



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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Janet Napolitano, Governor

Donald S. Altman, DDS, MPH, MBA, MA, President

Sharon L. Zastrow, RDH, Vice President

Julie N. Chapko, Executive Director

Pamela J. Paschal, Deputy Director

MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING APRIL 13, 2007

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Board Members Present:

Dr. Donald S. Altman, President
Ms. Sharon L. Zastrow, RDH, Vice President
Dr. Robert H. Foster
Dr. Gregory A. Waite
Dr. Joyce A. Rosenthal
Mr. Jon B. Fiegen
Ms. Catherine L. Bevers, RDH
Ms. Susan C. Stevens
Dr. Bruce A. Spigner

Board Members Absent:

Dr. Roy G. Daniels
Mr. Jason D. Farnsworth

Staff Present:

Ms. Julie N. Chapko, Executive Director
Ms. Pamela J. Paschal, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Ms. Nancy Chambers, Assistant Director
Ms. Colleen R. Amos, Investigations Supervisor
Ms. Sherrie Rowe, Licensure Manager
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. Altman called the meeting to order at 8:05 a.m.

MEMBERS OF THE BOARD

- Robert H. Foster, DDS • Sharon L. Zastrow, RDH • Donald S. Altman, DDS • Jon B. Fiegen • Roy G. Daniels, DDS • Susan C. Stevens • Joyce A. Rosenthal, DDS • Gregory A. Waite, DDS • Bruce A. Spigner, DDS • Catherine L. Bevers, RDH • Mr. Jason D. Farnsworth •

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Agenda Item No. 4 – President’s Report

- A. Report on American Association of Dental Examiners (AADE) meeting held in Chicago, Illinois.

Dr. Altman reported that he, Ms. Chapko and Ms. Paschal attended the AADE meeting in Chicago. Several testing agencies reported on their proficiency. The ADA and the ADHA discussed their past year and their legislative agendas. Dr. Altman will provide the Board members with literature if they wish to see it.

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. Chapko announced that there were 91 days left before her retirement.

- B. Dr. David W. Crouthamel – Review, discussion and possible action regarding adverse occurrence report involving local anesthesia.

Dr. Rosenthal felt this case was very well charted and Dr. Crouthamel's referral was appropriate. She commended Dr. Crouthamel on how well he handled this case.

No action taken.

- C. Mr. Dario Roldan – Review, discussion and possible action regarding alleged illegal practice of dentistry without a license.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to file an INJUNCTION against Mr. Roldan for practicing dentistry without a license. MOTION PASSED UNANIMOUSLY.

- D. Review, discussion and possible action regarding 5-year Rule Review: R4-11-501 through R4-11-1002.

Ms. Paschal provided the Board members with a draft copy for their review and informed them there were no changes at this time, but changes could be made in the future. Upon Board approval, the rules would be sent to ERRC by the April 30th deadline.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to APPROVE the rule review. MOTION PASSED UNANIMOUSLY.

- E. David Axel Anderson, RDH – Case 270048 – Review, discussion and possible action regarding acceptance of Voluntary Surrender.

Ms. Chapko informed the Board that Mr. Anderson admitted to violating his agreement with the Board and has voluntarily surrendered his dental hygiene license.

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

- F. Review, discussion and possible action regarding draft Substantive Policy #21 Recognition of Accreditation Entities.

The Board had directed staff to draft a substantive policy statement regarding recognition of accreditation entities at the February Board meeting. The draft was submitted to the Board for approval.

Upon MOTION by Dr. Altman, second by Ms. Zastrow the Board voted to ADOPT Substantive Policy #21, Recognition of Accreditation Entities. MOTION PASSED UNANIMOUSLY.

- G. Dr. Richard S. Chaet – Review, discussion and possible action regarding adverse occurrence report involving oral conscious sedation.

No action taken.

- H. Review, discussion and possible action regarding Dr. Forbes E. Morse – Disclosure of DUI offense.

Dr. Sucher reported that Dr. Morse had received a DUI in February. He was celebrating his engagement and was pulled over. The out-come is still pending. Dr. Sucher evaluated Dr. Morse and felt that this was an isolated incident. He did not feel that any further treatment was necessary and believed that Dr. Morse was safe to practice.

No action taken.

- I. Review, discussion and possible action regarding the development of a denturist examination.

