

**MINUTES
STATE BOARD OF DENTISTRY
AUGUST 4, 2023**

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 § 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.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.

Board Members Not Present:

Dental Member - Vacant
Tammera Glickman, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Bradley Repass- Litigation Specialist, 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/Sammons
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to adopt the minutes of the June 2, 2023; Board meeting as amended.

Kolkman/Findley
Motion carried 9-0-0

A motion was made and seconded to adopt the minutes of the April 14, 2023, Board meeting as amended.

Williamson/Sheline
Motion carried 9-0-0

IV. ADMINISTRATIVE RULE HEARING

A. LSA #23-36 Convictions of Concern

Adds 828 IAC 7. This rule implements the provisions of IC 25-1-1.1-6 requiring every board, commission, or committee under IC 25 to revise its licensing or certification requirements to explicitly list the convictions of concern that may disqualify an individual from receiving a license; to establish criteria to determine whether an applicant should be denied a license if the applicant has a conviction of concern; and to establish a procedure for an individual to receive a pre-application determination as to whether their criminal history would preclude them from obtaining a license.

Parties Present:

Lindy Myer, Court Reporter, Accurate Reporting

Participating Board Members:

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

Richard R. Nowakowski, D.D.S.

Robert D. Findley, D.D.S.,

Annette J. Williamson, D.D.S.

Jeffrey L. Snoddy, D.D.S.

R. Daron Sheline, D.D.S.

Edward Sammons, D.D.S.

Matthew Kolkman, D.D.S.

Twyla Rader, L.D.H.

Comments from the public: None.

Questions from the Board: The Board members asked for clarification if they could still vote on an application if an applicant had a background of concern. It was clarified that they would still review applications and circumstances on a case-by-case basis. This rule would allow them to deny an applicant if their background was of concern after they had heard the circumstances.

Board Action: A motion was made and seconded to adopt LSA #23-36 Convictions of Concern.

Findley/Sheline

Motion carried 9-0-0

V. READOPTON OF RULES

A. LSA Document #23-99

828 IAC 0.5-2-4 Dental Hygiene Fees

828 IAC 3-2 Dental Hygiene Local Anesthetic

828 IAC 5-1 General Requirements

828 IAC 6-1 Caries Prevention and Coronal Polishing; Requirements; Limitations

Dr. Reese informed the Board members that he had a meeting with Lindsey Hyer, Executive Director of the Indiana Professional Licensing Agency, and Evan Bartel, Deputy Director of the Indiana Professional Licensing Agency prior to the Board meeting. Dr. Reese stated that Ms. Hyer and Mr. Bartel informed him that their rule changes must go through the Budget Committee first. Ms. Cindy Vaught, Board Director, gave an update on the rule making process and when the public can comment on the rule changes.

The above re-adoption rules are currently in place and need to be “renewed” to keep them in effect.

Board Action: A motion was made and seconded to re-adopt 828 IAC 0.5-2-4, 828 IAC 3-2, 828 IAC 5-1, and 828 IAC 6-1.

Sammons/Snoddy
Motion carried 9-0-0

VI. PERSONAL APPEARANCES

A. PROBATION

1. **Rachael Brown, L.D.H., License No. 13004178A**
Cause No. 2022 ISBD 0010

Ms. Brown appeared as requested to discuss her ongoing suspension. Ms. Brown apologized to the Board for her behavior and stated that she should not have drunk. She stated that she is currently working at Applebee’s and she provided a letter from her employer and counselor for the Board to review. She stated that she has completed an outpatient program and provided the Board with proof of completion of her program. She has completed twenty (20) AA sessions and has been meeting with her counselor on a consistent basis since 2021. She is currently on non-reporting criminal probation until 2024. She stated that she would like to reinstate her dental hygiene license in the future since she did earn it in 1997. The Board inquired why she missed her February appearance. She stated that there was a miscommunication, as she had changed her email during that time. The Board stated that they still have concerns and would like her to continue to appear every other meeting and provide the Board with her updated reports on her progress.

