

**STATE BOARD OF DENTISTRY
MINUTES**

October 7, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Ted Reese called the meeting to order at 9:02 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.
Tammera Glickman, Consumer Member

Board Members Not Present:

Dental Member - Vacant

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Lief 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.

Rader/Findley
Motion carried 10-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to accept the minutes of August 5, 2022, as amended.

Sammons/Kolkman
Motion carried 10-0-0

IV. PERSONAL APPEARANCES

A. PROBATION

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

Dr. Gallanosa appeared with counsel, Derek Peterson, as requested to discuss his ongoing probation. Dr. Gallanosa reported that things were going well. He submitted his updated work schedule for the Board to review, which included an outline of the days he was working, how many patients were seen that day, the percentage of patients that are covered by Medicaid, and a letter from his mentor that affirmed his average hours worked per week. The Board noted that they appreciated the new format Dr. Gallanosa used in his reporting as it made it clear on what he is doing within the practice.

2. **Christie Oyler, D.D.S., License No. 12011725A**
Cause No. 2021 ISBD 0012

Dr. Oyler appeared as requested to discuss her ongoing probation. Appearing with Dr. Oyler is Dr. Matt Miller. The Board inquired on how her DEA audit was going. Dr. Oyler stated that she has not heard from the DEA on the status of the audit. She stated that she has no struggles to report. All drug screens have been completed and were negative. Dr. Oyler stated that she might need a mentor. Dr. Miller stated that a mentor is needed, she will have the burden of obtaining one, as he cannot fill that role. Dr. Miller reported that he has made an unannounced visit to Dr. Oylers office once a month since May. He provided copies of his reports to the Board and noted no concerns. He affirmed that he considers his role as that of a friend to the Board since the AG's office is not involved and he is not a Compliance Officer. The Board stated that they have not received a copy of Dr. Oyler's medication destruction policy. Dr. Oyler stated that she had submitted the destruction policy to Ms. Backer and was unaware that she needed to submit it to the Board. The policy is not included in the Well-Being report submitted by Ms. Backer, and the Board informed Dr. Oyler that per her Order she needed to submit it to the Board within sixty (60) days of her Order. At this time that item is outstanding and reminded her to review her Order to ensure that she submits the reports required. The report from the Well-Being program showed that Dr. Oyler did not have any concerns of note.

B. APPLICATION

C. REINSTATEMENT

1. **Jerry Clore, D.M.D., License No. 12008848A**

Dr. Clore appeared as requested to discuss the reinstatement of his dental license that expired in 1996. He has submitted copies of the required continuing education certificates and provided a statement for the Board to review of his practice since the expiration of his license. Dr. Clore stated that since his Indiana license expired, he has worked continuously in the State of Michigan for the past thirty-one (31) years. His Michigan license does not show any disciplinary action. He affirmed that the Michigan Dental Board requires that you complete twenty (20) hours of continuing education per year to maintain his license. Dr. Clore retired 5 months ago. He plans to practice in Ligonier, Indiana.

Board Action: A motion was made and seconded to approve Dr. Clore's application for reinstatement of his dental license.

Kolkman/Rader

Motion carried 10-0-0

An amendment was made to the motion, to approve Dr. Clore's reinstatement pending the completion of the jurisprudence examination.

Kolkman/Reese
Motion carried 10-0-0

2. Ryan McCall, D.D.S., License No. 12012037A

Dr. McCall did not appear. He will be rescheduled.

3. Kelly Moore, L.D.H., 13006393A

Ms. Moore appeared as requested to discuss the reinstatement of her dental hygiene license that expired in 2012. She has submitted copies of the required continuing education certificates and provided a statement for the Board to review of her practice of dental hygiene since the expiration of his license. Ms. Moore stated the in 2012 she had left the practice and moved to the state of Ohio. After her move to Ohio, she became a mother with child that had some medical complications that lessened the hours she could work. She stated that she officially retired from the practice in 2019 but pursued reactivation in Ohio in 2020. Since the reactivation of her Ohio license, she has been working four (4) days per week. She has completed continuing education and CPR training since 2008. There has been no discipline on her Ohio dental hygiene license. She plans on working in another office which is in Indiana.

