



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING APRIL 3, 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

Board Members Absent:

Ms. Susan C. Stevens
Mr. Jason D. Farnsworth

Staff Present:

Ms. Elaine Hugunin, Executive Director
Ms. Pamela J. Paschal, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney 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 8:01 a.m.

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Agenda Item No. 5 Executive Director's Report

- A. Summary of current events that affect the Arizona State Board of Dental Examiners (This is the time for the Board President or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.)

Ms. Hugunin and the Board thanked Ms. Pam Paschal for her service as Deputy Director and wished her well in her new position. She has accepted the Deputy Director position at the Chiropractic Board.

Ms. Hugunin also announced that Ms. Nancy Chambers will be transitioned into the Board's Deputy Director position.

- B. BOARD MEMBER TRAINING
Presentation by attorney and staff regarding the following topics:

1. Options under the dental practice act for disposition of complaints
2. Procedures and action on Petition for Review/Rehearing

The Board member training was tabled.

- C. Review, discussion and possible action regarding revision to Substantive Policy - Continuing Education Ordered by the Board. Recommendations to add prohibition of internet courses and requests for approval of courses already completed.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to APPROVE the Substantive Policy regarding Board-ordered Continuing Education as presented. MOTION PASSED UNANIMOUSLY.

- D. Review, discussion and possible action regarding mobile dentistry legislation, including AzDA request for support of proposed legislation to regulate mobile dentistry.

Ms. Hugunin reminded the Board that at its last meeting the status of the mobile dentistry legislation was discussed. The Board voted to table this matter until the 2010 Legislative session. This was done due to other initiatives, primarily the State's budget crisis being the current legislative priority. Additionally, it was determined that additional information to substantiate the magnitude of the problem needed to be obtained and the stakeholders needed to be expanded. Subsequent to that meeting, staff had a discussion with AzDA representatives on how this issue could move forward. Also, a letter from the former Chair of the AzDA Board was submitted to the Board, which was not submitted in time for the February meeting. This issue is brought before the Board at this meeting to, once again, discuss and take action to support taking the Bill to the 2010 legislative session and taking the necessary steps within the next few months for the introduction of legislation during the 2010 session. These steps include identifying other impacted parties in order to develop a comprehensive approach in addressing the issues.

AzDA requested that the Board support its bill as opposed to waiting until the 2010 legislative session to introduce it. Ms. Radin, Director of Government and Public Affairs, indicated that the effective date could be delayed until the rule-making moratorium was lifted. Delaying the effective date would defer the Board's obligation to begin implementing

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the regulation of these entities. She also stated there is an exemption in place for Boards that regulate health care professionals. Ms. Radin believed that waiting would cause the legislation to lose momentum.

Upon MOTION by Dr. Morrison, second by Ms. Bevers the Board voted to support its previous decision in tabling the legislation until 2010. In the interim, key stakeholders will be reconvened. MOTION PASSED UNANIMOUSLY.

- E. Dr. Christopher Antczak - Review discussion and possible action on anonymous information regarding abuse of prescribing privileges.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION. Dr. Gradke RECUSED. Dr. Cole, Dr. Spigner, Dr. Waite, and Dr. Rosenthal were OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to TAKE NO ACTION. Dr. Gradke RECUSED. Dr. Morrison, Ms. Bevers, Dr. Sommerhalter and Ms. Zastrow were OPPOSED. MOTION FAILED.

Board discussion ensued regarding whether or not enough evidence could be gathered to prove the allegation made in this matter. Ms. Paschal assured the Board that its Chief Investigator has looked into this matter, but could find nothing that would substantiate the anonymous information.

Upon MOTION by Dr. Cole, second by Dr. Waite the Board voted to TAKE NO ACTION. Dr. Gradke RECUSED. MOTION PASSED UNANIMOUSLY.

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

Upon MOTION by Ms. Zastrow, second by Dr. Gradke the Board voted to TAKE NO ACTION. MOTION PASSED UNANIMOUSLY.

**The Board directed staff to send a letter regarding its concern with Dr. Auerbach's anesthesia records.

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

No action taken.

**The Board directed staff to send a letter to Dr. Leis regarding her anesthesia record-keeping.

- H. Review, discussion and possible action regarding website development.

Ms. Hugunin addressed the Board regarding the new website. The web address is www.azdentalboard.us and staff has received positive responses so far. Staff will strive to identify areas of improvement and make changes or adjustments accordingly. It is hoped that the new website will be the beginning of more innovative developments such as on-line license renewals and newsletter distribution.

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The query function should be ready for the public to utilize within the following week. Ms. Hugunin asked the Board to reaffirm that the information normally given to the public over the phone regarding complaint history and pending complaints is acceptable to be placed on the Board's website.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to APPROVE the current construction of the Board's website, including its query information regarding complaint history and pending complaints. MOTION PASSED UNANIMOUSLY.

- I. Review and discussion of the Committee on Healthcare and Medical Liability Reform regarding funding and operation of health professional boards - information only.

This matter was tabled.

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

- A. VACANT

Agenda Item No. 7 - Personnel Issues

- A. VACANT

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

- A. VACANT

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. Dolores M. Avila - Certified in CA
- B. Patricia M. Pregler - Certified in CA
- C. Kelli A. Barnett - Certified in CA
- D. Rainell R. Kye-Baker - Certified in CA
- E. Renee L. Callagey - Certified in CA
- F. Lucy P. White - Certified in CA
- G. Ivonne T. Trotter - Certified in CA
- H. Jennifer P. Shafer - Certified in CA
- I. Ashlee D. Smith - Certified in CA
- J. Veronica Nuno - Certified in CA
- K. Debra M. Chase - Certified in CA
- L. Jacqueline J. Montes - Certified in CA
- M. Tana M. Triviso - Certified in NM

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

- A. Dr. Michael K. Lauck - Tabled from the February Board meeting pending additional information on prescriptions renewed by the doctor and documentation of record keeping.

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Dr. Lauck was present and stated he failed to see the difference between what he could do in a hospital setting as opposed to what he could do within his practice. He knew that he was practicing outside the scope of licensure when prescribing medications; however, he was not aware that he could not renew a prescription that had already been written by his physician. Once he became aware, he discontinued the practice. The last prescription he renewed was in 2004, 1 year prior to the hearing on the matter.

With regard to the incident in 1991, he practiced oral surgery and did not have an anesthesia permit. He practiced without the permit for 17 years. He was aware of the law requiring the permit, and was instrumental in putting the law in place, but thought the law only applied to general dentists, not oral surgeons. He obtained his permit once he became aware that it was required of him.

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

- B. Dawn H. Krukar, RDH - Tabled from the February Board meeting pending a comprehensive evaluation. Ms. Krukar has requested to withdraw her application for licensure.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to ACCEPT the withdrawal of Ms. Krukar's application for licensure. MOTION PASSED UNANIMOUSLY.

- C. Dr. Laurence Douglas Isrealsen - 1988 UT Dental exam prior to a regional; 3 Malpractice reports listed on NPDB and 1 Malpractice pending. Utah has taken action on license.

Dr. Isrealsen was present. This issue arose because 20 years ago, he removed a bone spur from a patient's toe. The patient submitted the bill for an insurance payment and the matter came to the Board's attention. He has not done anything of that nature since then. At the time, he was in a residency program at the Mayo Clinic that involved cosmetic and general surgery. He believed this qualified him to remove the bone spur. In response to the Board, Dr. Isrealsen stated that he has performed cosmetic procedures in the past, but not anymore. The last facial reconstruction surgery he performed was in December of 2007. He has done laser facial surgery and laser eyelid surgery. He did not complete a specific training program to perform those procedures, but they were included in his residency program at the Mayo Clinic. Utah investigated this matter and allowed him to continue to perform those procedures. He also had hospital privileges. The state of Utah allows him to practice cosmetic surgery. With regard to the latest malpractice issue, it was over 10 years ago and involved a patient who had received a titanium plate. It had become a problem for her and Dr. Isrealsen was going to remove it, but was going to charge her for its removal. She went to another dentist and filed a claim against his malpractice insurance.

The Board felt that Dr. Isrealsen exceeded the scope of practice and was concerned with the type of practice he would have should he be licensed in Arizona. Dr. Isrealsen stated that if he were to be licensed in Arizona, he would limit his practice to oral surgery.

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

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- D. Michael S. Palopoli, RDH - Board approved exam, disclosure of 2 misdemeanor charges. NY Board found a minor/technical professional misconduct.

Upon MOTION by Dr Rosenthal, second by Ms. Bevers the Board voted to issue a COMPREHENSIVE REVIEW REQUEST for additional information to consist of proof of completion of the 1000 hours in the form of payroll records. MOTION PASSED UNANIMOUSLY.

- E. Lyndy K. Butler, RDH - 1996 SC Dental Hygiene exam prior to a regional exam.

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

- F. Cathy J. Chandler, RDH - 1991 TX Dental Hygiene exam prior to a regional exam.

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

- G. Pauline M. Mouw, RDH - 1990 NC Dental Hygiene exam prior to a regional exam.

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

Request for Action on Licensure by Credential – Clinical Examination taken more than 5 years ago

- H. Dr. Lee Ann Brady - 1988 FL Dental Exam - malpractice disclosure

Dr. Brady was present.

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

- I. Dr. Kimberly M. Wachter - 1981 CRDTS Exam

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

Request For Action on Licensure By Credential – Consent Agenda Clinical Examination taken less than five years ago

- J. 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. MOTION PASSED UNANIMOUSLY.

- A. Dr. Bae Joonwoo - 2005/2006 NERB

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- B. Dr. Donald D. Nuwey - 2002/2003 NERB
- C. Dr. Chandan S. Walia - 2001/2002 NERB
- D. Dr. Arwinder S. Judge - 1995 NERB
- E. Dr. Milutin Drakulovic - 1994 NERB
- F. Dr. David A. Foreman - 1979 NERB
- G. Dr. Gerald D. Fox - 1972 NERB
- H. Dr. Nahid Sekandari - 1996 CA
- I. Dr. Mark R. Oblad - 2001 WREB
- J. Dr. Samuel Duran, Jr. - 1994 WREB
- K. Cynthia J. Allen, RDH - 2001/2002 NERB
- L. Hope M. Hinderliter, RDH - 2006 CA
- M. Anita J. Webb, RDH - 1995 CRDTS

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

- A. Dr. Julie B. Bradshaw - Review, discussion and possible action regarding supplement to 2008 renewal application.