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

Dr. Foster appeared as requested to discuss his ongoing probation. He stated that he was staying current with the Indiana Well-Being program. He stated that his employment has remained the same, and he is currently working on paying off his student loan debts. Dr. Foster reported that as part of the program he is required to complete random drug screens. He completed one screening two days ago. The Board noted there were no concerns.

B. APPLICATION

1. **Desmond Ibizugbe (LDH)**

Did not appear as requested. Mr. Ibizugbe requested that the Board review his application without his appearance due to his inability to travel. The Board reviewed his application and determined that they will still require an appearance. As this is his second rescheduled appearance, Mr. Ibizugbe will be required to notify our office when he is ready to appear to discuss his application.

2. **Paul Milo (DDS)**

Dr. Milo appeared as requested to discuss his yes response regarding a malpractice action. It was noted that Dr. Milo was classmates with Dr. Reese and Dr. Nowakowski. Both Board members stated that they can be impartial. Dr. Milo provided the Board with a statement and supporting documentation regarding the malpractice action. The

malpractice action was due to an improper crown. He stated that the tooth became compromised after the crown was placed but the gentleman never reached out to him regarding the issue. Dr. Milo settled out of court with him. Dr. Milo is a 1984 graduate of Indiana University School of Dentistry and is currently licensed in Illinois and Wisconsin with no disciplinary action.

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

Sheline/Rader
Motion carried 9-0-0

3. **Roberto Monteagudo (DDS)**

Dr. Monteagudo appeared as requested to discuss his yes response regarding previous action against a license he has held. Dr. Monteagudo provided a statement and supporting documentation for the Board to review. He is currently licensed in the states of Wisconsin, Utah, Michigan, Ohio, and Illinois. He stated that he is the founder of the Emergency Healthcare Clinic. He is required to have a dental license in order to establish a location in Indiana. Dr. Monteagudo stated that the disciplinary action was taken by the Wisconsin Dental Board. The action taken revolved around improper documentation on intake forms. He stated that the complaint was against the establishment as a whole, and it shows up on his license due to him helping out during the time the incident occurred. He stated that Wisconsin investigated the complaint, and a letter of reprimand was issued, and he was required to complete additional continuing education. He stated that he should have done more diligence, and he parted ways from that clinic afterward. Dr. Monteagudo is a 1990 graduate of Marquette University.

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

Nowakowski/Snoddy
Motion carried 9-0-0

4. **Gabrielle Ross (LDH)**

Ms. Ross appeared as requested to discuss why she did not disclose her background. She provided a statement and supporting documents for the Board to review. Ms. Ross stated that she was charged with a minor consumption. She stated that she misunderstood the questions on the application and thought the question was asking about felony convictions. Ms. Ross is a 2023 graduate of Indiana University Northwest.

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

Rader/Sammons
Motion carried 9-0-0

C. REINSTATEMENT

There were no reinstatements for review.

VII. ADMINISTRATIVE HEARINGS

A. Arnel Gallanosa, D.D.S., License No. 12013706A

Administrative Cause No. 2021 ISBD 0013

Re: Petition for Withdraw of Probation

Parties Present:

Respondent present with counsel Derek Peterson
Lindy Myer, Court Reporter, Accurate Reporting

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)
Richard R. Nowakowski, D.D.S.
Robert D. Findley, D.D.S.,
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.

