

**STATE BOARD OF DENTISTRY
MINUTES**

JUNE 5, 2020

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Mara Catey-Williams called the meeting to order at 12:22 p.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.
Gregory A. Berger, D.D.S.
Annette J. Williamson, D.D.S.
Jennifer K. Bartek, L.D.H., M.S., C.D.A.
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:

Consumer Member, Vacant

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Felicia Wise, Litigation Specialist, 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.

NOWAKOWSKI/FINDLEY
Motion carried 10-0-0

III. ADOPTION OF THE MINUTES:

A. October 4, 2019, December 6, 2019, and February 1, 2020

A motion was made to adopt the minutes of the October 4, 2019 meeting as written.

STETZEL/NOWAKOWSKI
Motion carried 10-0-0

A motion was made to adopt the December 6, 2019 meeting minutes as written.

WILLIAMSON/BERGER
Motion carried 10-0-0

A motion was made to adopt the February 1, 2020 minutes as is.

WILLIAMSON/NOWAKOWSKI
Motion carried 9-0-1 FINDLEY Abstained

IV. ADMINISTRATIVE HEARINGS

A. Mathew Negrelli, D.D.S., License No. 12009878A

Administrative Cause No. 2019 ISBD 0005

Re: Complaint and Summary Suspension Extension

Parties Present:

Respondent was not present or represented by counsel
Alyssa Servies, 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. Stetzel, DDS
Dr. Sheline, DDS
Dr. Williamson, DDS
Dr. Findley, DDS
Dr. Reese, DDS
Dr. Berger, DDS
Dr. Snoddy, DDS
Ms. Bartek, MS, CDA, LDH

Case Summary: On May 13, 2020 an administrative complaint was filed. In December 2008, Respondent was referred to the Indiana Dental Association (“IDA”) Well Being Program. Respondent was diagnosed with significant alcohol use disorder. In February 2015, Respondent successfully completed the IDA Well Being Program. In October 2018, Respondent contacted the IDA Well Being Program because he had relapsed. On or about October 2, 2018, Respondent signed a Continuing Care Contract with the IDA Well Being Program. On or about December 26, 2018, Respondent relapsed again. In May 2019, Respondent failed a fitness for duty evaluation, along with other testing required by the IDA Well Being Program. On May 24, 2019, Respondent was informed that he had failed the testing. Respondent refused to continue to participate in the IDA Well Being Program and stopped all monitoring. On June 7, 2019, the IDA Well Being Program Committee determined Respondent was in non-compliance with his IDA Well Being Contract. Respondent has not re-engaged with the IDA Well Being Program. On or about March 1, 2020, Respondent’s dental license expired. By having a significant alcohol use disorder and failing to engage in a treatment program, has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing his ability to practice safely, and is therefore in violation of and subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(4)(D). On or around April 3, 2020 the Board granted a motion to extend the Suspension of the Respondent’s Dental license for 90 days for public health and safety concerns. The Board submitted notices to Respondent to appear regarding the administrative complaint and the extension of his suspension and he has not responded. At this

time the State recommends that a Notice of Proposed Default be issued in this matter and the license be suspended an additional ninety (90) days.

Board action: A motion was made and seconded to issue a notice of Proposed Default and to extend the summary suspension an additional ninety (90) days in the matter of Dr. Negrelli's license

NOWAKOWSKI/SNODDY
Motion carried 10-0-0

B. William J. Downie, D.D.S., License No. 12011611A

Administrative Cause No. 2020 ISBD 0002

Re: Summary Suspension Extension

Parties Present:

Respondent not present or represented by counsel
Alyssa Servies, 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
Dr. Berger, DDS
Dr. Snoddy, DDS
Ms. Bartek, MS, CDA, LDH

Recused Board Members:

Dr. Stetzel, DDS

Case Summary: On or about April 28, 2020 the Board placed Respondent's license on an addition ninety (90) day summary suspension based upon Respondent has a clear pattern of providing substandard care to patients. The facts that were presented on February 7, 2020 and April 28, 2020 showing proof that the Respondent shows a clear and present danger. Since the notice of the ninety (90) day summary suspension of the Respondent's license, the State has not received communication from the Respondent. The State recommends that the 90-day summary suspension be extended for an additional 90 days.

