

**STATE BOARD OF DENTISTRY
MINUTES
February 10, 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 December 2, 2022, as amended.

Kolkman/Findley
Motion carried 9-0-0

IV. PERSONAL APPEARANCES

A. PROBATION

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

Dr. Gallanosa appeared as requested with counsel, Derek Peterson, to discuss his ongoing probation. He provided updated reports for the Board to review regarding his Medicaid filings, Insurance billing, Production reports and employment report from Rekha Chaudhari, DDS. Dr. Gallanosa reported that he was out of the country the last two weeks of December and that work is going well. He stated that he has moved to working at one location and only visits other offices, which are a part of the same company, as needed. He informed the Board that the majority of his work is Medicaid that is filed under his license number. Mr. Peterson informed the Board that Dr. Gallanosa has received the approval to accept private insurance and will be expanding coverage beyond Medicaid to private insurers. Mr. Peterson stated that Dr. Gallanosa has met all of his probation terms. Dr. Gallanosa may apply for withdraw of probation after August 1, 2023.

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

Ms. Brown did not appear as requested to discuss her ongoing probation. The Board noted that they have not received any communication from Ms. Brown. She was notified by email which was returned due to her mailbox being full and a letter was mailed to the last address of record on January 30, 2023. Based upon information on Mycase, it has been reported that Ms. Brown was allegedly involved in another DUI on June 4, 2022 that she has not been self-reported. It appears that this occurred the day after her last appearance before the Board on June 3, 2022.

Board Action: Based upon the new incident and not appearing for her probation appearance, A motion was made and seconded to issue an Order to Show Cause for noncompliance of probationary terms.

Kolkman/Findley
Motion carried 9-0-0

B. APPLICATION

1. **Aria Dental Care PC (Mobile Dental Facility)**
John Rosenbaum, Chief Compliance Officer

Mr. Rosenbaum appeared with Dr. Erin Rake and Dr. Heidi Pantazis to discuss and provide more clarification for the Aria Dental Care mobile dental facility application. Mr. Rosenbaum stated that he has been with Aria for the past twelve years.

The Board requested clarification how Medicaid claims are being filed through Aria. Mr. Rosenbaum stated that the company does not file any Medicaid claims in Indiana. They work onsite and have an insurance company where claims are filed. This insurance company has been approved by the Department of Insurance. The insurance company associated with Aria will then sell policies to the specific individuals, such as nursing home patients, that need service. The policies are only sold to those individuals who are deemed mentally competent or to those in charge of the individuals that need care. Once the policy is bought, then the Insurance company can file the claim to Medicaid. The policy is a month-to-month basis, and the policy holders can cancel by phone call at any time.

The Board inquired for more information regarding how long Aria has been operating in Indiana. Mr. Rosenbaum stated that Aria has been operating in Indiana for twelve years,

and once he became Compliance Officer he wanted to ensure oversight. He requested that the application be submitted to become a Mobile Dental Facility with the Board.

The Board inquired if the dentists that are working in Indiana, are licensed in Indiana. Mr. Rosenbaum confirmed that is correct. Only those who are licensed in Indiana, can provide services in Indiana.

The Board inquired how sterilization is conducted. Dr. Rake stated that they complete the spore testing and instruments are taken home by the staff for sterilization. Dr. Rake stated that after a procedure at the clinic/nursing home, instruments are patted down, bagged, and then placed in a container. They take them to their home, where they have a portable sterilizer, and sterilize the instruments. If needed they use the autoclave that is on site, not at home. The Board expressed concerns of cross contamination and safety. The Board inquired if there was a process that could be implemented at the nursing home. Dr. Rake stated they can investigate setting up a sterilization process at the clinic/nursing home they are providing services and Dr. Pantazis agreed and stated they can review that process. The Board stated that from the information provided, it does not appear to meet OSHA standards. The Board stated they would like to see a process that meets OSHA standards.

The Board inquired if they are still practicing, even though they do not have a permit to operate as a Mobile Dental Facility. Mr. Rosenbaum stated that if they discontinued services, there would be 4500 individuals who would be without care.

Mr. Rosenbaum discussed the process of how hazardous waste is handled. He confirmed that the hazardous material is handled at the nursing home facility and disposed there.

The Board inquired if they are concerned with overextending the professionals, they have on staff that provide care. Mr. Rosenbaum stated that they try to be proactive with their scheduling and ensure that they do not overextend the care they provide. Dr. Pantazis stated that currently they are overstaffed.

