

**MINUTES**

**INDIANA STATE BOARD OF DENTISTRY**

**JULY 13, 2007**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Burns 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 § 15-5-1.1-6(c).

**Board Members Present:**

Jill Burns, D.D.S., President  
Laverne Robison Whitmore, L.D.H., B.S., Vice President  
Galen Williams, D.D.S., Secretary/Designee  
Roger Murphy, D.D.S.  
Dale Sorenson, D.D.S.  
Matthew Miller, D.D.S.  
Richard Newton, II, D.D.S.  
Clance LaTurner, Consumer Member

**Board Members Absent:**

Harvey Weingarten, D.D.S.

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Kristen Kelley, Deputy Director, Professional Licensing Agency  
Kristine Yarde, Assistant Board Director, Professional Licensing Agency  
Liz Brown, Deputy Attorney General, Office of the Attorney General

**II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

**SORENSEN/WILLIAMS**  
Motion carried 8-0-0

**III. ADOPTION OF THE MINUTES FROM THE JUNE 1, 2007 MEETING OF THE BOARD**

The minutes of the June 1, 2007 will be presented for approval at the next meeting of the Board.

**IV. APPEARANCES**

**A. PROBATIONARY**

1. **State of Indiana v. Christopher Leonard, D.D.S., License No. 12009363A**  
Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested, for a personal appearance regarding his ongoing probationary status. He advised things have been going well with his work and recovery. He is still seeing Dr. Moe for medication management. Per his probationary order, Dr. Leonard is required to have Dr. Moe report what medications he is currently taking. Dr. Leonard will have Dr. Moe submit this report. He stated his random urine screens have been less frequent and he is still seeing Paula George for counseling. Dr. Leonard was notified that he did not have a current controlled substance registration. He stated that he would renew that prior to leaving. The Board approved the renewal of his controlled substance registration. Dr. Leonard's next appearance will be scheduled for October 5, 2007.

2. **State of Indiana v. Teresa Michelle McCrady, D.D.S., License No. 12010271A**  
Administrative Cause No. 2006 DB 0003

Dr. McCrady appeared before the Board, as requested, regarding her ongoing probationary status. Dr. McCrady advised the Board that she has been working four days a week and things are going well for her personally. She is on step 4 in Narcotics Anonymous and is not currently taking any medications. Per her probationary order, Dr. McCrady is required to have a monthly report submitted from the Indiana Dental Association Wellness Program. As of this date no reports have been received. Dr. McCrady stated she would check with Candace Backer regarding the reports that need to be sent to the Board.

3. **State of Indiana v. Jim Frankos, D.D.S., License No. 12007586A**  
Administrative Cause No. 2003 DB 0001

Dr. Frankos appeared before the Board, on his own without being requested to do so, regarding his ongoing probationary status. Dr. Frankos is practicing at the Munster Dental Center practice. He advised that things were going well with his meetings and that he was recently married. His next personal appearance will be scheduled in February 2007 and that he would receive notification of the date and time.

**B. APPLICATION**

There were no scheduled appearances for applications.

**C. RENEWAL**

There were no scheduled appearances for renewals.

**V. ADMINISTRATIVE HEARINGS**

- A. **State of Indiana v. John Penrod Eades, License No. 12010420A**  
Administrative Cause No. 2005 DB 0004  
Re: Complaint and Extension of Summary Suspension

**Parties and Counsel Present:**

Respondent was not present and was not represented by counsel.  
Mark Mader, Deputy Attorney General for the State of Indiana  
Felicia Warren, Court Reporter

**Participating Board Members:**

Dr. Burns (Hearing Officer)  
Ms. Whitmore  
Ms. LaTurner  
Dr. Murphy  
Dr. Sorenson  
Dr. Williams  
Dr. Newton  
Dr. Miller

**Case Summary:** A disciplinary hearing was scheduled to be held to consider the Administrative Complaint filed by the State of Indiana on Ma22, 2007. The Respondent was given timely notice of the time and place of this scheduled hearing but failed to appear. At this time the State asked the Board to issue a Notice of Proposed Default and to extend the Summary Suspension due to the Respondent's failure to appear.

**Board Action:** A motion was made and seconded to issue a Notice of Proposed Default.

WILLIAMS/SORENSEN  
Motion carried 8-0-0

**Board Action:** A motion was made and seconded to grant the extension of the Summary Suspension for an additional ninety (90) days.

