

STATE BOARD OF DENTISTRY

MINUTES

FEBRUARY 25, 2022

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 § 15-5-1.1-6(c).

Board Members Present:

Ted M. Reese, D.D.S., President
Robert D. Findley, D.D.S., Secretary/Designee
Annette J. Williamson, D.D.S.
Matthew Kolkman, D.D.S.
Edward Sammons, D.D.S.
Twyla Rader, L.D.H.
Tammera Glickman, Consumer Member

Board Members Not Present:

Gregory A. Berger, D.D.S.
Richard R. Nowakowski, D.D.S., Vice President
R. Daron Sheline, D.D.S.
Jeffrey L. Snoddy, D.D.S.

State Officials Present:

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

Sammons/Findley
Motion carried 7-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to adopt the minutes of December 10, 2021, as edited.

Williamson/Glickman
Motion carried 7-0-0

IV. APPEARANCE

A. Mary L. Hutchison

Section Chief, Licensing Enforcement
Office of Attorney General

Ms. Hutchinson presented an update on the Memorandum of Understanding for the Compliance Fund. She stated that Tim Webber, Deputy Attorney General, who was involved with this process has left the AG's office and Amy Osbourne has taken his place. Ms. Hutchinson explained that she understands the Board's position on wanting three (3) compliance officers to address the North, Central and South portions of the State, and to have their services paid for by the Compliance Fund. She is currently working on standardized report for those officers to use, and then present their findings to the Board. Ms. Hutchinson informed the Board that a Consumer Complaint must be filed with the Attorney General's Office for a Compliance officer to be sent out to investigate.

Ms. Hutchinson spoke to the Board about the complaint process procedures and provided clarification to the Board on how a complaint reaches their office. She expanded on how the Attorney General's office can then file charges if a violation is found during the investigation.

Ms. Hutchinson stated that currently the complaints received by their office has a duration of eight point two (8.2) months. The Board currently has nineteen (19) pending litigation, and they have closed ten (10) cases this year. The duration of the Board's litigation cases has a duration of eleven point two (11.2) months. The Board requested that the AG's office provide a breakdown of common complaint topics (i.e., drug abuse, malpractice, record keeping, etc.).

V. PERSONAL APPEARANCES

9:00 a.m.

A. PROBATION

- 1. 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 previously working at two (2) different employers and is now only working at one facility. He currently works three (3) days a week. He has a five (5) year contract with the IDA Well Being program and doing well. He attends in person meetings once (1) every eight (8) weeks and attends virtual meetings three (3) to four (4) times a week with his AA program.

B. RENEWAL

- 1. David Conway, D.D.S., License No. 12010857A**

Dr. Conway appeared as requested to discuss his yes response to the renewal question "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action regarding your license to practice dentistry?" Dr. Conway provided a statement and supporting documents for the Board to review. Dr. Conway informed the Board that the malpractice was settled in order to do right by the patient. Dr. Conway

elaborated on the molar extraction process for the Board's clarification on what lead up to the malpractice suit.

Board Action: A motion was made and seconded to approve Dr. Conway's application for license renewal.

Findley/Kolkman
Motion carried 7-0-0

2. Sharron Patterson, L.D.H., License No. 13004819A

Ms. Patterson appeared as requested to discuss her yes response to the renewal question "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" Ms. Patterson provided a statement and supporting documents for the Board to review. Ms. Patterson explained that after her conviction of operating a vehicle while intoxicated endangering a person she enrolled herself in a twelve (12) week Aspire outpatient treatment program. She stated that she is also undergoing personal counseling outside of the Aspire program and attending AA. Her employer is aware of what occurred. She is currently on criminal probation for a period of one (1) year.

Board Action: A motion was made and seconded to renew Ms. Patterson's license.

Findley/Sammons
Motion withdrawn

Board Action: A motion was made and seconded to renew Ms. Patterson's license on indefinite probation for no less than one (1) year with the following terms:

1. 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.
2. 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.
3. 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.

Kolkman/Williamson
Motion carried 7-0-0

C. APPLICATION

1. Mark Brunner (DDS)

Dr. Brunner appeared as requested to discuss why he did not disclose his background on his application. Dr. Brunner submitted a statement and supporting documents for the Board to review. He stated that he was unaware that the incident was on his background as the incident was dismissed. He informed the

Board that he was never charged, and the statute of limitations was passed. He stated that he no longer consumes alcohol.

Board Action: A motion was made and seconded to approve Dr. Brunner's application for dental licensure pending the passing of the jurisprudence exam.

Reese/Rader
Motion carried 7-0-0

2. Hector Soria (DDS)

Dr. Soria appeared via conference call to discuss his yes response to the questions "Has disciplinary action ever been taken regarding any license, certificate, registration or permit that you hold or have held?", "Have you ever been denied a license, certificate, registration or permit to practice dentistry/dental hygiene or any regulated health occupation in any state (including Indiana) or country?", and "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Soria is currently located in the state of California. He submitted a statement and supporting documents for the Board to review. He stated that his work is primarily in a mobile clinic. Dr. Soria provided information on his three (3) different malpractice suits, and how each one was settled. He provided clarification on the clinical steps he took for each incident. He informed the Board that the State of California did investigate him, and he was placed on five (5) year disciplinary action that was resolved. He informed the Board that he believes the malpractice suits do not show on the NPDB report due to the low settlement amounts.