WREB had reviewed this issue and concluded that there were not enough examiners for them to become involved. The issue was brought back before the Board because there is a possibility that there will be 2 applicants for a denturist license coming up and there are timelines involved in administering an exam. Oregon and Washington share an exam and the only other exam available, which was not an option to the Board, was in Montana. They only accept the George Brown exam out of Canada and applicants are only examined at the school. Ms. Chapko informed the Board that she had tried to obtain information regarding the Oregon/Washington exam, but she has had no response to her inquiries to date.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to TABLE this issue pending more information on the Oregon/Washington exam. MOTION PASSED UNANIMOUSLY.

- J. Review, discussion and possible action regarding approval for Attorney General Inter-agency Service Agreement (ISA) funds to be used for continuing education seminars for Mary Williams and Marc Harris.

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Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to APPROVE ISA funds for Continuing Education seminars for Ms. Williams and Mr. Harris. MOTION PASSED UNANIMOUSLY.

K. Update on the status of the following legislative bills – Information only:

i. House Bill 2115 – Professions; disciplinary action; continuing education

This bill has been sent to the Governor to be signed. It would allow the Board to impose Continuing Education as a non-disciplinary, non-reportable sanction.

ii. House Bill 2438 – Controlled substances; monitoring program

This bill has been held in Senate caucus.

iii. House Bill 2360 – Dental Board; Licensure by Credential

This bill should be heard the week of April 16, 2007, but there were no expected amendments.

iv. House Bill 2467 – Licensing eligibility; Lawful presence; verification

This bill would allow health care regulatory boards the legal ability to deny an applicant if they were not legally in this country. This Board has been proactive in that the affidavit regarding citizenship is already included with the applications and the renewals. There would be no fiscal impact to the Board unless the applicant challenged the denial and wanted to proceed to a formal hearing. It is still going through the process.

v. House Bill 2581 – Agency issued licenses; Tamper proof

This bill died on the Senate floor.

vi. House Bill 2608 – Dental Practices; ownership

This bill died on the Senate floor.

vii. Senate Bill 1337 – Dental Board; Dental Hygienists; Membership

This bill died on the Senate floor.

viii. Community Dental Health Coordinators/Assistants

Information was received that the Dental Association will not be moving forward with this issue at this time.

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

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A. Status of Judicial Review Actions

- i. Dr. Terry Lee v. ASBDE (Case 240108)
- ii. Dr. Michael D. Margolis v. ASBDE (Case 230151)

Ms. Williams reported that the case involving Dr. Terry Lee was still at the Court of Appeals. The oral argument could possibly be heard in September. The case involving Dr. Michael Margolis was still in the Supreme Court.

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

- A. Jessica D. Hanson, RDH – Disclosure; using a false I.D./underage drinking

Ms. Hanson was in attendance. Ms. Zastrow stated that this incident took place 6 years ago and Ms. Hanson obviously understood her poor judgment and has been exemplary since then.

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

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

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

- A. Ms. Mary Ann Antonio – Certified in California
- B. Ms. Alexis R. Ashley – Certified in California
- C. Ms. Stephanie V. Beal – Certified in California
- D. Ms. Lisa D. Burnett – Certified in California
- E. Ms. Adriana L. Caldera – Certified in California
- F. Mr. Genaro Gomez – Certified in California
- G. Ms. Arlene R. Hernandez – Certified in New Mexico
- H. Ms. Vrisa A. Martinez – Certified in California
- I. Mr. Martin R. Rodriguez – Certified in California
- J. Ms. Jennifer A. Griego – Certified in New Mexico
- K. Ms. Janine A. Pinosky – Certified in California
- L. Ms. Amanda Ong Sancineto – Certified in California
- M. Ms. Emilia De Santiago – Certified in Oregon
- N. Ms. Beverly A. Soseman – Certified in California
- O. Ms. Tami D. Souza – Certified in California
- P. Ms. Connie Q. Tat – Certified in California
- Q. Ms. Barbara Ann Vaughn – Certified in California

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

- A. Dr. Naman B. Patel – Board approved exam – Malpractice action disclosure
Dr. Patel was in attendance. He stated that it was his bad judgment to perform endo without a rubber dam. He regretted the decision and took full responsibility for his

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action. He believed the incident allowed him to grow as a clinician and enabled him to recognize his limitations and capabilities. There were no long term effects to the patient.

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

- B. Dr. Brian J. Daub – Board approved exam – Malpractice action disclosure

Upon MOTION by Dr. Rosenthal, second by Ms. Stevens the Board voted to GRANT licensure. Dr. Foster OPPOSED. MOTION PASSED.

