

**STATE BOARD OF DENTISTRY
MINUTES**

February 5, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Richard R. Nowakowski called the meeting to order at 8:05 a.m. through virtual video and audio conferencing. Dr. Richard R. Nowakowski declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Mara Catey-Williams, D.M.D., President
Richard R. Nowakowski, D.D.S., Vice President
Jeffrey L. Snoddy, D.D.S.
Gregory A. Berger, D.D.S.
Annette J. Williamson, D.D.S.
Jennifer K. Bartek, L.D.H.
R. Daron Sheline, D.D.S.
Ted M. Reese, D.D.S., Secretary/Designee
Mark R. Stetzel, D.D.S.
Robert D. Findley, D.D.S.

Board Members Not Present:

Jeffrey L. Snoddy, D.D.S., arrived 9:00 a.m.
Mara Catey-Williams, D.M.D., President, left at 10 a.m.
Consumer Member, Vacant

State Officials Present:

Alyssa Servies, Board Director, Professional Licensing Agency
Laura Turner, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Claire Dyer, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

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

Catey-Williams/Berger
Motion carried 9-0-0

III. ADOPTION OF THE OCTOBER 7, 2020 & DECEMBER 4, 2020 MINUTES

The minutes from the December 4, 2020 meeting have been tabled for further review. A motion was made and seconded to accept the minutes from the October 7, 2020 meeting as edited.

Berger/Reese
Motion carried 9-0-0

IV. ADMINISTRATIVE HEARINGS

A. William J. Downie, D.D.S., License No. 12011611A

Administrative Cause No. 2020 ISBD 0002

Re: Final Hearing and Summary Suspension Extension

Parties Present:

Respondent was present with counsel Barclay Wong
April Keaton, Deputy Attorney General for the State of Indiana
Tim Weber, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Reporting

Participating Board Members:

Dr. Nowakowski, DDS (Hearing Officer)
Dr. Catey-Williams, DMD
Dr. Sheline, DDS
Dr. Williamson, DDS
Dr. Findley, DDS
Dr. Reese, DDS
Dr. Berger, DDS
Ms. Bartek, LDH

Recused Board Members:

Dr. Stetzel, DDS

Case Summary: On or about December 4, 2020 the Board extended the Respondent's (90) day summary suspension originally placed on October 30, 2020. The facts that were presented on February 7, 2020 and April 28, 2020 showed proof that the Respondent shows a clear and present danger. On or about February 4, 2021 the State of Indiana and Respondent filed an agreement of Joint Stipulation of Facts and Evidence. Mr. Wong stated that his client would like to take full responsibility of what occurred and has submitted himself voluntarily to treatment. Mr. Wong also stated that Dr. Downie will accept any outcome but is requesting that the Board allow him to in the future reinstate his license. Mr. Wong requested that John Harden appear as witness. Mr. Harden is a Licensed Clinical Social Worker in the State of Florida and holds addiction certification training. He is currently employed as the Clinical Director for the Florida Board Prep Recover Center in Tampa. His current expertise is to treat and evaluate licensed professionals, and he has been in the field since 1999. Mr. Harden stated that he has worked with the Indiana Well Being Program in the past, and that his program is styled after Bradford. They complete treatment after a comprehensive evaluation, and then have their clients go through a PRN program that monitors individuals for five (5) years as part of a three (3) phase program. Dr. Downie was enrolled in his program on August 1, 2020 and currently shows that he is stabilized based upon their assessment. Mr. Harden informed the Board that Dr. Downie has participated in AA and NA treatment for the past six (6) to seven (7) months of his recovery. Respondent has also participated in random blood and urine drug screenings, with the Respondent showing no positive results since he enrolled. Currently Dr. Downie has completed his outpatient treatment phase and is entering the monitoring and random checks phase. As part of the program Dr. Downie is required to go to psychiatric meetings on a monthly basis, and he has signed a five (5) year after care contract. Mr. Harden informed the Board that based on his evaluation, Dr. Downie is currently able to safely practice. Mr. Harden stated that Dr. Downie has indicated that he does not want to return to the field at this time. Mr. Harden also stated that he was aware of the allegations against Dr. Downie prior to his enrollment into