Dr. Bradshaw was present along with her attorney, Mr. Jantsch. Mr. Jantsch stated that on Dr. Bradshaw's 2008 application for renewal, she answered "no" to question #8 which asked were there any medical, physical or psychological impairments. Dr. Bradshaw does have an impairment which caused her to limit her practice to exodontia for indigent patients. She sent notification to her patients that she would be limiting her practice. Mr. Jantsch stated that the word "currently" in question #8 was confusing to Dr. Bradshaw because at the time of her renewal, she had already limited her practice. She is not impaired to the point where she cannot practice at all. There was no intent to deceive the Board.

Dr. Bradshaw stated that she sent a letter explaining the injury. She was not attempting to deceive the Board in that she had already changed the type of practice she has. In response to the Board, exodontia does not require fine motor skills. She has a doctor's report, but did not have it at this meeting. Her motor skills are there, but her hand fatigues quickly. She has gone through rehabilitation and physical therapy to ensure that she is safe to practice.

Upon MOTION by Ms. Zastrow, second by Dr. Morrison the Board voted to TABLE this issue pending receipt of Dr. Bradshaw's medical records for its review. MOTION PASSED UNANIMOUSLY.

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

REQUEST FOR ACTION ON LICENSURE/CERTIFICATE BY EXAMINATION

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

- A. Dr. Steven L. Haase - Previous disciplinary action in Arizona; voluntary surrender of prior license; consideration of other information regarding qualification for licensure.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to ACCEPT the withdrawal of Dr. Haase's application for licensure. Dr. Rosenthal RECUSED. MOTION PASSED.

REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

B. VACANT

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.

C. VACANT

HEALTH AND WELL BEING

D. Dr. Malcolm D. Kaiser - Review, discussion and possible action including opening an investigation for alleged substance abuse and possible entrance into the Board's two-year substance abuse monitoring program; consideration of evaluation report by Dr. Sucher.

Dr. Kaiser was present. Dr. Sucher reported that Dr. Kaiser had admitted to having alcohol in his dental office. He has stopped, but does have a history of alcohol abuse. He has been in a private drug monitoring program and has been in compliance with the terms and conditions of that program. Dr. Sucher recommended that Dr. Kaiser be placed into the Board's 2 year Abuse Track Program.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to ACCEPT Dr. Kaiser into the Board's 2 year Abuse Track Program under its usual terms and conditions and OPEN AN INVESTIGATION with a VIOLATION of A.R.S. §32-1201.21(n). Dr. Gradke RECUSED. MOTION PASSED.

Agenda Item No. 14 - CONSIDERATION OF MATP CONSENT AGREEMENTS & REQUIRED PERSONAL APPEARANCES

A. Dr. Robert N. Hoskyns - Review, discussion and possible action regarding opening an investigation, reinstatement of license and re-entrance into the MATP with modification to stipulation agreement.

Dr. Hoskyns was present. Dr. Sucher reported that Dr. Hoskyns was a MATP participant prior to November of 2008. He tested positive for alcohol twice and was evaluated at a treatment facility. He was diagnosed as relapsed and received additional treatment at Betty Ford for 3 months. Dr. Sucher's recommendation was for re-entrance into the MATP. Dr. Hoskyns has been in a mirror image program for 3 weeks now and there have been no issues with compliance. Dr. Sucher recommended that the MATP standard agreement be modified to include exclusion of Nitrous, restriction of Schedule II and III drugs, a 20 hour workweek for the first month and on-going psychotherapy for 12 months as opposed to 5 years.

The Board indicated that an automatic revocation clause should also be included. Should Dr. Hoskyns become non-compliant with any of the terms or conditions listed in the agreement, or in the event of relapse, Dr. Hoskyns' license would be subject to revocation. Dr. Hoskyns would still be able to administer oral sedation drugs, but would not be able to write prescriptions for

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them. A list of the approved drugs would be provided for administering in the office only. He would have no other prescribing privileges for a period of 2 years.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT Dr. Hoskyns into the MATP with its usual terms and conditions AND: an exclusion of Nitrous, restriction of Schedule II and III drugs for a period of 2 years, a 20 hour workweek for the first month, psychotherapy for a period of 12 months, an automatic revocation clause should there be any violations to the MATP agreement and a list of the accepted oral conscious sedation drugs for administering in the office only. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to RE-INSTATE Dr. Hoskyns' license to practice dentistry and OPEN AN INVESTIGATION for Non-compliance with a Consent Agreement. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 15 - UPDATE ON MATP PARTICIPANTS

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

Agenda Item No. 16 - UPDATE ON ABUSE TRACK PARTICIPANTS

Dr. Sucher reported that all Abuse Track participants were in compliance at this time. They will be appearing at the quarterly MATP meeting.

Agenda Item No. 17 - PROBATION MONITORING & REQUIRED PERSONAL APPEARANCE

A. Dr. Michael R. Templeton - Case 250280

This matter was tabled until the June Board meeting.

Agenda Item No. 18 – Other Committee Reports

B. VACANT

ACTION ON CASES – Morning Agenda
From Investigative or Informal Interview

Agenda Item No. 21 **Case No. 280323**
Dr. Clayton Wainwright

Mr. Tonner, on behalf of Dr. Wainwright and complainant CG were present.

CG stated that she was requesting reimbursement from Dr. Wainwright for her insurance provider.

Mr. Tonner provided the Board with a treatment summary for its review. Dr. Wainwright had performed root canal therapy for CG, but she would not allow local anesthetic. She felt that it would be easier to just go somewhere else for the remainder of her treatment and be reimbursed by Dr. Wainwright. CG claimed to have called Dr. Wainwright over the weekend complaining of pain, but did not get a return call from him. Mr. Tonner stated it was noted in Dr. Wainwright's records that he had returned her phone call. CG saw a subsequent treating dentist 5 months after her treatment by Dr. Wainwright. He noticed that the build-up was gone and there was distal decay. Mr. Tonner believed these were issues that were considered normal

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after 5 months without a temporary crown. At this point, CG has been given all of her money back except for \$150. Mr. Tonner asked that the case be dismissed.

The Board indicated that some of the patient's allegations were not included in this complaint. The endodontics, operative dentistry and crown and bridge were not addressed. CG was not concerned with the quality of care issues; she was more concerned with the pain management issues. Also, it appeared that Delta Dental was due to receive \$499 as a refund, but had not been refunded as of this meeting. There were issues with the billing as well in that Dr. Wainwright billed for a surgical extraction and an alveoloplasty both on the same day.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to VACATE the previous Investigative Interview and REMAND to a new Investigative Interview with the added allegations of Inadequate Endodontics, Inadequate Operative Dentistry and Inadequate Crown and Bridge. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 23 **Case No. 280305**
Dr. Hugh T. Keeffe

Mr. Tonner was present on behalf of Dr. Keeffe and stated that both the DEA and the Board visited Dr. Keeffe in June of 2008. Apparently, Hydrocodone was ordered from Dr. Keeffe's office between April 2006 and October 2006. Mr. Tonner stated that Dr. Keeffe's assistant had been ordering the drugs. Another invoice indicated that In January of 2008, another employee also ordered the drug. Dr. Keeffe immediately fired that particular employee. As a result of the Board visit, Dr. Keeffe was asked to provide a urine sample. The results were that it was diluted. Dr. Keeffe did not know why the sample was diluted. He has never had an issue with drugs in the past. Mr. Tonner believed the Investigative Interview (I.I.) panel came down relatively hard on Dr. Keeffe. He asked the Board to consider dismissal or a letter of concern.

The Board expressed a concern with Dr. Keeffe's sample being diluted. In order to objectively adjudicate this case, the Board indicated that an evaluation of Dr. Keeffe would be required.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to TABLE this case pending a substance abuse evaluation of Dr. Keeffe by the Board's medical director. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 24 **Case No. 280322**
Dr. Gary M. Steen

Dr. Steen, his attorney Ms. Corcoran and complainant JP were present.

JP stated that he was in agreement with the Investigative Interview (I.I.) panel's recommendation. He was offered a refund for his fees, but the insurance provider was never refunded the \$215 that was owed to them. In response to the Board, JP stated that he would have followed up with the referral to the oral surgeon had he known a root fragment was left by Dr. Steen. This was never conveyed to him so he saw no reason to go to the oral surgeon. He did eventually go to an oral surgeon, but it was not who Dr. Steen referred him to. JP's wife was present at the time of the extraction. If JP was partially sedated and unable to receive the information regarding the root fragment, his wife would have been there for Dr. Steen to inform.

Ms. Corcoran stated that the I.I. panel only found risk management issues; not quality of care issues. Dr. Steen had given JP a referral to an oral surgeon who had been informed of the root fragment. This oral surgeon was going to talk to JP about it. JP chose to go to a different oral surgeon who did not have the information from Dr. Steen concerning the root fragment. In response to the Board, Ms. Corcoran stated

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that Dr. Steen elected not to tell JP or his wife of the residual fragment because he believed they would be going to the oral surgeon he referred JP to. The oral surgeon would sit them down and talk over the options regarding the fragment when they went to him. He did not know that JP would go to a different oral surgeon. Ms. Corcoran stated that this case should not result in a violation, but should instead be issued a letter of concern.

Dr. Steen stated he did not know why JP's wife was not informed of the residual root fragment. On the day of treatment, he was preoccupied with JP's paradoxical reaction to the anesthetic. There were actually 2 roots left. He should have told the patient or his wife, but instead he referred JP for an evaluation to an oral surgeon. He did not give JP a written referral, but talked to the oral surgeon that he would be going to. He did not plan on JP going to a different oral surgeon. It was understood that JP would be going back to Dr. Steen once the oral surgeon was done. Dr. Steen stated that he did talk to JP later that day, but did not tell him of the root fragment then either.

Ms. Corcoran believed that, due to the patient's paradoxical reaction to the anesthetic, Dr. Steen overlooked telling JP about the residual root. There was nothing deliberate in not informing him. Dr. Steen did offer to refund JP, but it has not been issued yet. Dr. Steen asked JP to come to his office in order to discuss a settlement of his concerns, but JP did not respond.

JP stated he did not respond to Dr. Steen's offer because he thought Dr. Steen made the offer in order for him to drop his complaint, however, he did feel that he should be refunded.

In review of the records from the oral surgeon, the issue of the root fragment was never addressed by him. Because JP was unaware it had been left, he could not tell the dentist. The radiographs revealed that a majority of the mesial root was still intact.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

No changes were made to the Findings of Fact.