- C. Dr. Marshall B. Golan – Board approved exam – Disclosure of action taken on license – NY, CT and Malpractice action

Dr. Golan was in attendance. He stated that the Connecticut incident took place 17 years ago. He had obtained a written consent for a root canal, but the patient changed his mind verbally. The New York incident occurred in the 80's. At that time, all insurance companies accepted claims for crowns upon preparation. He submitted the claim crowns on the patient in this case, but the patient did not return until a year later, leading the insurance company to believe that he never did the crowns. In the 80's, it was typical for New York to impose suspension. The remaining 3 malpractice actions involved him only because he was the owner of the practice, not because he, himself did anything wrong.

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

- D. Dr. Thomas R. Cook, III – Board approved exam – Disclosures of NPDB/Adverse Action

Dr. Cook was present and available for any questions from the Board. He stated that he was prosecuted and found guilty for crimes that he did not commit.

Dr. Rosenthal asked Dr. Cook to address the fact that his hospital privileges were suspended and he did not disclose that information. Dr. Cook responded that he did not feel it was relevant to the issue at hand. Dr. Rosenthal also expressed a concern that the letter from the Tennessee Dental Board was not current. Dr. Cook's release from prison was on 02/23/07 and the Tennessee Board's letter was received on 03/01/07 stating there was nothing at that time. The letter from Hamilton County was received by the Board on 03/26/07. There was no way of knowing if his Tennessee license had been affected by his incarceration or not. Dr. Cook stated that Tennessee and also the Georgia board, knows of his incarceration, but took no action on his license. His prison term has ended and he questioned the validity of Dr. Rosenthal's concern.

According to Dr. Cook, there were a total of 4 charges made against him. 1 was dismissed. The remaining 3 were resisting arrest, simple assault and carrying illegal weapons. The civil suit is pending. They are now going to the Federal court to appeal the summary judgment. Dr. Cook stated that they were all bogus charges. He requested an appeal of the decision, but the request was denied.

Dr. Altman asked for clarification on the incident with the hospital. It was stated that Dr. Cook demonstrated an inability and unwillingness to cooperate with the peer review

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process. Dr. Cook explained that he had taken a patient to the hospital and the patient threatened to sue. The hospital thought they would be involved in the lawsuit and distanced themselves from Dr. Cook. He was told that if he resigned, that would be the end of the issue, but if he fought it, it would be reported to the National Practitioner Data Bank. He chose to fight it and ended up getting reported as being uncooperative. The claim was he violated the by-laws of the hospital by not sending a specimen to the hospital lab. He maintains that he did send the specimen to the hospital lab, but also sent the specimen out for an independent evaluation. At the hearing, his attorney did not speak up for him as he should have and the hospital executive board ruled against him.

Upon MOTION by Dr. Waite duly seconded the Board voted to GRANT licensure. Dr. Foster, Mr. Fiagen, Dr. Rosenthal, Ms. Zastrow and Dr. Altman OPPOSED. Ms. Stevens ABSENT. MOTION FAILED.

Dr. Altman expressed concern with Dr. Cook not taking responsibility for the events that have occurred.

Upon MOTION by Dr. Rosenthal, second by Dr. Altman the Board voted to issue a comprehensive review request for additional information which entails submitting a current letter from the Tennessee Dental Board stating they are aware of Dr. Cook's incarceration and including the current status of his Tennessee license, to be submitted by the June Board meeting. Ms. Stevens ABSENT. MOTION PASSED UNANIMOUSLY.

- E. Helen K. Schmidt, RDH – Review of psychological evaluation ordered at the February 2, 2007 Board meeting (The Board may go into Executive Session to discuss the confidential report)

Ms. Schmidt was in attendance and did undergo the evaluation as requested by the Board. The recommendation was for a consent agreement with certain terms and conditions. Ms. Schmidt stated that she would be willing to enter into an agreement with the Board.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to GRANT licensure. MOTION WITHDRAWN.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to enter into a CONSENT AGREEMENT accepting a VIOLATION of A.R.S. §32-1263.2 with the conditions of continued psychiatric treatment with the current psychiatrist or another qualified psychiatrist, with quarterly progress reports provided by the psychiatrist to the Board for a period of 1 year and bi-weekly psychotherapy for a period of 6 months for a total of 13 sessions with a Board-approved provider to address developing effective coping strategies with monthly psychotherapy reports submitted to the Board. MOTION PASSED UNANIMOUSLY.

- F. Dr. Steven C. Harrop – 1978 WA Dental exam prior to a regional exam

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

- G. Dr. Carlos R. Ruiz – 1980 CA Dental exam prior to a regional exam

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

- H. Dr. Alice K. Su – 2005 CA Dental exam prior to a regional exam

Dr. Su was in attendance.

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

- I. Dr. William P. Smith, Jr. – 1965 OK Dental exam prior to a regional exam

Dr. Smith was present.