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

Rader/Snoddy
Motion carried 10-0-0

4. Jefferson Newbern, D.D.S., 12011559A

Dr. Newbern appeared as requested to discuss the reinstatement of his dental license that expired in 2012. He has submitted copies of the required continuing education certificates. Dr. Newbern informed the Board that he has been practicing in Bowling Green and Elizabethtown, Kentucky since his Indiana license expired. He stated that he plans on moving to a location in southern Indiana but would like to remain along the state line.

Board Action: A motion was made and seconded to approve Dr. Newbern's reinstatement of his dental license pending completion of the jurisprudence examination.

Sammons/Kolkman
Motion carried 10-0-0

D. RENEWALS

There were no applications for renewal to consider.

V. ADMINISTRATIVE HEARINGS

A. Chanbo Sim, D.D.S., License No. 12009372A

Administrative Cause No. 2020 ISBD 0007

Re: Administrative Complaint & Notice of Dismissal

Parties Present:

Respondent was not present

Counsel of Respondent George Carberry not present

Regan Perrodin, Deputy Attorney General for the State of Indiana

Heather Orbaugh, 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.

Tammera Glickman, Consumer Member

Case Summary: On or about July 15, 2020, an Administrative Complaint was filed against Dr. Sim with allegations that he did not provide services within acceptable standards of practice. On or about September 21, 2022, a Notice of Dismissal was filed by the State. The State informed the Board that they are requesting Dismissal of the Complaint as they do not have sufficient evidence to pursue the case any longer. The State affirmed that if the Board should choose to reject their Notice of Dismissal, then the case would continue to be investigated. Dr. Reese stated that he felt there were several issues with this case and was not in favor of dismissal

Board Action: A motion was made and seconded to deny the State's Notice of Dismissal in the matter of Dr. Sim.

Reese/Nowakowski
Motion carried 10-0-0

B. Inna Grishin, D.D.S. License No. 12012306A

Administrative Cause No. 2022 ISBD 0004

Re: Administrative Complaint & Proposed Settlement Agreement

Present:

Respondent was present with counsel Matthew Conner
Regan Perrodin, Deputy Attorney General for the State of Indiana
Heather Orbaugh, 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.
Tammera Glickman, Consumer Member

Case Summary: On or about March 28, 2022, an Administrative Complaint was filed against Dr. Grishin with allegations of dental incompetence or improper conduct that violated acceptable standards of practice to the detriment of the patient. On or about September 12, 2022, a Proposed Settlement Agreement was filed for the Board review with the following terms:

- Both parties enter this agreement voluntarily
- Both parties waive their rights to a public hearing in this matter, and all other proceedings which either party may be entitled to by law, including judicial review.
- Dr. Grishin shall be issued a Letter of Reprimand
- Dr. Grishin shall be required to complete sixteen (16) hours of continuing education in the area of oral manifestations of systemic diseases to be completed within one (1) year of her Final Order.
- Dr. Grishin shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Fund.

The Board asked for clarification from Dr. Grishin if this was an isolated incident. Dr. Grishin stated that this was the only case in this matter, and she has had one other case that was peer reviewed. She stated that for that case she was not found at fault.

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

Sammons/Sheline
Motion carried 9-0-0 with Dr. Findley abstaining

C. Erica Hunt, D.D.S., License No. 12012394A

Administrative Cause No. 2022 DB 0001
Re: Administrative Complaint and Proposed Settlement Agreement

Present:

Respondent was present with counsel Matthew Conner
Regan Perrodin, Deputy Attorney General for the State of Indiana
Heather Orbaugh, 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.
Tammera Glickman, Consumer Member

Case Summary: On or about January 11, 2022, an Administrative Complaint was filed against Dr. Hunt with two allegations that she failed to inspect dental services during the course of her performance, and one allegation that she failed to provide the required direct or prescriptive supervision of a dental hygienist or dental assistant. Dr. Snoddy, Dr. Sheline, and Dr. Nowakowski stated that they are affiliated with Heartland Dental, which Dr. Hunt is also affiliated with. Dr. Snoddy, Dr. Sheline, and Dr. Nowakowski stated that they can remain impartial, and counsel for the state, Ms. Perrodin, and Respondent, Mr. Conner, stated that there are no objections to the three Board members remaining on record for this hearing.