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

**The Board requested priors - staff reported 2.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose RESTITUTION of \$215 to be determined by the Chief Investigator for distribution to the insurance company and the patient and CONTINUING EDUCATION of 6 hours in Record Keeping and 4 hours in Risk Management with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 22 **Case No. 280329**
Dr. Steven Chris Chang

Dr. Chang, his attorney Mr. Cummings and complainant CN were present.

CN stated this has been a traumatic experience for her. The problems she is experiencing are life long and she could possibly have further complications in the future. She is unable to eat certain foods and she has trouble pronouncing certain words. The problems caused by Dr. Chang have also placed a strain on her marriage. She has had to retrain herself how to eat and drink and must be very careful with the

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temperature of what she consumes. She can feel objects when placed on her lips and chin, but she is unable to discern what they are.

Mr. Cummings stated Dr. Chang attempted an extraction of tooth #17 but was unable to complete it. During the extraction, Dr. Chang encountered some difficulty removing the tooth. He stopped the extraction and referred CN to an oral surgeon who successfully removed tooth #17 and #32. The Investigative Interview (I.I.) panel had 2 issues. The first issue was that Dr. Chang did not take a panorex radiograph prior to the extraction. Dr. Chang agreed that he should have done so and has changed this procedure in his practice. He also took a continuing education course to address this issue. The second issue was that Dr. Chang may have gone in too deep in his attempt to extract the tooth. However, Mr. Cummings emphasized that CN also suffered a bilateral injury from the extraction of tooth #32. The I.I. panel recommended a censure; Mr. Cummings asked that the Board reconsider that recommendation.

Dr. Chang stated he explained both the risks and benefits of the extraction to CN. He also gave her the option of having him do the extraction or going to an oral surgeon. After Dr. Chang sectioned the crown, he realized he should have taken a panorex. He sent CN to an oral surgeon when he could not remove the tooth. However, it was Christmas Eve and he had difficulty locating an oral surgeon. He called CN later that night and she was still in extreme pain. He finally located an oral surgeon later that night. In response to the Board, Dr. Chang stated he wrote all of the notes in his office records. He took a periapical radiograph and was able to see the nerve. He did take a panorex, but it was during the procedure, not prior to. Since this incident, Dr. Chang has stopped doing difficult extractions. Prior to treating CN, he had done several hundred extractions. When asked if he would have started the extraction had he taken a panorex prior to the procedure, Dr. Chang responded that he would have because CN was in pain and it was Christmas Eve. He actually thought the pre-surgery periapical was adequate at the time. He has now changed his policy to taking a panorex prior to all wisdom tooth extractions.

CN stated she was told she could have complications or infections prior to Dr. Chang beginning the extraction. However, nothing was specific and she had no idea the complications would be as severe as they were. She had never been in that situation. While she did not believe Dr. Chang had any malicious intent, he was attending to 4 or 5 patients at the same time and could not give her the attention she needed. She held him responsible for the condition she is in now.

Upon MOTION by Ms. Zastrow, second by Dr. Gradke the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.21(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors - staff reported 3

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose CONTINUING EDUCATION of 24 hours in Hands-on Oral Surgery with 1 year time to complete and a RESTRICTION OF PRACTICE of no extractions of any kind until the Continuing Education is completed. Dr. Waite OPPOSED. MOTION PASSED.

Agenda Item No. 25 **Case No. 280380**
Dr. Peter A. Bassett

Mr. Cummings, on behalf of Dr. Basset, complainant GM and his wife MM were present.

GM stated he believed the Investigative Interview (I.I.) panel did a good job. Dr. Bassett failed to recognize all of the open margins he left. He did offer a refund to GM for 14 crowns and GM now has to have the bridge re-done. GM did not accept the refund from Dr. Bassett. In response to the Board, GM waited 7 years to file a complaint because he was not sure how the problem should be handled. Dr. Bassett kept

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reassuring him that he would take care of the bridge. His wife, MM, added that, due to all of the open margins, there could now be an issue with decay. GM now has a trust issue with dentists.

Mr. Cummings stated there was a dilemma procedurally and factually with this case. There was no allegation of inadequate crown and bridge. The I.I. panel recommended that it be added. Mr. Cummings asked the Board to consider remanding this case as a whole and not on the single allegation of inadequate crown and bridge. Dr. Bassett wanted to resolve the issues in this case with the patient. He has offered a refund and also offered to send GM to another dentist at no cost to him.

The Board informed GM that, should a violation be found in this case, restitution was the most that could be given to him. Dr. Bassett has already offered to refund \$7000 to GM and was willing to pay to have the work redone by another dentist.

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to VACATE the previous Investigative Interview and REMAND to a new Investigative Interview with an added allegation of Inadequate Crown and Bridge and removing the allegation of Inadequate Complete Denture. Ms. Zastrow OPPOSED. MOTION PASSED.

Agenda Item No. 20 **Case No. 280250**
Dr. Anthony J. Oliveri

Dr. Oliveri was present. He stated he moved to Arizona 2 years ago from New York and became employed with Bright Now! Dental. The patient in this case was a patient of record of Bright Now! Dental, and had been a patient prior to Dr. Oliveri's employment. After being employed by Bright Now! for 1 year, Dr. Oliveri left the practice. Dr. Oliveri's employment contract specifically stated that all patient records, etc. were the property of Bright Now! Dr. Oliveri believed Bright Now! is ultimately responsible for the patient in this case. He has been practicing dentistry for over 30 years without incident and has had extensive training in Endodontics.

The Board informed Dr. Oliveri that in Arizona, the licensee is responsible for his or her treatment to the patient. However, there was no evidence to support the allegations made in this case.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

The Board did not uphold any of the allegations in this case.

Upon MOTION by Ms. Zastrow and duly seconded the Board voted to DISMISS for Lack of Supporting Evidence. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to OPEN A CASE against Bright Now! Dental for alleged failure to supervise staff, allegedly permitting illegal conduct and failure to release records. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 19 **Case No. 280260**
Dr. Steven L. Frost

Complainant CG was present and stated she never got a chance to talk to Dr. Frost when she became ill. She called the office numerous times, but never received a call back from Dr. Frost. The person who answered the phone, advised her not to go to E.R. because she could be taken care of at the office. She

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ended up going to E.R. anyway and, from there, to the Intensive Care Unit. She was on IV antibiotics for a month afterwards.

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

Board discussion ensued. Some members believed the clinical care provided to CG was adequate, but there were several record-keeping issues.

Dr. Waite moved to issue a Letter of Concern but withdrew that motion.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 4 hours in Risk Management and 6 hours in Diagnosis and Treatment Planning with 6 months time to complete. Dr. Morrison RECUSED. MOTION PASSED.

ACTION ON PREVIOUS ACTION

Agenda Item No. 27 **Case No. 280205**
Dr. John Alan Garza

Mr. Tonner was present on behalf of Dr. Garza. At the February 2009 Board meeting, this case was tabled pending proof of changes and corrections to Dr. Garza's advertisement. The Board was presented with the latest print-out of Dr. Garza's internet advertisement. The changes that were in question were completed.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to issue a LETTER OF CONCERN stating that the doctor should closely monitor his advertising and/or information presented to the public so that he is in compliance with the statutes. Dr. Morrison RECUSED. MOTION PASSED.

Agenda Item No. 26 **Case No. 280309**
Dr. Daniel Nathan Indech

The complainant DG, had signed in, but was not present when the case was called.

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

**The complainant appeared to address the Board after the case was adjudicated. The Board considered her testimony, but did not change its previous order.

**The Board directed staff to place Dr. Joseph Robert Mikulicz on the June agenda to open an investigation regarding alleged Inadequate Crown and Bridge.

Agenda Item No. 28 **Case No. 280275**
Dr. Douglas O. Beischel

Dr. Beischel and complainant WB were present. This case was tabled from the February Board meeting pending staff contact with Dr. Beischel regarding a refund to the patient.

Dr. Beischel stated he had originally intended to refund WB's fees and thought it would have been a gesture of goodwill, but after consideration and discussion with his staff, he would not be doing so. He stated that

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WB has been rude and discourteous. Also, he has not sought treatment elsewhere even though he has other dental needs that must be addressed. The Investigative Interview panel's recommendation was for dismissal.

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

MORNING CONSENT AGENDA

The following items were pulled from the Morning Consent Agenda either at the request of a Board Member or by the public. These items will be discussed individually:

Cases pulled that are Recommended for Dismissal – Consent Agenda - From Investigative Interview

Agenda Item No. 29	Case No. 280255	Dr. Marc H. Braslow
Agenda Item No. 30	Case No. 280272	Dr. Luke W. Denton
Agenda Item No. 31	Case No. 280376	Dr. Wayne G. Thorpe
Agenda Item No. 32	Case No. 280208	Dr. Clayton Wainwright
Agenda Item No. 34	Case No. 280310	Dr. Gregory R. Manning
Agenda Item No. 36	Case No. 280246	Dr. Keith M. Rogers
Agenda Item No. 37	Case No. 280271	Dr. Thomas Gaetano Greco
Agenda Item No. 40	Case No. 280325	Dr. David Kloss
Agenda Item No. 41	Case No. 280308	Dr. Gary F. Salwin
Agenda Item No. 42	Case No. 280324	Dr. Lisa M. Beznoska
Agenda Item No. 43	Case No. 280212	Dr. Nam-Rene Nguyen
Agenda Item No. 44	Case No. 280299	Dr. Jacquicola Lott-Smith

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to DISMISS the remaining cases on the Consent Agenda. Dr. Waite RECUSED. MOTION PASSED UNANIMOUSLY.

