

STATE BOARD OF DENTISTRY
Minutes
February 9, 2024

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Robert Findley called the meeting to order at 9:01 a.m. in the Rooms 4 and 5 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

Board Members Present:

Robert D. Findley, D.D.S., President
Ted M. Reese, D.D.S., Vice President
Annette J. Williamson, D.D.S., Secretary/Designee
Richard R. Nowakowski, D.D.S.
Jeffrey L. Snoddy, D.D.S.
R. Daron Sheline, D.D.S.
Edward Sammons, D.D.S.
Crunchy Wells, D.M.D
Twyla Rader, L.D.H.
Tammera Glickman, Consumer Member

Board Members Not Present:

Matthew Kolkman, D.D.S.

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.

Reese/Sammons
Motion carried 10-0-0

III. ADOPTION OF THE MINUTES

The minutes of the December 8, 2023 meeting are still under review and were tabled.

VI. PERSONAL APPEARANCES

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 is still employed at Sarver Family Dental located in Portage, Indiana. He is in compliance with the Indiana Dental Association Well Being Program. There have not been any positive alcohol screens or any other changes since his last appearance.

2. **Brent Swinney, D.D.S., License No. 12010095A**
Cause No. 2023 ISBD 0003

Dr. Swinney appeared as requested to discuss his ongoing probation. He stated that he is doing great and feeling good. He has joined a gym. His mentorship under Dr. Partridge is going well. A report from Brad Kelley, Recovery Priority, LLC was reviewed. Dr. Swinney has been fully compliant and continues to engage well with his current treatment. He continues to succeed with sobriety, improving his overall physical health and accepting the positive changes within his lifestyle. He has shown much progress overall. Dr. Swinney has completed 239 Soberlink tests for December 2023 and January 2024 with two positive screens. He provided the Board the steps of his Soberlink testing and clarification on the tests that did not were negative. He stated that one positive test occurred during Christmas with his family, and the other occurred when he had a cold. Dr. Swinney stated he did follow up the positive tests with Mr. Kelley. Dr. Swinney stated that he attends AA meetings three times a week and has informal discussions with other participants at the meetings.

3. **John Walker, D.D.S., License No. 12009889A**
Cause No. 2023 ISBD 0004

Dr. Walker appeared as requested to discuss his ongoing probation. Ms. Candace Backer of the Indiana Well-Being Program provided a letter to the Board on Dr. Walker's progress. She stated that he completed an evaluation on January 15 and 16th, 2024 at the Positive Sobriety Institute in Chicago. There were no recommendations of monitoring by their program. Recommendations based on this evaluation include the following: 1. Complete an IDA approved course to address professional boundaries and ethics violation within three months of the completion of this Evaluation; 2. Dr. Walker is advised to begin individual therapy with a therapist skilled in treating compulsive behaviors to increase understanding and insight in his behavior patterns and decision making. ; and 3. Dr. Walker is advised to regularly consult with a Primary Care Physician (MD or DO) and address all medical problems. Dr. Walker indicated to the Board that he is amenable to completing the recommendations set forth by Ms. Backer.

B. APPLICATION

1. **Omar Aasar, DDS**
Aasar, Mobile Dental Facility

Dr. Aasar appeared as requested to discuss his application for Mobile Dental Facility. He provided a brief overview of his facility practice set up, and that the practice will just be for his use, not a corporation. He stated that sterilization will occur on site, and he has a home office where he stores his set up when not in use. Dr. Aasar stated that the records are kept encrypted in a cloud-based software program, and if he needs assistance there is another Dental Associate in Fort Wayne that can assist him. He stated he had shadowed a mobile facility previously to understand the experience and expectations. He stated that if there were an emergency he would try to address it onsite. If the emergency cannot be addressed onsite, he has an oral surgeon he will refer patients. He stated that his primary work will be at Heartland, and the mobile facility would only be used on a part-time basis for nursing home patients. He stated that he worked with Kathy Norwald to help set up the training for those employed at his facility. Ms. Rader stated that she is familiar with Ms.

Norwald's OSHA training programs. He stated that he is not set up for insurance at this time, so he is only accepting payments by cash. Dr. Aasar stated he only has one chair, but that some facilities he would go to might have their own. Board cautioned him on practices for billing Medicaid once he becomes eligible.

Board Action: A motion was made and seconded to approve Dr. Aasar's application for a mobile dental facility.