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

- J. Deborah A. Nichols, RDH – 1990 WA Hygiene exam prior to a regional exam

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

Agenda Item No. 10.1 - Request for Action on Licensure by Credential – Consent Agenda

The following items were pulled:

- K. Dr. John A. Gregoline – 1977 IN Dental Exam
- L. Dr. William E. Crooks – 1976 FL Dental Exam
- M. Dr. Robert S. Laurenzano – 1972 NERB Dental Exam

Agenda Item No. 10.1.L Dr. William E. Crooks

Dr. Crooks was present. Dr. Foster pulled this item with the concern that there was no endodontic or periodontal assessment included in Dr. Crooks' exam. Dr. Crooks had included a letter attesting to the fact that perio was included in his exam. In response to Dr. Rosenthal, Dr. Crooks maintained that he has practiced for over 30 years as a periodontist and he does not do any endodontics in his practice.

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

Agenda Item No. 10.1.K Dr. John A. Gregoline

Dr. Gregoline was present. Dr. Foster pulled this item. In response to the Board, he stated that in 1977, Indiana had no regional examination; only a state exam. There were no records from when he took the exam. An equivalency report was sent in based on the regional exam of 1980. He has been a practicing general dentist, off and on, for 30 years. In response to Ms. Zastrow, Board staff reported that the equivalency report was done based on a comparison to the current WREB exam.

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

Agenda Item No. 10.1.M Dr. Robert S. Laurenzano

Dr. Foster pulled this item with a concern that the exam has too many differences with the current WREB exam. Discussion ensued as to the current law regarding equivalency. Board staff cited the statute which stated: "the other state or testing agency maintained a standard of licensure that is substantively equivalent".

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

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

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to Grant licensure by credential to the following applicants. MOTION PASSED UNANIMOUSLY.

- N. Patricia M. Quets, RDH – 2004 FL
- O. Dawn L. Brause, RDH – 2005 FL
- P. Cathy L. Bibby, RDH – 2005 LA

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

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

- A. Dr. Richard R. Salb – 1973 NERB
- B. Dr. Karen J. White – 1980 NERB
- C. Dr. Gerardo D. Quinones Whitmore – 1984 NERB
- D. Dr. Jeffrey M. Swartz – 1986/1987 NERB
- E. Dr. Rashmi Bhatnagar – 2000 NERB
- F. Dr. Dirk M. Donovan – 2003 NERB
- G. Dr. Michael I. Domingo – 2003/2004 NERB
- H. Dr. Thomas Hao – 2003/2004 NERB
- I. Dr. Janne M. Lynch – 2004/2005 NERB
- J. Dr. Morteza Zamani – 2004/2005/2006 NERB
- K. Dr. Abhay A. Ektare – 2005/2006 NERB
- L. Dr. Penn Y. Soh – 2005/2006 NERB
- M. Dr. Edward D. Gall, III – 1973 CRDTS
- N. Dr. Mitchell L. Page – 1983 CRDTS
- O. Dr. Shaun H. Lim – 1997 CRDTS
- P. Dr. Robert F. Andrus – 2000 CRDTS
- Q. Dr. Paul D. Clark – 2004 CRDTS
- R. Dr. Bill B. Le – 1988 CA
- S. Dr. Ralph E. Umali – 1989 CA
- T. Dr. Tracy M. Ransdell – 1995 CA
- U. Dr. Kim T. Pham – 1997 CA

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**Agenda Item No. 29A Case No. 260276
Missouri Commons Family Dental**

This case had been tabled from the February Board meeting pending proof of payment to the complainant. Proof has been provided.

Upon MOTION by Dr. Altman the Board voted to DISMISS for Lack of Supporting Evidence. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 27 Case No. 260247
Dr. Gordon C. Williamson**

At its October 2006 meeting, the Board voted to incorporate the allegations in this case with another case pending a signed amended consent agreement. This case had been administratively adjusted in the meantime. The signed agreement was just received, after 4 months. The Board discussed whether they would vacate their vote to administratively adjust this case and proceed with an investigation, or accept the consent agreement now, even though it had been months since the Board asked for it.