Cases DISMISSED:

Agenda Item No. 33	Case No. 280238	Dr. Gregory A. Waite
Agenda Item No. 35	Case No. 280311	Dr. Gregory R. Manning
Agenda Item No. 38	Case No. 280331	Southwest Dental Group
Agenda Item No. 39	Case No. 280385	Southwest Dental Group
Agenda Item No. 45	Case No. 280318	Dr. Ronald J. Moon
Agenda Item No. 46	Case No. 280347	Western Dental of Arizona, Inc.
Agenda Item No. 47	Case No. 280335	Western Dental of Arizona, Inc.
Agenda Item No. 48	Case No. 280277	Dr. Jack I. Lipton

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

Agenda Item No. 49	Case No. 280240	Dr. Michael I. Domingo
Agenda Item No. 51	Case No. 280165	Dr. Garrett L. Lum
Agenda Item No. 52	Case No. 280411	Dr. Robert F. Guyette
Agenda Item No. 53	Case No. 280338	Dr. Gregory L. Aldrich

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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN in the remaining case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case issued a LETTER OF CONCERN:

Agenda Item No. 50	Case No. 280455	Dr. Benjamin G. Weir Stating the patient's record must contain diagnostic radiographs and a written documented diagnosis for the treatment which is going to be done
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Cases pulled that are Recommended for Issuance of a Letter of Concern – Consent Agenda - From Triage

Agenda Item No. 54	Case No. 280373	Dr. Paul J. Pease
Agenda Item No. 55	Case No. 280357	Dr. L. Mitchell Thomas

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

Agenda Item No. 56	Case No. 280251	Dr. Hector M. Nunez
Agenda Item No. 57	Case No. 280262	Dr. Kenneth J. Marz

Cases pulled that are Recommended for Remand - Consent Agenda

Agenda Item No. 59	Case No. 280210	Dr. William A. Hoskyns
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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to REMAND the remaining case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case REMANDED:

Agenda Item No. 58	Case No. 280288	Dr. Peter Rinaldi
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Cases pulled that are Recommended for Termination/Lack of Jurisdiction – Consent Agenda

Agenda Item No. 67	Case No. T-09-007	Dr. Hazem Hussein Jabr
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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. 60	Case No. 280441	Dr. William H. Frost
Agenda Item No. 61	Case No. T-09-001	Dr. Angela Chun Baskin
Agenda Item No. 62	Case No. T-09-002	Dr. Gary D. Robinett
Agenda Item No. 63	Case No. 280439	Dr. James M. Skaalen
Agenda Item No. 64	Case No. T-09-004	Dr. Roger A. Green
Agenda Item No. 65	Case No. T-09-006	Dr. Steven Swager
Agenda Item No. 66	Case No. 290032	Dr. Mark A. Espinoza
Agenda Item No. 68	Case No. 280430	Dr. Ronald J. Moon

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Cases pulled that are Recommended for Termination/Lack of Supporting Evidence – Consent Agenda – From Triage

Agenda Item No. 71	Case No. 280374	Dr. Navid Hajiseyed Javadi
Agenda Item No. 73	Case No. 280364	Dr. George R. Ayoub
Agenda Item No. 74	Case No. 280336	Dr. Thomas M. Mattern
Agenda Item No. 75	Case No. 280456	Total Dental Solutions
Agenda Item No. 79	Case No. 280408	Dr. Robert D. Sundberg
Agenda Item No. 80	Case No. 280407	Dr. Martin J. Sobiearaj
Agenda Item No. 83	Case No. 280473	Dr. Massoud Eftekhari

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to TERMINATE for Lack of Supporting Evidence the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases TERMINATED/LACK OF SUPPORTING EVIDENCE:

Agenda Item No. 69	Case No. 280356	Dr. Brian E. Dalton
Agenda Item No. 70	Case No. 280388	Dr. Kirk J. Anderton
Agenda Item No. 72	Case No. 280369	Dr. Glenn Cochran Hanf
Agenda Item No. 76	Case No. 280426	Dr. Thomas T. Pham
Agenda Item No. 77	Case No. 280423	Dr. Randall C. Nunley
Agenda Item No. 78	Case No. 280409	Dr. Todd R. Cockrell
Agenda Item No. 81	Case No. 280444	Dr. Heather R. Ronngren
Agenda Item No. 82	Case No. 280450	Dental Elegance, Inc.
Agenda Item No. 84	Case No. 280477	Dr. Nam-Rene Nguyen

Agenda Item No. 85 - Approval of Restricted Permit(s) (Application or Renewal) - Consent Agenda

A. VACANT

Agenda Item No. 86 – Ratification of New Dental and Dental Hygiene Licenses – Consent Agenda

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

Jennifer L. LaGrone, DDS
D 7702, issued: 01/26/2009

David A. Taylor, DDS
D 7718, issued: 02/09/2009

Khristi R. Poidmore, DDS
D 7703, issued: 01/27/2009

Adeel Anwar, DDS
D 7720, issued: 02/18/2009

Dustin L. Slunaker, DMD
D 7704, issued: 02/02/2009

Joseph R. Bentley, DDS
D 7721, issued: 02/18/2009

Devon L. Holeman, DMD
D 7717, issued: 02/09/2009

Paige T. Bafus, DDS
D 7722, issued: 02/24/2009

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Jennifer J. Crowe, DDS

D 7723, issued: 02/27/2009

Noushin Shakiba, DMD

D 7724, issued: 02/27/2009

Trevor M. Jensen, DDS

D 7725, issued: 03/02/2009

Gavin C. Christensen, DMD

D 7726, issued: 03/11/2009

Spencer C. Archibald, DDS

D 7727, issued: 03/11/2009

Julia E. Brown, DDS

D 7728, issued: 03/19/2009

Jeffrey G. Robinson, DDS

D 7729, issued: 03/23/2009

Total Dental: 15

Vaughn R. Hixson, RDH

H 6599, issued: 01/29/2009

Rachael L. Pike, RDH

H 6600, issued: 02/02/2009

Jennifer S. Mattics, RDH

H 6601, issued: 02/02/2009

Shelli J. Ryczek, RDH

H 6611, issued: 03/03/2009

Natalie Lacey, RDH

H 6612, issued: 03/13/2009

Robyn L. Mishler, RDH

H 6613, issued: 03/23/2009

Karen E. Gehl, RDH

H 6614, issued: 03/26/2009

Total Dental Hygiene: 6

Agenda Item No. 87 - Approval of Consultants and Examiners - Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to APPROVE the following as Consultants and Examiners. MOTION PASSED UNANIMOUSLY.

- A. Dr. Louis Todd Core - Anesthesia Evaluator
- B. Dr. Lee M. Weinstein - Anesthesia Evaluator
- C. Dr. David Frausto, Jr. - Anesthesia Evaluator
- D. Dr. Leigh-Ann Schuerman - Investigative Interviews, Anesthesia and Clinical Evaluations
- E. Dr. Karin F. Hilsabeck - Investigative Interviews and Clinical Evaluations
- F. Mark Royal - Public Consultant, Investigative Interviews
- G. Dr. David DeJesus Acosta - Investigative Interview and Clinical Evaluations
- H. Dr. Paul Douglas - Investigative Interviews and Clinical Evaluations
- I. Dr. Scott Adams - Investigative Interviews and Clinical Evaluations
- J. Dr. Michael Levy - Investigative Interviews and Clinical Evaluations
- K. Dr. Bradley A. Briggs - Investigative Interviews and Clinical Evaluations
- L. Dr. Gregg M. Woodward - Investigative Interviews and Clinical Evaluations
- M. Dr. Mark S. Passell - Investigative Interviews and Clinical Evaluations

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Agenda Item No. 88 – Approval of Minutes – Consent Agenda

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

- A. February 6, 2009 Board Meeting Minutes
- B. February 6, 2009 Executive Session Minutes
- C. March 9, 2009 Special Board Meeting Minutes

Agenda Item No. 53 **Case No. 280338**
Dr. Gregory L. Aldrich

Dr. Aldrich was present and stated he inherited the patient in this case from another dentist. The previous dentist is who did the original diagnosis of the patient. Dr. Aldrich did not believe this case warranted a letter of concern as recommended by the Investigative Interview (I.I.) panel. There is a written, documented diagnosis; it just was not from Dr. Aldrich. Additionally, the original diagnosis was made only two weeks prior to Dr. Aldrich's treatment of the patient. He provided the Board with the original diagnosis for its review. There were caries present.

The Board expressed its concern with Dr. Aldrich not examining the patient to determine a diagnosis of his own, or to confirm the original treating dentist's diagnosis.

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

Agenda Item No. 59 **Case No. 280210**
Dr. William A. Hoskyns

Ms. Corcoran, on behalf of Dr. Hoskyns and complainant CW were present.

CW stated she had work done by Dr. Hoskyns that lasted for over a year. She returned to him with no dental problems, but for cosmetic purposes only. He found a cracked crown and ended up treatment planning 16 teeth. She allowed Dr. Price to retreat those 16 teeth because she absolutely believed that was what needed to be done.

Ms. Corcoran informed the Board that she was working on a consent agreement with several other cases involving Dr. Hoskyns. She asked the Board to consider including this case in the consent agreement with the other cases as well.

Upon MOTION by Dr. Rosenthal, second by the Board voted to issue a subpoena to Dr. Jill Carter and Dr. Ginger Price for full and complete records; once received, this case will be considered for a CONSENT AGREEMENT. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 43 **Case No. 280212**
Dr. Nam-Rene Nguyen

Mr. Cummings, on behalf of Dr. Nguyen and complainant JC were present.

JC stated she was treatment planned to have her teeth extracted and a denture fabricated. (Unable to discern what JC is saying on the tape) At this point she is unable to eat. She can only chew soft food and can only chew on one side. The denture falls out, even with glue. The denture is broken and Dr. Nguyen wanted to charge her an additional \$850 to repair them. In response to the Board, JC stated she did not know she had received immediate dentures and a second set had to be made.

Mr. Cummings stated there were a large number of compromised teeth. JC could not afford the original treatment plan presented by Dr. Nguyen and agreed to the second option, which was to extract the teeth and receive a denture. Dr. Nguyen explained to JC that they would start out with an immediate denture and after the gums healed, a permanent denture would be fabricated. JC broke the immediate denture and brought it to the office for Dr. Nguyen to repair. He told her that he would have to charge her to repair the denture and she filed the complaint with the Board. The Investigative Interview (I.I.) panel recommended dismissal.

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

Agenda Item No. 75 **Case No. 280456**
Total Dental Solutions

The owner of Total Dental Solutions was present, but did not have attorney representation. She was advised that she was unable to represent the company, but must obtain legal counsel.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to FORWARD this case to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 42 **Case No. 280324**
Dr. Lisa M. Beznoska

Mr. Cummings was present on behalf of Dr. Beznoska.