Reese/Sheline
Motion carried 10-0-0

2. **Brian Danielewicz, DDS**
Jet Dental, Mobile Dental Facility

Dr. Jeff Johnson, Chief Dental Officer appeared for Jet Dental. The Board inquired if Dr. Danielwicz would appear as well. Dr. Johnson stated that he thought the Board requested him to appear to provide clarification on the clinical practices. The Board stated that as Dr. Danielwicz is the Indiana dentist on file for the application, and they wanted clarification on the clinical practices as he is currently residing in Illinois.

Dr. Johnson provided clarification on the sterilization process and stated that they have an OSHA manual they follow. He stated that their Mobile Dental Program is structured into teams. Each van is appointed a team including an administrator, recruiter, dentist, one to two dental hygienists and a dental assistant. Each van has a chair and portable equipment that complies with OSHA standards. He stated that their Mobile Facility primarily offers services to businesses and do preventative care. He stated that they do some scaling, but that is up to the doctor on site.

The Board inquired if their set up for teledentistry as that practice is not accepted in Indiana for mobile dental facilities. He stated that he does not believe that they will practice teledentistry in Indiana. The Board inquired how Dr. Danielwicz will be on site if they are not practicing teledentistry. Dr. Johnson stated that Dr. Danielwicz will not be on site, but a different local Indiana dentist will be there. The Board inquired if they are using local dentists at random, how are patients and the facility keeping track of which doctor provided the service. Dr. Johnson stated that the patient is provided a form to be filled out for the record. Those forms are then filed into their online patient record system. The Board inquired how do they handle patients that are not computer savvy and would want to have a physical copy. Dr. Johnson stated that they would provide them a printout copy.

The Board inquired if they have scheduled services in Indiana currently, as their website currently shows that they are providing services. Dr. Johnson stated that he is not unaware of any scheduled services as he does not handle the website. He stated that information regarding scheduled services should have been taken down and is probably an oversight. He stated that he does not have information on the advertising or billing sides, only the clinical side.

The Board expressed concerns on them practicing in the State without a license, and not providing clear information regarding which Indiana dentist will be on site at the time of service.

Board Action: A motion was made seconded to deny Jet Dental’s application for a mobile dental facility and file a complaint with the Office of Attorney General regarding the potential misleading advertising.

Reese/Nowakowski
Motion carried 10-0-0

C. REINSTATEMENT

There were no reinstatements for review.

D. RENEWAL

1. Christine Urbanczyk, LDH, License No. 13005981A

Ms. Urbanczyk appeared as requested to discuss her yes response on her dental hygiene renewal. She provided a statement and supporting documentation regarding her two OWI’s in 2022. She stated that she is currently on criminal probation and was required by the courts to complete an alcohol assessment and counseling. She stated that she did get another arrest in November 2023. The Board inquired if she disclosed her arrest on the last renewal. She stated that at the time of her 2022 professional license renewal, her arrest charges were still pending so she answered no. The Board requested that she clarify the timeline events. She stated that prior to her renewing her 2022 professional license she consulted with an attorney who advised her to answer no. She stated that she currently has a court date for March 14th, and right now she is going through a lot of personal stresses. She informed the Board that she currently works five days a week and has been sober since January 2023. She stated that she has been on a monitor after her last incident. The Board inquired clarification on what charge she incurred in November 2023 as it is listed as an OWI. Ms. Urbanczyk stated that her understanding of the charge was her driving on a suspended Driver’s license while she was on probation. She stated that she was not given a sobriety test at the time of the incident. She stated that the incident is currently pending. She stated that she attends AA every day and completes random screenings as part of her criminal probation. She stated that her employer is aware of her charges, and she has support at home.

Board Action: A motion was made and seconded to renew Ms. Urbanczyk’s dental hygiene license on probation with the following terms:

- Licensee’s dental hygienist license is granted on indefinite probation. Applicant shall not be eligible for probation withdrawal until she provides proof that her criminal probation has been discharged.
- Licensee must make two personal appearances per year for as long as her license remains on probation.
- Licensee must submit quarterly reports that keep the Board apprised of her professional situation as well as any details related to her criminal probation.
- Licensee must make all reasonable efforts to cause her employer to submit a signed copy of this Order from her employer within sixty (60) days of the date of the Order.
- Licensee must comply with all statutes, rules, and regulations governing her dental hygienist license.

Rader/Nowakowski
Motion carried 9-0-1 Sammons abstained.

Ms. Urbanczyk agreed to the probation terms.

2. Dawn Sisler, LDH, License No. 13004094A

Ms. Sisler appeared as requested to discuss her yes response on her dental hygiene license renewal. Ms. Siler provided a statement and supporting documentation for the Board to review. She informed the Board that she is going through a number of personal stresses, and the incident occurred at a self-checkout kiosk. She stated that she completed a pre-trial diversion program and all the terms have been completed as of August 2023. She stated that she completed an evaluation as requested by the courts. The evaluation recommended she complete some courses. She stated that she is getting support from her son who recommended that she reach out to attend grief counseling.

