

STATE BOARD OF DENTISTRY
MINUTES
June 3, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Ted Reese 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:

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.
R. Daron Sheline, D.D.S.
Jeffrey L. Snoddy, D.D.S.
Edward Sammons, D.D.S.
Twyla Rader, L.D.H.
Tammera Glickman, Consumer Member

Board Members Not Present:

Matthew Kolkman, D.D.S.
vacant

State Officials Present:

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

II. ADOPTION OF AGENDA

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

Williamson/Rader
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES

There were not minutes for review.

IV. PERSONAL APPEARANCES

A. PROBATION

- 1. Arnel Galanosa, D.D.S., License No. 12013706A**
Cause No. 2021 ISBD 0013

Dr. Galanosa appeared as requested with counsel Derek Petersen to discuss his ongoing probation. Dr. Galanosa informed the Board that he is working part-time in the state. As of August of 2022, he will be in the state full time. Dr. Galanosa submitted self-reports for the

Board to review. The Board requested that his reports show his daily schedule so they can evaluate not only his speed, but also thoroughness. The Board also requested that he provide the percentages of Medicaid patients he sees and make available a copy of his radiographs for the compliance officer. The Board requested a report from his dental employer for his next appearance.

2. Donna Petro, L.D.H., License No. 13002646A
Cause No. 2020 ISBD 0005

Ms. Petro appeared as requested to discuss her ongoing probation. She apologized for being late due to a flat tire. She last appeared before the Board on December 20, 2021. Ms. Petro stated that she was working downtown at the Children's Center for two (2) days, and in Broad Ripple for two (2) days. The Board inquired if she has completed any other drug screen. Ms. Petro stated that she was not told to provide an updated drug screen, and that she provided a copy of her first one. The Board requested that for her next appearance she provide employer reports and a new drug screen.

B. APPLICATION

There were no applications for review.

C. REINSTATEMENT

1. Kayley Baughman, L.D.H., License No. 13007902A

Ms. Baughman appeared as requested to discuss the reinstatement of her license that expired in 2018. She submitted copies of her continuing education and a statement for the Board to review. Ms. Baughman stated that she was previously living in Wisconsin, and last practiced in 2019.

Board Action: A motion was made and seconded to approve her reinstatement pending the completion of the jurisprudence exam.

Sheline/Sammons

Motion carried 9-0-0

2. Darian Kaar, D.D.S., License No. 12010920A

Dr. Kaar appeared as requested to discuss the reinstatement of his license that expired in 2008. He submitted copies of his continuing education and a statement for the Board to review. Dr. Kaar informed the Board that he has been practicing in the state of Texas with a prosthodontics group. His plans are to practice full time in Indiana.

Board Action: A motion was made and seconded to approve his reinstatement pending the completion of the jurisprudence exam.

Nowakowski/Findley

Motion carried 9-0-0

3. Jayne Luttrell, L.D.H., License No. 13001295A

Ms. Luttrell appeared as requested to discuss the reinstatement of her license that expired in 2000. She submitted copies of her continuing education and a statement for the Board to review. She informed the Board that she has been practicing in the state of Colorado since 1981 and returned to Indiana to be closer to family. She has held licenses in the states of Colorado and Kentucky.

Board Action: A motion was made and seconded to approve her reinstatement pending the completion of the jurisprudence exam.

Reese/Sammons
Motion carried 9-0-0

4. Susan Reese, L.D.H., License No. 13002804A

Ms. Reese appeared as requested to discuss the reinstatement of her license that expired in 2014. She submitted copies of her continuing education and a statement for the Board to review. Ms. Reese stated that she retired early from the profession due to an injury. She has since recovered and would like to reinstate her license. She last practice as a dental hygienist in 2012. Ms. Reese is currently working as a dental assistant to improve her skills. Her intention is to work part-time as a substitute.

Board Action: A motion was made and seconded to approve her reinstatement pending the completion of the jurisprudence exam.

