



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING FEBRUARY 6, 2009

#### **Board Members Present:**

Dr. Joyce A. Rosenthal, President  
Dr. Gregory A. Waite, Vice President  
Dr. Louis Sommerhalter  
Ms. Sharon L. Zastrow, RDH  
Dr. Jack R. Cole  
Dr. Gary M. Gradke  
Ms. Catherine L. Bevers, RDH  
Dr. Bruce A. Spigner  
Dr. Scott W. Morrison  
Mr. Jason D. Farnsworth

#### **Board Members Absent:**

Ms. Susan Stevens

#### **Staff Present:**

Ms. Pamela J. Paschal, Deputy Director  
Ms. Mary DeLaat Williams, Assistant Attorney General  
Mr. Christopher Munns, Solicitor General  
Ms. Nancy Chambers, Assistant Director  
Ms. Sherrie Rowe, Licensure Manager  
Ms. Colleen R. Amos, Investigations Supervisor  
Ms. Marsha Fuentes, Legal Administrator  
Ms. Terry Bialostosky, Legal Assistant

#### **NOTICE:**

Roll Call votes are recorded and provided as an attachment to these minutes pursuant to A.R.S. §32-3205 which reads "If a disciplinary action requires a vote of Board members, the health professional regulatory Board shall conduct that vote by roll call. The Board shall maintain a record of each member's vote. This section does not prohibit a Board from using a Consent Agenda."

#### **GENERAL BUSINESS**

##### **Agenda Item No. 1 – Call To Order**

Dr. Rosenthal called the meeting to order at 8:02 a.m.

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**Agenda Item No. 4 – President’s Report**

A. Committee Assignments

i. MATP - Dr. Lou Sommerhalter

Dr. Rosenthal appointed Dr. Sommerhalter to the MATP Committee.

B. WREB Appointments

i. Dr. Joyce Rosenthal - Dental Representative

ii. Sharon Zastrow, RDH - Provisional appointment as Dental Hygiene Representative

Dr. Rosenthal announced that both she and Ms. Zastrow will continue with their WREB appointments. Because WREB representatives must be current Board members, Ms. Zastrow's appointment would be provisional until she is replaced as a Board member.

C. Review, discussion and possible action regarding direction to staff for a letter to dental schools inviting students to attend Board meetings.

The Board directed staff to forward a letter to the Dental schools inviting their students to attend Board meetings.

**Agenda Item No. 5 Administrative Items**

A. Summary of current events that affect the Arizona State Board of Dental Examiners

There were no current events.

B. Review, discussion and possible action regarding Board meeting date change from October 2, to October 9, 2009.

Ms. Paschal reported that the October 2, 2009 Board meeting date conflicts with the Annual Dental Association meeting. The Board agreed to change the date to October 9, 2009.

C. Review, discussion and possible action regarding the introduction of Mobile Dentistry legislation in the current legislative session.

Ms. Paschal reminded the Board that the State budget crisis was not improving. While the legislature has adequately addressed the budget issues for FY09, FY10 still needs to be repaired. Also, there are many new legislators who believe that less regulation is better. This could mean that they would be less inclined to approve any current proposed regulatory legislation. There are still several issues that must be resolved before pursuing the Mobile Dentistry legislation. The Board's lobbyist felt that the Board had maintained its success when introducing new legislation by waiting until all issues had been addressed to ensure the legislation would be passed. The Board was being asked to consider tabling its introduction of the Mobile Dentistry legislation until the 2010 legislative session.

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Ms. Erin Radin, Director of Government and Public Affairs with the Arizona Dental Association (AzDA), stated that the Mobile Dentistry legislation was formulated from a coalition, through Board direction, of a wide variety of people. All parties involved worked diligently on the draft proposal which was approved by the Board in the fall. It was important to AzDA that the Board supported the legislative concept so that it could move forward in the legislature. It would be at least 10 to 14 months before the Board would have to implement the legislation and any imposed fees would offset the cost of putting the legislation into practice. Ms. Radin asked that this issue not be removed from the Board's legislative agenda and expressed AzDA's willingness to work with this issue at the legislature on behalf of the coalition and the Board with no depletion of the Board's or its lobbyist's resources. Ms. Radin stated that she had spoken with the Board's lobbyist who remained concerned with moving forward with this legislation in this current budgetary crisis, but felt that his concern was based on his obligation to represent the Board well on other legislative issues.

Ms. Paschal reminded the Board that there was a moratorium issued by the governor halting all rule-making activity until June 2010. This means that if the Mobile Dentistry legislation is passed, the Board would be required to begin issuing permits and regulating those entities without imposing any fees until the rule could be introduced. This would be a cumbersome expense for the Board to incur. At this point, the Board does not have the funds to begin implementation of the legislation.

Upon MOTION by Dr. Gradke, second by Ms. Zastrow the Board voted to TABLE this matter until the 2010 Legislative Session. MOTION PASSED UNANIMOUSLY.

- D. Dr. Donna A. Ash - Case 280395; Review, discussion and possible action including administratively adjusting the case from the doctor's record.

The Board's chief investigator confirmed that Dr. Ash did not purchase or use any Botox in her practice.

Upon MOTION by Dr. Cole, second by Ms. Bevers the Board voted to ADMINISTRATIVELY ADJUST this case from Dr. Ash's record. MOTION PASSED UNANIMOUSLY.

- E. Dr. Steven Ingersoll - Review, discussion and possible action regarding adverse occurrence report involving anesthesia.

No action taken.

- F. Dr. Donald Hom - Review, discussion and possible action regarding adverse occurrence report involving anesthesia.

No action taken.

- G. Dr. Jeffrey N. Brownstein - Review, discussion and possible action regarding adverse occurrence report involving anesthesia.

No action taken

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- H. Dr. Stacey L. Sanford - Case 280458; Review, discussion and possible action including administratively adjusting the case from the doctor's record.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ADMINISTRATIVELY ADJUST this case from Dr. Sanford's record. MOTION PASSED UNANIMOUSLY.

- I. Dr. Mark C. Peck - Case 280475; Review, discussion and possible action including administratively adjusting the case from the doctor's record.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to ADMINISTRATIVELY ADJUST this case from Dr. Peck's record. MOTION PASSED UNANIMOUSLY.

- J. Dr. Mu-Hun Kim - Case 280158; Review, discussion and possible action including administratively adjusting the case from the doctor's record.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to ADMINISTRATIVELY ADJUST this case from Dr. Kim's record. MOTION PASSED UNANIMOUSLY.

- K. Review, discussion and possible action regarding Dr. Joyce Rosenthal and Ms. Elaine Hugunin's attendance at AADE Mid-Year Meeting, Chicago, IL, April 5 - 7, 2009.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to APPROVE attendance as requested. MOTION PASSED UNANIMOUSLY.