Mr. Rosenbaum explained their complaint process and how those are investigated.

He also stated that if specific care cannot be addressed by one of their providers, they will make a referral for additional care. Their insurance policies will cover that additional care, but it does not cover the transport to the procedure.

Mr. Rosenbaum explained that their records are kept in an electronic cloud system that can be accessed through a secure system. Notes can be added no matter where the professional is located.

Board Action: A motion was made and seconded to approve Aria Dental Care application as a mobile dental facility on probation for no less than six months with the following terms:

- Must have 9 Compliance officer inspections.
- Must make at least one personal appearance before the Board with the Compliance Officer
- The Compliance Officer must provide reports to the Board after each visit showing how they meet OSHA standards.

Findley/Sheline
Motion carried 9-0-0

2. **Tabitha Buster (LDH)**

Ms. Buster appeared as requested to discuss why she did not disclose her background. Ms. Buster is a 2021 graduate from Prairie State College and has taken passed the NBDHE and CDCA examinations. She is currently licensed in the state of Illinois. Ms. Buster provided a statement and supporting documents for the Board to review. She stated that her incident occurred in 2020 when she went out to a bar with friends. She informed the Board that she does not remember much from that night, but she did go to court and entered a diversion program. She stated that she did not disclose the incident as the incident was dismissed. It was not her intention to hide what occurred. She informed the Board that she is currently employed in Illinois but would like to work closer to home.

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

Snoddy/Rader
Motion carried 9-0-0

C. **REINSTATEMENT**

There are no reinstatements for review.

V. **ADMINISTRATIVE HEARINGS**

A. **Ian Hoffman, D.D.S., License No. 12011898A**

Administrative Cause No. 2022 ISBD 0006

Re: Administrative Complaint & Proposed Settlement Agreement

Parties Present:

Respondent was not present

Carah Rochester, Deputy Attorney General for the State of Indiana

Margie Addington, 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: An Administrative Complaint was filed against Dr. Hoffman on or about June 16, 2022, with allegations that Dr. Hoffman failed to keep adequate dental records for patient W.S. A Proposed Settlement Agreement is currently on the agenda for the Board to consider. Ms. Rochester stated that Dr. Hoffman contacted her office stating that he would not be able to appear for the hearing today as he has patients scheduled. The Board stated that this matter

was continued on from the December 2, 2022. Ms. Rochester stated that the Board may continue this matter if they feel it is necessary. Dr. Hoffman attended a settlement conference with Dr. Findley on August 23, 2022. Ms. Rochester stated that the Board may either accept the Proposed Settlement Agreement, may continue the matter, or issue a Notice of Proposed Default.

Board Action: A motion was made and seconded to issue a Notice of Proposed Default and deny the settlement agreement in the matter of Dr. Hoffman.

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

B. Michael Bajza, D.D.S., License No. 12009652A

Administrative Cause No. 2005 ISBD 0011

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present with counsel Michael Roth
Carah Rochester, Deputy Attorney General for the State of Indiana
Margie Addington, 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. Bajza was placed on probation based upon a Settlement Agreement that was filed on or about August 7, 2009, with the following terms:

- Shall pay a fine of \$1000.00 to the Indiana Attorney General's Office Consumer Protection Fund within ninety (90) days from the date of the Final Order Approving Settlement Agreement.
- Shall pay a fine of Five Thousand Dollars (\$5,000.00) to the Indiana Professional Licensing Agency
- License shall be SUSPENDED for a period of SIX (6) MONTHS effective on the date of the Final Order Approving Settlement Agreement ("Suspension Period"). The License shall be reinstated and renewed six (6) months from the date of the Final Order Approving Settlement Agreement, automatically and without reapplication.
- Upon reinstatement, Dr. Baiza's license shall be placed on PROBATION for an indefinite period of not less than TWO (2) YEARS effective on the date of reinstatement set forth above.
- Dr. Bajza shall appear before the Board at regularly scheduled meetings during the first twelve months of the Probation Period. Thereafter, Dr. Bajza may petition for permission to appear before the Board at its regularly scheduled meeting on a quarterly basis.