On or about September 6, 2022, a Proposed Settlement Agreement was reached with the following terms:

- Both parties enter this agreement voluntarily
- Both parties waive their rights to a public hearing in this matter, and all other proceedings which either party may be entitled to by law, including judicial review.
- Dr. Hunt shall be issued a Letter of Reprimand
- Dr. Hunt shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Fund.

Dr. Hunt stated that she had put in a temporary crown, and the crown fell off. She stated that she did fail to inspect the service that occurred. The State requests that the Board accept the Proposed Settlement Agreement.

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

Sammons/Sheline
Motion carried 9/0/0 with Dr. Findley abstaining

D. Ian Hoffman, D.D.S., License No. 12011898A
Administrative Cause No. 2022 ISBD 0006
Re: Administrative Complaint and Proposed Settlement Agreement

Present:
Respondent was not present
Regan Perrodin, Deputy Attorney General for the State of Indiana
Heather Orbaugh, 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.
Tammera Glickman, Consumer Member

Case Summary: On or about June 16, 2022, an Administrative Complaint was filed against Dr. Hoffman with allegations that he failed to keep adequate dental records for his patient. On or about September 19, 2022, a Proposed Settlement Agreement was reached with the following terms:

- Both parties enter this agreement voluntarily
- Both parties waive their rights to a public hearing in this matter, and all other proceedings which either party may be entitled to by law, including judicial review.
- Dr. Hoffman shall be issued a Letter of Reprimand
- Dr. Hoffman shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Fund.

The State affirmed that the patient records that Dr. Hoffman had on file for his patient were illegible and asked that the Board accept the Proposed Settlement Agreement.

Board Action: Dr. Kolkman made a motion to deny the Proposed Settlement agreement and add an additional CE requirement and place Dr. Hoffman's license on probation.

Board counsel advised that the Board cannot modify the settlement or advise as to what may be put in the Settlement Agreement.

Dr. Kolkman modified his motion to table any action at this time until Dr. Hoffman can appear before the Board to further consider the administrative complaint and Proposed Settlement Agreement. The motion was seconded by Dr. Sheline.

Kolkman/Sheline
Motion carried 9/0/0 with Dr. Findley abstaining

E. Donna Petro, L.D.H., License No. 13002646A
Administrative Cause No. 2020 ISBD 0005
Re: Petition for Withdraw of Probation

Present:
Respondent was present
Heather Orbaugh, 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.
Tammera Glickman, Consumer Member

Witness for Board: Cindy Vaught, Board Director

Case Summary: On or about June 5, 2020, Ms. Petro appeared before the Board to discuss the response on her renewal where she disclosed that she pled guilty to an OWI in October of 2018. During that appearance the Board noted prior history of convictions involving alcohol. The Board voted to place Ms. Petro's license on Probation with the following terms:

- Ms. Petro's license shall be placed on Indefinite Probation for no less than two (2) years.
- Ms. Petro shall keep the Board apprised of any change with her contact information, employment, employment contact information, and name of supervisor if applicable.
- Ms. Petro shall appear before the Board a two (2) scheduled meetings for each year of her probation.
- Ms. Petro shall undergo random drug screens at her expense as directed by the Board and submit the results directly to the Board.
- Ms. Petro shall report any medication changes
- Ms. Petro shall comply with the statute and rules governing the practice of dental hygiene.
- Ms. Petro understands that if she fails to comply with the terms of her probation, she may be subjected to further disciplinary action by this Board.

On or about June 1, 2022, Ms. Petro submitted a request to withdraw her probation. The Board took official judicial notice of her file. The Board asked Ms. Petro if she would like to proceed without counsel. Ms. Petro stated that she did not know she could have counsel but would like to proceed without. Ms. Petro stated that she completed all requirements for her probation and would like to have the status removed. She informed the Board that she completed a recent drug screening per their request on Tuesday and stated that it was negative. The Board noted that they do not see the official results in her file. She stated that she did try send the results to IPLA. Ms. Petro affirmed that she has not had a drink since 2018, has made four (4) Board appearances, and has completed several drug screenings. She stated that she participates in AA meeting and attends three (3) to five (5) meetings per week. She stated that she was the secretary for the meetings.