Board Action: A motion was made and seconded to extend the summary suspension an additional ninety (90) days.

BARTEK/WILLIAMSON
Motion carried 9-0-0

V. PERSONAL APPEARANCES

1:15 p.m.

A. PROBATION

B. RENEWALS

1. Kimberly Bachman, D.D.S., License No. 12010600A

Dr. Bachman appeared as requested regarding her yes response to question (5) on the renewal “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?” In October of 2018, Dr. Bachman was convicted of Operating a Vehicle while Intoxicated and placed on probation with terms and conditions. Dr. Bachman has appeared before this Board prior regarding incidents with alcohol. Dr. Bachman stated that she does not have a problem with alcohol, however she made a bad choice of driving home while under the influence. Dr. Bachman informed the Board that she completed a program at Cornerstone, and she has submitted letters of recommendation informing the Board that she is able to practice clinical work. She indicated that she has accepted employment with the Federal Government and the employer has fully reviewed her background and found her not to be at risk. The Board inquired if she was taking any additional steps besides the program, she completed to help prevent further incidents. She stated that she did seek the help of a physician who recommended that she take medications to treat anxiety and depression, however Ms. Bachman informed the Board that she does not have a problem with alcohol, but rather having bad decision making when driving home. The Board feels that Dr. Bachman only completed the Wellness Program to placate the Board and despite coming off probation in 2012 is still repeating the same incidents that caused the probation to be placed. Dr. Bachman stated that she stayed within the wellness program for 2 years but did not feel that the program was a good fit for her as it was designed for those with more serious addiction issues than what she had. Dr. Bachman stated that she has not lost her driver’s license due to alcohol, and that her incidents were a show of bad judgement, rather than of alcohol abuse as with each incident she was at the legal limit. The Board inquired if she does other methods of releasing stress besides alcohol and Ms. Bachman stated that she did not understand what the Board meant since she does not have a problem with alcohol.

Board Action: A motion was made and seconded to deny Ms. Bachman’s license renewal based upon the 2018 OWI convictions and upon your October 2018 conviction of operating a vehicle while intoxicated and previous actions by the Board.

NOWAKOWSKI/BERGER
Motion carried 10-0-0

During the Board discussion and motion Ms. Bachman interrupted the Board to tell them she would like to withdraw her renewal. Ms. Bachman also displayed anger and frustration with the Board and the decision moving forward.

2. Michael Barnett, D.D.S., License No. 12010336A

Dr. Barnett did not appear as requested to discuss his yes response to question number four (4) on his license renewal “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” The Board moved to continue to discuss Dr. Barnett’s renewal without his appearance. Dr. Barnett had a malpractice settlement and submitted a statement of what occurred. Included

in the statement Dr. Barnett indicated that he only uses his Indiana license when he is doing charity work in the State. Dr. Bennett has been in practice for over 40 years without any major incident.

Board Action: A motion was made and seconded to renew Dr. Barnett’s dental license.

CATEY-WILLIAMS/STETZEL
Motion carried 9-1-0 BARTEK OPPOSED

3. Amanda Greenlee Bourff, D.D.S., License 12010671A

Dr. Bourff appeared as requested regarding why she did not respond yes to question (4) on her license renewal “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” Dr. Bourff explained that the initial malpractice action happened in 2017 and she settled it in 2018. The Board noted that Dr. Bourff has been practicing since 2004 and has had no major incidents.

Board Action: A motion was made and seconded to renew Dr. Bourff’s dental license.