WILLIAMS/SORENSEN  
Motion carried 8-0-0

**B. State of Indiana v. Daniel J. Fink, License No. 12007602A**  
Administrative Cause No. 2007 ISDB 0001  
Re: Summary Suspension

**Parties and Counsel Present:**

Respondent was not present and was not represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Felicia Warren, Court Reporter

**Participating Board Members:**

Dr. Burns (Hearing Officer)  
Ms. Whitmore  
Dr. Murphy  
Ms. LaTurner  
Dr. Sorenson  
Dr. Williams  
Dr. Newton  
Dr. Miller

**Case Summary:** The State advised the Board that the forty-five (45) day extension of the Summary Suspension filed July 10, 2007 will remain in effect until the Final Hearing which is scheduled for August 3, 2007.

**Board Action:** There was no action taken by the Board.

**C. State of Indiana v. Lisbeth Ann Randall, D.D.S., License No. 12009343A**  
Administrative Cause No. 2006 VB 0004

Re: Request to Withdraw Order of Probation

**Parties and Counsel Present:**

Respondent was not present and was not represented by counsel  
Laura Wilford, Deputy Attorney General for the State of Indiana  
Felicia Warren, Court Reporter

**Participating Board Members:**

Dr. Burns (Hearing Officer)  
Ms. Whitmore  
Dr. Murphy  
Ms. LaTurner  
Dr. Sorenson  
Dr. Williams  
Dr. Newton  
Dr. Miller

**Case Summary:** The State presented the Board with a proposed settlement agreement based upon the complaint filed in this matter on December 5, 2006. On or about August 30, 2002, Patient L.D. presented to Respondent's office for an initial consultation. Patient L.D. was provided with a treatment plan in the amount of \$3,191.00. The August 31, 2002 treatment plan provided for a root canal therapy to Tooth No. 31 at a cost of \$685.00, a crown buildup to Tooth No. 31 at a cost of \$170.00, and delivery of a crown to Tooth No. 31 at no cost. Respondent performed a root canal to Tooth No. 31 of Patient L.D. on October 15, 2002. On that date, Respondent and Patient L.D. discussed the fact that Respondent opted for a porcelain crown. On November 5, 2002, Patient L.D. presented to Respondent's office for a crown build up. Upon leaving, Respondent was asked to pay a different total than the August 31, 2002 treatment plan. Respondent paid \$500.00 and received a receipt that documented an additional \$715.00 charge for services not included in the August 31, 2002 treatment plan. Patient L.D. contacted Respondent's office to determine why an additional charge of \$715.00 was incurred. Respondent's office staff explained that the cost of a porcelain crown (\$715.00) was omitted from the August 31, 2002 treatment plan due to a "clerical error." Respondent's office staff agreed to speak with Respondent regarding rectifying the clerical error. On November 19, 2002, Respondent informed L.D. she would place a crown on her tooth on for the cost of the lab work only. Patient L.D. presented to Respondent's office on November 21, 2002 at 4:00 p.m. for delivery of the crown. Respondent delivered a crown to Tooth No. 31 on that date. Patient L.D. was not charged for Respondent's services on that date. Upon her return home, Patient L.D. noticed that Respondent had placed a "silver" crown on her tooth. Patient L.D. immediately contacted Respondent's office for an explanation as to why she received a "silver" crown rather than the porcelain one that was discussed at her October 15, 2002 treatment. Respondent communicated to L.D. that she never agreed and would never agree to place a free porcelain crown on L.D. and believed she had communicated this to L.D. prior to delivery of the crown.

The recommendation was that Respondent agrees that she shall receive from the Board a verbal censure which states as follows:

*While the Indiana State Board of Dental Examiners recognizes the difficulties presented to a dentists when working in a busy practice environment, it also recognizes that dentists are responsible for effectively communicating to patients and maintaining appropriate documentation regarding the course of treatment for*

*patients. Accordingly, the Board admonishes you to use the utmost care and diligence when communicating to your patients and in all areas of your dental practice.*

Respondent further understands that any non-compliance with the statutes or regulations regarding the practice of dentistry, or any violation of the Settlement Agreement may result in: (1) the State requesting an emergency suspension of Respondent's license, pending a reinstatement of the initial action giving rise to this resolution; (2) an Order to Show Cause as may be issued by the Board; or (3) 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.

**Board Action:** A motion was made and seconded to accept the proposed settlement agreement.

MURPHY/SORENSEN  
Motion carried 8-0-0

#### **VI. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

#### **VII. NOTICE OF PROPOSED DEFAULT**

There were no Notice of Proposed Default's before the Board.