Ms. Petro submitted Exhibit 1 which is a copy of the recent drug screen results. The Board accepted the Exhibit.

The Board noted that the Exhibit does not show the results of her drug screen, just that she had it completed. Ms. Petro stated that she has learned her lesson and that she will remain sober.

The Board called Ms. Vaught to testify in this matter. She is the administrator of Ms. Petro's litigation and probation record. Ms. Vaught stated that Ms. Petro has completed one blood test with results which was received October 8, 2021. She stated that a second blood test was requested October 3, 2022, and that she has not received results. Ms. Vaught confirmed that Ms. Petro has not had a change of address and has worked as a temporary employee for various dental offices. Ms. Vaught stated that Ms. Petro did not report every time she switched offices

as a temp, but she did report some of the office changes. Ms. Vaught stated that Ms. Petro did report medication changes.

Ms. Petro concluded that she has met all her terms and is requesting that the Board withdraw her probation status.

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

Glickman/Kolkman
Motion carried 10-0-0

F. Lucian Boboia, D.D.S., License No. 12010910A

Administrative Cause No. 2021 ISBD 0011

Re: Order to Show Cause & Petition for Modification of Probation

Present:

Respondent was present with counsel Joshua Burriss
Amy Osborne, Deputy Attorney General for the State of Indiana
Heather Orbaugh, 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.
Tammera Glickman, Consumer Member

Case Summary: On or about January 12, 2022, a Proposed Settlement was reached between the State and Dr. Boboia with the following terms:

- Both parties enter this agreement voluntarily
- Both parties waive their rights to a public hearing in this matter, and all other proceedings which either party may be entitled to by law, including judicial review.
- Dr. Boboia's license shall be placed on Indefinite Probation for no less than five (5) years with the following terms and conditions:
 - Dr. Boboia shall close his practice The Ark within ninety (90) days of the Board's Final Order. Prior to the closure Dr. Boboia shall not treat any patients of The Ark, and he shall submit in writing to the Board proof of The Ark's closure.
 - Dr. Boboia shall maintain complete and continuous compliance with his Dental Well Being contract.
 - Dr. Boboia shall report any positive, abnormal, dilute, or missed urinary drug screens or hair follicle tests the Board that OAG immediately in writing.
 - Dr. Boboia shall report any non-compliance with his Dental Well Being contract to the Board and the OAG immediately in writing.

- The Dental Well Being program is permitted to discuss with the Board and the OAG at any time regarding Dr. Boboia's compliance and progress
- If substance abuse reoccurs, Dr. Boboia shall immediately cease working and report the relapse to the Board and OAG in writing.
- Dr. Boboia shall submit quarterly reports from an individual counselor to the Board.
- Dr. Boboia shall provide a copy of any and all Board Orders to his employer or academic employer. His employer shall then submit a signed copy of the Final Order to the Board and the OAG within ten (10) days of employment.
- Dr. Boboia shall not practice without a supervisor or in a solo practice. The supervisor does not need to be physically present in the practice at all times to monitor, but they shall meet with him on a regular basis, at least once per week. His supervisor shall be a dentist licensed to practice in Indiana and have no disciplinary history against their license.
- Dr. Boboia shall not serve in a supervisory position for another dentist. After a period of three (3) years of probation, Dr. Boboia may supervise dental students in an academic setting should he be employed as such. However, all other restrictions in the agreement shall apply to academic clinical supervision.
- Dr. Boboia shall cause the person evaluating his practice to submit quarterly reports to the Board which must include an summary of his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
- If Dr. Boboia is not employed as a dentist, he shall submit quarterly personal reports to the Board stating why he is not employed as a dentist and the nature of his current employment.
- Dr. Boboia must submit all his quarterly reports individually at the end of each quarter while his license is on probation.
- Dr. Boboia shall not have access to controlled substances or nitrous oxide. If a controlled substance needs to be administered to a patient, a different licensed provider shall administer the substance. If nitrous oxide needs to be administered to a patient, it shall be done in the presence of another staff member.
- Dr. Boboia shall complete sixty (60) hours of CE in the areas of ethics and addiction. He shall provide proof of completion of his hours to the Board prior to his request to come off probation.
- Dr. Boboia shall complete thirty-two (32) hours of community service, and provide proof of completion to the Board prior to his request to come off probation.
- Dr. Boboia shall make personal appearances before the Board upon their request.
- Dr. Boboia shall pay a fine of three thousand dollars (\$3,000) to be paid to IPLA.
- Dr. Boboia shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Fund.