STETZEL/NOWAKOWSKI
Motion carried 10-0-0

4. Durrell Dancy, D.D.S., License No. 12012833A

Dr. Dancy appeared as requested regarding why he did not respond yes to question number five (5) on the renewal “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?” In January of 2019, Dr. Dancy was convicted of Operating a Vehicle While Intoxicated Endangering a Person and placed on probation with terms and condition. He informed the Board that there have been no other incidents since that time, and he has completed all criminal probation requirements. He stated that his driver’s license has now been reinstated and is no longer suspended.

Board Action: A motion was made and seconded to renew Dr. Dancy’s dental license.

FINDLEY/REESE
Motion carried 10-0-0

5. Erica Douglas, L.D.H., License No. 13007638A

Ms. Douglas appeared as requested regarding her yes response for question number (5) on the renewal “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?” In January of 2020, Ms. Douglas was convicted of Operating a Vehicle While Intoxicated She was placed on probation with terms and conditions. In her submitted statement to the Board, Ms. Douglas indicated that she is currently on criminal probation due to a guilty plea for an alcohol charge. The probation will be completed in one (1) year. Ms. Douglas submitted a copy of her probation plea and indicated that she has already completed her alcohol abuse program.

Board Review: A motion was moved and seconded to renew Ms. Douglas license.

STEZTEL/NOWAKOWSKI

Motion carried 10-0-0

6. David B. Dowling, D. D.S., License No. 12012628A

Dr. Dowling appeared with counsel as requested to discuss his yes response to question one (1) on his license renewal “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. Dowling is licensed in multiple States and had 3 complaints, each complaint in a different State. The Board reviewed his statement submitted on his license renewal and supporting documents on the cases. The Board noted that it looks like 3 separate complaints. Dr. Dowling informed the Board that the complaints are still under investigation and that he wanted to be upfront with the Board regarding what was going on with the complaints.

Board Review: A motion was made and seconded to renew the license and file a complaint against Dr. Dowling.

NOWAKOWSKI/REESE

Motion carried 9-1-0 CATEY-WILLIAMS OPPOSED

7. Frances Gray, L.D.H., License No.13006240A

Ms. Gray appeared as requested to discuss her yes response for question number five (5) on the renewal “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. Gray was involved with a DUI in January 2020. She stated that she had been out with a friend where they proceeded to drink a bit too much and drove home. They were then pulled over. This was the first time an incident of this nature has happened to Ms. Gray. Currently Ms. Gray indicated that she is going to accept the plea deal that was issued by the court; however, she does not have the paperwork for that agreement yet.

Board Action: A motion was made and seconded to renew Ms. Gray’s license.

NOWAKOWSKI/FINDLEY

Motion carried 9-0-1 REESE ABSTAINED

8. Dixie Jones, L.D.H., License No. 13005012A

Ms. Jones appeared as requested with counsel to discuss her yes response to question number one (1) “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?”, question number two (2) “Since you last renewed, has any license to practice dental hygiene been denied, withdrawn, revoked, or suspended for disciplinary sanctions in any state or U.S. territory?”, and question number three (3) “Since you last renewed, have you been censured, issued a letter of reprimand, received probationary status, had restrictions or limitations placed on your

ability to perform certain acts within the practice of dentistry in any state (including Indiana), U.S. territory or country?” As part of her renewal Ms. Jones submitted a statement and supporting documents to her yes response. Ms. Jones indicated that she has been licensed in Colorado from 1990 to 2001 where she then moved to Indiana. She then was in practice in Indiana for fifteen (15) years where she then moved out of State so she may take care of her parents. She then moved back into the State of Indiana in 2018. During that time of moving from State to State she did not complete 10 hours of CE needed for her Colorado license. During the Colorado audit she signed an agreement that she would surrender her Colorado license.

Board Action: A motion was made and seconded to renew Ms. Jones’ license.