#### **VIII. OLD/NEW BUSINESS**

- A. Dr. Burns discussed the NERB convention recently held in Orlando, Florida and attended by several board members as a fun and eye opening experience.
- B. Rule changes need to be made and some specific items mentioned were the inclusion of ADEX exam in the rule as an accepted regional clinical exam. Dr. Newton will be working on rules for continuing education. Ms. Whitmore will be looking into dental intern permits.
- C. Concerns were expressed about license renewals, Ms. Kelley explained some of the changes that have been made to the online renewal system and to the appearance of the renewal notices. Dr. Burns would like to have statistics on how many practitioners are late in renewing their licenses and how other states discipline practitioners who continue to practice on an expired license.
- D. The PGY1 is a residency being used in New York and Connecticut in lieu of a regional clinical examination. The students are given a test by the residency instructor. The Board determined that if these candidates apply for an Indiana license they will still need to take a regional examination.
- E. The Board would like to review past litigation and have a precedent list so there is a clear understanding of past disciplinary actions taken which will better guide future disciplinary actions.

- F. The Board requested that when Ms. Vaught sends the agenda by email that she includes an RSVP so that she will know who will not be in attendance at the next board meeting. This is to ensure the Board will always have a quorum.
- G. Dr. Sorenson passed out a flyer to the Board which is from the Mirror Image Laser Clinic. The flyer promotes in-office teeth whitening treatments which would be done by an aesthetician. His feeling was that this is the practice of dentistry without a license. The ad will be given to an inspector with the Cosmetology Board who will look into the matter.

## **IX. DISCUSSION**

### **A. Jeanne Russell, L.D.H.**

The Board reviewed an email from this dental hygienist who asked if dental hygienists can use local anesthesia and if the use of lasers is permitted with the procedure of perio disinfection. The Board asked Ms. Vaught to write her a letter explaining that dental hygienists may not use local anesthesia and they are looking into the use of lasers.

### **B. Margaret Almonte, DCA, EFDA**

The Board reviewed a letter from her inquiring about the provisions for dental assistants in Indiana. She also described the current duties she performs in Ohio to include coronal polishing, adjust occlusion and polish both amalgam and composite restorations, and radiography. The Board asked Ms. Vaught to respond to her letter and inform her that Indiana does not regulate and license dental assistants and she would need to get an Indiana radiography license. Finally, she cannot do coronal polishing or adjust occlusion.

### **C. Administrative Rules**

Ms. Vaught explained to the Board that their rules expire every seven years so they must review the rules and consider the costs and requirements they may have on businesses and then vote to readopt them.

**Board Action:** A motion was made and seconded to readopt the following administrative rules without changes:

- 828 IAC 0.5-1 Definitions
- 828 IAC 1-1 Dentists; Licensure by Examination
- 828 IAC 1-2-13 Competency; physical or mental examination
- 828 IAC 1-4 Practice of Dentistry
- 828 IAC 1-5-3 Verification of attendance
- 828 IAC 2-1 Corporations; Dental
- 828 IAC 3-1 General Requirements

After considering the factors pursuant to Indiana Code 4-22-2.5-3.1(c), the Board has determined that the following rules impose costs and requirements on small businesses:

- 828 IAC 1-1-13 Registration of office addresses; notice of discontinuance; duplicate licenses
- 828 IAC 1-1-14 Advertising
- 828 IAC 1-1-16 Advertising; definitions

828 IAC 1-1-17 Advertising; forms of media used  
828 IAC 1-1-18 Advertising; content  
828 IAC 1-1-19 Advertising; records  
828 IAC 1-1-19.1 Referral services; dental fees; services provided  
828 IAC 1-1-19.2 Referral services; solicitation  
828 IAC 1-1-19.4 Referral service; patient referral  
828 IAC 1-1-19.5 Referral services; compensation  
828 IAC 1-1-19.6 Referral services; verification of licensure  
828 IAC 1-1-20 Costs of disciplinary proceedings  
828 IAC 1-1-22 Mandatory reporting  
828 IAC 1-1-23 Illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures  
828 IAC 1-1-24 Discontinuation of practice  
828 IAC 1-4-2 Practice of dentistry; license  
828 IAC 1-4-3 Unauthorized practice of dentistry  
828 IAC 1-5-3 Verification of attendance  
828 IAC 2-1-1 Name of corporation  
828 IAC 2-1-2 Applications and renewals  
828 IAC 3-1-1 Application; general requirements for anesthesia and sedation  
828 IAC 3-1-2 General anesthesia-deep sedation permit  
828 IAC 3-1-4 Light parenteral conscious sedation permit  
828 IAC 3-1-6.1 Standard of care; light parenteral conscious sedation  
828 IAC 3-1-6.5 Standard of care; general anesthesia and deep sedation  
828 IAC 3-1-7 Renewal and reinstatement  
828 IAC 3-1-7.5 Renewal of permit; continuing education  
828 IAC 3-1-9 Display of permit; additional locations; violations  
828 IAC 3-1-10 Required emergency equipment; general anesthesia and deep sedation  
828 IAC 3-1-11 Required emergency equipment; light parenteral conscious sedation