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

Sammons/Williamson
Motion carried 10-0-0

3. Sarosh Shamsi, DDS, License No. 12011348A

Dr. Shamsi appeared as requested with counsel, Stacy Cook, to discuss his yes response on his dental license renewal. He provided a statement and supporting documentation for the Board to review. Ms. Cook stated that Dr. Shamsi has entered into a Memorandum of Agreement with the DEA after they completed an investigation against him. He stated that the Agreement occurred once a Settlement was reached in August 2022, and that there are no limits on his practice of dentistry. He clarified that the original complaint was filed in 2021 with allegations that he was improperly storing medications. He obtained an independent consultant to review his storage procedures and address the concerns. Dr. Shamsi stated that he has also had follow up visits to ensure compliance and staff training. He provided the Board with a copy of the changes that he implemented, and a summary of the initial incident with the patient. Dr. Shamsi stated that he did disclose the investigation on his previous renewal; however, as it was still under investigation with no resolution he was renewed.

Board Action: A motion was made and seconded to renew Dr. Shamsi's dental license.

Nowakowski/Snoddy
Motion carried 10-0-0

4. Jonathan Swope, DDS, License No. 12012993A

Dr. Swope appeared as requested to discuss his yes response on his licensure renewal. Dr. Swope provided a statement and supporting documentation regarding his \$3 million dollar malpractice suit. He stated that the incident occurred in the state of Kentucky. Dr. Swope stated that the patient was scheduled to have their tooth extracted and disclosed that they were on multiple different medicines for different medical conditions. He stated

that there was a conflict between the medication and anesthesia for the procedure and the patient died. He stated that there were two other surgeons present and between them they had six years of practice. Dr. Swope stated that the State of Kentucky investigated the incident and did not find any fault in the procedures. He stated that he also presented what occurred to the Indiana Medical Board for his medical license two weeks prior. He provided the Board with copies of his remedial training and other Board rulings. He stated that what occurred was very rare, and he is doing additional training as he still does IV sedation. The Board inquired if he had a copy of the Kentucky investigation. Dr. Swope indicated that he only had a copy of their final ruling.

Board Action: A motion was made and seconded to renew Dr. Swope's dental license.

Sheline/Sammons

Motion carried 9-0-0 Findley was not present.

4. Charles Anderson, DDS, License No 12011960A

Dr. Anderson appeared with counsel, Leeza Birko, via conference call as requested to discuss his yes response on his licensure renewal. He provided a statement and supporting documentation for the Board to review. Dr. Anderson stated that a complaint was filed against him in Arizona and is currently under investigation. He stated that he was unaware that Arizona suspends the license when an investigation is occurring. He stated that he needs a current license in order to maintain his federal service position. He gave the Board a brief overview of the procedure that is currently being investigated and that he did refer the patient to an endodontic specialist. Board advised him that he will need to disclose on his next renewal.

Board Action: A motion was made and seconded to renew Dr. Anderson's dental license.

Sheline/Rader

Motion carried 10-0-0

V. ADMINISTRATIVE HEARINGS

There were no administrative hearings.

VI. MOTION TO DISMISS

There were no motions to dismiss.

VII. APPLICATIONS FOR REVIEW

A. Applications

1. Muhammed Ehsan Khan (LDH)

Mr. Khan applied for dental hygiene by reciprocity. He is currently licensed in the state of Florida as a dental hygienist and graduated from the Dow University of Health Sciences in Pakistan with a Bachelor of Dental Surgery. The Board discussed if the license from state of Florida is considered an equivalent license since he did not attend CODA accredited program as required by the Board.

Board Action: A motion was made and seconded to deny Mr. Khan's dental hygiene application by reciprocity on the basis that the Florida licensure requirements are not substantially equivalent to Indiana's requirements.

Reese/Sheline
Motion carried 10-0-0

VIII. DISCUSSION

A. Compliance Fund Update

Dr. Findley stated that he is meeting with Lindsey Hyer, Executive Director of IPLA, on Monday with Dr. Reese to discuss the MOU. He stated that there have been discussions in setting up this meeting between the Board and IPLA. Dr. Findley reminded the Board that the House Enrolled Act that passed deleted the additional compliance fund fees that were attached to the dental license application and renewal fees.

