and Dr. Robert Findley for the South. There was some discussion on the ethical concerns for Dr. Findley being a Compliance Officer and Board Member.

B. Website Modifications Recommendations

Dr. Reese stated that there are a few updates that the Board wishes to see on the website.

- **Disciplinary Orders and Information-** The Board staff stated this information is already on the website. To find this information, individuals need to go under Online Services, and choose License Litigation.
- **Dental Examination Information-** The Board staff stated this information is already on the website. To find this information, individuals need to visit the Dentistry Home page, and choose the Dentistry Licensing Information page. There is a section called Exams and Testing with the information and contact information for all those entities.

The Board asked if they could change the format of the website. Board staff stated that this format is standard for all the professions of IPLA and inquired if the Board had a specific format in mind they would like to use. The Board stated that they did not have a specific format in mind and would like to revisit this topic again once more information is obtained.

C. Proposed Administrative Rules Review

The Board stated that they will revisit this for next meeting.

D. Nomination of Compliance Officers

The Board discussed Dr. Mara Catey-Williams for the North, Dr. Matt Miller for the Central, and Dr. Robert Findley for the South.

E. Brian McGue, D.D.S., Stay in the Board Sedation

Re: Light Parenteral Intravenous Sedation Course

Dr. McGue submitted a sedation training program that he would like the Board to consider for approval. He indicated that if the Board accepted his training course, the Board might consider it as proof of sedation training for applicants who are applying for sedation licensure. The Board stated that his course needs to be CODA or ADA approved for the Board to accept the training for licensure. As the training stands, it would be considered only as CE training, and not proof of training for licensure.

F. CDCA WREB Examination Overview 2022 Report

Ms. Rader stated that with the changes of COVID and the new versions of the clinical exams, the pass rate for taking the clinical examinations has not gone up, nor decreased. The passing rate for the mannikin examination has eliminated some of the anxiety and variables for applicants taking the examination that occur on live patients. As the exam allows consistent variables for examinations, it will ensure a more complete testing experience.

G. Licensure by Reciprocity

The Reciprocity bill has passed and is in effect. This option will allow applicants to be processed faster and takes some of the discretion away from the Board. This process does not take away the function of the license or eliminate the requirements for licensure. Dr. Kolkman stated that it seems like this process is similar to an interstate compact that is being proposed for 2023. Dr. Kolkman stated that for the compact, if an individual has us listed as the primary State, as long as another State has approved the compact, they have to honor the license we have granted the individual. Board staff stated that for the compact to be in effect, Indiana would have to join. The reciprocity process is a separate process from the compact.

H. Advertising Rules

The Board discussed the history of the advertising rules. Currently the Board does not have rules regarding advertising due to a past disciplinary case that occurred. The Board will discuss this more in depth at the next meeting. Dr. Reese stated that currently there are four (4) Boards seeking special status to have advertising rules as he feels to have nothing is detrimental to the Board. Board counsel stated that there are current statutes in place that do cover a majority of advertising concerns for the

professions, and the Board can discuss that when can provide more information. An example would be current statues cover title protection or misleading advertisement.

X. REPORTS

A. Office of the Attorney General

The Office of Attorney General reported that currently there are 113 consumer complaints open with a duration of 8.1 months. There have been 78 complaints closed this year. There are 13 litigation cases open with a duration of 13.9 months. There have been 10 litigation cases closed this year. The Board asked if the Attorney General's Office could provide them with information regarding a complaint, they had filed against a practioner. The Attorney General's Office stated that as the case is still under investigation, they cannot provide any information per the confidentiality statues that are in place.

XI. OLD/NEW BUSINESS

The Board staff stated that since June 1, 2022, to August 1, 2022, the office has licensed 136 Dentists and 98 Dental Hygienists. Currently the longest delay is when applicants do not return the law examination back to the office timely. Applicants are given two weeks to complete the law examination. Once the office receives the examination back it is graded within no more than three working days.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 4:46 p.m. by general consensus.

Ted Reese, D.D.S., President