

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

OCTOBER 5, 2007

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Whitmore, L.D.H., B.S. 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:

Laverne Robison Whitmore, L.D.H. B.S., Vice President
Galen Williams, D.D.S., Secretary
Matthew Miller, D.D.S.
Richard T. Newton, II, D.D.S.
Charles Heape, D.D.S.
Gary Haller, D.D.S.
Theodore Rokita, D.D.S.
Philip Catey, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Jill Burns, D.D.S., President
Steven Hollar, D.D.S.

State Officials Present:

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

II. ADOPTION OF THE AGENDA

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

MILLER/WILLIAMS
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES FROM THE SEPTEMBER 7, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes with corrections of the September 7, 2007 meeting of the Board.

LaTURNER/MILLER
Motion carried 9-0-0

INTRODUCTION OF NEW MEMBERS

Ms. Whitmore, L.D.H., B.S., welcomed and introduced the new Board Members:

Dr. Heape
Dr. Haller
Dr. Rokita
Dr. Catey

IV. APPEARANCES

A. PROBATIONARY

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

Dr. McCrady appeared before the Board, as requested, regarding her ongoing probationary status. She reported she is working four days a week and things are going well. She informed the Board that she is no longer taking Chantix, a medication that helped her quit smoking. She is in compliance with her probation order and will have eighteen months sobriety in November. She spoke to the Board about community service in a dental clinic she is required to do, based upon her probationary status, and how this would affect the ten percent of her files that must be reviewed. The Board advised that she include some of her community service files as part of the ten percent requirement to be reviewed by her current approved work-site monitor. She was also instructed to send the Board Director an email stating the location and hours worked for her community service.

B. APPLICATION

There were no scheduled appearances for applicants.

C. RENEWAL

There were no scheduled appearances for renewals.

V. ADMINISTRATIVE HEARINGS

- A. State of Indiana v. Marci L. Huth, L.D.H. License No. 13002773A
Administrative Cause No. 2006 DB 0005
Re: Final Hearing**

The hearing was continued until the November 2, 2007 meeting.

- B. State of Indiana v. Robert D. Lucus, D.D.S., License No. 12006620A
Administrative Cause No. 2003 DB 0005
Re: Final Hearing**

The hearing was continued until the November 2, 2007 meeting.

- C. State of Indiana v. Daniel J. Fink, D.D.S., License No. 12007602A
Administrative Cause No. 2006 DB 0006
Re: Emergency Suspension and Final Hearing**

Parties and Counsel Present:

The Respondent was not present and was not represented by counsel.
Heather Kennedy, Deputy Attorney General for the State of Indiana

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Sherry Rutledge, Court Reporter

Participating Board Members:

Ms. Whitmore, L.D.H., B.S. (Hearing Officer)

Ms. LaTurner

Dr. Miller

Dr. Newton

Dr. Haller

Dr. Heape

Dr. Rokita

Dr. Catey

Case Summary: The State presented the Board with an agreement for extension of the summary suspension and a request to continue the final hearing until the November 2, 2007 board meeting.

Board Action: A motion was made and seconded to accept the agreement for the extension of the summary suspension and to continue the final hearing until the November 2, 2007 board meeting.

MILLER/NEWTON

Motion carried 8-0-1

Dr. Williams recused himself

- D. State of Indiana v. Christopher Leonard, D.D.S., License No. 12009363A**
Administrative Cause No. 2005 DB 0002
Re: Order to Show Cause

The hearing was continued until the November 2, 2007 board meeting.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

A. Online CPR course

Ms. Whitmore, L.D.H., B.S. informed the board that she contacted the American Red Cross to learn more about the online CPR program and determined it is an excellent way to recertify. Practitioners take the didactic portion of the course online then print a certificate which they present at an on-site location to complete the physical skills portion. Upon completion of these two things you will receive a CPR card.

B. ADEX

Dr. Miller reported that the Board is now an official member of ADEX and he submitted his contact information to be the liaison for the Board. Being a member state means there will be meetings to attend and to assist with the testing.

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IX. DISCUSSION

A. Ivan Atcha, D.D.S.

Re: Botox Treatment for Aesthetics and TMD

Dr. Atcha wrote an email to the Board asking if Indiana laws prohibit dentists from using Botox treatments for aesthetics as well as the treatment of TMD. He advised that the Academy of General Dentistry offers courses which allow dentists to get properly trained and certified in the use of Botox. The Board appointed a Committee to research this issue and will respond to Dr. Atcha after the November board meeting.

B. Amy Nunez, L.D.H.

Re: Continuing education for dental hygienists

The Board reviewed an email sent by Ms. Nunez inquiring about what type of proof she needs to submit for verification of attendance and the number of continuing education hours that may be granted for a college course she attended in the B.A. degree program that she is enrolled in at the Indiana University School of Dentistry. The law states that a course presented by a college under a regular curriculum is awarded one (1) credit hour for each lecture hour attended. She explained that she attended all classes but is unable to prove such and asked if her transcript would be enough. The Board requested that Ms. Nunez produce a syllabus or course directive for further review.

