

STATE BOARD OF DENTISTRY

Minutes

June 2, 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.
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
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 10-0-0

III. ADOPTION OF THE MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES

A. PROBATION

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

Dr. Oyler appeared as requested to discuss her ongoing probation. She informed the Board that she is doing well, and that she is compliant with the IDA Well-

Being program. She stated that she has submitted all required reports per her Order. The Board did not have any further questions for Dr. Oyler.

2. **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 provided a copy of his self-report which included his Medicaid filings, insurance billing, production reports and radiographs to assess treatment needs for the Board to review. He stated that he has complied with all of his probationary terms. The Board reviewed his record and noted the percentage of Medicaid patients. Dr. Gallanosa stated that there have been no complaints and the Board did not have any clarifying questions for his submitted reports. Dr. Gallanosa stated that he did not have any interest in having his own private practice, and once he is off probation, he will remain at his current employment. Dr. Gallanosa stated that he will be submitting a request to withdraw probation at the earliest opportunity.

B. APPLICATION

1. **Raymond Hong (DDS)**

Dr. Hong appeared as requested to discuss his yes response to the questions regarding past arrests and convictions. In 2013, Dr. Hong was convicted of operating while visibly impaired and in 2019 he was convicted of operating while intoxicated. He provided a statement and supporting documentation for the Board to review. Dr. Hong stated that he only had two convictions with the last one occurring in 2019 and he has not drunk since that time. He stated that he is currently in recovery and seeing a therapist. He attends some AA meetings but finds that it does not help. Dr. Hong provided the Board with a copy of an alcohol abuse assessment completed in April of 2023, and provided two letters of support. He stated that once he is currently looking for employment in a dental practice that focuses on Medicaid patients. The Board expressed concerns on his recovery, and the stresses of a dental practice. Dr. Hong is a 2023 graduate of Indiana University.

Board Action: A motion was made and seconded to approve Dr. Hong's application for dental licensure on probation for not less than one (1) year with the following terms:

- Applicant shall timely enroll in, and comply with, the IDA Well Being Program.
- Applicant shall make two (2) personal appearances before the Board per year for as long as his license remains on probation.
- Applicant shall comply with all statutes, rules, and regulations governing his dentistry license.

- Applicant’s failure to comply with the terms of this decision, and terms of probation, may subject Applicant to a show cause hearing and the imposition of further sanctions.

Kolkman/Williamson
Motion carried 8-2-0
Nowakowski and Glickman opposed.

2. **Kelly Hric (LDH)**

Ms. Hric appeared as requested to discuss why she did not disclose her background on her application. In August of 2020, Ms. Hric was arrested and charged with aggravated battery and battery. She provided a statement and supporting documentation for the Board to review. She informed the Board that her incident with the court has not been resolved and is ongoing. Ms. Hric stated that she did not want to disclose an incident that has not been resolved, and she read the application questions incorrectly. Ms. Hric stated that she was involved in a bar fight and provided the Board details of the incident. She stated that she is currently licensed in the state of Illinois and has secured employment in Whitting, Indiana. The Board inquired if she reported the arrest in Illinois. Ms. Hric stated that she has not as the incident is still pending with the courts. She stated that she was not arrested that night but was notified two months after the incident. She has completed an alcohol and anger management course; however, that was not required by the courts. Ms. Hric is a 2019 graduate of Fox College.

Board Action: A motion was made and seconded to approve Ms. Hric’s application for dental hygiene licensure and file a complaint with the Office of Attorney General regarding the pending charges.

Sheline/Snoddy
Motion carried 10-0-0

3. **Desmond Ibizugbe (LDH)**

Dr. Ibizugbe not appear as requested. Applicant is currently living out of State and requested the Board to review his application “as is” without an appearance.

Board Action: A motion was made and seconded, after review of the application the Board requested that Dr. Ibizugbe be rescheduled to appear at the August 4, 2023, meeting to further discuss his application.

Sheline/Snoddy
Motion carried 10/0/0

4. **Paul Milo (DDS)**

Dr. Milo did not appear as requested. He will be rescheduled for the August 4, 2023 meeting.