Dr. Findley shared the updated draft MOU, which is in SharePoint for the Board to review, and he stated that it answered most of the Board's concerns. Ms. Glickman stated that she had a concern about the wording in the allocated funds section. She stated that Section D does not appear to align with what the statute states. Board Counsel, Leif Johnson, pointed out the statutes that do apply to this section regarding IPLA paying money for circulars. As it is not necessary, the Board could request IPLA to remove that language. Mr. Johnson stated that the Board does not have a legal hammer to dictate the MOU between IPLA and the Office of Attorney General. He stated that if that language came out the MOU could be more in line with what the Board is trying to achieve.

Dr. Findley and Dr. Reese inquired if Amy Osborne and Mr. Johnson could attend their meeting with Ms. Hyer on Monday. Mr. Johnson stated that he is counsel for the Board of Pharmacy on that day, but he can check with his supervisor regarding the request. Ms. Osborne stated that she is not a part of the MOU discussion as she is a part of a different department, and it would not be appropriate for her to attend. She stated that this discussion should be with the Board and IPLA, and that the AG's office will sign the MOU once the Board is satisfied. Ms. Glickman stated that she would have liked to attend the meeting, but she is unable to. She provided her amendments to the draft to remove language from Section D in the MOU.

Mr. Johnson stated that the State Budget is responsible for the circulars, and that the Board removing the language of IPLA allocating funds towards paying fees for those circulars would not harm the intention of the MOU. He stated that IPLA might have different thoughts, but from a Board standpoint it should be fine. He stated that as long as a middle ground can be reached, and there is no conflict in the language the MOU with the requested changes, the MOU can move forward.

Board Action: A motion was made and seconded to approve the MOU as drafted with the exception of Section D part V number (2) and (3) being removed.

Glickman/Rader
Motion carried 10-0-0

Dr. Findley stated that it was reported to him that the Compliance fund is not an invested fund. He stated that there are discussions now on changing the fund to an invested fund through the State Treasurer. He inquired to what amount the Board is thinking to invest. The Board started their discussion of a proposed amount that the Board could invest \$100,000 to start and concluded the discussion to have the investment at \$500,000. The Board discussed how much to keep liquid, how much to pay the compliance officers, and different invested amounts. Dr. Snoddy inquired about putting part of the funds into CDs. Ms. Glickman stated that it will not be up to the Treasurer's office to determine the specifics, and that she does not think the Board has the power to direct the investments.

Board Action: A motion was made and seconded to invest \$500,000 of the Compliance fund.

Sammons/Snoddy
Motion carried 10-0-0

Ms. Glickman stated that she hopes that Mr. Johnson can calm the discussion down between the Board and IPLA. She stated that she feels IPLA is aware of the stress that this discussion has put on the Board, and that they are trying to help in the protection of the public.

B. Dental Compact

The IDA, Ed Rosenbaum, discussed the Dental Compact that is currently being discussed in legislation. There have been discussions on concerns on how the compact would look, how it would function, and portability for licensure. He stated that there are a number of people in favor of a compact license, and currently there are three (3) States who have implemented it. There are ten (10) states that are currently discussing legislation. He stated that Arizona, California, and Florida are not in favor of a compact.

The Board discussed how a compact license would impact equivalent licenses, and how that might look. Mr. Rosenbaum stated that would depend on what the rules of the Compact Commission s are that qualifies for a compact license. There was discussion on how this would impact military licensees, but information is still unknown at this point.

Dr. Snoddy inquired on the fact there are two different dental compacts being proposed and what the differences are between each one. Mr. Rosenbaum stated that the definition of dentistry is different in one compact versus another. The Board discussed concerns regarding the standard of care.

Mr. Rosenbaum stated that he and his staff are keeping an eye on the discussions and concerns.

IX. REPORTS

A. Office of the Attorney General

Amy Osborne, Deputy of the Office of the Attorney General, provided a report to the Dental Board. She stated that currently there have been 77 complaints opened this year and 66 current consumer complaints open with a duration of 9 months. There have been 10 Consumer complaints closed within the past 30 days. She stated that complaints by county information is based upon where the dentist is located. The majority of complaints have been in the area professional incompetence, professional malpractice, and unprofessional conduct.

Litigations stands at 4 cases opened this year and 3 open cases. This year they have closed 0 litigation cases with a duration of 7.9 months. The current open litigation cases are in the areas of client abandonment, professional malpractice, and professional incompetence.

The Board members discussed the preference on a Board member recusing themselves from the room if they were involved in the investigation of the case, or if there were other concerns on ethical grounds of biases.

X. OLD/NEW BUSINESS

There is no old/new business to discuss.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Dentistry adjourned at 12:45 p.m. by consensus.

Robert Findley, D.D.S., President