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

**The Board directed staff to place Marketplace Smiles on the June Agenda to open an investigation. (Unable to discern the allegation)

Agenda Item No. 32 **Case No. 280208**
Dr. Clayton Wainwright

Mr. Tonner was present on behalf of Dr. Wainwright. Mr. Tonner stated that the problem with a clinical evaluation on a denture case is that there are usually multiple sets of dentures and there is no way of knowing which denture has been evaluated. He suggested that, should this case be remanded for a clinical, the respondent be allowed to go to the evaluation in order to ensure the correct denture was being evaluated. Staff responded that the evaluators do not know who the Respondent is when

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conducting an evaluation. Due to confidentiality and scheduling issues, it was not feasible to have the Respondent appear at the clinical evaluation.

Mr. Tonner stated Dr. Wainwright had informed the patient there was a possibility the denture would not fit. He offered the patient a referral to a prosthodontist, which the patient declined. He said he would go to the prosthodontist only if Dr. Wainwright would not be able to help him, but wanted to try with Dr. Wainwright first.

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

Agenda Item No. 36 **Case No. 280246**
Dr. Keith M. Rogers

Mr. Tonner, on behalf of Dr. Rogers and complainant JW were present.

JW stated he was offered a refund from Dr. Rogers for the lower partial, which became broken. He declined the refund because it should have gone to the insurance provider and not to him. He never knew that the DE hinges on his partial were inferior. After the 3rd break, he asked for a new partial to be made. He was quoted the full price again. This was unacceptable to him. He asked that all funds be refunded to the appropriate parties.

Mr. Tonner stated the DE hinges on the partial became broken after 2 years. Dr. Rogers agreed to do the first side at no charge. However, when the second side became broken, he informed JW that he would be charged for the repair. JW believed Dr. Rogers should be held responsible for the DE hinges breaking. In response to the Board, Mr. Tonner stated that Dr. Rogers was willing to refund whoever needed to be refunded. Dr. Rogers would issue a refund for the lower partial, but not the upper and was only doing so as a gesture of goodwill.

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

Agenda Item No. 79 **Case No. 280408**
Dr. Robert D. Sundberg

Mr. Tonner, on behalf of Dr. Sundberg and MH, mother of the complainant PH (who is deceased) were present. MH stated her son suffered greatly and unnecessarily in this case. PH had numerous ailments which made it necessary for him to be able to eat properly. Dr. Sundberg told PH that he needed all of his teeth pulled. After the extractions, PH became ill and was in and out of the hospital because he could no longer eat properly. His lower jaw was protruding outward and when the posts were placed, PH's face was purple and bruised. He had abscesses all over his gums at all times. PH filed the complaint in July of 2008 and died in September of 2008.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD this case to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 40 **Case No. 280325**
Dr. David Kloss

Mr. Tonner was present on behalf of Dr. Kloss. The Board informed Mr. Tonner that even in cases involving only cosmetic issues, the patient deserves to have a comprehensive examination.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating a comprehensive exam is needed and the doctor needs to be aware of the proper amount of anesthesia required based on the patient's weight. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 49 **Case No. 280240**
Dr. Michael I. Domingo

Mr. Tonner, on behalf of Dr. Domingo and complainant CW were present.

CW stated she has spoken to Delta Dental and Dr. Domingo was not a provider at the time she received treatment from him. Dr. Domingo was the only dentist who treated her, but services were billed under a different dentist's name. Additionally, Dr. Domingo placed crowns on teeth that should have had root canal therapy first. CW stated she was not diagnosed properly, nor was she treated properly by Dr. Domingo. She ended up going to another dentist to have the work done.

Mr. Tonner stated CW went to Dr. Domingo, who placed crowns on teeth 30 and 31. She then went to Dr. Keith who made a notation in the record that the pain first began after the crowns were placed. The next time CW saw Dr. Domingo, he referred her to an endodontist. With regard to the billing issues, those were not addressed at the Investigative Interview (I.I.).

At the I.I., Mr. Tonner assured the panel that a refund in the amount of \$850 would be given to CW prior to the Board meeting. Mr. Tonner presented that amount to CW at this meeting.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to issue a LETTER OF CONCERN stating when responding to a subpoena, all records must be sent to the Board and the doctor should be more responsible in his communication with the patient by returning their calls. Dr. Spigner OPPOSED. MOTION PASSED.

**The Board directed staff to place Alameda Crossing on the June agenda to open an investigation for alleged billing irregularities and fraud and misrepresentation.

Agenda Item No. 41 **Case No. 280308**
Dr. Gary F. Salwin

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

Dr. Salwin charged the patient for a comprehensive oral exam, but did not complete the exam.

Upon MOTION by Dr. Gradke, second by Dr. Waite the Board voted to issue a LETTER OF CONCERN stating the doctor is responsible for doing a complete exam when charging for it. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 54 **Case No. 280373**
Dr. Paul J. Pease

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

The Board did not believe a letter of concern was warranted in this case. When making repairs to a denture, a medical history is not necessary.

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

**The Board directed staff to place Dr. Pease on the June agenda to open an investigation for alleged failure to supervise.

Agenda Item No. 80 **Case No. 280407**
Dr. Martin J. Sobieraj

Complainant IL was present. The Board informed IL that this case was pulled from the consent agenda because a more thorough investigation was needed.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 52 **Case no. 280411**
Dr. Robert F. Guyette

Dr. Guyette was present along with his attorney Mr. Smith.

This case was on the consent agenda for issuance of a letter of concern; however, the Board did not believe a letter of concern was warranted in this case.

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

Agenda Item No. 30 **Case No. 280272**
Dr. Luke W. Denton

Dr. Denton's office manager, complainant GP and her attorney, Mr. Finley were present.

GP stated failure to release records was not included in her original complaint. She called Dr. Denton's office to ask for her records in order to go to another dentist. The office manager was rude and hung up on her. After a week had passed, her husband called and was told the copy machine was broken. After another week, she received an envelope which contained poor quality copies of her x-rays. Pages 4 and 6 of the records were missing. Additionally, there was no mention of the allergic reaction she had to the mouthwash which made her mouth red and sore. Once she discontinued its use, her mouth began to heal. Dr. Denton referred her to an oral surgeon who told her she had osteomyelitis, however when she had the surgery done, she was told she did not have osteomyelitis. GP did not understand why the dentists do not communicate with the patient anymore. She has only been able to talk to office managers.

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Mr. Finley stated there was a recommendation from Dr. Denton for GP to have surgery, but there was no notation as to why the surgery was needed or no diagnosis documented. Also, there was no communication from Dr. Denton to GP as to the necessity of the surgery. GP was prescribed several medications by Dr. Denton, but there was no documentation in the record that these prescriptions were written. In response to the Board, Mr. Finley stated Dr. Denton saw the patient once and scheduled exploratory surgery without a diagnosis. GP had an allergic reaction to the medication and had to cancel the surgery. The reaction GP experienced was to the drug Dr. Denton prescribed for her.

The office manager read a statement prepared by Dr. Denton. In his statement, Dr. Denton said he initially performed a single exam because GP presented with pain in the lower left jaw area. His exam revealed no significant findings and the x-ray showed no evidence of infection. Later on, GP called the office complaining of pain and swelling in the lower left area. Dr. Denton had limited experience with implants and only felt comfortable with doing a bacterial culture and antibiotic therapy for GP. He informed her that if the treatment did not help her, she would be referred to an oral surgeon. After she cancelled her appointment, Dr. Denton referred her immediately to the oral surgeon. After the referral, he received no further communication from GP. Then he received the Board complaint.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating chart notes need to include medications prescribed, findings and recommendations to the patients. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 29 **Case No. 280255**
Dr. Marc H. Braslow

Ms. McLellan was present on behalf of Dr. Braslow.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating there was a lack of documentation of the patient's sensitivity and not reviewing the chart, including medical history, prior to each visit. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 34 **Case No. 280310**
Dr. Gregory R. Manning

Ms. McLellan was present on behalf of Dr. Manning.

The Board pulled this case from the consent agenda in order to issue a letter of concern regarding the clinical charting. Ms. McLellan produced the original color-coded chart for the Board. According to the chart, teeth 4, 14 and 21 all had areas of decay.

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

Agenda Item No. 74 **Case No. 280336**
Dr. Thomas M. Mattern

Ms. McLellan was present on behalf of Dr. Mattern.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview with a subpoena issued to Dr. Giancola. MOTION WITHDRAWN.

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

** In adjudicating this case, the Board also opened an Investigation against Dr. Barbara Giancola with the same allegations as in case 280336.

Agenda Item No. 83 **Case No. 280473**
Dr. Massoud Eftekhari

Mr. Cummings, on behalf of Dr. Eftekhari and complainant VE were present.

VE submitted photographs to the Board to show the condition of her mouth after her wisdom teeth were extracted. Also, Dr. Eftekhari had trouble starting the I.V. for the sedation. In response to the Board, VE stated Dr. Eftekhari did not refer her to a specialist. She requested this case to be forwarded to an Investigative Interview (I.I.).

Mr. Cummings did not want this case to be forwarded to an I.I. This case was on the consent agenda to be terminated for lack of supporting evidence and was not pulled by a Board member.

VE further stated she has multiple gash marks on her tongue. Dr. Eftekhari exposed the nerves and she has a burning feeling when eating hot and cold foods. He has caused permanent damage.

Upon MOTION by Ms. Zastrow, second by Dr. Cole the Board voted to DISMISS for Lack of Supporting Evidence. Ms. Bevers and Dr. Spigner OPPOSED. MOTION PASSED.

Agenda Item No. 51 **Case No. 280165**
Dr. Garrett L. Lum

Complainant GF was present and stated any medical professional should have a concern for his patients. While she understood Dr. Lum had some problems, it appeared that he went out of his way to avoid his patients. She had no way to contact Dr. Lum and had to find another dentist who would complete the necessary work. She was not able to obtain her dental records from Dr. Lum. He simply walked away from his practice and his patients.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to REMAND to an Investigative Interview, add the allegation of patient abandonment, and address the abandonment issue only. Drs. Cole, Gradke, Spigner, Morrison, Sommerhalter, Waite, Rosenthal and Ms. Zastrow OPPOSED. MOTION FAILED.

A review of the case file indicated that Dr. Lum's office was closed on 12.07 for non-payment of rent. A dispute between Dr. Lum and the other party resulted in Dr. Lum being denied access to the office, subsequent to the lockout. Dr. Lum testified at the Investigative Interview that he had no other recourse to access records.

Upon MOTION by Ms. Zastrow, second by the Board voted to issue a LETTER OF CONCERN stating when transitioning a practice, the patients must be informed. MOTION PASSED UNANIMOUSLY.