STETZEL/NOWAKOWSKI
Motion carried 9-0-1 REESE ABSTAINED

9. David Lewis Judy, D.D.S., License No 12007871A

Dr. Judy appeared as requested to discuss why he did not respond to yes to question number four (4) on his license renewal “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” Dr. Judy had a malpractice settlement in 2019. The Board discussed with Dr. Judy on the details the procedure that caused the settlement, and Dr. Judy clarified that the procedure was done by a Dental Assistant without his direction. Dr. Judy informed the Board that that individual no longer works at his office. There have been no other incidents with Dr. Judy’s license.

Board Action: A motion was made and seconded to renew Dr. Judy’s license.

BARTEK/FINDLEY
Motion carried 9-0-1 REESE ABSTAINED

10. Christie Lant, D.D.S., License No. 12010692A

Dr. Lant appeared, with counsel Mary Watts, as requested to discuss her yes response to question number five (5) on the renewal “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?” Dr. Lant pled guilty to Operating a Vehicle While Intoxicated in November of 2019. Dr Lant has signed an IDA Well Being Program contract and was assessed at PSI in Chicago. Based on a previous neuro-cognitive evaluation, Dr. Lant has not been medically cleared to practice dentistry. After the arrest Dr. Lant informed the Board that she came to the realization that she had a weekend drinking problem. Her probation was completed in November prior to the license renewal deadline and she did volunteer to be placed in an in-treatment program. She has remained sober since November. Dr. Lant agreed to her license being placed on probation.

Board Action: A motion was made and seconded to renew Dr. Lant’s dental license on Probation with the following terms and conditions: .

1. The Applicant's license to practice dentistry is renewed on **INDEFINITE PROBATION** with no right to petition for removal of the probation until she has completed her contract with the IDA Well Being Program.
2. The Applicant's practice of dentistry shall be governed by the following **TERMS AND CONDITIONS**:
 - a. Applicant shall keep the Board apprised of the following and notify the Board of any changes of:
 - i. Current residence, mailing address, email address and residential phone number; and
 - ii. Place of employment, mailing address, phone number, and name of supervisor, if applicable.
 - b. Applicant shall not practice as a dentist until she has been evaluated and approved to return to practice by the IDA Well Being Program. Applicant shall send a copy of her evaluation directly to the Board of Dentistry at:

Indiana Professional Licensing Agency
 Attn: Indiana State Board of Dentistry
 402 W. Washington Street, Room W072
 Indianapolis, Indiana 46204
 Staff Email: pla8@pla.in.gov
 Agency Fax: (317) 233-4236
 - c. Once the Applicant has been approved to return to the practice of dentistry, Applicant shall personally appear before the Board at two (2) scheduled board meetings every year of probation.
 - d. Once the Applicant has been approved to return to the practice of dentistry, Applicant shall have her employer(s) submit quarterly employer reports addressing Applicant's duties, responsibilities, character, and performance in her professional capacity. If Applicant is self-employed, then she shall not be required to submit quarterly employer reports.
 - e. Applicant shall comply with the statutes and rules governing the practice of dentistry.
3. The failure of the Applicant to comply with the terms of her probation may subject her to a show cause hearing and the possible imposition of further sanctions.

CATEY-WILLIAMS/FINDLEY
 Motion carried 9-0-1 REESE ABSTAINED

11. Steven Lee, D.D.S., License No. 12008803A

Dr. Lee appeared as requested to discuss his yes response to question number (4) on his license renewal "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?" Dr. Lee had a malpractice settlement in February of 2019 and submitted a statement and supporting documents for the Board to review. Dr. Lee walked the Board through the incident and stated that afterwards, procedural policy at the office changed as a result.

Board Action: A motion was made and seconded to renew Dr. Lee's dental license.

SNODDY/REESE
 Motion carried 10-0-0

12. Marc Meadows, D.D.S., License No. 12010415A

Dr. Meadows appeared as requested to discuss his yes response to question number three (3) “Since you last renewed, have you been censured, issued a letter of reprimand, received probationary status, had restrictions or limitations placed on your ability to perform certain acts within the practice of dentistry in any state (including Indiana), U.S. territory or country?” on his renewal. Dr. Meadows is licensed in both Texas and South Carolina and had received discipline in both States for separate incidents. Dr. Meadows submitted a statement and supporting documents for the Board to review.