Nowakowski/Rader
Motion carried 9-0-0

5. Joanna Wallace (Connors), L.D.H., License No. 13002568A

Ms. Wallace appeared as requested to discuss the reinstatement of her license that expired in 2008. Ms. Wallace submitted copies of her continuing education and a statement for the Board to review. She informed the Board that she last worked in 2005 and left the practice to raise her family. She has been shadowing a dental hygienist to refamiliarize her with the practice and stated that she did struggle with some of the digital changes. Ms. Wallace's intentions are to work as a dental hygienist to regain her skills, and then transition into management.

Board Action: A motion was made and seconded to approve her reinstatement pending the completion of the jurisprudence exam.

Reese/Rader
Motion carried 9-0-0

D. RENEWALS

1. Rachael Brown, L.D.H., License No. 13004178A

Ms. Brown appeared as requested to discuss her positive response to the renewal question “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Ms. Brown submitted a statement and supporting documents for the Board to review. She was convicted of a class A misdemeanor for Operating a Vehicle While Intoxicated Endangering a Person (“OWI”), on February 7, 2022. She was sentenced to three hundred sixty-five (365) days in incarceration, with all three hundred sixty-five (365) days suspended. Ms. Brown has remained on criminal probation, with the criminal probation scheduled to lapse in February 2023. Per the court, she was required to complete an alcohol assessment, alcohol class, and pay fines. Ms. Brown is currently employed at Applebee’s. She stated that due to the family stresses, she has stepped away from the profession but would like to maintain her license. She is currently seeing a counselor every other week.

Board Action: A motion was made and seconded to renew Ms. Brown’s dental hygiene license on indefinite probation with the following terms:

- Applicant shall not be eligible for probation withdrawal until she provides proof that her criminal probation has been discharged.
- Licensee must make a personal appearance at the first Board meeting occurring on or after the point that six (6) months have elapsed since the date of this Order.
- Licensee must comply with all statutes, rules, and regulations governing her dental hygienist license.

Nowakowski/Findley
Motion carried 9-0-0

2. Scott Chung, D.D.S., License No. 12011717A

Dr. Chung did not appear as requested to discuss his positive response to the renewal question “Since you last renewed, has any healthcare license, certificate, registration, or permit you hold or have held been subject to investigation, charges pending, or disciplinary sanctions in any state or U.S. territory?” Dr. Chung provided a statement and supporting documents for the Board to review. The Board noted that the Texas dental Board had investigated a complaint filed against Dr. Chung and they found that no violation was found.

Board Action: A motion was made and seconded to approve Dr. Chung’s dental license renewal.

Reese/Sheline
8-0-1 Findley opposed.

3. Erin Coleman, D.D.S., License No. 12011288A

Dr. Coleman did not appear as requested to discuss her positive response to the renewal question “Since you last renewed, has any healthcare license, certificate, registration, or permit you hold or have held been subject to investigation, charges pending, or disciplinary sanctions in any state or U.S. territory?” Dr. Coleman submitted a statement and supporting documents for the Board to review. Dr. Coleman stated that she had a complaint filed in the state of Missouri that was investigated by the Dental Board but after investigation and review the complaint was closed.

Board Action: A motion was made and seconded to approve Dr. Coleman’s dental license renewal.

Williamson/Nowakowski
Motion carried 9-0-0

4. David Goris, D.D.S., License No. 12010322A

Dr. Goris appeared with counsel Mike Mullen to discuss his positive response to the renewal question “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” Dr. Goris submitted a statement and supporting documents for the Board to review. He stated that his malpractice incident was due to a restorative case from 2017. He supplied the Board with information on his follow up procedures with the patient, and the steps he took to provide care to restore her bridgework. The case was reviewed by a panel, and per legal advice he settled rather than fight the claim. He informed the Board that he has had no other malpractice incidents in his twenty (20) years of practice. He has since completed additional continuing education training with a focus on implant knowledge.

Board Action: A motion was made and seconded to renew Dr. Goris’ dental license and file an administrative complaint to further investigate the matter.

Reese/Nowakowski
Motion carried 9-0-0

5. Nicole Howard, L.D.H., License No. 13003578A

Ms. Howard did not appear as requested to discuss her positive response to the renewal question “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been

convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Ms. Howard provided supporting documents of what occurred but did not provide a statement per the Board’s request. The Board expressed concerns as it appears Ms. Howard is on criminal probation, but they do not have any additional information, and Ms. Howard did not appear to provide clarification.