- L. Dr. Ralph F. Wilson - Review, discussion and possible action on anonymous information regarding alleged substance abuse.

No action taken.

- M. Review, discussion and possible action regarding policy changes to the Two Year Substance Abuse Monitoring Track Program.

There were several policy changes to the Abuse Tracking program that were recommended by Dr. Sucher and staff to help alleviate some of the problems that have arisen while attempting to monitor the participants. As this is a relatively new program, some modifications were expected. Included changes were that the Abuse Track participants begin to attend the MATP meetings and that their names be placed on the Board meeting agendas on a regular basis.

Upon MOTION by Ms. Bevers, second by Mr. Farnsworth the Board voted to ADOPT the changes to the Abuse Track Program. MOTION PASSED UNANIMOUSLY.

- N. For information only - National Board Examination dates and test sites provided from the Joint Commission on National Dental Examinations for any Board member who may be interested in assisting with exam administration.

No action taken.

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- O. Discussion and possible action regarding standardization of on site anesthesia evaluations.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to TABLE this matter until the Governor's Moratorium on rulemaking has been lifted. MOTION PASSED UNANIMOUSLY.

- P. Information regarding status of FY09 Budget and FY10-11 Budget request.

Ms. Paschal informed the Board that these are very serious times. Normally, the Board does not get the opportunity to take action related to the budget; however, the changes could possibly have an effect on the Board's ability to do its job. Based on the Board's revenues, \$1.489 million will be swept from its funds in June of 2009. Additionally, \$27,000 in expenditures must be suspended this fiscal year. Essentially, after July of 2009, the Board will be functioning, literally, on a month-to-month basis. Fixed costs such as payroll and rent cannot be deferred. The Board will not fill the two vacant positions in order to save those funds and will not produce a newsletter this year. The new database contract must be completed and its cost is \$15,000. Barring any other expenses, the Board should be able to pay for the database contract. The Legislature has left it up to the individual Boards to come up with other options for saving money including unpaid work furlough, leave without pay, across the board payroll reductions and/or lay-offs. From this meeting through June 30, 2009, the Board can function with the staff as it is, including its chief investigator. There were no guarantees after July 1, 2009. The Board was also informed that staff asked for an additional \$20,000 for next year, for website development but that request was denied.

- Q. Information regarding Governor Brewer's suspension of rule making activities.

Ms. Paschal informed the Board that Gov. Brewer would like to allow her staff time to review all of the rules that are currently in process. The Board has complied with Gov. Brewer's request and has sent a letter detailing the rules that are in process. According to the moratorium issued by the governor, State agencies are not allowed to initiate, propose or make any informal moves towards new rules. A proposed House Bill was recently received by Board staff which included a moratorium which would suspend all rule-making activity, except for health, safety and welfare issues, until June 2010. If the bill passed both Houses and is signed by the governor, it will become effective immediately. The Anesthesia rules must be tabled until the suspension is lifted.

- R. Review, discussion and possible action regarding the assignment of Blanket Allegations to complaints.

Ms. Paschal provided the Board with a memo detailing the reasoning behind assigning the 4 blanket allegations to a quality of care complaint. Those allegations are what allow the Board to review the methods of treatment in the case and determine whether it was adequate. They also give notice to the Respondent of what the Board will be looking at in the complaint and what will be discussed at an Investigative Interview.

Some Board members felt that the 4 blanket allegations were accusatory and should either be removed or re-named instead of having the word "inadequate" in front of them.

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Ms. Williams informed the Board that the method of listing the allegations and how the Respondent is noticed has been reviewed and, at this point, it is good and it works.

No action was taken.

**Agenda Item No. 6 – Assistant Attorney General’s Report For Board Direction & Possible Action**

A. Status of Judicial Review Actions; Information only unless otherwise indicated.

i. Dr. Champa R. Chatterjee v. ASBDE (Case 260213)

Ms. Williams informed the Board that the Board’s original order in this case was affirmed in Superior Court.

B. Discussion regarding potential Board member conflicts of interest.

Ms. Williams reiterated on previous training the Board had received regarding conflicts of interest. The points were concerning activities outside of Board meetings. She reminded the Board that a member cannot use his/her position on the Board to gain a benefit that may not have otherwise been conferred on them. Members of the Board are not allowed to appear as expert witnesses in a court case or be retained as an expert in a matter. The member’s position on the Board cannot be used to establish qualifications as an expert or to gain credibility in any way. Also, when speaking outside of a Board meeting, a member may not attribute his/her individual position or opinion to the Board or imply what is believed the Board would or would not do in certain situations. Lastly, if a Board member is ever involved in a civil matter that may come before the Board, the member must recuse him or herself from the matter.

**Agenda Item Nos. 7A and 7B - Personnel Issues**

Dr. Rosenthal welcomed and introduced Board’s newest member, Dr. Lou Sommerhalter and beginning February 11, 2009, Ms. Elaine Hugunin as the Board’s new Executive Director.

**Agenda Item No. 8 – Request for Action on Licensure/Certificate by Examination**

A. Shelton L. Chow, DDS - disclosure of disciplinary action in dental school.

Dr. Chow was present and stated that he collaborated with a classmate with the computerized pediatric exam. He worked with the classmate on the answers. They ended up submitting their answers from the same computer. He stated that this was a case of very poor judgment on his part.

Upon MOTION by Dr. Waite, second by Dr. the Board voted to GRANT licensure.  
MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 8.1 - Request for Action on Application(s) for Dental Consultant License**

**A.** Dr. William G. Albrecht

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT licensure.  
MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 9 – Request for Action on Dental Assistant Radiology Certification by Credential – Consent Agenda**

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to GRANT certification in radiology to the following applicants. MOTION PASSED UNANIMOUSLY.

- A. Valerie J. Onken - Certified in CA
- B. Sandra M. Roddy - Certified in CA
- C. Terra L. Kerr - Certified in CA
- D. Melinda K. Zalar - Certified in CA
- E. Maria D. Torres - Certified in CA
- F. Lizbeth E. Herrarte - Certified in CA
- G. Vanessa Samaniego - Certified in CA
- H. Norma I. Villa - Certified in CA
- I. Dorothy B. Wittman-Ilano - Certified in CA
- J. Jennifer E. Nitta - Certified in CA
- K. Alison S. Jones - Certified in NM

**Agenda Item No. 10 – Request for Action on Licensure by Credential**

- A.** Dr. Elliott P. Schlang - 1974 CA Dental exam prior to a regional. Three malpractice settlements, all less than \$10,000.