Board Action: A motion was made and seconded to renew Dr. Meadow’s dental license.

NOWAKOWSKI/FINDLEY
Motion carried 10-0-0

13. Alexa Patel, L.D.H., License No. 13007729A

Ms. Patel appeared as requested to discuss her yes response to question number (5) on the renewal “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. Patel submitted a statement and supporting documents of an OWI that was obtained in 2019. Ms. Patel informed the Board that this was the first incident prior and that this will be her only incident. She concluded that her criminal probation will be completed at the end of June 2020.

Board Action: A motion was made and seconded to renew Ms. Patel’s dental hygiene license.

STEZEL/NOWAKOWSKI
Motion carried 10-0-0

14. Christian Peabody, D.D.S., License No. 12012177A

Dr. Peabody did appear as requested to discuss his response to question number (1) “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?”, number (2) “Since you last renewed, has any license to practice dentistry been denied, withdrawn, revoked, or suspended for disciplinary sanctions in any state or U.S. territory?”, and number (3) “Since you last renewed, have you been censured, issued a letter of reprimand, received probationary status, had restrictions or limitations placed on your ability to perform certain acts within the practice of dentistry in any state (including Indiana), U.S. territory or country?” on his license renewal. Dr. Peabody submitted the settlement agreement and answered the Board’s questions regarding the initial patient complaint. Dr. Peabody’s Michigan license was suspended, however the initial complaint was investigated and then appealed by Dr. Peabody. The appeal of the initial investigation was overturned in Dr. Peabody’s favor due to him attempting to give the patient his settlement money, but the patient did not accept it. Dr. Peabody’s suspension was then lifted in Michigan, as he had met all their requirements to lift suspension. Dr. Peabody clarified that his yes response was due to a single incident that continued to escalate. Dr. Peabody has been in dentistry since 1994 and licensed in the State of Indiana since 2014.

Board Action: A motion was made and seconded to renew Dr. Peabody's dental license.

NOWAKOWSKI/BERGER
Motion carried 10-0-0

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

Ms. Petro appeared and requested to discuss her yes response to question number (5) on the renewal "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. Petro informed the Board she had two charges that occurred in 2018. The first charge occurred in April. She attended a meeting where drinks were served and decided to drive home. After her arrest from that incident she made the decision to check herself into a program through Aspire Indiana. Ms. Petro said the other charge occurred in July where she was using a self-scan terminal at Walmart. The item she was scanning did not beep, and she did not notice that it was not rung up. She was then arrested for that item and was not given time to defend herself. Ms. Petro stated that both incidents did not impact her work at all, and they have prompted her to improve herself. She stated that she has become well enough to become a sponsor herself. The Board inquired if she had similar issues in the past and Ms. Petro indicated that yes, a similar issue happened in 2007 when her dad had passed away. The 2018 incident happened in the wake of her mother passing away. Ms. Petro said that she has not been in active practice the past two years as she has been focusing on dealing with personal issues as previously stated. She has been doing substitute work as needed averaging about five (5) to eight (8) weeks. The Board expressed concerns on Ms. Petro's skills with her not working much the past 2 years, and that this was not an isolated incident, despite the gap in time. Ms. Petro agreed to the renewal of her license on probation.