Board Action: A motion was made and seconded to approve Dr. Soria's application for dental licensure pending the passing of the jurisprudence exam.

Kolkman/Findley
Motion carried 7-0-0

VI. ADMINISTRATIVE HEARINGS

A. Michael Hoagburg, D.D.S., License No. 12013066A

Administrative Cause No. 2021 ISBD 0014

Re: Extension of Summary Suspension and **Voluntary Summary Suspension Agreement**

Parties Present:

Respondent was not present

Counsel Todd Ess present for Respondent

April Keaton, 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)

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

Annette J. Williamson, D.D.S.

Tammera Glickman, Consumer Member
Matthew Kolkman, D.D.S.
Twyla Rader, L.D.H.
Edward Sammons, D.D.S.

Case Summary: On or about January 12, 2022, a Voluntary Summary Suspension Extension Agreement was reached. Dr. Hoagburg's criminal proceedings are scheduled for a Hearing in April to address four (4) different charges. The State and Mr. Ess are requesting an extension of Dr. Hoagburg's suspension until the criminal matters are resolved.

Board Action: A motion was made and seconded to accept the Proposed Extension Agreement and suspend Dr. Hoagburg's license an additional 90 days.

Glickman/Rader
Motion carried 7-0-0

- B. Michael Bajza, D.D.S., License No. 12009652A**
Administrative Cause No. 2005 DB 0011
Re: Modification of Probation

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

VII. NOTICE OF PROPOSED DEFAULT

There were no notices of Proposed Default.

VIII. APPLICATIONS FOR REVIEW

A. LICENSURE APPLICATIONS

1. Amer Hussain (DDS)

Dr. Hussain's application was submitted for review of his examination scores and is a graduate of an unaccredited program. Dr. Hussain has failed the National Board Part I once, National Board Part II twice, the CDCA DSCE part once, and the CDCA Prosthetic part once. The Board determined that he does not fall under three (3) strikes statute. The Board reviewed Dr. Hussain's education and two (2) year residency program. The Board had concerns regarding the completion of his residency during the COVID pandemic, and he might not have completed the required clinical requirements for licensure. Dr. Hussain is currently enrolled in an additional program that is set to be completed June of 2022. The Board tabled his application to request additional information regarding his clinical training and work history.

B. CONTINUING EDUCATION

1. Indiana Office Based Anesthesia

The Board reviewed the submitted application and program information. They determined that the application was thorough and meets all requirements.

Board Action: A motion was made and seconded to approve Indiana Office Based Anesthesia CE Sponsor application.

Rader/Sammons

Motion carried 7-0-0

IX. DISCUSSION

A. Compliance Fund Update

The Board stated that there are several interested individuals who would like to be Compliance Officers for the Board; however, the Board stated they would like to discuss responsibilities of the Compliance Officer. Dr. Reese stated that he is still seeing withdraws from the Compliance Fund by the IPLA office and is requesting the withdrawal of funds to cease. Board counsel stated that the IPLA does have permission to withdraw from the Compliance fund as they handle the processing of the litigation and probation matters for the Board. Dr. Reese stated that he disagrees and stated that they are Board funds. Dr. Reese stated that he is working together with the Office of Attorney General to write a new Memorandum of Understanding for the Compliance fund.

B. Website Modifications

Dr. Reese stated that he would like to update the website to be more interactive, and to help address the long wait times that applicants are receiving. He stated that if they are able, they would like to use the Compliance Fund to update the website to help IPLA staff process documents quicker. Dr. Kolkman and Ms. Rader have volunteered to provide some ideas on website changes and provide to the IPLA.

C. Proposed Administrative Rules Review

The Board discussed the history of the current rule making process. The Board discussed the elimination of the advertising rule. They discussed the rewording for the diode laser training, with discussion that there are training courses being held in March and June from approved providers. The Board discussed as to whether they would like to implement a rule to cover requirements for diode laser training.

The Board discussed rules for general anesthesia and how certificate of trainings is documented for Board approval.

The Board discussed coronal polishing training and requirements, noting that IU Northwest does have a training course coming up soon.

There were concerns about rules for dental assistants. Board counsel stated that as dental assistants are not licensed by this Board, the Board cannot make rules regarding that profession.

The Board discussed continuing education requirements regarding ethics, and why the Board is requiring that professionals know Indiana's state laws as part of the continuing education requirements.

The Board discussed nitrous oxide training. The Board noted that if they put rules in place regarding specific training, it would impact the training programs put in by universities. This could potentially impact a school's financials negatively.

D. Modernization of the Jurisprudence Examination

A jurisprudence examination is currently being updated. The Board wants to make it an online or virtual examination that could be taken at any time during the application process.

X. REPORTS

There were no reports to present.

XI. OLD/NEW BUSINESS

There was no old/new business to discuss.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 2:17 p.m. by general consensus.

Ted Reese, D.D.S., President