Dr. Schlang was present. The Board reviewed the information on the malpractice cases. In two of the cases, Dr. Schlang was not the treating dentist. The remaining case was in 1989.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to GRANT licensure.  
MOTION PASSED UNANIMOUSLY.

- B.** Dr. Michael J. Lauk - 1968 IL State exam prior to a regional. Adverse Action listed on NPDB, IL has taken action on his license.

Dr. Lauk was present and was before the Board as a result of a National Practitioner Data Bank report concerning an issue with prescriptions. He stated that he had renewed existing prescriptions for both his son and his wife. He couldn't remember exactly which medications the prescriptions were for, but stated that there were none for narcotics. The last incident took place in 2004 and there has been no other incident since then.

The Board was inclined to enter into a consent agreement with Dr. Lauk; however the fact that he could not remember which drugs he wrote prescriptions for was unsettling.

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Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to TABLE its decision in this matter pending more information regarding which drugs the prescriptions were written for and examples of Dr. Lauk's current record keeping. MOTION PASSED UNANIMOUSLY.

- C. Charlotte J. Wallace, RDH - 1973 MI State Exam prior to a regional.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

- D. Jeanine K. Gooding, RDH - 1995

Ms. Gooding was present.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 10.1 - Request for Action on Licensure by Credential – Clinical Examination taken more than 5 years ago**

- E. Dr. Michael T. Kelly - 1993 FL

Upon MOTION by Dr. Waite, second by Dr. Rosenthal the Board voted to GRANT licensure. Ms. Zastrow and Ms. Bevers OPPOSED. MOTION PASSED.

- F. Jennifer C. Kelly, RDH - 1993 FL

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 10.2 – Request For Action on Licensure By Credential – Consent Agenda Clinical Examination taken less than five years ago**

This agenda item was vacant.

**Agenda Item No. 11 – Request for Action on Licensure by Credential – Consent Agenda – Board-approved Clinical Examination**

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to Grant licensure by credential to the following applicants who have submitted documentation of successful completion of a clinical examination taken less than five years. MOTION PASSED UNANIMOUSLY.

- A. Dr. Brian D. Greenberg - 2006/2007 NERB
- B. Dr. Eric E. Ellis - 2005/2006 NERB
- C. Dr. Rashmi Swamy - 2003/2004 NERB
- D. Dr. Sundeep S. Gill - 2001 NERB
- E. Dr. George M. Bailey - 1975 NERB
- F. Dr. Barry G. Graham - 1973 NERB
- G. Dr. David A. Newitter, Jr. 1971 NERB
- H. Dr. Aaron J. Colby - 2006 CRDTS
- I. Dr. Kathleen Omodt Hubert - 1984 CRDTS

J. Dr. Frank K. Fager - 1983 CRDTS  
K. Jennifer M. Gillan, RDH - 2006 NERB  
L. Alfia R. Marks, RDH - 2005 NERB  
M. Rebekah A. Chandler, RDH 2005 NERB  
N. Karen S. Clark, RDH - 1983 NERB  
O. Leah B. Domagalski, RDH - 2002 CRDTS

**Agenda Item No. 12 – Request for Action Application(s) for Renewal of License**

This agenda item was vacant.

**Agenda Item No. 13 – Recommendation(s) From Board MATP Medical Director**

**A. REQUEST FOR ACTION ON LICENSURE/CERTIFICATE BY EXAMINATION**

The Board will review, discuss and take action on the following applications.

- i. Amy J. Nyberg, RDH - Review, discussion and possible action on report from Dr. Sucher regarding disclosure of DWI on application for licensure. DWI disclosure - over 5 years.

Ms. Nyberg was present. Dr. Sucher evaluated Ms. Nyberg and reported that this incident was for a DUI on her 21st birthday. He felt that this was an isolated incident with no on-going abuse or dependency problems.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

**B. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL**

The Board will review, discuss and take action on the following applications

- i. Dawn H. Krukar, RDH - Review, discussion and possible action on report from Dr. Sucher regarding disclosure of DUI on application for licensure.

Ms. Krukar was present. Dr. Sucher evaluated Ms. Krukar and reported that there was a significant history of abuse. There were 2 separate DUI incidents. In the most recent DUI, Ms. Krukar's blood alcohol level was .198. She decided to stop drinking after that one. She has not had a drink in over a year and has completed 66 hours of continuing education regarding abuse. Based on the past history, which Dr. Sucher found to be credible, he recommended that Ms. Krukar enter the Board's 2-year Abuse Tracking program.

Ms. Krukar stated that she had faxed proof of completion of her continuing education to Dr. Sucher. She has been in Arizona since 2005, worked for 2 years as a dental assistant and did not apply for a license to practice dental hygiene. Due to an injury to her shoulder and after 16 years as a hygienist, she assumed she would not want to practice dental hygiene again. However, she would rather be a hygienist.

The Board wanted proof of Ms. Krukar's sobriety.

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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue an INTERIM ORDER for a Comprehensive Evaluation with the report to be submitted to the Board for its review. MOTION PASSED UNANIMOUSLY.

**C. REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE**

**Roll Call Vote is Required**

The Board will review, discuss and take action regarding disclosures on renewal applications.

- i. VACANT

**D. HEALTH AND WELL BEING**

- i. Dr. Garrett F. Harnett - Case 280400; Review, discussion and possible action on Assessment Report from evaluation facility and evaluation report by Dr. Sucher and possible entrance into the Board's two-year substance abuse monitoring program.

Dr. Harnett and his attorney Mr. Tonner were present.

Dr. Sucher reported that he evaluated Dr. Harnett in September, but felt that a more comprehensive evaluation was required. Dr. Harnett had the evaluation in December and the result was that there were both substance abuse and psychiatric issues. Based on that report, Dr. Sucher recommended that Dr. Harnett be placed in the Board's two-year abuse tracking program, requiring abstinence from non-prescription drugs and alcohol. A large number of bipolar patients do not take their medications regularly. He strongly recommended the abuse track program.

Mr. Tonner stated that the issues in Dr. Harnett's case had nothing to do with his practice or the treatment of his patients. This complaint was the result of non-patients complaining about other non-patients after business hours. The report from the evaluation facility was that Dr. Harnett had some alcohol problems and was suffering from bipolar disorder, but these issues have never affected Dr. Harnett's ability to practice dentistry.

Dr. Harnett stated that he has been practicing for 37 years. He has never had a DUI and there have never been any issues with his practice. He has a medical problem, not a substance abuse problem. He is actively taking his medications and he needs to continue practicing.