SORENSEN/WILLIAMS  
Motion carried 8-0-0

#### **D. Logistical Issue of Administering the Indiana Dental and Dental Hygiene Law Examination**

Ms. Whitmore told the Board that some dental hygiene educators have approached her regarding candidates having to come to Indianapolis to take the law exam and the hardship this can pose. She asked the Board to consider other options for candidates to take the law exam. The Board's discussion revealed that students who pass the examination are granted their license and walk out with their pocketcard. The examination is administered every other Tuesday at ten o'clock in the morning and it is included within the cost of their application for licensure. If an examination service was used this would definitely incur a cost in the range of \$75-\$100 and the results would take time which would delay licensure. The Board did not feel that there is a better system than what is currently being done but Dr. Sorenson will explore an examination service to see what exactly it entails.

#### **X. APPLICATION REVIEW**

##### **A. Endorsement**

1. Steven C. Jacks, D.D.S.
2. Peter John Heath, D.D.S.
3. Harpreet Singh, L.D.H.

**Board Action:** A motion was made and seconded to grant licenses to Dr. Jacks and Dr. Heath. Ms. Singh will need to take a regional exam before she can be licensed.

MILLER/NEWTON  
Motion carried 6-0-0  
Dr. Murphy and Dr. Sorenson were not present

**B. Examination**

1. Rachel L. Brinkman, D.D.S.
2. Jessica Rowley, D.D.S.

**Board Action:** A motion was made and seconded to grant licensure to Dr. Brinkman and deny licensure to Dr. Rowley until she passes the NERB.

NEWTON/MILLER  
Motion carried 6-0-0  
Dr. Murphy and Dr. Sorenson were not present

**C. Anesthesia and Sedation Permits**

1. Jason A. Dewitt, D.D.S.
2. Peter John Heath, D.D.S.
3. Michael D. Tuttle, D.D.S.
4. James G. Woodyard, D.D.S.
5. Manesh Mohan, D.D.S.

**Board Action:** A motion was made and seconded to approve anesthesia and sedation permits to the above practitioners.

WILLIAMS/LATURNER  
Motion carried 6-0-0  
Dr. Murphy and Sorenson were not present

**D. Dental Intern Permit**

1. Andrew T. Boyer, D.D.S.
2. Dustin J. Hopkins, D.D.S
3. Rachael Hawkins, D.D.S.

**Board Action:** A motion was made and seconded to approve dental intern permits for the above practitioners.

WILLIAMS/LATURNER  
Motion carried 6-0-0  
Dr. Murphy and Dr. Sorenson were not present

**XI. PROBATIONARY REPORT**

**A. Stephen Leroy Ballard, D.D.S.**

Ms. Vaught reported to the board that Dr. Ballard has withdrawn from the Indiana Dental Association Wellness Program. The letter stated he has retired from the practice of dentistry. Even though he has retired from practice Dr. Ballard is still under a probationary order issued by the Board of which he must comply. Based upon the terms of the order he is in violation based upon withdrawal from the Wellness Program.



Ms. Vaught recommended that the Board issue an Order to Show Cause in this matter to be heard at the August 3, 2007 meeting.

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

WILLIAMS/SORENSEN  
Motion carried 8-0-0

## XII. CONTINUING EDUCATION

### A. Columbus Dental Forum

The Board granted approval for the Columbus Dental Forum to be a sponsor of continuing education until March 2, 2008. They will need to renew their approval at that time.

### B. Periodontal Specialists of Indiana

The Board reviewed the periodontal Specialists of Indiana application for approval as a continuing education sponsor. Prior to considering their application they will need to submit additional information. The law states that approval of programs, to be given, by an organization must submit an application, a fee, a copy of all documents relating to the formation and continued existence of the organization, a description of the specific purposes for which the organization was formed, and a vita or resume listing education and relevant work experience for each individual who will be teaching the programs.


## XIII. REPORTS

### CONTROLLED SUBSTANCE ADVISORY COMMITTEE (CSAC)


Dr. Miller did not have a report regarding the controlled substances advisory committee. The next meeting of the Committee is set for July 27, 2007.

## XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:00 p.m.

  
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Jill Burns, D.D.S., President

9-7-07  
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Date

  
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Galen William, D.D.S., Secretary

\_\_\_\_\_  
Date