the program. Dr. Downie indicated that the reason it took so long for him to enroll into treatment, despite family and friends urging, was that he was not ready to face his issues. He also indicated that he is still having financial issues and is not able to retrieve his patient records at this time. Currently there is nothing he can do to retrieve the records and he believes that the records were saved into the cloud. His intention to try to retrieve the records when he is in a better financial position. Dr. Downie indicated that he is currently employed as a retail associate in the logistics division and living in Florida with a sober roommate. Currently he is waiting on the Board's decision to decide whether to remain in Florida or return to Indiana. He indicated that he is not looking to obtain a Florida license until his Indiana license is in good standing. He is aware that might be some time in the future but would like the possibility to get to that point. The Board inquired when he last felt he performed good dentistry, and Dr. Downie indicated that would have occurred from when he graduated to around 2015 or 2016. Dr. Downie stated that after that time he had a divorce and then his addictions started to spiral as he dealt with poor coping mechanisms. The State recommended that Dr. Downie's license be revoked or request that the Board place his license on suspension with requirements of appropriate remedial training, and enrollment of the Well Being Program for no less than five (5) years.

Board Action: Based upon testimony and evidence presented, a motion was made and seconded to revoke Dr. Downie's license.

Catey-Williams/Nowakowski

Motion carried 6-2-1

Bartek no, Reese no, Nowakowski yes, Berger yes, Sheline yes, Catey-Williams yes, Williamson yes, Findley yes, Snoddy abstained, Stetzel recused.

B. Gary Weber, D.D.S., License No. 12007534A

Administrative Cause No. 2020 ISBD 0009

Re: Final Hearing

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

V. SETTLEMENT AGREEMENTS

There were no settlement agreements.

VI. NOTICE OF PROPOSED DEFAULT

There were no proposed defaults.

VII. PERSONAL APPEARANCES

10:00 a.m.

1. PROBATION

1. Stephanie Shrock, LDH, License No. 13005741A

Cause No. 2017 ISBD 0001

Ms. Shrock appeared as requested to discuss her ongoing probation initially placed on April 5, 2018. Ms. Shrock has submitted a letter from her psychiatrist Dr. Bolyard which stated that Ms. Schrock no longer needs counseling to perform her job duties. However, she did recommend that Ms. Schrock continue to attend counseling for her personal matters. Ms. Schrock informed the Board that she felt her counseling was going well and her intention was to stay with Dr. Bolyard.

Currently she is working part time in the fashion industry and working for Dr. Guido on a part time. Ms. Schrock did inform the Board she had not paid her fine as she had initially read her Order incorrectly.

2. Dwane Bruick, D.D.S., License No. 12008370A
Cause No. 2020 ISBD 0003

Dr. Bruick appeared as requested to discuss his ongoing probation which was initially placed on February 21, 2020. Dr. Bruick submitted reports regarding his current practice monitoring. Reports indicate that Dr. Bruick is doing well. Dr. Bruick stated that he would like to withdraw his probation. Currently his practice is experiencing more patients due to COVID. Dr. Bruick stated that he will be submitting his formal request to withdraw probation in writing.

3. Ronald E. Deckard, D.D.S., License No. 12007982A
Cause No. 2015 ISBD 0005

Dr. Deckard did not appear as requested.

4. Samuel Osobu, D.D.S., License No. 12012451A
Cause No. 2016 ISBD 0007

Dr. Osobu appeared as requested to discuss his ongoing probation which was initially placed on February 18, 2016. Dr. Osobu informed the Board that in order to remain safe from COVID he has switched employments twice. His driver's license suspension was up in 2019 and all outstanding tickets have been paid. Dr. Osobu stated that he is wanting to withdraw his probation status. The Board recommended that he submit a written request.

5. Michael S. Foster, D.M.D., License No. 12013301A
Cause No. 2020 ISBD 0001

Dr. Foster appeared as requested to discuss his ongoing probation which was initially placed on January 30, 2020. Dr. Foster reported that he is trying to renegotiate his current contract with his employer. He is still employed by Smiles by Arnold; however, he will let the Board know if his employment changes due to his contract negotiation. The Board reminded him that if he changes his employment to ensure that his license is posted in that office, and any corresponding satellite offices.

2. RENEWALS

There were no renewals.

3. REINSTATEMENT

1. Adam Christman, D.D.S 12011585A

Dr. Christman is currently licensed in Texas and has been practicing since the expiration of his Indiana license. Dr. Christman stated that he did have a reprimand from the Texas Board regarding documentation of sedation paperwork that was filed incorrectly. He stated that the Texas Board did not place any disciplinary action against his license as the error occurred due to him delegating the task to his office manager at the time. He completed a remedial plan for sedation training as a result. Dr. Christman stated that he is completing additional coursework and training in sedation in preparation for his move to Indiana.