C. Continuing Education

Dr. Williams expressed concern about various continuing education programs being offered by approved sponsors but do not pertain to the practice of dentistry or programs which could teach practitioners how to do things that are not acceptable under Indiana law. He discussed creating a list of acceptable programs which could be posted on the Indiana Professional Licensing Agency website. Ms. Yarde explained that this is not something that would be possible because automatically approved sponsors are entitled to present any programs they like and we would not be aware of nor able to police what programs are being offered. It is the practitioner's responsibility to attend courses given by an approved sponsor that pertains to the practice of dentistry. It is also the practitioner's responsibility to know the Indiana laws regulating the dental profession and if a practitioner should perform duties not within the scope of practice then that practitioner can be disciplined by the Board upon receipt of a complaint by to the Indiana Office of the Attorney General. Ms. Whitmore, L.D.H., B.S., appointed a Committee of Dr. Williams and Dr. Newton to determine which programs practitioners should avoid. Mr. Jay Dziwlik, Assistant Executive Director of the Indiana Dental Association, offered to publish articles that will help guide practitioners. The Committee will work with the state association on this matter.

X. APPLICATION REVIEW

A. Endorsement

1. Larry G. Phillips, D.D.S.

The Board reviewed the endorsement application file of Dr. Phillips. Dr. Phillips is a 1975 graduate of the University of Louisville and has passed National Boards

1911-12

The first of the year was a very dry one, and the crops were much affected. The weather was very hot, and the ground was very hard. The crops were much affected, and the yield was very low. The weather was very hot, and the ground was very hard. The crops were much affected, and the yield was very low.

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The second of the year was a very wet one, and the crops were much affected. The weather was very cold, and the ground was very soft. The crops were much affected, and the yield was very low. The weather was very cold, and the ground was very soft. The crops were much affected, and the yield was very low.

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The third of the year was a very dry one, and the crops were much affected. The weather was very hot, and the ground was very hard. The crops were much affected, and the yield was very low. The weather was very hot, and the ground was very hard. The crops were much affected, and the yield was very low.

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The fourth of the year was a very wet one, and the crops were much affected. The weather was very cold, and the ground was very soft. The crops were much affected, and the yield was very low. The weather was very cold, and the ground was very soft. The crops were much affected, and the yield was very low.

Part I & II. He has been licensed in the State of Kentucky since 1975 where he has continuously practiced since that time. Dr. Phillips was granted licensure upon taking and passing a state constructed examination. On his application he answered "yes" to question #7 asking, "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Phillips explained in a written statement to the Board that he was placing a crown on a young patient and the patient bit his hand causing him to drop the crown. The patient swallowed and aspirated the crown and he took the patient to an urgent care center for an x-ray and then accompanied the patient to the hospital until the crown was retrieved. The settlement payment was the costs for the hospital treatment and x-rays.

Board Action: A motion was made and seconded to grant an Indiana dental license to Dr. Phillips upon passing the law examination.

MILLER/HALLER
Motion carried 9-0-0

B. Examination

There were no examination applications for the Board to review.

C. Anesthesia and Sedation Permits

There were no anesthesia and sedation permits.

D. Dental Intern Permit

There were no dental intern permits to review.

E. Professional Corporations

There were no professional corporation applications to review.

XII. PROBATIONARY REPORT

A. Penelope Lynn Dunlap, D.D.S.

Monitoring reports from Dr. Joseph W. Hake was reviewed and accepted. The Board discussed the fine and costs which are due on October 16, 2007. The Board stated that if Dr. Dunlap was unable to make full payment at that time, a payment scheduled could be considered. The Board stated that Ms. Vaught would be allowed to set up a payment plan should Dr. Dunlap request one.

B. James Callihane, D.D.S.

His monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Cahillane's next probationary appearance will be scheduled for November 2, 2007.

C. Jim D. Frankos, D.D.S.

His monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Frankos' next probationary appearance will be schedule in April 2008.

D. Christopher Leonard, D.D.S.

His monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted.

XII. CONTINUING EDUCATION

A. Indianapolis Endodontics, P.C.

The Board reviewed an application from Indianapolis Endodontics in order to be approved as a continuing education provider. The Board determined that several items were not submitted with the application and asked that a letter be sent requesting the items still needed for further review.

Board Action: A motion was made and seconded to grant approval upon receipt of the additional items.

NEWTON/MILLER
Motion carried 9-0-0

XIII. REPORTS

A. CONTROLLED SUBSTANCE ADVISORY COMMITTEE (CSAC)

Dr. Miller did not have a report regarding the CSAC meeting. Dr. Miller did request Ms. Vaught to invite Todd Kinney, Director of the INSPECT Program, to give another presentation of the INSPECT program for the benefit of the new board members.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:30 p.m.

Laverne Whitmore d.D.H. BS.
Laverne Whitmore, L.D.H., B.S., Vice President

11-2-07.
Date

Galen Williams
Galen Williams, D.D.S., Secretary

11/2/07
Date