Board Action: A motion was made and seconded to approve Ms. Howard’s dental hygiene license renewal and file an administrative complaint for further investigation.

Sammons/Findley
Motion carried 8-0-1 Reese opposes

6. **Michelle Mitchell, L.D.H., License No. 13005474A**

Ms. Mitchell appeared as requested to discuss her positive response to the renewal question “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Ms. Mitchell submitted a statement for the Board to review regarding the class A misdemeanor conviction for Operating a Vehicle While Intoxicated (“OWI”), on April 12, 2022. The OWI conviction resulted in a sentence of sixty (60) days in incarceration, with fifty-eight (58) days suspended and was required to complete alcohol classes and an alcohol assessment. Ms. Mitchell has remained on criminal probation, with the criminal probation scheduled to lapse in October 2022.

Board Action: A motion was made and seconded to place Ms. Mitchell on indefinite probation with the following terms and conditions:

- Applicant shall not be eligible for probation withdrawal until she provides proof that her criminal probation has been discharged.
- If the probation is still in effect, Licensee must make a personal appearance at the first Board meeting occurring on or after the point that six (6) months have elapsed since the date of this Order. This requirement is voided if Licensee is removed from probation before that time.
- Licensee must comply with all statutes, rules, and regulations governing her dental hygienist license.

Sheline/Nowakowski
Motion carried 9-0-0

V. **ADMINISTRATIVE HEARINGS**

There were no Administrative Hearings.

VI. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default.

VII. APPLICATIONS FOR REVIEW

A. LICENSURE APPLICATIONS

1. Danielle Geraty, L.D.H., Local Anesthetic Permit

Ms. Geraty's local anesthetic permit was submitted for review of her education. She submitted a copy of her course syllabus for the Board to review. Based upon the syllabus it appears that her program was mostly online, but the clinical and didactic hour requirements has been met. The Board noted that it was a CODA accredited program.

Board Action: A motion was made and seconded to approve Ms. Geraty's local anesthetic permit application.

Williamson/Rader
Motion carried 9-0-0

2. John Crawford (DDS)

Dr. Crawford's application was submitted for review of his state constructed examination. Dr. Crawford did appear to provide any clarification should the Board have additional questions. Dr. Crawford provided a copy of his state constructed exam that was emailed to him from the Illinois Dental Board. He stated that his intention was to work in Indiana is provide assistance with a Dental Group located in Valparaiso.

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

Reese/Findley
Motion carried 9-0-0

3. Jelena Canter, L.D.H., Local Anesthetic Permit

Ms. Canter's local anesthetic permit was submitted for review of her education and state constructed local anesthetic examination. Ms. Canter submitted copies of continuing education training in local anesthetic. The Board stated that they can approve her exam; however, they cannot accept continuing education for proof of training. The Board tabled her application pending receipt of proof of training from the school showing her clinical hours, didactic hours, and topics of training.

B. CONTINUING EDUCATION

There were no continuing education

VIII. DISCUSSION

A. Dr. Michael Bajza, D.D.S., 12009652A

Dr. Bajza appeared to discuss his case, though no notice was sent for him to appear. Dr. Bajza spoke with the Board regarding his work history, and the progress of his case history. Dr. Bajza was not represented by counsel, and the Board reiterated with Dr. Bajza to review his probation order with his

counsel. Dr. Bajza will be set for a modification of probation hearing at the August 5, 2022, meeting.

B. Compliance Fund Update

Dr. Reese stated that the funds for the Compliance fund are still not being used for Compliance issues, and that IPLA has taken payroll expenses out of the fund. Dr. Reese stated that this withdrawal of funds is inappropriate use. Mr. Evan Bartel, Deputy Director of IPLA was present to provide clarification for the Board. He informed the Board that he is aware of their concerns, and that funds are only being withdrawn as what is currently allowed in MOU on a quarterly basis. He is currently working with Mary Hutchinson of the Office of Attorney General's office to create a new MOU to address the Board's concerns. Mr. Bartel stated that based upon current statutory language a specific percentage of the Fund must be allocated to administrative uses, and that you cannot reduce the withdrawal of funds to zero (0). He stated that a new drafted MOU can be worked that will allocate more percentages to compliance. Dr. Reese stated that he would like the language in the new MOU to be between the Board and the Attorney General's office, and not between IPLA and the Attorney General's Office. Keiley Kessler of the Attorney General's office informed the Board that they cannot eliminate IPLA from the MOU as they administer to the Board. She clarified that the Attorney General's office does not always have authority to address concerns that the IPLA does. Currently while there has been a Compliance officer on file, that Compliance officer has never billed for his services. She stated that this is one of the issues that the new MOU will address. Dr. Reese stated that he volunteers to be the Board representative during the discussions of the new MOU.