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would have existed. It is also short. Although malposed, the implant could possibly be restored by expanding the size of the crown restoration. The adjacent tooth crown (#5) would have to be redone also so that the 2 teeth could make contact with each other. The Implant at #18 has an unfavorable opposing occlusion which ends at the first molar. Therefore, if the implant was strategically placed in the site at #19, placement of a single molar-sized restoration would be sufficient. The implants used by Dr. Salb were designed for placement in areas with limited bone and with groupings of implants; not singularly. Final restorations can be made which would consist of specially designed abutments on the implant that has been recently placed. In essence, implant #19 is lost, #18 is useless and #4 can be used with an additional implant on #3 and a new crown for #5.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

Finding of Fact #5 AMENDED to read:

1) Bicon implants are appropriate for the clinical situation in all 3 locations. 2) Implants placed 2/25/08 (Bicon) at location #4, 18, 19. 3) There is a chart entry on 12/4/08 on page 5 regarding treatment on "9/22/08", which details non-integration of implant #19 and extraction of #19 on 9/22/08. # 18, having no opposing tooth, would have been nonfunctional as an implant; #4 is placed in a position that does not allow for sufficient restoration.

Finding of Fact #6 AMENDED to read:

#19 failed, #18 is nonfunctional and #4 will not allow for sufficient restoration.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact as amended. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to find a VIOLATION of A.R.S. §32-1201.21(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors - staff reported none.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to impose RESTITUTION of \$6150 to the patient and CONTINUING EDUCATION of 6 hours in Treatment Planning for Dental Implants and 4 hours in Risk Management with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 96 **Case No. 280207**
Dr. Robert C. Baird

Mr. Tonner was present on behalf of Dr. Baird. This case was tabled from the February Board meeting pending proof of a refund to the patient. A copy of the refund check had been provided to the Board.

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

Agenda Item No. 89 **Case No. 280298**
Dr. Denis J. Froehlich

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to DISMISS without Prejudice. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 93 **Case No. 280448**
Dr. Ronald L. Flores

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 4 hours in Diagnosis and Treatment Planning and 6 hours in Record Keeping with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 94 **Case No. 280327**
Dr. Trihan C. Phan

The Board reviewed the radiographs and photographs provided by the clinical evaluator. According to the evaluation, the margins were over-contoured.

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

**The Board requested priors - staff reported none.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to impose RESTITUTION of \$1271.50 to the patient and \$1196.50 to the Insurer and CONTINUING EDUCATION of 6 hours in the area of Hands-on Crown and Bridge with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 73 **Case No. 280364**
Dr. George R. Ayoub

All of the dental assistants listed in the complaint are not x-ray certified.

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

Agenda Item No. 71 **Case No. 280374**
Dr. Navid Hajiseyed Javadi

Dr. Javadi gave Ibuprofen to a Coumadin patient.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to FORWARD to an Investigative Interview with an added allegation of Inadequate Pain Management. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 67 **Case No. T-09-007**
Dr. Hazem Hussein Jabr

Apparently Dr. Jabr distributed medications without documenting it or keeping a compliance log.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION for distributing medication without documentation. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 57 **Case No. 280262**
Dr. Kenneth J. Marz

Dr. Marz would not complete treatment of the patient until payments were resumed. The patient was left in passive mode due to a lack of payment.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 4 hours in Risk Management with 6 months time to complete. Drs. Waite, Spigner and Rosenthal OPPOSED. Dr. Sommerhalter ABSTAINED. MOTION PASSED.

Agenda Item No. 56 **Case No. 280251**
Dr. Hector M. Nunez

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose CONTINUING EDUCATION of 4 hours in Risk Management with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 55 **Case No. 280357**
Dr. L. Mitchell Thomas

The patient in this case was cited a State law with regard to completing the health history form. There is no such law in existence.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating the doctor must provide copies of records upon written request by the patient. Also, the doctor must not confuse office policy with state laws with regard to updating the health history and x-rays. Dr. Gradke OPPOSED. MOTION PASSED.

Agenda Item No. 44 **Case No. 280299**
Dr. Jacquicola Lott-Smith

Upon MOTION and duly seconded, the Board voted to DISMISS for Lack of Supporting Evidence. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 37 **Case No. 280271**
Dr. Thomas Gaetano Greco

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

**The Board directed staff to place Southwest Dental on the June agenda in order to open an investigation for alleged failure to comply with a subpoena.

Agenda Item No. 31 **Case No. 280376**
Dr. Wayne G. Thorpe

Upon MOTION by Dr. Rosenthal, second by the Board voted to issue a LETTER OF CONCERN stating before treatment starts, the doctor should review x-rays and look at the tooth or teeth in question. MOTION PASSED UNANIMOUSLY.

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ACTION ON PREVIOUS ACTION

Agenda Item No. 95 **Case No. 280031**
Dr. Michael Wassef

Mr. Woods was present on behalf of Dr. Wassef. This case was tabled from the February Board meeting pending Mr. Woods' contact with the patient regarding re-treatment. Mr. Woods provided the Board with a copy of the letter sent to JH offering to complete the treatment at no additional cost to him. Mr. Woods stated he personally followed up the letter with a telephone call and left a message, but as of this meeting, had not received a response from him. On behalf of Dr. Wassef, Mr. Woods stated the offer would stand should JH contact Dr. Wassef in the future.

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

Agenda Item No. 97 **Case No. 270530**
Dr. Lori Karen Anderson

Ms. McLellan was present on behalf of Dr. Anderson. This case was tabled from the February Board meeting pending proof of a refund to the patient. Proof of the refund was provided to the Board at this meeting.

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

Agenda Item No. 97A **Case No. 270534**
Dr. Steven D. R. Vergara

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

Mr. Tonner reminded the Board that Dr. Vergara had some accounting issues. He hired an accountant, not a CPA, who transferred his practice to some non-existent corporations. Dr. Vergara worked as an independent contractor. There were tax allegations and Dr. Vergara was indicted by the I.R.S. for conspiracy in tax issues. The accountant assured Dr. Vergara that she would handle things for him, but she ended up leaving town and could not be located. By the time Dr. Vergara hired an attorney, it was too late to enter into a plea agreement. He ended up getting 18 months in prison for conspiracy on tax issues and served 14 months. In January of 2008, Dr. Vergara entered into a consent agreement with the Board in which he voluntarily surrendered his license and was suspended for 5 years with the provision that he would be able to petition the Board for reinstatement of his license after his prison term had ended.

Board discussion ensued as to the possible actions the Board could take. Some members were inclined to impose community service and change the suspension to probation. Other members believed that the 14 months Dr. Vergara spent in prison was enough punishment and no other action needed to be taken.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT reinstatement of license with no other conditions or terms. Ms. Zastrow and Dr. Rosenthal OPPOSED. MOTION PASSED.

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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to DISMISS the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases DISMISSED:

Agenda Item No. 100	Case No. 280232	Dr. Barry J. Uldrikson
Agenda Item No. 102	Case No. 280265	Dr. Ashutosh Kaushesh
Agenda Item No. 103	Case No. 280239	Dr. Yong-Suk Cha
Agenda Item No. 105	Case No. 280334	Dr. Shankar Anandarajah
Agenda Item No. 106	Case No. 280406	Dr. Janina Golob Deeb
Agenda Item No. 108	Case No. 280349	Dr. Gordon Ledingham
Agenda Item No. 110	Case No. 280259	Dr. Steven T. Swager
Agenda Item No. 111	Case No. 280479	Dr. Anitha A. Goud
Agenda Item No. 113	Case No. 280330	Dr. Dara Kimia
Agenda Item No. 116	Case No. 280399	Dr. Robert A. Meese

Cases that are Recommended for Dismissal Without Prejudice - Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to DISMISS WITHOUT PREJUDICE the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 118 Case Nos. 290051 & 280468 Sarah J. Byrne, RDH

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

Agenda Item No. 119	Case No. 280276	Dr. Christine M. Kopsky
Agenda Item No. 120	Case No. 280337	Dr. David Kloss
Agenda Item No. 121	Case No. 280341	Dr. Scott B. Law
Agenda Item No. 123	Case No. 280219	Dr. Alex E. Romberger

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN in the remaining case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 122** Case No. 280354 Dr. Gordon Kenneth Wilson
Stating failure to include medical history and oral cancer screening as part of limited examination

**The patient arrived after this case was adjudicated. The Board considered his testimony, but stood by its previous vote.

Cases pulled that are Recommended for Issuance of a Letter of Concern - Consent Agenda - From Triage

Agenda Item No. 124	Case No. 280389	Dr. Steven Hymovitch
Agenda Item No. 126	Case No. 280279	Dr. Trevor E. Andrews

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN in the remaining case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 125	Case No. 280418	Dr. Rafal Pytlik Stating periodontal charting is required prior to any restorative treatment
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Cases pulled that are Recommended for Issuance of Non-Disciplinary Continuing Education - Consent Agenda - From Investigative Interview

Agenda Item No. 127	Case No. 280249	Dr. Chad Ryan Haak
Agenda Item No. 128	Case No. 280257	Dr. Kenton B. Covington
Agenda Item No. 129	Case No. 280342	Dr. Jeffrey A. Kohler

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

Agenda Item No. 134	Case No. T-09-008	Dr. Nafys Samandari
Agenda Item No. 135	Case No. T-09-009	Dr. Deydokht Raoufi
Agenda Item No. 136	Case No. T-09-010	Continental Dental Care
Agenda Item No. 137	Case No. 290074	Aspen Dental Care

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. 130	Case No. 280453	Spanish Trail Dental Group
Agenda Item No. 131	Case No. T-09-003	Dr. Gregory M. Pafford
Agenda Item No. 132	Case No. T-09-005	Dr. Peter Rinaldi
Agenda Item No. 133	Case No. 280460	Dr. Larry H. West
Agenda Item No. 138	Case No. 290071	Dr. John Palmer Smith

Cases pulled that are Recommended for Termination/Lack of Supporting Evidence – Consent Agenda – From Triage

Agenda Item No. 146	Case No. 280467	Dr. Larry F. Blattner
Agenda Item No. 148	Case No. 280474	Dr. Terrence The-Hung Yu

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to TERMINATE for Lack of Supporting Evidence the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases TERMINATED/LACK OF SUPPORTING EVIDENCE:

Agenda Item No. 139	Case No. 280370	Dr. Jeffrey C. Blair
Agenda Item No. 140	Case No. 280319	Dr. Majid Arooni
Agenda Item No. 141	Case No. 280290	Dr. Ronald D. Giordan
Agenda Item No. 142	Case No. 280422	Dr. Steven Hymovitch
Agenda Item No. 143	Case No. 280419	Dr. Sean T. Nguyen
Agenda Item No. 144	Case No. 280405	Dr. Evan J. Short
Agenda Item No. 145	Case No. 280391	Dr. Debra Ann Vaughan
Agenda Item No. 147	Case No. 280469	Dr. Wade A. Mendenhall
Agenda Item No. 149	Case No. 280480	Dr. Bradley J. Sandvik
Agenda Item No. 150	Case No. 280482	Dr. Thihan C. Phan
Agenda Item No. 151	Case No. 280483	Agatha M. Opach, RDH

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Cases pulled that are Recommended for Discipline for Failure to Comply with a Board Subpoena – Consent Agenda – From Triage

Agenda Item No. 152 Case No. 280459 Dr. Denham Bohart Crafton, II

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. 153 Case No. 260233 Dr. Champa R. Chatterjee
Agenda Item No. 153A Case No. 280307 Western Dental of Arizona, Inc.