- Dr. Bajza shall perform a total of TWO HUNDRED (200) HOURS of community service.
- Dr. Bajza shall perform TEN (10) HOURS of continuing education per year in the areas of: a) billing & record keeping; b) diagnosis and treatment planning; c) current treating methods or d) ethics, in each twelve-month period, for a total of TWENTY (20) HOURS during the Probation Period and/or Suspension Period.
- Prior to the initiation of the Probation Period, Dr. Bajza shall enter into a Services Agreement with Limoli & Associates, Atlanta Dental Consultants, Inc. and/or Affiliated Monitors, for the entire length of the Probation Period, to provide education, training, support and compliance monitoring for proper coding and billing practices.
- Verification of the Services Agreement and a summary of the training and services to be provided during the Probation Period, shall be provided to the Board at the end of Dr. Bajza's suspension, and annually thereafter until the removal of the probationary status from Dr. Bajza's License.
- Verification of satisfactory performance of the terms of the Services Agreement during the Probation Period shall be provided annually to the Board.
- During the Probation Period, Dr. Bajza shall meet with an ethics mentor assigned to him by the Board. The mentor shall report to the Board's designee, when necessary.
- Dr. Bajza shall make additional personal appearances before the Board upon the Board's written request during the Suspension and Probation Periods.

On or about December 2014 Dr. Bajza submitted a request of Modification of Probation. Dr. Bajza stated that his circumstances had changed, and he could not complete the terms. He stated that he was not practicing dentistry at that time. The Board modified his probation to state:

- Dr. Bajza shall appear before the Board once every six months as long as he is not practicing dentistry. He shall submit a written report to the Board before resuming the practice of dentistry. Upon resuming the practice of dentistry, he shall make personal appearances before the Board at every Board meeting.
- All other Probation terms shall still be imposed.

On or about September 9, 2022, the terms of Dr. Bajza's probation was modified to add the following terms:

- Respondent must successfully pass an examination approved by the Board under Title 828 of Ind. Admin. Code and/or successfully complete the American Association of Dental Board's ("AADB") Remediate+ course and submit or cause the submission of an AADB report confirming a passing grade of the Remediate+ course within two (2) years of the date of this order.
- Until further order, Respondent must confine his practice of dentistry to only the following areas: diagnosis, treatment planning, patient education, radiographs, coronal polishing, and Extended Function Dental Assistant ("EFDA") duties.
- Respondent shall, on a quarterly basis, work a minimum of eighty (80) hours under Dr. Shideler's mentorship.
- Respondent shall cause the submission of quarterly reports from Dr. Shideler that report as to Respondent's professional progress.
- If Respondent's professional association with Dr. Shideler comes to an end, he must notify the board immediately, and such notification shall trigger the setting of a new probation modification hearing.

- All other terms from the December 11, 2014, order modifying Respondent’s license probation, including those terms designated in the December 11, 2014, order as carrying over from the August 7, 2009, order accepting the original proposed settlement, shall remain in effect.

Mr. Roth informed the Board that Dr. Bajza appeared for his probationary appearance in December 2022 where it was advised that Dr. Bajza might be eligible for probation withdraw. He stated that the Board had voted during their December 2022 meeting that the ethics mentor requirement was no longer a requirement for his probationary terms. At this time, the State submitted Exhibit 1 which is an affidavit from Cindy Vaught, Dental Board Director, that confirms all terms of the probation have been met. The Board accepted the Exhibit. The State affirmed that it is still Dr. Bajza’s burden of proof to show that he has met all his terms. The Board took notice of Dr. Bajza’s file. Dr. Bajza has completed American Association of Dental Board’s (“AADB”) Remediate+ course in November 2022 and submitted the AADB report confirming a passing grade. The Board acknowledged the terms that Dr. Bajza could not complete due to not practicing dentistry at the time.

Board Action: A motion was made and seconded to grant Dr. Bajza’s request to withdraw probation.

Reese/Nowakowski
7-2-0 Rader and Williamson opposed.

C. Alison Michalak, L.D.H., License No. 13007275A

Administrative Cause No. 2021 ISBD 0007

Re: Order to Show Cause

Parties Present:

Respondent was present

Carah Rochester, Deputy Attorney General for the State of Indiana

Margie Addington, 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.