5. **Roberto Montegudo (DDS)**

Did not appear as requested. Dr. Montegudo provided an email to the Board that he is not located in the state of Indiana. He is going to be opening an emergency dental clinic in the State, which requires a license to own. He was requested to appear as he disclosed on his application that previous action occurred against his Wisconsin dental license. He provided a statement and documentation of what occurred, and copies of the Board Orders of the resolution in Wisconsin. The Board reviewed his submitted documentation and stated that an appearance will still be required before they can vote on his application.

Board Action: A motion was made and seconded, after review of the application the Board requested that Dr. Montegudo be rescheduled to appear at the August 4, 2023 meeting to further discuss his application.

Findley/Kolkman
Motion carried 10/0/0

C. REINSTATEMENT

There were no reinstatements for review.

V. ADMINISTRATIVE HEARINGS

A. Brent Alan Swinney, D.D.S., License No. 12010095A

Administrative Cause No. 2023 ISBD 0003

Re: Petition for Summary Suspension, Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was present with counsel Mary Watts
Ian Matthew, Deputy Attorney General for the State of Indiana
Lindy Myer, 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 May 23, 2023 a Petition for Summary Suspension was filed and on May 31, 2023 an Administrative Complaint was filed against Dr. Swinney that charged him with violation of Ind. Code 25-1-9-4. Dr. Swinney has pled guilty to several charges of operating a vehicle while intoxicated with the most recent conviction occurring on March 10, 2023. Dr. Swinney submitted his license renewal on or about January 11, 2022, and failed to disclose the charges to the Board. On or about June 1, 2023, a Proposed Settlement Agreement was filed for the Board to consider with the following terms:

- Dr. Swinney's license shall be placed on Indefinite Probation for no less than five (5) years. While on probation, Dr. Swinney's license shall be restricted to the following terms:
 - Dr. Swinney shall enroll and successfully complete inpatient treatment with the Pine Grove Professional Enhancement Program.
 - Dr. Swinney agrees to cease practicing until successful completion of his treatment with the Pine Grove Professional Enhancement Program.
 - Upon completion of his treatment, Dr. Swinney agrees to enter into a monitoring contract with the Indiana Well-Being Program. He shall comply with the terms of his monitoring contract until successful completion. He shall submit proof of successful completion to the Board, prior to his request to come off probation.
 - He shall cooperate with any OAG investigations into consumer complaints filed against him while on probation. He shall make reasonable efforts to resolve such complaints to the satisfaction of the client involved. This obligation includes the submission of written responses to consumer complaints, and the production of any subpoenaed documents.
 - Upon his release from inpatient treatment and return to practice, Dr. Swinney shall secure a licensed dentist to serve as a practice monitor for the duration of his probation. This monitor shall meet with Dr. Swinney on a regular basis, with meetings occurring at least once per month. Dr. Swinney shall cause his practice monitor to submit quarterly reports for the first year of his probation, and semi-annually for the remainder, to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
 - Dr. Swinney shall make personal appearances before the Board, as requested by the Board.
 - Dr. Swinney shall fully comply with the terms and conditions of his probation as set out in this Agreement.
 - Dr. Swinney shall likewise fully comply with the terms and conditions of the court-ordered probation associated with his criminal cases.
 - Dr. Swinney shall be responsible for petitioning the Board for withdrawal of probation from his license. Dr. Swinney must pay any and all fines and fees in full prior to petitioning for withdrawal of probation.
 - In the event that Dr. Swinney's monitoring contract with IDA's Well-Being Program is to last for fewer than five years, or in the event that Dr. Swinney is otherwise successfully discharged from the Program in fewer than five years, Dr. Swinney may petition the Board to modify his probation.
 - Dr. Swinney shall allow the Office of the Indiana Attorney General to request information from his IPLA licensing file or from IDA's Well-Being Program in order to monitor his compliance with the terms and conditions of probation.

- Dr. Swinney shall pay a \$5.00 fee to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Dr. Swinney shall obey all federal, state, and local laws, including those statutes and rules regulating the practice of dentistry in Indiana.
- Dr. Swinney understands that any breach of the Agreement or violations of the statute and rules regulating the practice of dentistry may result in Petitioner requesting a summary suspension of Dr. Swinney's license, an order to show cause as may be issued by the Board, or a new cause of action, any or all of which could lead to additional sanctions.