Agenda Items pulled that on the Agenda for Probation Monitoring; Compliance Report received - Consent Agenda

Agenda Item No. 154 Case No. 250157 Dr. Terry J. Lee

Agenda Items that are Recommended for Review and Filing of Cases for Investigation – Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to FILE CASES FOR INVESTIGATION for the following items on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

INVESTIGATIONS OPENED FOR:

Agenda Item No. 155 Dr. Joyce L. Bassett – Alleged complications during and after treatment

Agenda Item No. 156 Dr. Tricia Denise Staunton – Alleged adverse occurrence during anesthesia

Agenda Item No. 157 Dr. Thomas D. Wais – Alleged failure to diagnose and adequately treat TMJ symptoms

Agenda Item No. 158 Dr. David E. Denton – Alleged misleading advertising

Agenda Item No. 159 Shadow Ridge Dental Care – Alleged failure properly supervise staff

Agenda Item No. 160 Dr. Alex W. Yuen – Alleged abuse of prescribing privileges

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Ratification of Cases Recommended for Investigative Interview – Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to RATIFY for Investigative Interview the cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

CASES RATIFIED FOR INVESTIGATIVE INTERVIEW:

Agenda Item No. 161	Case No. 280397	Dr. Michael Wassef
Agenda Item No. 162	Case No. 280445	Dr. Javier E. Portocarrero
Agenda Item No. 163	Case No. 280280	Dr. Mark Moss
Agenda Item No. 164	Case No. 280438	Dr. Joseph T. Nielsen
Agenda Item No. 165	Case No. 280486	Dr. Matthew S. Slivka

Agenda Item No. 115 **Case No. 280392**
Dr. Salman Jaffer

Mr. Tonner, on behalf of Dr. Jaffer and the complainant's son (CA) were present.

CA stated his mother is still being billed by Western Dental. None of the work completed by them was acceptable. Her current balance should be zero.

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

**In adjudicating this case, the Board also opened an Investigation against Western Dental for alleged billing irregularities.

Agenda Item No. 99 **Case No. 280184**
Dr. Jason C. Campbell

Ms. McLellan, on behalf of Dr. Campbell and complainant MP were present.

MP stated she initially went to Dr. Campbell for a filling on the back of one of her upper, front teeth. While she was being treated, Dr. Campbell ground down the left tooth and rounded the edges of her two front teeth. She did not ask for any work to be done on those teeth. Dr. Campbell should have either asked her permission or discussed with her what he was doing before grinding her teeth down. She did not give permission for any additional work. Dr. Campbell did tell her that he was going to round the two front teeth, but it all happened so fast that she did not have an opportunity to react. After Dr. Campbell was done, he gave MP a mirror to look at her teeth and asked her if she ever considered getting porcelain veneers.

This case was pulled from the consent agenda by the Board. There were clinical updates for 2003 and 2004, but there were none for 2005 and 2006. Also, even though the Investigative Interview (I.I.) panel believed Dr. Campbell did MP a favor by treating those teeth, MP did not want the treatment done, did not give her consent for it and she was not happy.

Ms. McLellan showed the Board where the clinical notations were for 2005 and 2006. Ms. McLellan stated MP's chief complaint at the I.I. was that Dr. Campbell ground her tooth down to a shorter length than her other teeth. According to the subsequent treating dentist's photographs, the teeth were all the same length after Dr. Campbell treated MP. MP did not have a complaint about the cosmetic contouring

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performed by Dr. Campbell. For this reason, Ms. McLellan believed the I.I. panel's recommendation for dismissal should be considered by the Board.

The Board reviewed the photographs taken by the subsequent treating dentist. There were pre-treatment photographs which showed square, even teeth. There were also post-treatment photographs which showed a slight deviation in length between teeth 8 and 9, and the teeth were rounder in appearance. Tooth #9 was slightly shorter than tooth #8.

Upon MOTION by Dr. Spigner, second by Ms. Zastrow the Board voted to issue a LETTER OF CONCERN stating the doctor should have verbal consent before altering treatment. Dr. Rosenthal OPPOSED. MOTION PASSED.

Agenda Item No. 114 **Case No. 280225**
Dr. Ekaterina Goncharova

Mr. Cummings was present on behalf of Dr. Goncharova.

This case was pulled from the consent agenda by the Board. There was a concern with Dr. Goncharova taking x-rays, never mounting them and not reading them. Whether the patient left the office or not, the doctor has a professional duty to at least read the x-rays and notify the patient of his or her findings. The patient paid for the x-rays and Dr. Goncharova had a responsibility to at least read them.

Mr. Cummings stated this was a learning experience for Dr. Goncharova. She will always read the x-rays from now on. It was very fortunate that there was not a more serious problem with the patient.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to issue a LETTER OF CONCERN stating it is the doctor's duty to mount and read x-rays that have been taken in her office. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 121 **Case No. 280341**
Dr. Scott B. Law

Mr. Cummings was present on behalf of Dr. Law.

This case was on the consent agenda with a recommendation for a letter of concern. The Board did not believe the letter of concern was warranted.

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

Agenda Item No. 107 **Case No. 280281**
Dr. Tung B. Bui

Mr. Gaines, on behalf of Dr. Bui and complainant RS were present.

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

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Agenda Item No. 124 **Case No. 280389**
Dr. Steven Hymovitch

Mr. Gaines was present on behalf of Dr. Hymovitch. Mr. Gaines stated this case was an insurance issue. The patient had both a primary insurance and a secondary insurance. Both were billed which resulted in an overpayment. There was a 90-day delay in refunding the insurance, but Dr. Hymovitch finally refunded the secondary insurance. Mr. Gaines asked the Board to consider dismissal of this case.

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

Agenda Item No. 123 **Case No. 280219**
Dr. Alex E. Romberger

Dr. Romberger and his attorney Ms. Corcoran were present.

This case was on the consent agenda for issuance of a letter of concern. The Board pulled this case because there were concerns with Dr. Romberger's blood alcohol level at the time of his arrest, the need for an ignition lock and other history detailed in the initial report. The Board has normally required licensees with Dr. Romberger's issues to participate in its 2-year abuse tracking program. The factors as cited by Dr. Romberger for not wanting to be in the program were insignificant as there are participants who have or have had the same mitigating factors and who still successfully comply with the programs terms and conditions.

Ms. Corcoran stated Dr. Romberger was not aware of the State statute on mandatory reporting requirements. He was not actually arrested when he was pulled over in April of 2007 and did not get officially charged until much later. Dr. Romberger self-reported once he read an article in the Board's newsletter addressing the reporting requirements. He did not intentionally attempt to conceal his arrest. According to Ms. Corcoran, Dr. Romberger has been in full, sustained remission for the past 2 years. He has not been a danger to any of his patients in that 2-year period.

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

**** Executive Session ****

RETURN TO OPEN MEETING

The Board has a medical director in place for circumstances such as these and values his opinion. Dr. Sucher's recommendation was for Dr. Romberger to enter into the 2 year abuse track program. Since that evaluation took place a year ago, the Board wanted another evaluation by Dr. Sucher to determine whether his initial recommendation would still stand.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to TABLE this matter and enter into a STIPULATED INTERIM ORDER for a Substance Abuse Evaluation by Dr. Sucher with the results to be considered at its June meeting. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 101 **Case No. 280266**
Dr. Nhung H.T. Phan

Ms. Corcoran was present on behalf of Dr. Phan. Ms. Corcoran stated the patient provided the treatment plan to the Board. The Board's response was there was still no written diagnosis on that treatment plan.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating there was a lack of a written diagnosis and treatment plan. Dr. Cole ABSTAINED. MOTION PASSED.

Agenda Item No. 119 **Case No. 280276**
Dr. Christine M. Kopsky

Complainant PK was in attendance.

This case was on the consent agenda for issuance of a letter of concern. The Investigative Interview panel found the patient to be noncompliant with regard to treatment, however, the records indicated otherwise.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to CONSIDER the Findings of Fact.

Finding of Fact #1 AMENDED to read:

History on pages 3, 4 and 5 signed by patient, not by doctor on 8/14/00. Perio charting on page 14. Clinical charting on page 19 dated 7/29/08. Soft tissue exam not found in chart. Exams were on a limited basis from 2000 to 2004.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to ACCEPT the Findings of Fact as AMENDED. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to find a VIOLATION of A.R.S. §32-1201.21(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors - staff reported 1

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to impose RESTITUTION in the amount of \$5525 and CONTINUING EDUCATION of 4 hours in Risk Management and 6 hours in Crown and Bridge with 6 months time to complete. Dr. Gradke ABSTAINED. Drs. Spigner, Sommerhalter, Rosenthal and Waite OPPOSED. MOTION FAILED.

Board discussion ensued as to the quality of care issue. Even though the pontic design on the bridge was over contoured, it did not rise to a level of violation.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose CONTINUING EDUCATION OF 4 hours in Risk Management and 6 hours in Crown and Bridge with 6 months time to complete. Dr. Gradke ABSTAINED. Ms. Bevers OPPOSED. MOTION PASSED.