Case Summary: On or about October 8, 2021, Dr. Gallanosa's application for licensure was approved and placed on probation with the following terms:

- Applicant's dentist license is granted on INDEFINITE PROBATION. Applicant may not petition for probation withdrawal until at least AUGUST 1, 2023.
- Applicant shall, every three months during the probationary period, submit self- reports that include the following:
 - A summary of Applicant's Medicaid filings;
 - A Summary of Applicant's insurance billing.
 - A summary of Applicant's production reports; and
 - A summary of Applicant's radiographs to assess treatment need.
- Upon request of the Board, Applicant shall furnish all relevant documentation in order to detail any of the information summarized in Applicant's self-reports.
- Applicant shall, subject to proper notification from the Board, make personal appearances before the Board at every second Board meeting.
- As part of his professional work, upon request of the Board, Applicant shall take reasonable steps to facilitate an in-person oversight visit by a member of the Board.
- Applicant's failure to comply with the terms of this decision, and terms of probation, may subject Applicant to a show cause hearing and the imposition of further sanctions.

The Board took official notice of Dr. Gallanosa's file. Mr. Peterson stated that Dr. Gallanosa has meet all the terms of his probation. He stated that Dr. Gallanosa has addressed all deficiencies that the Board had concerns with when he applied for licensure. Dr. Gallanosa stated that he wanted to come back to Indiana. The Ohio Dental Board had granted him a license and reviewed his case fully before they granted him a license to practice in their state. Dr. Gallanosa has complied with all his Board appearances and provided clarification and reports the Board had requested. He stated that he has been honest and candid regarding his situation. His supervisor, Dr. Reiko, has provided the Board reports on his progress. He stated

that his intention is to not work alone. There has been no new malpractice actions or complaints filed against him. Dr. Gallanosa requested that the Board grant his petition for withdraw of probation.

Board Action: A motion was made and seconded to grant Dr. Gallanosa's petition for withdraw of probation.

Findley/Nowakowski
Motion carried 9-0-0

- B. John Walker, D.D.S., License No. 12009889A**
Administrative Cause No. 2023 ISBD 0004
Re: Administrative Complaint

The hearing in the matter of Dr. Walker was continued.

- C. Sharon Paterson, L.D.H., License No. 13004819A**
Administrative Cause No. 2022 ISBD 0002
Re: Petition for Withdraw of Probation

Parties Present:

Respondent present
Lindy Myer, Court Reporter, Accurate Reporting

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)
Richard R. Nowakowski, D.D.S.
Robert D. Findley, D.D.S.,
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.

Case Summary: On or about May 6, 2022, Ms. Paterson's license was renewed on probation based upon her response regarding an OWI that occurred on October 12, 2021. Ms. Peterson's probation terms are:

- Licensee's dental hygienist license is granted on INDEFINITE PROBATION. Applicant may not petition for probation withdrawal until at least ONE (1) YEAR has elapsed from the date of entry of the Order.
- In order to be eligible for probation withdrawal, Licensee must provide proof of successful completion of her criminal probation, and also must provide proof of successful completion of her program through Aspire.
- As a condition of her license probation, Licensee must make a personal appearance at the first Board meeting occurring on or after December 1, 2022.
- As another condition of her license probation, Licensee must promptly inform the
- Board if she relapses on alcohol, or if the status of her ongoing criminal probation changes.

Ms. Peterson stated that she has complied with all terms of her probation and submitted three (3) letters of recommendation. She stated that she has been employed with the same

professional organization for many years and is a mentor to new dental hygienists. She stated that she attends AA up to three times a week either online or in person. Ms. Peterson stated that this incident is her first and last time, and she is committed to complete ongoing therapy. She stated that she has changed her friends, she volunteers at her local church, and attends personal therapy once a month.

Board Action: A motion was made and seconded to grant Ms. Paterson's petition for withdraw probation.

Kolkman/Rader
Motion carried 9-0-0

D. Brent Alan Swinney, D.D.S., License No. 12010095A

Administrative Cause No. 2023 ISBD 0003

Re: Summary Suspension Extension and **Second Proposed Settlement Agreement**

Parties Present:

Respondent present via conference call
Counsel Mary Watts present for Respondent
Ian Mathew, Deputy Attorney General for the State of Indiana
Lindy Myer, Court Reporter, Accurate Reporting

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)
Richard R. Nowakowski, D.D.S.
Robert D. Findley, D.D.S.,
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.