Ms. Watts stated that Candace Backer of the Indiana Well-Being program assisted in finding a treatment program for Dr. Swinney to complete. She stated that Dr. Swinney has agreed to not practice while he is in his treatment program which should take approximately six (6) weeks to complete. Ms. Watts stated that Dr. Swinney had been previously enrolled in the Indiana Well-Being recovery program but was discharged as he tested positive during one of the routine breathalyzer tests. Dr. Swinney stated that he is currently sober and happy with his sobriety. He apologized for his mistakes. Ms. Watts stated that she will provide Ms. Backer with the reports from his inpatient program prior to his re-enrollment into a new Well-Being contract. Ms. Watts stated that a practice monitor, Dr. Ron Kettler, had been obtained for Dr. Swinney. Dr. Swinney stated that Dr. Kettler is a retired dentist.

Board Action: A motion was made and seconded to deny the acceptance of the Proposed Settlement Agreement in the matter of Dr. Swinney.

Nowakowski/Kolkman
10-0-0

The Board made suggestions on what they would like to see if another proposed agreement was presented for consideration such as Compliance Officer visits. The Board expressed concerns regarding Dr. Swinney's immediate return to practice after completing his inpatient program. The Board does not want to put roadblocks on Dr. Swinney's road to recovery, but their obligation is the protection of the public. The Board also stated that the Settlement did not address the concerns regarding his non-reporting his arrests on his license renewal. The Board stated that they are willing to consider a new Settlement if they are able to address the concerns of the Board. Mr. Mathew stated that they are willing to amend the Settlement, and potentially place a fine to address the license renewal disclosure violation. Ms. Watts stated that Ms. Backer was aware of the renewal disclosure violation, and she can provide any reports that the Board needs. She stated that the Proposed Order does address that Dr. Swinney cannot practice until the completion of his inpatient treatment program. Both parties stated that they will amend the settlement agreement and present it to the Board.

Board Action: A motion was made and seconded to issue a summary suspension for a period of 90 days in the matter of Dr. Swinney's dental license.

Nowakowski/Kolkman
10-0-0

VI. SETTLEMENT AGREEMENTS

A. Dustin Newman, D.D.S., License No. 12010637A

Administrative Cause No. 2023 ISBD 0001

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was present with counsel Justin Curtis
Carah Rochester, Deputy Attorney General for the State of Indiana
Lindy Myer, 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.
Tamera Glickman, Consumer Member

Case Summary: On or about February 2, 2023, an Administrative Complaint was filed against Dr. Newman with allegations that he failed to report a hospitalization of a client as a result of a procedure performed by him, and that he failed to adequate dental records for his client. On or about May 8, 2023, a Proposed Settlement Agreement was proposed after a settlement conference with Board liaison Dr. Findley. Dr. Newman has agreed to the following terms:

- Dr. Newman shall complete eight (8) hours of Continuing Education with a focus on record keeping, patient communication, and practice management.
- Dr. Newman shall pay a fine of five hundred dollars (\$500.00) payable to the Indiana Professional Licensing Agency.
- Dr. Newman shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Dr. Newman agrees that any violation of the Final Order, any non-compliance with the statute and rules or regulations regarding the practice of dentistry, or any violation of the Settlement may result in further action against his license up to and including summary suspension of his license.

The State informed the Board that Dr. Newman did reimburse the patient five hundred dollars (\$500.00) and that Dr. Newman was never informed by the patient that he went to the hospital. Ms. Rochester stated that with these mitigating factors, the State is not willing to pursue further charges against Dr. Newman. Mr. Curtis concurred with the State and informed the Board that Dr. Newman has already completed five (5) of the required eight (8) hours of continuing education. The State clarified that they did not give a time frame on the completion of the continuing education as Dr. Newman has been working towards resolving the Complaint. Mr. Curtis and Ms. Rochester stated that are willing to amend the Settlement Agreement to add a timeframe to complete the continuing education.