Board Action: A motion was made and seconded to renew Ms. Petro's dental hygiene license on probation with the following terms and conditions:

1. The Applicant's license to practice as a dental hygienist is renewed on **INDEFINITE PROBATION** with no right to petition for removal of the probation for not less than two (2) years from the date of this order.
2. The Applicant's practice of dental hygiene shall be governed by the following **TERMS AND CONDITIONS**:
 - a. Applicant shall keep the Board apprised of the following and notify the Board of any changes of:
 - i. Current residence, mailing address, email address and residential phone number; and
 - ii. Place of employment, mailing address, phone number, and name of supervisor, if applicable.
 - b. Applicant shall personally appear before the Board at two (2) scheduled board meetings every year of probation.
 - c. Applicant shall undergo random alcohol screens at her expense as directed by the Board and shall submit the test results directly to the Board. Test results shall be sent to:

Indiana Professional Licensing Agency
Attn: Indiana State Board of Dentistry
402 W. Washington Street, Room W072

Indianapolis, Indiana 46204
Staff Email: pla8@pla.in.gov
Agency Fax: (317) 233-4236

- d. Applicant shall report any medication changes directly to the Board.
 - e. Applicant shall comply with the statutes and rules governing the practice of dental hygiene.
3. The failure of the Applicant to comply with the terms of her probation may subject her to a show cause hearing and the possible imposition of further sanctions.

BARTEK/FINDLEY
Motion carried 10-0-0

16. Vikas Puri, D.D.S., License No 12012885A

Dr. Puri appeared as requested to discuss his yes response to question number (5) on the renewal “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?” Dr. Puri was convicted of an OWI in December of 2019. He informed the board that his blood alcohol level at the time of his arrest was over the legal limit. Dr. Puri said that this has been his only incident and that he has been practicing since 2000 and been in the United States since 2011. The Board inquired if he was still on criminal probation and Dr. Puri stated that his criminal probation will be complete in November 2020. He has paid his fine, and his driver’s license has not been suspended.

Board Action: A motion was made and seconded to renew Dr. Puri’s dental license.

FINDLEY/WILLIAMSON
Motion carried 10-0-0

17. Richard Spencer, D.D.S., License No. 12009308A

Dr. Spencer appeared as requested with his legal counsel to discuss his yes response to question number five (5) on the renewal “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?” Dr. Spencer’s counsel gave a summary of the August of 2019 OWI incident. As part of the probation Dr. Spencer was required to complete an outpatient program. During that program he learned quite a bit and has strived to improve himself. Dr. Spencer has complied with all terms of his probation and has enrolled into an aftercare program that has random screening to ensure that he keeps up with his improvement. Only other incident that has occurred the 1980’s and it was resolved at that time.

Board Action: A motion was made and seconded to renew Dr. Spencer’s dental license.

STEZEL/NOWAKOWSKI
Motion carried 10-0-0

18. Donald Swoverland, D.D.S., License No. 12007526A

Dr. Swoverland appeared as requested with counsel to discuss his yes response to question number (1) “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?” and question number (4) “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” on his license renewal. Dr. Swoverland’s counsel summarized that he had a malpractice settlement in 2019 for an initial incident that occurred in 2014. The settlement was shared with Dr. Swoverland and another dentist. The Board inquired what Dr. Swoverland was willing to share regarding the procedure that caused the settlement. Dr. Swoverland clarified that he oversaw the post-op care of the patient and that the other dentist was in charge in the initial operation. At the time of the incident Dr. Swoverland had just completed a CE course outlining how antibiotics were being overprescribed to patients. The patient, at the time of the assessment, did not look like they needed antibiotics and he did not prescribe any. The patient then developed an infection. The Board inquired into why the settlement was higher than typically seen for incidents of similar nature. Dr. Swoverland clarified that it was because the patient had suffered some permanent damage. The other settlement that Dr. Swoverland was involved in occurred in 2013. That incident was investigated and closed. All incidents occurred when Dr. Swoverland was working at Immediate Dent, and not with his private practice.

Board Action: A motion was made and seconded to renew Dr. Swoverland’s dental license.