The Board was at an impasse; Dr. Harnett did not feel that he had a substance abuse issue while the evaluating facility reported that he does. The option at this point was for Dr. Harnett to be given the opportunity to argue his point further at an Investigative Interview.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview. Dr. Waite and Dr. Cole OPPOSED. Dr. Sommerhalter RECUSED. MOTION PASSED.

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- ii. Dr. Paul Chang - Review, discussion and possible action regarding reinstatement of license and recommendation of Dr. Sucher for entrance into the Board's two-year substance abuse monitoring program.

Dr. Chang was present. Dr. Sucher reported that he saw Dr. Chang regarding an arrest for possession of marijuana. Dr. Chang was drug tested and the results were negative for marijuana, however they were positive for cocaine. Dr. Chang denied using cocaine and was evaluated at a treatment facility. While Dr. Chang continued to deny using cocaine, the evaluation result was that he had an issue with cocaine abuse. Dr. Sucher recommended that Dr. Chang be placed in the Board's two-year abuse tracking program.

Dr. Chang stated that he was willing to work with Dr. Sucher on any recommendations he had. He did not have any abuse history and could not explain the positive test results. Additionally, the polygraph results from the treatment facility indicated that Dr. Chang was not being truthful with his answers.

Upon MOTION by Ms. Bevers, second by Dr. Gradke the Board voted to REINSTATE Dr. Chang's license to practice and ACCEPT Dr. Chang into the Board's 2-year Abuse Track program, with an additional color and random hair testing for the first 3 months. MOTION PASSED UNANIMOUSLY.

- iii. Dr. Cameron Skaugrud - Discussion and possible action regarding lifting the DEA restriction in his MATP stipulation.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to LIFT the DEA Restriction in Dr. Skaugrud's MATP stipulation. MOTION PASSED UNANIMOUSLY.

- iv. Discussion regarding Committee's request that participants with a dual diagnosis appear before the committee at greater frequency.

Dr. Sucher explained to the Board that in some instances, participants have more than one issue, such as bipolar disorder. He informed the Board that those participants with dual diagnosis will be required to appear before the MATP committee twice a year. No action taken.

- v. Discussion regarding clarification to participants when submitting prescription advisory forms.

Ms. Paschal stated that the MATP and Abuse Track agreements spell out what over-the-counter medications the participants are allowed to take. However, there are still misunderstandings regarding these medications. The agreement will be modified in order to include samples from doctor's offices, for example, which are to be reported to the Board as if it were a prescription.

No action taken.

**E. CONSIDERATION OF MATP CONSENT AGREEMENTS & REQUIRED PERSONAL APPEARANCES**

This agenda item was vacant.

**F. UPDATE ON MATP PARTICIPANTS**

Dr. Sucher reported that all remaining MATP participants were in compliance at this time.

**G. PROBATION MONITORING & REQUIRED PERSONAL APPEARANCE**

- i. Sarah J. Byrne, RDH - Case 280462 - Possible action regarding non-compliance with consent agreement and interim order for substance abuse evaluation.

Ms. Byrne was present. Dr. Sucher reported that Ms. Byrne was a participant in the Board's two-year abuse track program effective December 21, 2008. On December 29, 2008, she tested positive for alcohol. This was prohibited per her agreement. Apparently, Ms. Byrne thought her effective date was later. She appeared at the MATP meeting and her testing frequency was doubled with the belief that she may have legitimately misunderstood the effective date. She met with both Dr. Sucher and Dr. Rowe who stressed the importance of her complete compliance with the consent agreement. However, Ms. Byrne's colors came up on the Monday prior to this meeting and she did not present for a UA, nor did she call staff or Dr. Sucher to explain why she did not comply. She did submit a UA on Tuesday afternoon. Dr. Sucher was extremely concerned with the noncompliance issues and recommended that Ms. Byrne receive a comprehensive evaluation.

Ms. Byrne stated that she did not get tested on that Monday due to finances. Also, because of the frequency in which she had to leave work to be tested, she was ultimately fired from her job. In response to the Board, she just did not have time to call Board staff or Dr. Sucher to explain her circumstances. Ms. Byrne stated that due to the financial burden and the loss of her job, she is unable to pursue anything at this point. She does not have any family in Arizona and she is responsible for the support of her two children. She also has a court date with the City of Chandler. She is unable to cope with all that has happened.

The Board stated that the MATP Committee was emphatic in its directive for her to call Dr. Sucher with any problems or concerns she may have had. It was very important that she fully comply with the consent agreement.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to OPEN AN INVESTIGATION for alleged Noncompliance with a Consent Agreement. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to ACCEPT the Voluntary Surrender of Ms. Byrne's license to practice dental hygiene. MOTION PASSED UNANIMOUSLY.

\*\*The Board informed Ms. Byrne that should she decide to have the comprehensive evaluation on her own, that option was available to her.

- ii. Sarah G. Morones, RDH - Case 280236 - Possible action regarding non-compliance with consent agreement.

Ms. Morones was present. Dr. Sucher reported that Ms. Morones is a participant in the Board's two-year abuse tracking program. On January 14, 2009, Ms. Morones tested

positive for alcohol. When this was brought to her attention, she stated that she had been taking Nyquil and did not know that this was unacceptable. Ms. Morones' testing frequency has been doubled as a result of the positive test. She had been in compliance with the consent agreement prior to the January 14 test. There was no way to accurately determine when or how much Nyquil she drank. Ms. Morones had admitted to drinking it 5 or 6 times a day for a few days.

Ms. Morones stated that she did not know Nyquil contained alcohol. She has been tested 3 times since the January incident with no positive results. She is aware now and has reviewed her consent agreement.

Dr. Sucher recommended that the frequency of her testing be increased for 3 months and she appear before the MATP committee to determine if any further testing is required.

Upon MOTION by Ms. Zastrow, second by Dr. Cole the Board voted to increase Ms. Morones testing frequency for 3 months and require her attendance at the MATP Committee meeting. MOTION PASSED UNANIMOUSLY.

#### **Agenda Item No. 14 – Other Committee Reports**

A. Continuing Education Audit for Dentists Committee – Dr. Joyce Rosenthal

- i. Review, discussion and possible action regarding the 2008 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee the Board may consider APPROVAL of the CE Audit responses from the following:

Upon MOTION by Dr. Rosenthal second by Ms. Bevers the Board voted to APPROVE the CE Audit responses from the following licensees. MOTION PASSED UNANIMOUSLY.