Board Action: A motion was made and seconded to accept the Proposed Settlement as amended by adding, Dr. Newman is required to complete the continuing education requirement within ninety (90) days from the date of the Final Order.

Kolkman/Rader
Motion carried 10-0-0

VII. APPEARANCE

Nicolette Polite, D.D.S., Chair
IDA State Peer Review Committee

Dr. Polite appeared to discuss the IDA Peer Review Committee. She provided an overview of the Committee structure. She stated that they ensure that the Committee members are locals in order to allow an unbiased review of cases if there is a dispute on a case. She affirmed that they have no jurisdiction over a practitioner's license or IDA account, nor distinguish between IDA members. She stated that if there is a dispute, then their review must be agreed by both parties, and the majority of their mediation is resolved with a recommendation. If a mediation cannot be resolved, the case goes to their executive team who determine the appropriate next steps. All cases are confidential, and resolutions are typically either reimbursement of the service or free service. Dr. Polite stated that the primary cases they do review are those involved in corporate dentistry, where clients feel the corporation should solve the complaint. In the event the peer review case crosses over with an Administrative Complaint, the peer review stops their process to prevent overlap and conflict. In 2022 she stated they have closed eighty (80) cases. Once mediation is reached, a confidentiality contract is signed between the dentists in the peer review, and it is not reported to the NPDB. The Board discussed the confidentiality restrictions with the peer review mediation with Dr. Polite. Dr. Matt Miller and Dr. Mara Cate-Williams are part of the peer review committee. The Board discussed potential conflict of interest if there are compliance officers for the Board.

VIII. APPLICATIONS FOR REVIEW

A. Applications

1. Becky Adams (LDH)

Ms. Adam's dental hygiene application by examination was submitted for review to determine if a personal appearance before the Board is required. Ms. Adams indicated on her application that she was involved in past arrests. She provided a statement and supporting documentation for the Board to review. The Board reviewed her submitted information and determined an appearance was not required.

Board Action: A motion was made and seconded to approve Ms. Adams' dental hygiene application for licensure.

Reese/Sammons
Motion carried 10-0-0

2. Tahya Bruce (LDH)

Ms. Bruce's application for dental hygiene licensure was submitted for review. Ms. Bruce has taken the National Board examination five (5) times before passing. She is a 2022 graduate of Indiana University South Bend. The Board discussed if her application would fall under Indiana Code 25-13-1-6 that states they may not take the examination more than three (3) times. The Board discussed potential remediation training, programs, and being consistent with past reviews. The Board stated that if she applied by reciprocity, she would qualify, but she does not qualify for licensure by examination.

Board Action: A motion was made and seconded to deny Ms. Bruce's application for dental licensure based upon taking the National Boards more than three times.

Rader/Findley
Motion carried 10-0-0

3. **Amanda Geary (LDH)**

Ms. Geary's application for dental hygiene licensure was submitted for review. Ms. Geary has taken the National Board examination five (5) times before passing. She is a 2022 graduate of Indiana University South Bend. The Board discussed if her application would fall under Indiana Code 25-13-1-6 that states they may not take the examination more than three (3) times. The Board discussed potential remediation training, programs, and being consistent with past reviews. The Board stated that if she applied by reciprocity, she would qualify, but she does not qualify for licensure by examination.

Board Action: A motion was made and seconded to deny Ms. Geary's application for dental licensure based upon taking the National Boards more than three times.

Williamson/Sheline
Motion carried 10-0-0

4. **William Castedo (DDS)**

Dr. Castedo's application for dental licensure was submitted for review to determine if a personal appearance was required. He stated on his application that he had arrests in his past and provided the Board with a statement and supporting documents for their review. Dr. Castedo informed the Board that he is starting a residency soon. The Board stated that they are satisfied with what has been presented, and an appearance is not required.

Board Action: A motion was made and seconded to approve Dr. Castedo's application for dental licensure.

Rader/Sammons

Motion carried 10-0-0

5. Debra Carroll (LDH)

Ms. Carroll's application for dental hygiene licensure was submitted for review. Ms. Carroll is a 1983 graduate of St. Petersburg College and has taken and passed National Boards and a Florida state-constructed examination. She has been licensed in the state of Florida since 1983 with no issues. The Board did not note any concerns with the Florida state constructed examination and meeting their licensure requirements.