State Witness:

Cindy Vaught, Dental Board Director, Indiana Professional Licensing Agency

Case Summary: On or about May 31, 2022, Ms. Michalak entered into a Settlement Agreement with the Board with the following terms:

- The State and Ms. Michalak waive their rights to have a public hearing in this matter, and all other proceedings in this action to which either party may be entitled by law, including judicial review.
- Ms. Michalak agrees that the Settlement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against her license arising from the Complaint filed July 30, 2021.
- Ms. Michalak's license shall be placed on Indefinite Probation for no less than one year with the following conditions:
 - Within thirty days of the Final Order, Ms. Michalak shall contact an addictionologist and schedule an addictionology examination, to include a report with treatment recommendations. Ms. Michalak shall present the report and recommendations to the Board.
 - Ms. Michalak shall maintain complete compliance with any and all recommendations made as a result of the addictionology examination.
 - Ms. Michalak shall submit to random urinary drug screens as required by the Board.
 - Ms. Michalak shall report any non-compliance with her treatment recommendations to the Board and the OAG immediately.
 - Ms. Michalak shall attend one, twelve step meetings per week and provide proof of attendance to the Board on a quarterly basis.
 - Ms. Michalak shall submit quarterly progress reports from the licensed behavioral health provider to the Board.
 - The addictionologist and behavioral health provider are permitted to discuss with the Board and the OAG regarding Ms. Michalak's progress at any time.
 - If substance abuse reoccurs, Ms. Michalak shall immediately cease working and report such relapse to the Board and OAG immediately in writing.
 - Ms. Michalak shall provide a copy of all Board orders imposing discipline or limiting practice to any dental employer, who shall sign and return a copy of such orders to the Board and the OAG within ten days of employment or receipt of the Order.
 - Ms. Michalak shall not practice unsupervised.
 - Ms. Michalak shall have the person evaluating her practice to submit quarterly reports to the Board indicating her professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
 - If Ms. Michalak is not employed as a dental hygienist, Ms. Michalak shall submit quarterly reports to the Board stating why she is not employed as a dental hygienist and the nature of her current employment.
 - All quarterly reports must be submitted individually at the end of every quarter while Ms. Michalak is on probation.
 - Ms. Michalak shall complete six hours of continuing education in the area of addiction as a health care provider.
 - Ms. Michalak shall make quarterly appearances before the Board.
 - Ms. Michalak shall comply with all statute and rules regulating the practice of dental hygienist and report any future arrests, criminal charges, instances of substance abuse, work discipline or termination to the Board immediately in writing.
 - Ms. Michalak shall keep the Board up to date on her contact information, employment information, and the employment contact information.
 - Ms. Michalak shall pay \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

- Ms. Michalak understands that any further violation of the final order, any noncompliance with the statute and rules regarding the practice of dentistry, or any violation of the Settlement Agreement may result in a summary suspension or her license, or have further sanctions be filed against her license up to revocation.

Ms. Michalak did not appear with counsel and stated she wished to proceed without counsel. She informed the Board that she is here on good faith to prevent her license from being suspended. She stated that she understands that she has not complied with all the terms of her probation, but that she has been getting help and is working on her sobriety. She informed the Board that she has not been practicing dental hygiene since her status changed to probation. Ms. Michalak submitted Exhibit 1 which is a letter of confirmation of her psychiatrist care and current compliance with the care. She also submitted exhibit 2 which is a letter from her therapist of her current status. The State objected to the Exhibits as hearsay due to not being able to verify the authenticity of the letters. The Board accepted the Exhibits as hearsay evidence. The State inquired to Ms. Michalak if her psychiatrist has completed an addictionology examination. Ms. Michalak stated she was unsure if he completed an addictionology examination. The psychiatrist evaluated her with substance abuse disorder and major depression. Ms. Michalak stated she has not attended any twelve step meetings, but that she has future plans to attend. She stated that she has not provided any reports to the Board, but she that has completed urine tests for the Board. She stated that she does not have those reports on hand but can submit them if the Board wants. Ms. Michalak stated that she has not completed any CE, nor made personal appearance for her probation. The Board inquired to her reasoning for non-compliance. Ms. Michalak stated that she was scared and did not know how to deal the Board. She stated that she should have called and asked for clarification but did not. The Board inquired if she had a relapse during the settlement. She stated that she had been drinking on and off and entered into a treatment center in September 2022 for twenty-eight days. She indicated that she does not have record of this. Ms. Michalak stated that she feels that she has her addiction behind her, and she knows she has dropped the ball. She stated that she misses practicing.