- a. Dr. Elliott E. Angel
  - b. Dr. Massoud Eftekhari - with reminder letter to be sure that a course taken for a specific CE category meets the criteria of the category regardless of how the course is advertised and that when contacted by the Board, to respond timely.
  - c. Dr. Cory Douglas Giles - with reminder letter to be sure that a course taken for a specific CE category meets the criteria of the category regardless of how the course is advertised.
  - d. Dr. Tonya I. Harmon - with reminder letter to be sure that a course taken for a specific CE category meets the criteria of the category regardless of how the course is advertised.
- ii. Review, discussion and possible action regarding the Continuing Education Audit for Dentists Committee recommendation to communicate to AzDA the concern that statement in the Western Regional Dental Convention Brochure that continuing education meets BODEX requirements is misleading because the continuing education may not meet the requirements as evidenced by recent continuing

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education audit responses; additionally the committee recommends asking AzDA to contact their membership and potential convention attendees advising them that it is their responsibility to determine if a course meets the Board's requirements.

\*\*The Board directed staff to notify AzDA of the need to change the wording in its Western Regional Dental Convention brochure regarding CE meeting BODEX requirements.

B. Dental Hygiene Committee – Ms. Catherine Bevers

- iii. Review, discussion and possible action regarding the 2008 Dental Hygiene Continuing Education Audits. Upon recommendation from the Dental Hygiene Committee the Board may consider APPROVAL of the CE Audit responses from the following:

Upon MOTION by Ms. Bevers, second by Dr. Waite the Board voted to APPROVE the CE Audit responses from the following licensees. MOTION PASSED UNANIMOUSLY.

a. Candace G. Greer, RDH

b. Naomie E. Oxberger, RDH

- iv. Discussion and possible action regarding the recommendation from the Dental Hygiene Committee to open Arizona Administrative Code Article 12 Continuing Dental Education and Renewal Requirements for the purpose of adding a record-keeping course requirement for dentists, dental hygienists and denturists.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to TABLE this matter until the suspension of rule making activities is lifted. MOTION PASSED UNANIMOUSLY.

**FORMAL HEARING**

**Agenda Item No. 15**

**Case No. 280202**  
**Dr. Clayton Wainwright**

Mr. Tonner on behalf of Dr. Wainwright, Ms. Williams on behalf of the State and Mr. Munns, Assistant Attorney General were present.

Upon MOTION by Ms. Bevers, second by Mr. Farnsworth the Board voted to go into EXECUTIVE SESSION for legal advice. MOTION PASSED UNANIMOUSLY.

**\*\*EXECUTIVE SESSION\*\***

**RETURN TO OPEN MEETING**

Mr. Tonner stated that they were willing to put all terms of the Board order into a Consent Agreement with the exception of probation.

Ms. Williams stated that there were some procedural issues involved in this case. It was unclear, even after listening to the tape recording, whether the Board actually ordered probation. Without probation,



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removed the crown on her lower right side and re-seated a new crown. Teeth #16 and 32 have been extracted.

Ms. McLellan stated that this case had two Investigative Interviews and neither panel found unprofessional conduct on Meyer's part. TS had some amalgam fillings removed and crowns placed by a previous dentist and subsequently developed TMJ issues. She went to Dr. Meyer specifically for TMJ pain. There were phases when treatment had to be suspended due to the development of abscesses on teeth 3 and 18, which had to be treated. Dr. Meyer restored TS's lower arch as part of the TMJ therapy. During the part of treatment when Dr. Meyer would have been placing the permanent restorations, TS secretly went and received occlusal adjustments from 3 other dentists. In response to the Board, Ms. McLellan stated that TS was a patient of Dr. Meyer's from November 2004 through April 2007.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Waite OPPOSED. MOTION PASSED.

**Agenda Item No. 18**                      **Case No. 280241**  
**Dr. Yong-Suk Cha**

Ms. McLellan was present on behalf of Dr. Cha. She stated that the Investigative Interview panel recommended dismissal of this case. The patient's bridge was seated by Dr. Cha, but was not prepped by him.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Waite was OPPOSED. MOTION PASSED.

**Agenda Item No. 20**                      **Case No. 280175**  
**Dr. John Andrew Loesch**

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to REMAND to an Investigative Interview to address the first 7 allegations only. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 19**                      **Case No. 280234**  
**Dr. Michael K. Braegger**

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to DISMISS for Lack of Supporting Evidence. No action was taken on this motion.

Upon MOTION by Ms. Bevers, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.21(v). Dr. Morrison and Ms. Zastrow OPPOSED.

Upon MOTION by Ms. Bevers, second by Dr. Gradke the Board voted to impose an ADMINISTRATIVE PENALTY of \$2000 and COMMUNITY SERVICE of 48 hours with 12 months time to complete. Dr. Morrison and Ms. Zastrow OPPOSED. MOTION PASSED.



**PETITION TO REHEAR**

**Agenda Item No. 26**                      **Case No. 280065**  
**Dr. Richard George Strub**

Dr. Strub, his attorney Mr. Tonner and complainant GD were present.

Mr. Tonner stated that Dr. Strub placed a horseshoe bridge for teeth 3 through 15. The x-rays taken after the bridge was placed indicated that all was well. Sometime afterwards, the bridge was modified. There were issues with tooth #7, which needed a composite and #9 which had a veneer placed by a subsequent treating dentist. The clinical evaluator found the margins to be adequate, but found tooth #9 to be questionable. The margin on #9 was resting on an existing restoration, which was true; the lingual on #9 was over-contoured as well as the lingual on #7, which had the composite. Mr. Tonner felt that the modifications done to the bridge were the cause of the complaint and those were done by a subsequent treating dentist. The Investigative Interview (I.I.) panel recommended dismissal. Mr. Tonner asked the Board to consider both the I.I. panel's recommendation and the evaluator's opinion. The evaluator specifically looked at the integrity of the bridge and found no problems. Mr. Tonner asked that the case be dismissed.

Dr. Strub stated that GD was seen by a total of 4 dentists and the Board's clinical evaluator. Neither the subsequent dentists, nor the evaluator found anything wrong with the bridge or the margins. Two of the dentists actually performed work on the bridge and found nothing wrong. Tooth #9 also received a porcelain laminate and that could be affecting the appearance noted on the margin. He felt that he had done a very good job with this case. He concurred with his attorney in that this case should be dismissed.

GD stated that he did not go to another dentist for the veneer laminate. A Western Dental dentist placed that veneer. His gums are bleeding and he must have two of his molars removed. He had to have surgery on the front tooth. He asked the Board for the restitution previously imposed because he must have work done on both the upper and lower teeth and for the damage done.

The Board reviewer stated that there was additional information that must be considered in this case and another evaluation was performed by Dr. Galindo that refutes some of the claims made by Dr. Strub. The restitution amount was improperly derived in that some fees, such as the exam, x-rays and retreatment of endodontics on certain teeth, should have been omitted. The correct amount should have been \$9301.46.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to GRANT the Petition to Rehear, VACATE the previous Investigative Interview and REMAND to a new Investigative Interview to review the additional information. Dr. Waite was OPPOSED. Dr. Sommerhalter RECUSED. MOTION PASSED.