Case Summary: Dr. Swinney submitted a Proposed Settlement Agreement on or about June 1, 2023, that the Board reviewed and voted down. On or about August 2, 2023, Dr. Swinney submitted a second Proposed Settlement Agreement to address the concerns listed in the Administrative Complaint filed on or about May 31, 2023. Dr. Swinney has agreed to the following terms:

- Respondent's dentistry license, 12010095A, shall be placed on INDEFINITE PROBATION, without the right to petition for withdrawal of probation for at least FIVE YEARS from the date of a final order accepting this Agreement. Respondent's probation shall be subject to the following terms and conditions:
 - Respondent shall enroll in and successfully complete inpatient treatment with the Pine Grove Professional Enhancement Program.
 - Respondent shall cease practicing until such time as he successfully completes his inpatient treatment with the Pine Grove Professional Enhancement Program and then enrolls in IDA's Well-Being Program.
 - Upon completion of his treatment, Respondent shall enter into a monitoring contract with the Indiana Dental Association's Well-Being Program. Respondent shall remain compliant with the terms of this monitoring contract until such time as it is successfully completed.

- Respondent shall submit proof to the Board that he has signed a contract with the Well-Being Program and that he has given the Program authority to release information to the Board.
- Respondent shall submit proof of his successful completion of the contract to the Board prior to petitioning for withdrawal of probation.
- For the duration of probation, Respondent shall submit to periodic inspections by IPLA Compliance Officers. Respondent shall have an obligation to cooperate with the Compliance Officers, including, but not limited to, allowing inspection of his facilities and records, and shall answer any inquiries in a timely manner to the Officers' satisfaction. Respondent acknowledges that such periodic inspections may be conducted with or without prior notice.
- For the duration of his probation, Respondent shall have an obligation to cooperate with any and all OAG investigations into consumer complaints filed against him. Respondent shall make all reasonable efforts to resolve such complaints to the satisfaction of the patients involved. This obligation includes the submission of written responses to consumer complaints, where requested, and the production of any subpoenaed documents.
- Upon his release from inpatient treatment and return to practice, Respondent shall designate a licensed dentist to serve as a practice monitor for the duration of his probation. This monitor shall meet with Respondent on a regular basis, with meetings occurring at least once per month. Respondent has proposed Dr. Corbin Partridge, License No. 12010961A, as his practice monitor.
- Respondent shall appear with Dr. Partridge for his first personal appearance. Respondent shall cause his practice monitor to submit monthly reports for the first year of his probation, and quarterly for the remainder, to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. During the course of probation, Respondent must seek Board approved before changing his designated practice monitor.
- For the first year of probation, Respondent shall make personal appearances before the Board at each Board meeting. After the first year of probation, Respondent shall make personal appearance before the Board as requested by the Board. For the first such appearance after approval of this Agreement, Respondent shall appear with his proposed practice monitor.
- Respondent shall fully comply with the terms and conditions of his probation as set out in this Agreement. Respondent shall likewise fully comply with the terms and conditions of the court-ordered probation associated with his criminal cases.
- Respondent shall allow the Office of the Indiana Attorney General to request information from his IPLA licensing file or from IDA's Well-Being Program in order to monitor his compliance with the terms and conditions of probation.
- Respondent shall pay a FEE of FIVE DOLLARS (\$5) Health Records and Personal Identifying Information Protection Trust Fund.

Ms. Watts stated that they listened to the Board's concerns at the June 2, 2023, hearing regarding the previous Settlement, and hoped that the new Proposed Settlement Agreement meets their concerns. Mr. Mathews stated that this Proposed Settlement Agreement was reached during a settlement conference meeting with Board liaison, Dr. Findley. The Board inquired to Dr. Swinney on his expected release date from his treatment program. Dr. Swinney stated that he is currently enrolled in his inpatient treatment program and is expected to be released within the next month. He felt his program has been time well spent, and he has learned

a lot about himself. Ms. Watts affirmed that he knows he cannot return to practice until he has completed his treatment program. The Board inquired how they would be notified if he violates his Well-Being program contract. Mr. Mathews stated that Ms. Backer of the Well-Being program would notify the Board of any violation. Mr. Mathews stated that if the Board accepts the Proposed Settlement, then they are ok to vacate the request to extend the suspension.