Board Action: A motion was made and seconded to approve Dr. Christman’s license reinstatement pending completion of the Indiana State jurisprudence examination.

Findley/Stetzel
Motion carried 9-0-0

2. Lucian Dan Boboia, D.D.S. 12010910A

Dr. Boboia appeared as requested to discuss the reinstatement of his Indiana license that was placed into inactive status. Dr. Boboia currently holds an active license in Texas. He has an offer to join a pediatric practice with Dr. Jim Shupe in Fort Wayne. Currently he owns a farm in Indiana and will be moving back. He has not had any issues on his Texas license.

Board Action: A motion was made and seconded to approve Dr. Boboia’s license reinstatement pending completion of the Indiana State jurisprudence exam.

Bartek/Findley
Motion carried 9-0-0

3. Scott A. Drooger, D.D.S. 12010492A

Dr. Drooger appeared as requested to discuss the reinstatement of his Indiana license. Dr. Drooger is licensed and living in Mississippi. His intention is to expand his practice into the Bloomington area with the intention of traveling between his practice in Mississippi and Indiana. He is currently licensed in Mississippi and Michigan with no discipline on either license.

Board Action: A motion was made and seconded to approve Dr. Drooger’s reinstatement pending completion of the Indiana State jurisprudence exam.

Berger/Williamson
Motion carried 9-0-0

6. APPLICATIONS

1. Valente Oria, D.D.S

Dr. Oria appeared as requested to discuss his yes response to question number one (1) “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” on his application. Dr. Oria stated that he had previous action on his Illinois license back in 2009 due to unpaid taxes. He stated that at that time he was the primary care giver to one of his family members that caused financial strain. His license at the time was suspended from May to October as part of their review process, but his license was eventually placed back to good standing status. Currently he is licensed in Mississippi, Illinois, and Wisconsin and wanted to obtain an Indiana license to have more options for employment. Currently he has contracts with Heartland, Elite, and FQHC for interim dentists.

Board Action: A motion was made and seconded to approve Dr. Oria’s application for dental licensure pending completion of the Indiana State jurisprudence exam.

Nowakowski/Reese

Motion carried 9-0-0

2. Rodney Willey, D.D.S.

Dr. Willey was not present.

3. Ahmed A Ramaha, D.D.S.

Dr. Ramaha appeared as requested to discuss his yes response to question number one (1) “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” and question number seven (7) “Have you ever had a malpractice judgement against you or settled any malpractice action?” on his application. Dr. Ramaha stated that his Illinois license had become suspended due to unpaid taxes and he also had malpractice events in 2010 and 2014. The suspension occurred in 2017 to 2018. He stated that his accountant had filed his taxes and there was a dispute with the state of Illinois on the amount owed. Dr. Ramaha informed the Board that he attempted to correct the error in time, but when he filed the correction, the clerk who would process his correction was out of the office. This caused a delay in the processing and the issue was not resolved until after his deadline. The Board questioned Dr. Ramaha regarding the procedures that led to the malpractice action. Dr. Ramaha stated that one was a new client that he gave a discount to due to their financial situation; however, the patient never completed any of the required follow up appointments. The client then sued him. The case was later dropped. He stated that the other malpractice action was due to an etching done by another practitioner that was eventually settled. Dr. Ramaha stated that there was no evidence to tie him to the incident so that case was dropped as well. He stated he also had a client file a malpractice suit against him regarding implants falling out; however, the implants were still in place during the court proceedings. He is intending to work at a universal clinic in Chicago and would like to open a location to help Indiana Medicaid patients. He also intends to help cover shifts at Indiana locations should the need arise.

Board Action: A motion was made and seconded to approve Dr. Ramaha’s application for dental licensure pending completion of the Indiana State jurisprudence exam.

Stetzel/Findley
Motion carried 9-0-0

4. Edward Filangeri, D.D.S.

Dr. Filangeri appeared as requested to discuss his yes response to question number seven (7) “Have you ever had a malpractice judgement against you or settled any malpractice action?” on his application. Dr. Filangeri informed the Board that he had a malpractice action in 2007 to 2008 but it was not resolved until 2016. He stated that the suit was settled as the retainer was the cause of the client’s pain. Dr. Filangeri stated that he had prescribed pain medication to the client; however, the patient still kept coming back due to pain, and tried to sue him due to the procedures. The case was dismissed. He did not hear from that client again until eight (8) years later when the same client accused him of infection from the procedure, and he settled on advice from his attorney. Dr. Filangeri stated that the client records did not have evidence of any antibiotic treatment on file, and Dr. Filangeri stated that incident was due to another doctor; however, since there were no other records for the client on file he settled. Dr. Filangeri stated that his intention to move to Indiana is to open a practice with his daughter that just became a dentist. He will then retire and hand over the practice to his daughter once she has more experience.