**Agenda Item No. 25**                      **Case No. 280056**  
**Dr. Sam Hashemian**

Dr. Hashemian, his attorney Mr. Tonner and the complainant CE were present.

Mr. Tonner stated that another dentist came up with the treatment plan which was to be extractions, an immediate upper and a permanent lower partial. Dr. Hashemian then did the 2nd denture. CE was still unhappy so Western Dental offered the option of a 3rd denture or a refund. CE chose to have a 3rd denture made. She never returned for any adjustments. There is documentation of 13 attempts to

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contact CE for adjustments. The Clinical Evaluator found the denture to be inadequate which Mr. Tonner did not dispute. The denture had been fractured and was super-glued together and he believed it was the 2nd denture and not the 3rd that the evaluator saw. The evaluator also determined that the occlusion was inadequate due to a lack of stability and the lower arch was not restored. The patient had an anterior tongue thrust which would compromise the retention of the upper denture until the lower was restored. Mr. Tonner felt that Dr. Hashemian did all that he could for CE and asked the Board to consider dismissal.

Dr. Hashemian stated that when he made the last denture, the patient was going to another dental office which was closer to where she lived. CE was called into his office because it had an on-site dental lab. When the third denture was being made, CE requested not to have a teeth try-in; she wanted to go directly to delivery. Also, before the last denture was made, CE was given the option of a refund and was given a referral to a prosthodontist. CE was placed on 3 to 4 month periodontal re-call, but she never returned to address those concerns.

CE stated that she had continuous problems with Western Dental. When the 2nd denture broke after only 4 months, she contacted a district representative for Western Dental. She explained to them the problems she had with their Peoria location and was given the option of receiving dental treatment at the Phoenix location for the 3rd denture that was made. She had to make 3 additional trips from Peoria to the Phoenix location because they lost the impressions she had done. She was not contacted 13 times; she has never been contacted by them since receiving the 3rd denture. She has given them several opportunities to make the upper denture and she is still unhappy. She is unable to get the lower done until her upper has been taken care of.

The Board reviewer stated that the patient was seen 16 times over a 13 month period of time. There were 3 immediate dentures done, with Dr. Hashemian being involved with the 2nd and 3rd dentures. The clinical evaluator did look at both the second and third denture. It is difficult at times for a patient to make the transition to dentures and some patients never do. However there were three factors involved in this case that stood out for the reviewer. Dr. Hashemian had adequate opportunity to fabricate an acceptable denture, even with the un-restored mandibular arch. The second and third dentures were fabricated over a 10 month period of time. Also, a soft re-line should not be required when delivering an immediate denture after 12 months of healing unless the denture does not fit properly. Finally, for consistency of care, the doctor must be involved with all aspects of denture fabrication and delivery, not just the first and last appointments. The reviewer felt that CE was adequately accommodating, allowing 14 months to pass and enduring 3 dentures in her effort to obtain a satisfactory denture.

Upon MOTION by Dr. Spigner, second by Ms. Bevers the Board voted to DENY the Petition to Rehear. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 24**                      **Case No. 280031**  
**Dr. Michael Wassef**

Dr. Wassef and his attorney, Mr. Woods were present.

Mr. Woods stated that the finding of patient abandonment was not supported by the facts. Dr. Wassef had sold his practice to Dr. Nuessle. The patient testified that when he went to Dr. Nuessle's office, he was told that Dr. Nuessle was unable to do the work. Mr. Woods maintained that Dr. Nuessle was able to do the work; however he did not want to. Additionally, no effort was ever made to contact Dr. Wassef. Dr. Wassef was willing to complete the treatment at no cost to the patient, but he was never contacted.





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**Cases pulled that are Recommended for Issuance of a Letter of Concern – Consent Agenda –  
From Investigative Interview**

Agenda Item No. 41	Case No. 280205	Dr. John Alan Garza
Agenda Item No. 42	Case No. 280201	Dr. Michael J. Bricker

**Cases pulled that are Recommended for Issuance of Non-Disciplinary Continuing Education -  
Consent Agenda - From Investigative Interview**

Agenda Item No. 43	Case No. 280179	Dr. Richard George Strub
Agenda Item No. 44	Case No. 280203	Dr. Barry J. Uldrikson

**Cases pulled that are Recommended for Termination/Lack of Jurisdiction – Consent Agenda**

Agenda Item No. 45	Case No. 280326	Dr. Wissam S. Ayoub
Agenda Item No. 47	Case No. T-08-045	Dr. Michael W. Criddle
Agenda Item No. 52	Case No. 280449	Dr. Sathish Bhadra Chari

Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to TERMINATE for Lack of Jurisdiction the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**Cases TERMINATED/LACK OF JURISDICTION:**

Agenda Item No. 46	Case No. 280267	Dr. Christine Thuy-Anh Phan
Agenda Item No. 48	Case No. 280387	Dr. Ronald J. Moon
Agenda Item No. 49	Case No. 280386	Dr. Ronald J. Moon
Agenda Item No. 50	Case No. 280352	Dr. Ronald J. Moon
Agenda Item No. 51	Case No. 280242	Western Dental

**Agenda Item No. 53 - Approval of Restricted Permit(s) (Application or Renewal) - Consent  
Agenda**

This agenda item was vacant.

**Agenda Item No. 54 – Ratification of New Dental and Dental Hygiene Licenses – Consent  
Agenda**

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to RATIFY the following licenses. MOTION PASSED UNANIMOUSLY.

Bryan D. Schelin, DMD  
D 7685, issued: 11/25/2008

Brandon J. Tilts, DDS  
D 7686, issued: 12/03/2008

Francyne L. Kohler, DDS  
D 7691, issued: 12/10/2008

Jason M. Loop, DDS  
D 7697, issued: 12/10/2008

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Kaiyan Li, DDS  
D 7698, issued: 12/19/2008

Dawit Adugna, DDS  
D 7699, issued: 12/24/2008

Julia N. Benson, DMD  
D 7700, issued: 01/07/2009

James S. Nielsen, DDS  
D 7701, issued: 01/21/2009

**Total Dental: 8**

Paula Jean Hubley, RDH  
H 6577, issued: 12/10/2008

Cheryl A. Torivio, RDH  
H 6582, issued: 12/10/2008

Danielle L. Wiley, RDH  
H 6596, issued: 12/16/2008

Rayna Gooslin, RDH  
H 6597, issued: 12/19/2008

Jennifer I. Knight, RDH  
H 6598, issued: 01/13/2009

**Total Dental Hygiene: 5**

**Agenda Item No. 55 - Items pulled that are Recommended for Approval as Consultants and/or Examiners - Consent Agenda**

Agenda Item No. 55C - Dr. Jeffrey Todd Erickson - Anesthesia Evaluator

Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to APPROVE the remaining as a consultant and/or examiner. MOTION PASSED UNANIMOUSLY.