NOWAKOWSKI/FINDLEY
Motion carried 10-0-0

19. Trang Mai, D.D.S., License No. 12010453A

Dr. Mai appeared as requested to discuss her yes response to question number (4) “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” on her license renewal. Dr. Mai submitted a statement to her yes response, along with detailed supporting documents on the incident in question. The malpractice incident occurred in September 2017. Dr. Mai informed the Board that prior to a procedure she neglected to check the allergies of the patient and administered lidocaine. After the procedure the patient did not show signs of distress until they checked out and asked reception what was given to her during the procedure. The patient then expressed an inability to breathe and was admitted to the hospital. Dr. Mai did follow up with the patient at the hospital and the patient requested money. Dr. Mai tried to pay their hospital bills, however the patient indicated that they did not want their bill to be paid, just the settlement amount. Dr. Mai stated she had another settlement issue following that one in 2018. In that incident the patient could not afford the procedure Dr. Mai recommended, and she had attempted to work with the patient to prevent the expensive procedure to be done to no success. The third (3) issue occurred in 2019. There are some billing issues she is attempting to work through as her practice makes too much money for Medicaid. Dr. Mai stated that she has been in practice for eighteen (18) years with no other incidents. She now meticulously checks the allergies of all her patients and trains her staff to do the same.

Board Action: A motion was made and seconded to renew Dr. Mai’s dental license and file a complaint with the office of the Attorney General for further investigation.

CATEY-WILLIAMS/STENZEL
Motion carried 8-0-2 SHELINE & FINDLEY ABSTAIN

20. David Wells, D.D.S., License No. 12012203A

Dr. Wells appeared as requested to discuss why he did not respond yes to question number (4) “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?” on his license renewal. Dr. Wells indicated it was an oversight on his part. The initial incident occurred in 2017 and was settled in 2018. Dr. Wells had helped the patient process the claim and he did not consider it at the time a settlement or malpractice issue. The patient has had a 90% recovery and Dr. Wells referred him to a specialist to assist him in completing his treatment. Dr. Wells stated that this was his only incident and he has had no other issues. He currently practices 4 days in Indiana and 1 day in Illinois.

Board Action: A motion was made and seconded to renew Dr. Well’s dental license.

NOWAKOWSKI/SNOODY

Motion carried 10-0-0

C. REINSTATEMENT

There are no reinstatement applications for review.

D. APPLICATION

1. Muhammad U. Seyal (D.M.D.)

Dr. Seyal appeared as requested to discuss why he did not say yes to question number (1) “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” on his application. Dr. Seyal informed the Board that he did not mean to mark the question not as he misunderstood the question. The incident in question was during a root canal procedure that he did not review all the issues the patient had prior to the procedure and an oral surgeon had to attempt to fix the issue, but was unsuccessful and the tooth was extracted. Dr. Seyal attempted to help the patient by paying his bills. He is currently licensed in Kentucky but due to the COVID pandemic he is not currently employed. Dr. Seyal is a 2017 graduate and was hired by Immediate Dent. That employer closed their offices in March, and he was told they were changing their name and their policy. That employer was attempting to eliminate Medicaid patients and work with insurance patients only. He was offered a job with them when they moved offices, however he did not agree with the Medicaid policy and has not accepted.

Board Action: A motion was made and seconded to approve Dr. Seyal’s application pending taking and passing the jurisprudence examination.

FINDLEY/CATEY-WILLIAMS

9-0-2 SHELINE ABSTAINED

2. Familia Dental Indianapolis Lafayette LLC

Jacob Phillip, DDS appeared for Familia Dental Indianapolis Lafayette LLC to discuss the mobile dental facility application. Dr. Phillip is not a part of the unit that will be working in Indiana, but he has provided a list of employees who will be. Familia Dental will not be working five (5) days a week, however their goal is to find opportunities to help those with Medicaid patients, with a focus on pediatrics. They will be trying to find locations around schools and daycares. Familia Dental is big in Illinois and oversighted by the Illinois Board as well. Their unit will not have

dental hygienists, but only dentists and dental assistants. They will be taking radiographs with referrals as needed and digital x-rays.

Board Action: A motion was made and seconded to approve Familia Dental Indianapolis Lafayette mobile dental facility application.