Board Action: A motion was made and seconded to accept the Second Proposed Settlement Agreement in the matter of Dr. Swinney.

Sammons/Kolkman
Motion carried 9-0-0

A motion was made and seconded to vacate the Summary Suspension Extension hearing.

Kolkman/Sammons
Motion carried 9-0-0

E. Thomas Ringenberg, D.D.S., License No. 12008932A

11:30 a.m.

Administrative Cause No. 2023 ISBD 0006

Re: Administrative Complaint

The hearing in the matter of Dr. Ringenberg was continued.

VIII. MOTION TO DISMISS

A. Evan Robbins, D.D.S., License No. 12011991A

Administrative Cause No. 2021 ISBD 0002

Parties Present:

Respondent not present

Brittney McMahan, Deputy Attorney General for the State of Indiana

Participating Board Members:

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

Richard R. Nowakowski, D.D.S.

Robert D. Findley, D.D.S.,

Annette J. Williamson, D.D.S.

Jeffrey L. Snoddy, D.D.S.

R. Daron Sheline, D.D.S.

Edward Sammons, D.D.S.

Matthew Kolkman, D.D.S.

Twyla Rader, L.D.H.

Case Summary: On or about May 25, 2021, an Administrative Complaint was filed against Dr. Robbins with allegations of professional incompetence and failure to keep up to date with current professional theory and practice. Ms. McMahan filed a Motion to Dismiss on June 20, 2023, since the patient did not follow up with Dr. Robbins, nor comply with any of the follow up care instructions provided by Dr. Robbins.

Board Action: A motion was made and seconded to grant the State's Motion to Dismiss the administrative complaint in the matter of Dr. Robbins.

Sammons/Findley
Motion carried 9-0-0

B. David Dowling, D.D.S., License No. 12012628A
Administrative Cause No. 2021 ISBD 0001

Parties Present:

Respondent not present
Brittney Snow, Deputy Attorney General for the State of Indiana

Participating Board Members:

Ted M. Reese, D.D.S., (Hearing Officer)
Richard R. Nowakowski, D.D.S.
Robert D. Findley, D.D.S.,
Annette J. Williamson, D.D.S.
Jeffrey L. Snoddy, D.D.S.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.

Case Summary: On or about May 25, 2021, an Administrative Complaint was filed against Dr. Dowling with two allegations of professional incompetence. Ms. McMahan filed a Motion to Dismiss on June 20, 2023, since the incident did not occur in the State of Indiana. At the time of the incident Dr. Dowling resided in Missouri and the patient resided in Pennsylvania. As the incident did not occur in the State of Indiana.

Board Action: A motion was made and seconded to grant the State's Motion to Dismiss the administrative complaint in the matter of Dr. Dowling.

Sammons/Kolkman
Motion carried 9-0-0

IX. APPLICATIONS FOR REVIEW

A. Applications

1. Yahya Sayed Suliman Atassi (DDS)

Dr. Sayed Suliman Atassi's application was submitted for review. He graduated from Riyadh Elm University and completed Master of Science degree in Oral Sciences from the University of Buffalo. He has taken the National Board examination four times and did not pass. He took and passed the new Integrated Board examination on July 24, 2021.

Board Action: Board Action: A motion was made and seconded to deny Dr. Sayed Suliman Atassi's application for dental licensure in this state based upon IC 25-14-1-3 and that he has taken the National Board of Dental Examiners examination more than three (3) times.

