

**BOARD OF DENTISTRY  
ADJUDICATION PANEL MEETING  
301 SOUTH PARK, 4<sup>th</sup> FLOOR CONF ROOM  
HELENA, MT  
SEPTEMBER 7, 2012  
OPEN SESSION MINUTES  
9:15 A.M. TO CONCLUSION**

**AMERICANS WITH DISABILITIES ACT:** The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

**PUBLIC COMMENT STATEMENT/PRIVACY STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask that the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

**MEMBERS PRESENT:** Aimee Ameline DDS, Chair; James Madison, Public Member; Terry Klise DDS; Lorraine Merrick RDH

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

**STAFF PRESENT:** Mary Tapper, Board Counsel; Joslyn Hunt, Department Counsel; and LaVelle Potter, Compliance Specialist

**CALL TO ORDER/QUORUM:** Dr. Ameline called the meeting to order at 9:55 a.m. A quorum of the Adjudication Panel was established.

**REVIEW OF AGENDA:**

MOTION: Ms. Merrick moved for the panel to adopt the agenda as presented. Mr. Madison seconded the motion. The motion passed unanimously.

**FYI – COMPLAINT REGISTER:** No discussion.

**APPROVE MINUTES FROM MARCH 23, 2012 MEETING:**

MOTION: Mr. Madison moved for the panel to adopt the minutes as read. Dr. Klise seconded the motion. The motion passed unanimously.

**DISCUSSION OF COMPLAINTS:**

RECUSAL: Dr. Klise recused himself from all of the issues related to Shawn Tolnay DDS

**1-3. 2010-DEN-LIC-36, 2010-DEN-LIC-37, 2011-DEN-LIC-5 In the matter of the proposed disciplinary treatment of the license of SHAWN TOLNAY, DDS License No. DEN-DEN-LIC-2149.**

The complainant in 2010-DEN-LIC-36, Ms. Marion Austin, and Mr. Jon Motl, Dr. Tolnay’s attorney, were present.

Ms. Tapper reviewed the Factual Assertions of the Notice of Proposed Board Action and Opportunity for Hearing to the Adjudication Panel, as well as the Stipulation and Final Order.

MOTION: Mr. Madison moved for the panel to adopt the Final Order of permanent surrender of the license with condition that should he ever reapply for licensure in the State of Montana, he will have to refund all costs billed and collected to the patients. Ms. Merrick seconded the motion. The motion passed unanimously.

Ms. Austin exited the call.

**4. 2011-DEN-LIC-2 In the matter of the proposed disciplinary treatment of the license of SHAWN TOLNAY, DDS License No. DEN-DEN-LIC-2149.**

Mr. Ramirez was present telephonically for the meeting.

Ms. Tapper reviewed the Factual Assertions of the Notice of Proposed Board Action and Opportunity for Hearing to the Adjudication Panel, as well as the Stipulation and Final Order.

MOTION: Mr. Madison moved for the panel to adopt Final Order of permanent surrender of the license with the condition that should he wish to return to practice in Montana, he will need to reapply for licensure. Ms. Merrick seconded the motion. The motion passed unanimously.

Mr. Ramirez exited the call.

**5. 2012-DEN-LIC-4 In the matter of the proposed disciplinary treatment of the license of SHAWN TOLNAY, DDS License No. DEN-DEN-LIC-2149.**

Ms. Tapper reviewed the Factual Assertions of the Notice of Proposed Board Action and Opportunity for Hearing to the Adjudication Panel, as well as the Final Order of Default and Affidavit.

MOTION: Mr. Madison moved for the panel to adopt the Final Order of Default for permanent surrender of his license to the Board with the condition that within 60 days, he must refund all costs billed and collected from the patient with copy of check to the Board. Ms. Merrick seconded the motion. The motion passed unanimously.

**6. 2011-DEN-LIC-41 In the matter of the proposed disciplinary treatment of the license of ROBERT WILCOX, DMD License No. DEN-DEN-LIC-2269.**

Ms. Tapper reviewed the Factual Assertions of the Notice of Proposed Board Action and Opportunity for Hearing to the Adjudication Panel, as well as the Stipulation and Final Order.

The panel thought the Stipulation should be more specific regarding remedial education course expectations. The panel considered more of hands on programs, possibly through the American Dental Association. Ms. Merrick said Frank Spears has several restorative courses that are hands on. Ms. Merrick thought a course on pediatric treatments would be beneficial.

MOTION: Ms. Merrick moved for the panel to reject the Final Order as written for more specific remedial education. Mr. Madison seconded the motion. The motion passed unanimously.

The panel discussed their recommendations. They would like to see 12 hours of remedial education, six hours in pediatric dentistry and six hours in dental ethics.

**MOTION OF ADJOURNMENT:** There being no additional business to attend to, Dr. Klise moved to adjourn the meeting. Ms. Merrick seconded the motion. The motion passed unanimously and the meeting adjourned at 10:50 a.m.

December 7, 2012

Date Approved