STEZEL/BARTEK
Motion carried 9-0-1 SHELINE ABSTAINED

VI. APPLICATION FOR REVIEW

A. Endorsement

1. Vivek Narra (D.D.S.)

Dr. Narra's application for a dental license by endorsement was reviewed by the Board. Dr. Narra has failed the ADEX examinations on three occasion 3 times and has passed the National Board Exam. Dr. Narra is a graduate of Sree Sai Dental college and Research and completed postgraduate work at Rutgers School of Dentistry in 2019. He is not currently licensed at this time. Based upon the statute if you have taken the Regional examination three times you are not eligible for licensure. Since there are multiple parts of the Regional ADEX exams, the Board discussed how this policy applies.

Board Action: A motion was made and seconded to table Dr. Narra's application for further discussion and a personal appearance at the next meeting.

CATEY-WILLIAMS/STETZEL
Motion carried 10-0-0

2. Hicham Riba (D.D.S.)

Dr. Riba's application for a dental license by examination was reviewed. Dr. Riba holds a license in states of Tennessee and Illinois. In 2006 Dr. Riba's dental licenses were under investigation following the death of a child while under sedation in Illinois in 2009. The investigation has since been resolved and Dr. Riba has met all stipulations required. Dr. Riba has had no other incidents or discipline since that time. The Board is satisfied with the information presented regarding the incident in question and moves to approve the application.

Board Action: A motion was made and seconded to approve Dr. Riba's application for dental licensure pending taking and passing the jurisprudence examination.

STEZEL/NOWAKOWSKI
Motion carried 10-0-0

B. Continuing Education Applications

The Board reviewed the following applications for approval as a continuing education provider:

Angela Study

Central Indiana Stud Club
Daniel Gomes
Justin Villanueva
Shafer Leadership Academy

Board Action: A motion was made and seconded to approve the applications as listed above.

STETZEL/BARTEK
Motion carried 10-0-0

VII. DISCUSSION

A. Clinical Examination Pathways for CODA Approved Programs

Issues of COVID and the Clinical Portion of Examinations being canceled due to the pandemic:

- Provisional Licenses – Would need to be an emergency order of the Governor.
- Licensure Pathways - Statute does not state examinations has to be a live, just through one of the five approved examination entities. Nonpatient examinations are:
 - OSCE Examination for Dentists- approved
 - COMPEDENT Examination for Dentists- approved
- Dr. Stetzel is currently a part of committee crafting examinations for the COVID pandemic. Dr. Nowakowski wants hand skills testing but will approve examinations for this year due to pandemic.
- Reviewed the number of IU School of Dentistry students that still need to pass the examination.

Ms. Dyer recommended that the Board not make motions as the statute already approves the examination since the examination are through an approved entity. The Board proceeded with motion.

Board Action: Dr. Stetzel made a motion and Dr. Findley seconded to approve the OSCE or COMPEDENT examination for the 2020 graduates.

Motion carried 10-0-0

- Dental Hygienist Clinical Examinations - Not all programs are the same and have a requirement to have clinical hours to complete a hygienist program.
- OSCE exam and CSCE CDCA examination are approved through statute.
- Board wanted Universities to know as soon as possible regarding their decision and requested that IPLA send notices to Universities regarding their decision prior to next Board Meeting.
- Discussion on how to notify people right away.
- Discussion on when clinical examinations are available in August and how they are going to be proctored. Ms. Bartek commented that the CDCA CSCE exam is competent but not quite there for accepting it all the time. Will accept for the 2020 graduates and will work on improving examination.

- Struggles with completing Clinic Hours for Dental Hygienists, 3 University Coordinators spoke about struggles and what the universities are doing.

Board action: Dr. Stetzel made the motion and Dr. Findley seconded to approve mannequin exam or OSCE exam for dental hygienist.

Motion carried 10-0-0

VIII. REPORTS

There were no reports.

IX. OLD/NEW BUSINESS

There was no new or old business before the Board.

X. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 7:03 p.m. by consensus.

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

Date

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

Date