Mr. Burris opened to say that counsel for Dr. Boboia, Mike Gearty, could not be present due to injury and he is filling in as counsel. Mr. Burris stated that due to a change in circumstances, Dr. Boboia is requesting a modification of his probation. He stated that Dr. Boboia is moving to the State of Arizona to be closer to his children. He stated that Dr. Boboia has complied with the Order with the exception of two items. Mr. Burris stated these two items were the results of human error. Dr. Boboia stated that he thought his employers had submitted the signed

orders, and that he knows he has submitted 3 of his quarterly reports the night before. Dr. Boboia stated that he has entered into a Well Being Contract.

The Board issued an Order to Show Cause due to Dr. Boboia's lack of reporting per his Probation Orders. Mr. Burriss stated that Dr. Boboia did submit his reports last night. Dr. Boboia stated that he is moving to Arizona to be close to his children, as they are located in California. He stated that his intention is to continue with his probation, and he will enroll in an Arizona Well Being Program. He stated that his reports were not submitted earlier due to his misunderstanding of the Probation Order. He stated that at the time when the Agreement was reached, he was juggling with being unemployed, and then gaining employment. He had a lot of confusion on who was supposed to report which information. He stated that his employer in Arizona is aware of the Order and has signed a copy. For his appearances he stated he is willing to fly to Indiana to attend them.

Exhibit C was submitted with no objection from the Board. Exhibit C is a notice from Dr. Boboia's Arizona employer with the signature acknowledging they have read the Order. Mr. Burriss concluded that with the change in Dr. Boboia's circumstances for his move, he is requesting that his probation be modified.

The State concluded that they will leave it up to the discretion of the Board if they feel Dr. Boboia has currently met his probation requirements, and shown a change in circumstances.

Board Action: A motion was made and seconded that Respondent's plan to move to Arizona in light of his family situation constitutes changed circumstances that warrant modification of his Probation Order. The Board finds that, in lieu of Respondent's specifically requested change in language to one term of his probation, a different language modification better serves the same end. Therefore, paragraph j of his Proposed Settlement Agreement is amended so that its first sentence reads: "Respondent shall not practice in Indiana without a supervisor or in a solo practice." The remainder of Paragraph j, as well as all other terms and conditions of Respondent's ongoing probation, remain in full effect.

Kolkman/Snoddy
Motion carried 10-0-0

Board Action: A motion was made and seconded to dismiss the Order to Show Cause, Dr. Boboia did violate his probation, but the violation did not arise to any sanctions.

Nowakowski/Findley
Motion carried 10-0-0

VI. NOTICE OF PROPOSED DEFAULT

There were no notices of proposed default to consider.

VII. APPLICATIONS FOR REVIEW

A. LICENSURE APPLICATIONS

1. Joseph Rollings (DDS)

Dr. Rollings applications for dentistry and a dental residency permit has been submitted for review as he has failed his National Board of Dental Examiners – Part II on January 13, 2022 and July 22, 2021 and the CITA examination – Endo on March 18, 2022, April 22, 2022, and June 5, 2022 and he did respond positive to the question “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Dr. Rollings is a 2018 graduate of Meharry Medical College of Dentistry and does not hold any state license. He submitted a statement and supporting documents for the Board to review for disorderly conduct in 2002 and an arrest for criminal trespass on May 12, 2006, that was dismissed. The Board discussed IC 25-14-1-3 regarding that every applicant must pass an examination administered by an entity approved by the Board and may not take the examination more than three times and possible changes to allow the Board more leniency in these cases. It was stated; however, that the examination can show how someone might practice, and if they lower the standards the Board might see more Consumer Complaints. The Board reviewed his statement regarding statement regarding arrests/convictions.

Board Action: A motion was made and seconded to deny Dr. Rolling’s application for dental licensure based upon IC 25-14-1-3.