Board Action: A motion was made and seconded to approve Dr. Filangeri's application for licensure pending completion of the Indiana State jurisprudence exam.

Nowakowski/Williamson
Motion carried 9-0-0

VIII. APPLICATION FOR REVIEW

1. Rohit Gupta, LDH

Mr. Gupta's application for licensure by endorsement was submitted for review based upon his submission of his employment history and the continuing education that was completed. The continuing education completed was more focused on information that is required by a dentist and not a dental hygienist.

Board Action: A motion was made and seconded to approve Mr. Gupta's application for dental hygiene licensure pending completion of the Indiana State jurisprudence exam.

Stetzel/Bartek
Motion carried 9-0-0

2. Sunny Willoughby, D.D.S.

Dr. Willoughby's file was submitted for review of her exam scores. Dr. Willoughby has failed part 2 of the National Board once, the CITA DSE once, the CDCA Prosthetic part twice and the CDCA Post Restorative part three times. Dr. Willoughby has taken and failed her exams 7 times and does not meet the requirements for IC 25-14-1-3.

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

Stetzel/Snoddy
Motion carried 9-0-0

IX. CONTINUING EDUCATION

1. Dental Assisted CE Sponsor- Individual

Ms. Heenan submitted a CE application to become a CE Sponsor. The Board noted that her curriculum is OSCA specific and not Indiana specific. While some of the content such as CPR, infection control, coronal polishing, ethics, and opioid looks good, the content follows the guidelines as determined by Illinois and not Indiana. The Board stated that they would be willing to review the application again should she submit information that meets more of Indiana's guidelines.

Board Action: A motion was made and seconded to deny Ms. Heenan's application as a CE provider and to include correspondence which gives more direction on what she would need for approval.

Berger/Findley
Motion carried 9-0-0

X. DISCUSSION

1. Coronal Polish Course Review

Dr. Kirstina Gratz submitted a Coronal Polishing Course Outline for the Board to review. The Board found that her curriculum, sample CE certificates, objectives, infection control criteria all look to cover requirements. The Board noted that the CE is focused to be given to dental assistants rather than a hygienist or dentist. The Board also noted a recommendation that Dr. Gratz add an additional component to cover fluoride.

Board Action: A motion was made and seconded to approve Dr. Gratz's submission of a Coronal Polishing course with the addition of a fluoride component.

Stetzel/Findley
Motion carried 9-0-0

2. Clinical Examination Requirement for Dental Hygienists

Discussion was held regarding dental hygiene clinic testing for licensure. During the unprecedented times of the previous year, the Computer Simulated Clinical Examination (CSCE) OSCE was highly utilized as a pathway for Dental Hygiene licensure in Indiana. The current rule, IAC 1-1-7, relating to clinic examinations accepted for dental hygiene licensure was reviewed. It has been brought to the board's attention that candidates have expressed that a manikin treatment clinic examination (MTCE) or patient treatment clinic examination (PTCE) will provide stronger portability of their license.

XI. REPORTS

1. The Office of the Attorney General reported that last year there were a reported 3000 consumer complaints filed and an average of 76 complaints were investigated per month. Currently there are 80 open complaints at the beginning of the year with 5 new litigation cases so far this year. Currently 3 litigation cases have been closed this year and 9 open litigation cases. The average length of a litigation file is 13.7 months long.
2. The Indiana Dental Association reported on the new litigation currently being reviewed. HB1079 is a bill that will consolidate some of the issues with the definitions of dentistry. They have been working with the medical field to get more information. The discussions covered oral surgeons and outdated language in the oral maxillofacial definitions. The new language will allow a physician to contact a dentist with oral surgeon training to provide emergency care.

Discussion was held regarding allowing dentists to administer the COVID vaccines. The IDA is working to propose language such as the language for the pharmacists and pharmacy technicians have that grants them the ability to administer the vaccine. There has been support but there is no major support at this time.

XII. OLD/NEW BUSINESS

There is no old/new business to discuss.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 2:30 p.m. by consensus.

Mara Catey-Williams, D.M.D., President

Date

Richard R. Nowakowski, D.D.S., Vice President

Date