Nowakowski/Sheline
Motion carried 9-0-0

2. Taylor Christensen (DMD)

Dr. Christensen's application was submitted for review. She graduated from Southern Illinois University in June 2023 with her Doctor of Dental Medicine. She has taken the failed parts of the CDCA exam five times. She failed the posterior portion once, the anterior portion once, and the endodontics portion three times. The Board discussed if the failure of a part qualifies as failing the examination once.

Board Action: A motion was made and seconded to deny Dr. Christensen's application for dental licensure by examination based upon IC 25-14-1-3 and taking one part of the CDCA examination more than three times.

Nowakowski/Findley
Motion carried 9-0-0

3. Muath Daralsheikh (DDS)

Dr. Daralsheikh's application was submitted for review. He graduated from the University of Chicago with his Doctor of Dental Medicine in May 2023. He has attempted the National Board of Dental Examiners examination, Part One four times and Part Two four times. The Board received notice today that he wished to switch his application from examination to reciprocity. The Board stated that they cannot switch him to reciprocity since his file is currently being reviewed by examination.

Board Action: A motion was made and seconded to deny Dr. Daralsheikh's application for dental licensure by examination in this state based upon IC 25-14-1-3 and that he has taken the National Board of Dental Examiners examination more than three (3) times.

Kolkman/Sammons
Motion carried 9-0-0

4. Sanjana Ravindra (DDS)

Dr. Ravindra's application was submitted for review. Dr. Ravindra attended Rajiv Gandhi University and completed a non-CODA accredited post graduate training program, Endodontics Advanced Clinical Training Program at UCLA school of dentistry. The letter from UCLA stated that her training program was a non-CODA accredited postgraduate training program. The Board stated that she does not meet the requirements of IC 25-14-1-4 for them to approve an unaccredited program.

Board Action: A motion was made and seconded to deny Dr. Ravindra's application for dental licensure in this state because the Endodontics Advanced Clinical Training Program at the UCLA School of Dentistry is not an accredited program as required by the statute listed above.

Sammons/Williamson
Motion carried 9-0-0

B. Continuing Education

1. Braces for All Ages, PC

The Board reviewed the CE application as they are going to be providing orthodontics CE courses. Dr. Sammons stated that he is familiar with the speaker and feels that the programs presented will meet requirements to become a CE provider.

Board Action: A motion was made and seconded to approve Braces for All Ages, PC as a CE Sponsor.

Sammons/Williamson
Motion carried 9-0-0

X. DISCUSSION

A. Vincennes University, Dental Training with Jenn

Re: Request for Approval of Coronal Polishing and Fluoride Program

The Board had previously reviewed information of the training program, and requested additional information on the courses that will be presented. Vincennes University provided sample courses per the Board's request, and the Board noted the detail provided.

Board Action: A motion was made and seconded to approve the Dental Training with Jenn program for coronal polishing and fluoride.

Sheline/Kolkman
Motion carried 8-0-1 Findley abstained.

B. Raymond Hong, DDS

Re: Request to Withdraw Application

Dr. Hong submitted a request to withdraw his application. Dr. Hong previously appeared before the Board on June 2, 2023. The Board voted to approve his application on probation with terms and conditions. He submitted a request to withdraw his application a few days after his appearance and it is up to the Board to determine if they will accept his request to withdraw. The Board reviewed precedence, and if he applies in the future, then he would still have to disclose the information regarding his background. As his probation order has not been issued yet, they will accept Dr. Hong's request to withdraw.

Board Action: A motion was made and seconded to accept Dr. Hong's request to withdraw his application.

Sammons/Findley
Motion carried 9-0-0

C. Marc Newman, DDS

Re: Teledentistry Website

Dr. Newman is starting a Teledentistry referral service and submitted a request for the Board to provide input. Dr. Reese stated that he understands that Board cannot promote such a service but wanted to have a discussion on the feasibility of what Dr. Newman is proposing as far as practice. Board Counsel, Leif Johnson, stated that based upon his email request to the Board, he appears to be asking the Board for legal advice. The Board stated that they have received correspondence on similar practice requests like micro needling. The Board's stance on this type of requests is that they cannot provide legal advice.