Kolkman/Sheline
Motion carried 10-0-0

A motion was made and seconded to approve Dr. Rollings’s application for a residency permit.

Sheline/Kolkman
Motion carried 10-0-0

2. **Sherri Graber (LDH)**

Ms. Graber’s dental hygiene application was submitted for review of her state constructed examination and she did respond positive to the question “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?”. Ms. Graber is a 2005 is a graduate of St. Petersburg College and has been licensed in state of Florida since 2005. She completed a state constructed examination in the state of Florida. Ms. Graber was charged in Pinellas County, Florida of Simple Battery/Domestic on February 2, 2017. On May 30, 2017, the State Attorney found that the investigation in this matter concludes that the facts and circumstances revealed do not warrant prosecution. The state verification does not show any disciplinary action.

Board Action: A motion was made and seconded to approve Ms. Graber’s application dental hygiene licensure pending the passing of the jurisprudence examination.

Rader/Sheline
Motion carried 10-0-0

B. CONTINUING EDUCATION

There were no continuing education applications for review.

VIII. DISCUSSION

A. Compliance Fund Update

Dr. Reese stated that he received notice that the new MOU has been withdrawn by the Office of Attorney General. He informed the Board that it is unknown the official reason as he did have any discussion on what was in the MOU with Mary Hutchinson and Evan Bartel. Dr. Reese stated that the Board needs to have the Compliance Officer's terms in the MOU (example terms of a Compliance Officer are what their duties contain, how they are paid, and where do they report). The IDA stated that they are going forward to repeal the \$20 fee required by IC 25-14-1-3. The Board had concerns on how the funds would be maintained once money is no longer being received. Dr. Reese stated that it will be a self-sustaining fund once the fee is eliminated. The Board stated that they will arrange a future for discussion of a new proposed MOU.

B. Website Modifications Recommendations

The Board discussed the 2022 legislative changes regarding reciprocity for dentist and dental hygienist applications. Ms. Vaught stated that IPLA will have more information in place at the next meeting as they are still rolling out the administrative duties and processes for that change.

The Board discussed adding a FAQ section to the website, and position statements. Board counsel stated that the Board will have to be careful about position statements as we are governed by the laws and the Board cannot give legal advice to practioners.

C. Proposed Administrative Rules Review

The Board reviewed their Rules for advertising, and the history of why the Board currently does not have any advertising rules. The advertising rules were eliminated so practitioners could advertise their specialties. The Board expressed concerns on misrepresentation with advertising. The Board counsel stated that there is now a statue (IC 25-1-9-4 (9)(1)(c) and IC 25-14-4-5) that will cover that concern. If a complaint is filed against a practioner who might be in violation of those statue the Board will be able to hear the case.

The Board reviewed their rules for Anesthesia Permits. Dr. Sammons asked if we needed to add a Rule for pediatric anesthesia. The Board discussed adding a subsection under the Moderate Sedation Rule section. Dr. Sammons stated that he would look into the specific training and language they Board could consider.

Telehealth and Tele dentistry rules were discussed. The Board stated that they would potentially not consider rules as the current Telehealth statue covers the practice well.

The Board discussed the definition of practice of dentistry and what impression taking is considered for the practice. The Board stated that while 25-14-1-23 does cover impressions and casts, but maybe they might look into more legislative changes rather than rule making for more clarity on that definition.

The Board asked if the IDA could look into that, and the current lawsuit the has occurred in Georgia that addressed some of their concerns.

The Board stated they will resume their Rule making process on the Dental Hygiene Permits at the next meeting.

IX. REPORTS

A. Office of the Attorney General

The Office of Attorney General reported that currently there are 110 consumer complaints open with a duration of 8.5 months. There have been 78 complaints closed this year. There are 16 litigation cases open with a duration of 13.1 months. There have been 10 litigation cases closed this year. The Office of Attorney General stated that they can in the future provide more geographical information and types of complaints that are received for the Board in their reports.

X. OLD/NEW BUSINESS

Discussion occurred on Board Meeting dates for 2023. The meeting day for February was changed from February 3rd to February 10th.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 3:40 p.m. by general consensus.

Ted Reese, D.D.S., President