- A. This item was vacant.
- B. Dr. Brown Harris, III - Anesthesia Evaluator, Investigative Interviews

**Agenda Item No. 56 – Approval of Minutes – Consent Agenda**

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

- A. October 3, 2008 Board Meeting Minutes







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**Agenda Item No. 36**                      **Case No. 280296**  
**Dr. Ralph Forrest Wilson**

Complainant RL was present and stated that his chief complaint was that 3 days after his implant was placed, it fell out. He called Dr. Wilson's office to tell him it had fallen out, but Dr. Wilson told him that it did not and would not check to see if it had or not. RL had to wait until his next regularly scheduled appointment to see Dr. Wilson. He felt that Dr. Wilson behaved unethically and unprofessionally by not seeing him immediately. He further felt that he was treated poorly at the Investigative Interview. In response to the Board, RL stated he has had the work done and Dr. Wilson has given him a refund.

Upon MOTION by Ms. Bevers, second by Dr. Rosenthal the Board voted to issue a LETTER OF CONCERN stating all patients' complaints should be investigated. Dr. Cole, Mr. Farnsworth, Dr. Gradke, Dr. Morrison, Dr. Spigner, Dr. Sommerhalter, Ms. Zastrow and Dr. Waite were OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Waite, second by Dr. Gradke the Board voted to DISMISS for Lack of Supporting Evidence. Ms. Bevers and Dr. Rosenthal were OPPOSED. MOTION PASSED.

**Agenda Item No. 52**                      **Case No. 280449**  
**Dr. Sathish Bhadra Chari**

This case was pulled from the consent agenda. Even though the patient received restitution, a subsequent treating dentist's evaluation revealed that the occlusion in this case was questionable and the x-rays revealed inadequate and open margins.

Upon MOTION by Dr. Sommerhalter, second by Ms. Zastrow the Board voted to FORWARD this case to an Investigative Interview. Dr. Waite was OPPOSED. MOTION PASSED.

**ACTION ON CASES – Afternoon Agenda**  
**From Investigative or Informal Interview**

**Agenda Item No. 60**                      **Case No. 280206**  
**Dr. Robert G. Manning**

Dr. Manning was present and stated that the Investigative Interview (I.I.) panel deliberated twice regarding allegation #5, inadequate endodontics. The first recommendation was to dismiss it and the second recommendation, which the Board received, was to uphold it. The panel stated that, with regard to tooth #3, one canal and mesial buccal was obliterated and the apex could not be read. Also, the periapical radiograph of tooth #3 dated 09/15/07 showed that the mesial buccal canal was not adequately filled to the apex. According to Dr. Manning, those two statements reflect on the complexity and difficulty of the case. The tooth presented with sporadic, calcified canals and was difficult to discern radiographically. It was eventually extracted due to a palatal root fracture, not because of failed root canal therapy. Dr. Manning asked the Board to dismiss this case.

The Board reviewed the radiographs. The patient was aware of the palatal fracture of tooth #3. The tooth was asymptomatic for 3 months. She was referred to an endodontist, but refused and wanted to have an implant placed.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to DISMISS for Lack of Supporting Evidence. Drs. Morrison and Sommerhalter RECUSED. MOTION PASSED.







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trays. Dr. Anderson did not refer MW to an orthodontist once she realized she was unable to complete his treatment.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to GRANT the Petition to Rehear and to Rehear IMMEDIATELY. Dr. Sommerhalter RECUSED. Ms. Bevers, Dr. Rosenthal, Dr. Cole and Dr. Morrison were OPPOSED. MOTION PASSED

The Board reviewer stated that the problems MW was experiencing in this case were addressed by Dr Anderson. The patient admitted to not being completely compliant and that has to be taken into consideration.

Dr. Anderson stated that MW told her he had completed the trays and would be moving to Las Vegas. He indicated that he was pleased with the results. In response to the Board, Dr. Anderson stated that she did assess MW's teeth after he told her he was done and she agreed that he would need no further treatment. With Invisalign, there is no way to accurately predict the outcome and she assumed that he was being truthful when he said he was done with the trays. She was about to order the final retainer trays based on his word. It was at this point that MW told her that he did not finish them all. She did have before treatment models, but she did not have any after models. The Board questioned why, as his treating orthodontist, Dr. Anderson did not know when MW stopped using the trays. She should have checked what she was seeing and compared it to the Clin-Check and know that the treatment was not progressing as projected. Dr. Anderson responded that she has done several Invisalign cases where the teeth do not end up aligned as projected. Even if she were to compare the case with the Clin-Check, she would still not have an accurate representation of what would be in the patient's mouth. Dr. Anderson knew that MW was a Skeletal Class 3, but because he had not had any TMJ issues in the past, she felt he would be a good candidate for Invisalign treatment. She accepted the case because the movement was minimal. He only wanted to move teeth 7 and 9.

MW stated that he had completed at least 12 or 13 retainers and then told Dr. Anderson of the pain he was having while wearing them. Dr. Anderson moved MW into the refinement stage to see if they could get better alignment. After the second or third retainer in the refinement stage, his pain was so great, he discontinued wearing them. He called Dr. Anderson to tell her of the pain and she prescribed steroids and muscle relaxers, but told him to finish all of the trays. He chose not to go back to Dr. Anderson for further treatment because he saw a dentist in Las Vegas who told him he would need to have jaw surgery. He now has 2 dislocated discs on both sides of his face and neurological damage on the left side. He's been wearing an orthodontic bite appliance for the past 3 months in an attempt to move the discs back into place so he can begin orthodontic treatment.

The Board reviewed the Clin-Check but was unable to determine whether problems arose because of something Dr. Anderson did wrong or due to MW's noncompliance. Dr. Anderson had offered to refund MW the entire amount for the Invisalign treatment and was still willing to do so.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to TABLE this case until the April Board meeting pending proof of voluntary refund to the patient. Dr. Sommerhalter RECUSED. MOTION PASSED.

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**Agenda Item No. 64**

**Case No. 280120**  
**Dr. Newton Harry Henderson, III**

Dr. Henderson was present and complainant DP was present.