Board Action: After review and consideration of testimony and evidence presented, a motion was made and seconded to suspend Ms. Michalak’s dental hygiene license for no less than six months until she can be aligned with her current probation terms.

Kolkman/Sammons
Motion carried 9-0-0

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

Administrative Cause No. 2022 ISBD 0009

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present

Margie Addington, 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 June 23, 2022, Ms. Mitchell’s license was renewed on probation with the following terms:

- Ms. Mitchell’s dental hygienist license shall be placed on indefinite probation until she can provide proof that her criminal probation has been discharged.
- If her probation is still in effect, Ms. Mitchell shall make a personal appearance at the first Board meeting occurring on or after the six month point from the date of her Probation Order. This requirement may be voided if she is removed from criminal probation prior to that time.
- Ms. Mitchell must comply with all statues, rules, and regulations governing her dental hygienist license.

Ms. Mitchell appeared without counsel. She stated she wished to proceed without counsel. Ms. Mitchell stated that per the terms of her probation she needed to complete the criminal probation and appear once before the Board. She stated that she completed both items in August 2022. She stated that she did not know until December that she would have to have another hearing to come off probation. She stated that she has learned her lesson, and this incident will be her first and last. She stated that she completed all alcohol and assessments required per the courts.

Board Action: A motion was made and seconded to grant Ms. Mitchell’s petition to withdraw probation.

Sheline/Rader
Motion carried 8-0-1 Snoddy abstained

VI. APPLICATIONS FOR REVIEW

A. License Applications

1. Joseph Lotfi, DDS

Dr. Lotfi has applied for his dental anesthesia permit. He is a 2020 graduate from the Arizona School of Dentistry and is currently licensed in Indiana and Florida. Dr. Lotfi is currently enrolled in a Dental Anesthesiology Residency at Advocate Illinois Masonic Medical Center and will complete his residency on June 30, 2023. He has provided a letter from Kenneth Kromash, DDS, Program Director, stating he is on track and is expected to be complete his residency on June 30, 2023. Dr. Lotfi has requested the Board to accept his letter of expected graduation as proof of his anesthesia training and issue his permit. The Board stated that he has not shown he has completed the program; nor does the letter show when the program started, or the areas of training covered. The Board discussed if they needed both the letter and transcript showing course completion. The Board stated they will accept a letter from the school showing he has completed the training if they list dates and what was covered; however, they cannot grant a permit until that occurs.

Board Action: A motion was made and seconded to table Dr. Lotfi's application for an anesthesia permit pending the submission of additional information.

Rader/Sammons
Motion carried 9-0-0

B. Continuing Education

There were no Continuing Education applications for review.

VII. DISCUSSION

A. CE Broker Services

Mr. Don Olivia appeared to present the benefits of having CE Broker Services. The Board stated that they would like to conduct CE audits and determine if their program would allow the Board to audit CE in a more modern way. Mr. Olivia stated that their program makes CE tracking easier by giving the Board information on different statistics of the CE that professionals are using (Sponsors, Courses, Dates, etc), can track if a professional has completed a specific area as needed for their CE (i.e. ethics, BLS, etc.), and can track the percentage of professional who have completed their CE. He stated that their program has customizations that may be implemented depending on the Board's needs. He informed the Board that they do have a program that is already in use in other states for their Dental Boards. He stated that their program will eliminate routine calls the Board staff regarding CE. Their program also allows a dental professional to keep track of their CE and the requirements for each State. Mr. Olivia stated that their program has no expense for the Board, and they operate on voluntary subscription services. Eighty-seven percent of their subscribers utilize the free component, but the rest elect to pay for the service. The services that require subscription fees will give more benefits to the practitioner such as finding approved courses they could take for their license renewals. Currently they have twenty-four states enrolled in their services. The IDA asked for clarification regarding past struggles with the CE reporting system when it was last presented. Mr. Olivia stated that they have improved their system and updated their storage capacity. He also stated that the CE that is stored in their system is given a tracking number or verification code to eliminate duplication. Mr. Olivia stated that their system allows a one hundred percent audit, and they can implement CE reminder notices to those who are missing CE requirements. The Board stated that they would be willing to proceed with becoming a part of the CE Broker services on a voluntary basis.