Board Action: A motion was made and second to approve Ms. Carroll's application for dental hygiene licensure.

Rader/Sheline
Motion carried 10-0-0

B. Continuing Education

There were no continuing education applications for review.

IX. DISCUSSION

A. Vincennes University, Dental Training with Jenn

Re: Request for Approval of Coronal Polishing and Fluoride Program

The Board noted that they had previously reviewed this program and requested additional information. They noted that the program is run by a dental hygienist and is doing the program with Jenn. Ms. Rader stated that the dental hygienist is qualified to teach the techniques and is a well-known trainer, but the information submitted is unclear as to whether it can be accepted. The Board stated that what was provided is just a flyer, but the Board wished to see a copy of the material that would be presented as part of the program. The Board requested that they see the entire curriculum.

Board Action: A motion was made and seconded to request additional information of what is being presented along with the entire curriculum.

Kolkman/Sheline
Motion carried 9-0-1 Findley abstain.

B. Compliance Fund Update

Dr. Reese stated that he is upset that funds are still being removed from the compliance fund. He stated that he sent an email to the Executive Director and Deputy Director of IPLA regarding the fund and has not received a response. Dr. Reese stated that the Board still feels that the removal of funds is still an issue. The Board noted that they do not see compliance officer fees withdrawn, and Dr. Reese stated that the cap on the fund has been removed while the control of the funds has not been given to the Board

for their use. He stated that the IDA tried to lobby for tighter language in the statute for the use of the funds, but it did not go through legislation. Ms. Glickman stated that the changes with legislation will not go into effect until July 1st which will eliminate the fees entering into the fund.

X. REPORTS

A. Office of the Attorney General

Amy Osborne, Deputy of the Office of the Attorney General, stated that she is newly appointed to the Dental Board. She stated that she will try to find out more information regarding the Compliance Fund. She stated that there is an MOU that has to be in place between the Office of Attorney General and the IPLA office for the use of the funds.

The Office of Attorney General reported that currently there are 101 consumer complaints open with a duration of 9.9 months. There have been 54 complaints closed this year. There are 10 litigation cases open with a duration of 12 months. There have been 5 litigation cases closed this year.

The Board discussed the complaint process and how complaints are investigated and determined by the Office of Attorney General.

XI. OLD/NEW BUSINESS

A. Position Statements

Dr. Reese stated that he wrote up a position statement to clarify the “three strikes” statute and requested that it be posted to the IPLA website. The Board members requested that Dr. Reese’s statement be amended to clarify a position specifically for dentists and dental hygienists. There were no other amendments that the Board members felt were needed.

B. Compact License

Dr. Kolkman stated that the IDA is currently in discussions about a compact license, and how that would potentially be structured. The Board discussed how compact licenses look between the professions and how complaints are resolved for those who hold a compact license. Ms. Vaught stated that compact licensure must first be passed by the legislature.

C. Board Appointees

Dr. Sheline stated that to his understanding Dr. Mark Sitzman has been appointed to fill their vacant board position. Ms. Vaught stated that she will follow up with the Evan Bartel, Deputy Director of IPLA, regarding the appointment.

D. Board Officers

Dr. Reese stated that his position as Board Chair will be up soon, and traditionally it would be filed by Dr. Robert Findley. Dr. Findley stated that he had reservations about all the responsibilities and would talk to Dr. Williamson about liaison duties. Dr. Sammons asked for clarification on what Board liaison duties are like. Dr. Findley and Dr. Nowakowski provided an outline for the newer Board members. The Board members discussed options for new Board officers, but no resolution was determined.

E. Administrator's Report

Ms. Vaught stated that Indiana University submitted their Certificates of Completion on May 15th and transcripts were available as of May 16th. She stated that she and her staff have issued seventy-three (73) dentists and forty-seven (47) dental hygienists this month. She reported that most of the Indiana schools have been licensed and documents have been processed the next day of receipt. She inquired to the IDA if they have received any complaints on the processing of applications, and the IDA reported that they had not.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 1:05 p.m. by consensus.

Ted Reese, D.D.S., President