Dr. Henderson stated that DP presented to him with a toothache. He examined the tooth and diagnosed it to be non-restorable. He gave DP a treatment plan for an extraction. DP complained that she had been taken advantage of due to the language barrier. Dr. Henderson did not agree because his assistant is bi-lingual. The patient chose to have the tooth replaced that day. She did not want to have a tooth missing. He prepped the teeth for a bridge and extracted the tooth. DP came in a week later and he had to start root canal therapy on one of the abutment teeth. DP never returned after that visit.

The Board reviewer stated that the discipline previously imposed in this case was not with regard to the quality of care issue, but with the lack of documentation of the recommended treatment, the treatment options and the patient's acceptance of the treatment. There was no documentation in the record of the implant discussion. The patient returned to Dr. Henderson 2 months after having the tooth extracted to take the impressions for the bridge. There was still no documentation of the need to evaluate any of the remaining teeth, no full mouth series was done, no full mouth coding, no documentation of the patient's periodontal condition, of missed or broken appointments or of the patient's treatment options. The discipline imposed was Risk Management and Diagnosis and Treatment Planning. The reviewer felt those sanctions were not excessive.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to DENY the Petition to Rehear. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 63**

**Case No. 270498**  
**Dr. Hana K. Mansoor**

Dr. Mansoor was present and stated that she did not overcharge the patient and she did not understand why the Board found unprofessional conduct. The patient was evaluated to determine her overall periodontal condition. Based on the evaluation, Dr. Mansoor diagnosed perio type 2 on all 4 quads. This was before the extraction of tooth 12 which also had a 4 millimeter pocket. The patient was treated with Arestin on teeth 8, 9, 24 and 25. The patient was 80 years old. There was no way for Dr. Mansoor to know what type of crown she originally had. She just assumed it was porcelain fused to white gold, but it was actually stainless steel. The margins were acceptable.

The Board reviewer stated that the basis for this petition was that Dr. Mansoor felt the findings in this case were not justified by the evidence. The complainant filed the case because he believed excessive treatment was planned for his grandmother. When she presented to Dr. Mansoor for her initial examination, she was 89 years old. Dr. Mansoor diagnosed her as perio type 2 and performed 4 quads of periodontal root planing with Arestin in 4 sites. According to the ADA, full mouth debridement is done when calculus prevents probing. In this case, probing was done first, then the debridement. The treatment should have been 3 quads of localized perio scaling and root planing. The reviewer felt that Dr. Mansoor did more treatment than was necessary to the patient in this case.

Upon MOTION by Dr. Spigner, second by Ms. Zastrow the Board voted to GRANT the Petition to Rehear and to Rehear Immediately in order to review and/or amend the Board order. Dr. Rosenthal OPPOSED. MOTION PASSED.



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**Cases pulled that are Recommended for Remand - Consent Agenda**

Agenda Item No. 79	Case No. 280097	Dr. William Hoskyns
Agenda Item No. 80	Case No. 280127	Dr. William Hoskyns
Agenda Item No. 81	Case No. 280101	Dr. William Hoskyns

**Cases pulled that are Recommended for Termination/Lack of Jurisdiction – Consent Agenda**

Agenda Item No. 82	Case No. T-08-046	Associated Dental
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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to TERMINATE for Lack of Jurisdiction the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases TERMINATED/LACK OF JURISDICTION:

Agenda Item No. 83	Case No. 280345	Dr. George E. Mantell
Agenda Item No. 84	Case No. T-08-047	Dr. Brian A. Lilien
Agenda Item No. 85	Case No. 280241	Dr. Mark A. Costes
Agenda Item No. 86	Case No T-08-048	Southwest Dental
Agenda Item No. 87	Case No.T-08-044	Dr. Scott R. Harris
Agenda Item No. 88	Case No. T-08-049	Dr. Michael D. Traylor

**Cases that are Found to be in Noncompliance with Consent Agreement or Board Order – Open New Complaint – Consent Agenda**

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to OPEN A NEW COMPLAINT for Noncompliance with a Consent Agreement or Board Order in the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases Resulting in the OPENING OF A NEW COMPLAINT:

Agenda Item No. 89	Case No. 270369	Dr. George E. Boughan
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**Cases pulled for Probation Monitoring; Compliance Reporting - Consent Agenda**

Agenda Item No. 91	Case No. 250157	Dr. Terry J. Lee
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Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to TAKE NO ACTION on the remaining case. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 90	Case No. 270410	Dr. Orville S. Diggs
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**Agenda Items pulled that are Recommended for Review and Filing of Cases for Investigation – Consent Agenda**

Agenda Item No. 92	Dr. John R. Lee
Agenda Item No. 93	Dr. Julie Anfinson

Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to FILE CASES FOR INVESTIGATION for the remaining items on the Consent Agenda. MOTION PASSED UNANIMOUSLY.







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**Agenda Item No. 72**                      **Case No. 280193**  
**Dr. Eric J. Steinbrecher**

Mr. Tonner was present on behalf of Dr. Steinbrecher.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to DISMISS for Lack of Supporting Evidence. MOTION PASSED UNANIMOUSLY.

\*\*The Board directed staff to place Western Dental on the April agenda for alleged failure to release records.

**Agenda Item No. 68**                      **Case No. 280167**  
**Dr. Manuel C. Bedoya**

Mr. Gaines, on behalf of Dr. Bedoya and complainant CH were present.

CH stated that he initially went to Dr. Bedoya for a second opinion. He had suffered gum loss, not only because of his original dentist, but because of Dr. Bedoya as well. He was a patient of Dr. Bedoya's for 9 months. During that time, Dr. Bedoya only took x-rays at the initial consultation. He had his crown removed and a post placed without any additional x-rays. He felt this was a case for malpractice. In response to the Board, CH stated that he did receive a refund from Dr. Bedoya. The Board informed CH that this was not the forum for malpractice.

Mr. Gaines stated that this case was the second case filed by this complainant, against 2 different dentists. He has been refunded by both dentists. Dr. Bedoya referred CH to a periodontist, who said there was nothing wrong with CH.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Sommerhalter RECUSED. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 82**                      **Case No. T-08-046**  
**Associated Dental**

Complainant WA was present. He stated that the standard of care was below average at Associated Dental. He was told that they would accept his insurance, when, in fact, they did not. He was completely misled and trapped into receiving services that he otherwise would not have received had he known they would not be covered by his insurance. The Board informed WA that it had no jurisdiction in insurance matters.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to TERMINATE for Lack of Jurisdiction. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 93**                      **Dr. Julie Anfinson**

The Board decided to take no action in this matter.

**Agenda Item No. 92**                      **Dr. John R. Lee**

The Board decided to take no action in this matter.



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Minutes APPROVED at the April 3, 2009 Board Meeting

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Elaine Hugunin, Executive Director

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