B. Compliance Fund Update

The IDA reported that currently there is legislation on eliminating the twenty-dollar fee that dental professionals must pay during renewal and reinstatement which goes into the Compliance Fund. It appears at this time that piece of legislation will go through; however, there are other points in that bit of legislation that are being discussed. The bill does not provide information on how the direction of the funds occur, just that it eliminates the fees that currently go into the fund. The IDA stated that as IPLA has a new Executive Director, they are trying to set up a meeting with her to discuss a new MOU and discuss the Fund.

The IDA stated that bill 1460 discusses that if there is a vacancy in a Board, the Governor must appoint an individual within ninety days. If he does not, then the Board may appoint someone

to fill that position. They stated that the current languages would apply to the Dental Board and their current vacant position.

C. Website Modifications Recommendations

The Board requested that the website be clearer regarding where to find CE, requirements for the CE cycle, and where to find probation information. The Board staff indicated that they would try to put clear labeling language into the website for easier understanding.

D. Proposed Administrative Rules Review

The Board reviewed their Administrative Rules for training and education requirements for sedation and pediatric sedation.

The Board discussed the Mobile Dental Facility rule section. They reworded the rule to align with LDH prescriptive authority language.

The Board discussed advertising rules. There was discussion if rules were required if there is currently a statute that addresses misleading advertising. The Board decided to not pursue rules in this matter.

The Board discussed Invisalign and how they can address similar practices in the rules. It was noted that there are current rules that cover how oral images, impressions, or casts should be performed. If there are concerns with Invisalign then those particular rules could apply. The Board discussed that they might need a statute to address those specific concerns in a quicker and more direct manner. An example of this practice that causes concerns is the Smile Direct Club.

The Board has finished their review of the rules. The Board rules will be forwarded to the Governor's Office to move the process to the next step.

E. Benjamin Wall, DDS, Director of Examinations CDCA-WREB-CITA

Dr. Benjamin Wall appeared via conference call to discuss the clinical examinations and how failing the examination multiple times will affect licensure. Dr. Reese and Dr. Weingarten stated they have had discussions on IC 25-14-1-3 which states " ... Every applicant must pass an examination administered by an entity approved by the board and may not take the examination more than three (3) times." The current format of the clinical examination for the CDCA-WREB-CITA is divided into different parts, and failure of one part does not impact the passing or taking of the other sections. The Board has had previous discussions on what it means to fail the clinical examination with this format in place. The Board stated that if an applicant has failed one part three times, it is considered failing the examination three times. Dr. Wall stated that he has current students who have failed one part two times and are currently scared of taking a third time. This is due to the fact that if they fail it, it will prevent them from obtaining licensure in Indiana by examination. It was advised to his students that if they have failed one exam part twice, for the student to take the CITA or SRTA examination instead of taking their third attempt. Dr. Wall inquired if the Board has any remediation training that an applicant can do in place of taking a different exam. The Board stated that there is currently no statute or rules that allow them to implement remediation training for this matter, and the statute does not allow them to make

a board rule to help define what failing the examination means. The Board understands that they need to be consistent in this matter, and the statute was put in place before the format of the examination changed. The Board stated that they do not want to eliminate people from applying in the State, and if an individual does do remediation training, they may do so on their own merit prior to attempting their third attempt. The Board understands that these individuals are still in school, so obtaining sources for additional training should be easier than if obtaining that training after school. The Board does have to adhere to the current statutes, but if there are concerns on clarity on this point, it will need to be a legislative change. Dr. Reese stated that he will create a position statement to present to the school and at the next Board meeting.

VIII. REPORTS

A. Office of the Attorney General

The Office of Attorney General reported that currently there are 109 consumer complaints open with a duration of 9.9 months. There have been 4 complaints closed this year. There are 10 litigation cases open with a duration of 15.1 months. There have been 2 litigation cases closed this year. Mary Hutchinson of the Office of Attorney General stated that they are working with a new complaint system that allows the Board to see more categories of the types of complaints filed. She stated that some categories do not fit neatly, but that the Office of Attorney General's Office will label them as close as possible. She stated that their office does receive complaints that are not factually correct or complaints where the allegations cannot be proved. Those complaint types are dismissed. She stated that future Administrative Complaints that come before the Board will have the initial consumer complaint attached. She stated that the Office of Attorney General is trying to become more transparent.

IX. OLD/NEW BUSINESS

There was no old/new business to discuss.

X. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 4:14 p.m. by consensus.

Ted Reese, D.D.S., President