D. Compliance Fund Update

The Board reviewed the Compliance Fund report. Dr. Reese stated that nothing was taken out in July, but June had a withdrawal of \$5,000. He stated that he did discuss with Ms. Hyer and Mr. Bartel the Board's concerns with the Compliance Fund. He stated that they informed him that the withdrawal of funds was due to administrative needs. Dr. Reese stated that he felt progress was made after their discussion and after the Board has reviewed the drafted MOU.

The Board voted on the Compliance Officer selection for a two-year cycle:

- Dr. Paul Nahmias- South
- Dr. Matt Miller- Central
- Dr. Catey-Williams- North

Board Action: A motion was made and seconded to elect the above individuals as the Compliance Officers.

Findley/Nowakowski
Motion carried 9-0-0

E. Election of Officers

The Board discussed the election of Officers. Dr. Reese is the current President and traditionally Dr. Findley would take over as President since he is currently the Board liaison. Dr. Reese would then be Vice President. Dr. Findley stated that he is willing to be the President for a year as he is not sure how much longer he will be on the Board. Dr. Reese stated that he did have a conversation with the Governor's office on term limits, and the appointment of new Board members. IPLA has not received notice yet on the selection for the vacant position. The Board discussed when the new officers would begin their tenure. And after review of the previous Board meeting minutes, it was determined that the Board selection occurred at the October meeting.

Board Action: A motion was made and seconded to elect Dr. Findley as the new Chair, Dr. Reese as Vice Chair, and Dr. Williamson as the Board Liaison.

Reese/Sammons
Motion carried 9-0-0

XI. REPORTS

A. Office of the Attorney General

Amy Osborne, Deputy of the Office of the Attorney General, provided a report to the Dental Board. She stated that currently there have been 101 complaints opened this year and 68 current consumer complaints open with a duration of 11 months. Ms. Osborne stated that the increase in duration occurred due the time it takes to review records. Complaints have been primarily occurred in Lake County, followed by Marion and Porter. The primary allegations against dental practitioners have been for professional malpractice followed by professional incompetence and unprofessional conduct.

There have been 13 litigation files opened this year and 7 cases currently ongoing with a duration of 14.6 months. There have been 8 litigation cases closed this year. Ms. Osborne stated that their office is working on lessening the litigation timeframe. The current

litigation against dental practitioners is for professional incompetence, followed by professional malpractice and criminal conviction.

The Board asking for clarification on the line between malpractice and incompetence. Ms. Osborne stated that malpractice is addressing issues of standard of care, while incompetence addresses issues like record keeping. She stated that their office is working on better defining that line.

The Board inquired about complaints where they have not heard back yet on a decision. Ms. Osborne stated that if the Board filed a complaint, and they have not heard anything back yet, then the complaint is still being investigated. She stated that if the State cannot file a charge, then the Board will receive a notice that the complaint has been closed.

The Board inquired if the AG's office can utilize the Compliance Officer to help with the investigations and give a report to the Board the progress. Ms. Osborne stated that complaints are considered confidential while being investigated, and information cannot be shared during an investigation. The Board stated they felt this is a black hole due to lack of information. Ms. Vaught stated that she can work with Ms. Osborne to address the Board's concerns about that process.

The Board inquired on the status of the Compliance Officer MOU. Ms. Osborne stated that the MOU is currently in the hands of IPLA, and she provided the Board with a current draft of the proposed MOU. The Board noted that they would like to change the draft to list that the Board must vote to dispense "all funds" to the OAG, and to not dispense funds elsewhere (i.e. salaries and similar criteria). Mr. Johnson, Board counsel, stated that the draft MOU is consistent with the language of previous MOUs.

XII. OLD/NEW BUSINESS

There was no old/new business to discuss.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 12:41 p.m. by consensus.

Ted Reese, D.D.S., President