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Agenda Item No. 126 **Case No. 280279**
Dr. Trevor E. Andrews

Ms. McLellan was present on behalf of Dr. Andrews. They were not in opposition to a letter of concern, but Ms. McLellan emphasized her point that the treatment was performed correctly. The patient never complained until she discovered her insurance would not pay for the treatment. Dr. Andrews offered to refund the fee to the complainant.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating all procedures should be included in the treatment plan and the patient should be informed of the risks, benefits and alternatives for the procedure proposed. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 127 **Case No. 280249**
Dr. Chad Ryan Haak

Dr. Haak and his attorney Ms. McLellan were present.

This case was on the consent agenda for issuance of a letter of concern. The Board pulled this case due to concerns with there not being a treatment plan and Dr. Haak did not do any treatment to tooth #15 even though there was obvious decay.

Ms. McLellan stated at the time of the initial exam in May 2007, there was no decay found. Dr. Haak did a full mouth series of x-rays and the 2 bitewings did not show any decay. There was a little shadowing on the periapical, but nothing that stood out as obvious decay. Additionally, the patient saw 2 dentists prior to Dr. Haak, both in April 2007 and neither dentist found any decay on tooth 15. Dr. Haak placed the patient on follow-up hygiene on a regular basis and diagnosed the decay on tooth 15 in February 2008. By September 2008, the opposite side also had extensive decay. The patient had a history of a medical condition which caused rapid decay. The oral cancer and radiation contributed to dry mouth and accelerated decay.

In response to the Board, Dr. Haak stated the patient was given radiation therapy prior to becoming his patient. He was also on Prevident toothpaste from a previous dentist. He did go over the protocol pertaining to post-radiation patients with this patient, but it was not noted in the chart. There was also no notation that the patient was a high caries risk.

The Board informed Dr. Haak that when dealing with post-radiation patients, the dentist must be aware that the patient can rapidly move from having no issues at all, to having several issues. It was not uncommon to see a patient healthy from dealing with the cancer and radiation, but the teeth could be crumbling. The proper protocol would be to use fluoride trays and Prevident gel, not toothpaste.

Upon MOTION by Dr. Rosenthal, second by Dr. Sommerhalter the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 6 hours in the area of Medically Compromised Patients with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 128 **Case No. 280257**
Dr. Kenton B. Covington

Dr. Covington and his attorney Ms. McLellan were in attendance.

Ms. McLellan stated this case involved bridges in the areas of 6 - 8, 9 - 11 and 28 - 30. Treatment was provided by Dr. Covington in May 2004 and December 2005. In July of 2006, the patient changed

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dentists. According to the subsequent dentist's records, the bridges at 6 - 8 and 28 - 30 were fine but the patient presented with the bridge at 9 - 11 out of the mouth. The subsequent dentist re-cemented the same bridge at 9 - 11 instead of re-doing it, implying that the bridge must have been adequate. During the course of treatment with the subsequent dentist, the bridges at 6 - 8 and 9 - 11 came out and were re-cemented and 28 - 30 was re-prepped and temporized. By August 2008, the clinical evaluation was done on re-cemented, 3 or 4 year-old bridges. It would be difficult to determine if it were Dr. Covington's or the subsequent treating dentist's work that was being evaluated.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating the doctor should make sure his records are clear, concise and legible. He must also document the discussion of treatment options presented to the patient. A comprehensive exam should also include existing restorative and soft tissue or oral cancer exam. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 129 **Case No. 280342**
Dr. Jeffrey A. Kohler

Ms. McLellan was present on behalf of Dr. Kohler and stated the patient was under the care of a few different dentists. From 2001 - 2005 the patient was treated by a subsequent dentist and Dr. Kohler. In 2006 the patient went to another dentist and still intermittently saw Dr. Kohler for treatment. She only had 4 teeth left in her maxillary arch and they were abutment teeth for the bridge. Dr. Kohler did the bridge initially in 2000, so this lasted for 8 years with just the 4 teeth supporting the arch.

The Board reviewed the x-ray taken by Dr. Kohler in January 2008. The decay was very obvious and extensive. Dr. Kohler should have diagnosed the decay at tooth #11 even though the tooth may not have been salvageable. The patient ended up losing the tooth.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment Planning. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 136 **Case No. T-09-010**
Continental Dental Care

The complainant had signed in for this case to be pulled from the consent agenda, but was not present when the case was called.

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

Agenda Item No. 117 **Case No. 280451**
Dr. Shuaib M. Khaderi

Dr. Khaderi and complainant KG were present.

KG stated Dr. Khaderi diagnosed him with periodontal disease when, in fact, he had a cracked molar and ended up losing the tooth. He went to Dr. Khaderi in January 2008 complaining of pain in his lower right molar. He was still experiencing the pain during the periodontal treatment. By October 2008 the pain was unbearable. He changed dentists and the subsequent treating dentist diagnosed the fractured tooth. He asked the Board to authorize a refund of the monies paid for periodontal treatment.

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The Board informed KG that a cracked tooth was very difficult to diagnose. Unless the Board found the periodontal treatment to be unwarranted, it was not within its jurisdiction to authorize Dr. Khaderi to refund the monies paid to him for that treatment.

Dr. Khaderi stated he stood by his initial diagnosis of periodontal disease. He did a comprehensive evaluation of the patient and based on that evaluation, he was in need of periodontal treatment. He did notice that the lower right molar had condensing bone and informed KG that if the perio treatment did not help, he would refer him to an oral surgeon.

(Dr. Khaderi's hygienist appeared to speak on his behalf, however her testimony was indiscernible.)

The Board reviewed the radiographs and agreed that KG was in need of periodontal treatment. Additionally, the cracked tooth was not evident on the radiographs.

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

Agenda Item No. 109 **Case No. 280343**
Southwest Dental Group Periodontics, SA

An attorney, on behalf of Southwest Dental (her name was not stated for the record) and complainant DM were present.

DM provided the Board with additional documents for its review regarding Southwest's dental practices. She was a former employee of Southwest Dental until July 2008. She had originally sent this complaint to the Attorney General's office, who forwarded it to the Board. She has also contacted the Ombudsman's office who informed her there was an investigation pending against Southwest Dental. She did not file a complaint regarding the dental work she received; this case is bigger than just her treatment. She has talked to the FBI and the Department of Insurance regarding Southwest's billing practices.

The attorney for Southwest Dental stated DM has filed several complaints in several different venues regarding this issue. So far, she has had to defend the allegations made by DM at the District Attorney's office, the Attorney General's office and now, at the Dental Board. DM was clearly a disgruntled employee. Southwest Dental has now had to request an Injunction Against Harassment. She asked the Board to uphold the Investigative Interview panel's recommendation for dismissal.

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

Agenda Item No. 152 **Case No. 280459**
Dr. Denham Bohart Crafton, II

Dr. Crafton's attorney, Mr. Hover was present and stated the Triage panel's recommendation was confusing. It appeared that the panel found a violation based on failure to timely report an address change, when that was not an allegation in this complaint, and recommended a \$100 non-disciplinary civil penalty. He wanted clarification as to what the actual allegation was in this case. The Board read a memo prepared by staff addressing the timelines of when the subpoenas were issued and when Dr. Crafton submitted his change of address. The only allegation in this case was for failure to comply with a Board subpoena. Mr. Hover asked the Board to consider dismissing the allegation of failure to comply and vote only on the matter regarding whether Dr. Crafton timely reported the address change.

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The Board informed Mr. Hover that address changes, and any resulting penalties imposed if the change is not made timely, are administratively handled, and do not appear before the Board. The only matter before them was regarding failure to comply with the subpoena. After reading the memo prepared by staff, it appeared that there were 2 subpoenas issued. Dr. Crafton did not receive either subpoena. The first subpoena was sent to the address of record in January 2008. That subpoena was returned to the Board in March 2008. Dr. Crafton submitted a change of address on October 9, 2008. This address was not in the Board's database when the second subpoena was sent on October 14, 2008. The first noncompliance allegation was valid; the second was not.

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

Agenda Item No. 120 **Case No. 280337**
Dr. David Kloss

Mr. Tonner was present on behalf of Dr. Kloss. He asked the Board to accept the Investigative Interview (I.I.) panel's recommendation. Dr. Kloss has refunded the patient and there was no proof of decay.

Board discussion ensued. There were short margins on two of the teeth and the cerac crowns came off twice.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

No changes were made to the findings of fact, but the Board upheld the allegation of Inadequate Treatment Planning.

Upon MOTION by Ms. Bevers, second by Ms. Zastrow the Board voted to ACCEPT the Findings of Fact as Amended. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by the Board voted to find a VIOLATION of A.R.S. §32-1201.21(n). MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by the Board voted to issue a LETTER OF CONCERN stating patient records must contain a written, documented diagnosis and NON-DISCIPLINARY CONTINUING EDUCATION of 6 hours in the Cerac Procedures and Placement and 4 hours in Risk Management with 6 months time to complete. Ms. Bevers and Dr. Spigner OPPOSED. MOTION PASSED.

Agenda Item No. 154 **Case No. 250157**
Dr. Terry Lee

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

Agenda Item No. 148 **Case No. 280474**
Dr. Terrence The-Hung Yu

This case was pulled from the consent agenda. The patient submitted portions of the chart that were not submitted by Dr. Yu in response to his subpoena.

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Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview with an added allegation of Failure to Comply with a Subpoena. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 146 **Case No. 280467**
Dr. Larry F. Blattner

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 137 **Case No. 290074**
Aspen Dental Care

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

Agenda Item No. 135 **Case No. T-09-009**
Dr. Deydokht Raoufi

This case was pulled from the consent agenda due to the billing issues. It appeared that there were two procedures done on the patient that were either coded incorrectly or fictitiously. The procedure should have cost \$65, but the patient was charged \$340 for cosmetic bonding/abrasion. Additionally, Dr. Raoufi entered a code in the patient ledger, but entered a different code in his billing to the insurance.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION with the allegation of Billing Irregularities. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 134 **Case No. T-09-008**
Dr. Nafys Samandrie

This case was pulled from the consent agenda. There were quality of care issues that should be addressed and the patient paid for treatment he never received.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION for alleged Inadequate Dental Implants. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 112 **Case No. 280162**
Dr. Sulieman Albert Kasssieh

The Board had a concern with Dr. Kasssieh's practice of not necessarily communicating with parents regarding band removal in orthodontic treatment.

Dr. Waite made a motion, seconded by Ms. Zastrow, to issue a letter of concern but the motion was withdrawn.

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

**The Board directed staff to send a letter to Dr. Kasssieh regarding notifying the parents and including them in decisions regarding the completion of orthodontic treatment.