C. Website Modifications Recommendations

The Board discussed website changes and updates. Discussion occurred on what they would like to see updated such as CE changes, and the Announcement section updated. The Board staff advised that some individuals are still using old bookmarks and web addresses. To ensure that practitioners are seeing the correct information they should update their bookmarks. Old webpages that are not in current use are in the process of being deleted to prevent search engines from pulling up old information; however, we cannot control if someone copied old information on a webpage that is not operated by the State.

D. Proposed Administrative Rules Review

The Board reviewed their administrative rule changes and edits. The Board reviewed their updates for the anesthesia for dentists and dental hygienists, the examination requirements for dentists and dental hygienists, and the renewal requirements for dentists and dental hygienists.

E. Senate Enrolled Act 5

Dr. Reese stated that this bill has a conflict of interpretation with IPLA and IDA. Mr. Bartel explained that when the bill was being drafted, old statutory language was considered, and it is not replacing what is currently required. He informed the Board this bill allows a different path to licensure, and that IPLA is working on an implementation process to prevent any conflicts.

F. Mark Saxon, DDS

Dr. Saxon appeared to ask as to whether Senate Enrolled Act 5 would apply to dental residency licenses or limited charitable licenses. The bill will only affect unlimited licenses and the dental residency and limited charitable permits are considered a limited license. Dr. Saxon stated that they are looking for a limited license to practice while providing continuing education training for

practitioners. The dentist are currently licensed in another state and are participating in a post residency program. The Board does not have a type of a limited license that would all the dentist to practice in a continuing education program.

G. IDA Resolutions

Dr. Williamson spoke on behalf of the IDA and communicated the following IDA resolutions:

RESOLUTION 22/104RC IDA Officer Liaison to the State Board of Dentistry

RESOLVED that the Vice President attend, or if unavailable appoint an elected officer to attend, all public meetings of the Indiana State Board of Dentistry and report back to the Board of Trustees.

RESOLUTION 22/108RC Compliance Fund and Licensure Fees

RESOLVED that the Indiana Dental Association affirm its position that compliance fund monies be used exclusively for the originally stated purpose of assisting the Indiana State Board of Dentistry and Indiana Office of the Attorney General for investigation and enforcement activities that are specifically delineated in a memorandum of understanding between the two entities. Be it further

RESOLVED that it is the IDA’s position that dental and dental hygienist compliance fund licensing fees should be terminated. Be it further

RESOLVED that the IDA President direct the proper IDA committee to pursue legislative or administrative change required to terminate the compliance fund licensing fee, and to report back to the Board of Trustees. Be it further

RESOLVED that the IDA President direct the proper IDA Representative to report quarterly to the Board of Trustees on the most recent information available on the balance and activity of the compliance fund.

H. Advertising Rules

Discussion was tabled until the August 5, 2022, meeting.

I. Pamela Inabitt, L.D.H., License No. 13002178A

The Board revisited their ruling for Ms. Inabitt who appeared on April 1, 2022 to discuss her reinstatement application. The Board requested that she complete twenty (20) hours of hands-on training in Fluoride, Radiology, and Coronal Polishing in order to reinstate her dental hygiene license. Ms. Rader has researched available programs and or continuing education in those areas and found there were no programs available. The Board stated that based upon this information they need to reconsider their vote in this matter.

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

Radar/Nowakowski
Motion carried 9-0-0

IX. REPORTS

There were no reports to present.

X. OLD/NEW BUSINESS

There was no old/new business to discuss.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 4:30 p.m. by general consensus.

Ted Reese, D.D.S., President