Ms. Williams suggested that, in the future, the Board issue a deadline as to when the proposed consent agreements should be returned to the Board.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to ACCEPT the Consent Agreement. 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. 30	Case No. 260384	Dr. Jeffrey Todd Erickson
Agenda Item No. 32	Case No. 260059	Dr. Christopher J. Woolaver
Agenda Item No. 33	Case No. 260218	Dr. Gary J. Core
Agenda Item No. 35	Case No. 260369	Dr. Denham Bohart Crafton, II
Agenda Item No. 38	Case No. 260330	Dr. David E. Spring
Agenda Item No. 39	Case No. 260358	Dr. Michael E. Coggins
Agenda Item No. 40	Case No. 260388	Dr. Morad R. Malaki

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

Cases DISMISSED:

Agenda Item No. 31	Case No. 260308	Dr. Kamal Al-Fakiani
Agenda Item No. 34	Case No. 260343	Dr. Frank W. Maybusher
Agenda Item No. 36	Case No. 260397	Western Dental of Arizona, Inc.
Agenda Item No. 37	Case No. 260349	Dr. Justin Wayne Heiden

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Cases pulled that are Recommended for Dismissal without Prejudice – Consent Agenda

Agenda Item No. 41	Case No. 270033	Sun Dental Systems
Agenda Item No. 42	Case No. 270035	Sun Dental Systems

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

Agenda Item No. 43	Case No. 260360	Dr. Clayton Wainwright
Agenda Item No. 44	Case No. 260229	Dr. Ryan Porter
Agenda Item No. 45	Case No. 260321	Dr. Hugh T. Keeffe
Agenda Item No. 46	Case No. 260375	Dr. Ronald H. Watkins

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

Agenda Item No. 47	Case No. T-07-001	Dr. Glenn C. Hanf
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Upon MOTION by Ms. Zastrow, second by Dr. Altman 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. 48	Case No. 260326	Dr. Daniel Kang
Agenda Item No. 49	Case No. 260372	Dr. Sathish Bhadra Chari
Agenda Item No. 50	Case No. 260408	Dr. Neetu Gupta Patel
Agenda Item No. 51	Case No. 270010	Dr. David M. Chei
Agenda Item No. 52	Case No. 260410	Dr. Janece M. Davis

Cases pulled that are Recommended for Discipline for Failure to Comply with C.E. Requirements – Consent Agenda – From Triage

Agenda Item No. 53	Case No. 260379	Dr. Michael J. Neary
Agenda Item No. 54	Case No. 260376	Dr. Michael Louis Haynie

Cases pulled that are Recommended to Open a New Complaint for Noncompliance with a Consent Agreement or Board Order – Consent Agenda

Agenda Item No. 55	Case No. 250069	Dr. Robert D. Sundberg
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Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to OPEN A NEW COMPLAINT on the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

NEW COMPLAINT OPENED ON:

Agenda Item No. 56	Case No. 260097	Dr. David M. Fox
Agenda Item No. 58	Case No. 260111	Dr. Steven K. Rubisch

*Agenda items 57 and 59 were vacant

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Agenda Item No. 60 – Approval of Restricted Permits (Application or Renewal) – Consent Agenda

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to APPROVE the following Restricted Permits. MOTION PASSED UNANIMOUSLY.

- A. Dr. John Paul Mitchell – Renewal
- B. Dr. Bruce L. Wolff – Application

Agenda Item No. 61 – 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.

Jeremy W. Cull, DDS
D 7170, issued: 02/07/2007

Claudia Colorado, DDS
D 7171, issued: 02/07/2007

Katrina H. Naasz, DDS
D 7172, issued: 02/15/2007

Tarik W. Jbarah, DMD
D 7173, issued: 02/22/2007

Timothy J. Manning, DMD
D 7174, issued: 02/27/2007

Shahin Madi, DMD
D 7175, issued: 03/01/2007

Alexander L. Matheson, DMD
D 7176, issued: 03/14/2007

Adam R. Pershing, DMD
D 7177, issued: 03/15/2007

Adam N. Smith, DDS
D 7178, issued: 03/15/2007

Thong Dinh Ho, DDS
D 7179, issued: 03/15/2007

Shaun R. Cullimore, DMD
D 7180, issued: 03/21/2007

Jamie L. Laughery, DDS
D 7181, issued: 03/28/2007

Michael C. Hawkins, DDS
D 7182, issued: 04/04/2007

Total Dental: 13

Genneve Andrade, RDH
H 6110, issued: 01/16/2007

Rachelle E. Michaels, RDH
H 6121, issued: 02/20/2007

Alysson K. Whitney, RDH
H 6122, issued: 03/08/2007

Arlene Jones, RDH
H 6123, issued: 03/19/2007

Natalia DeRojas, RDH
H 6124, issued: 03/21/2007

Lucille M. Goldberg, RDH
H 6125, issued: 04/02/2007

Total Dental Hygiene: 6

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Agenda Item No. 30

**Case No. 260384
Dr. Jeffrey Todd Erickson**

Dr. Erickson and his attorney Mr. Morris were in attendance.

Dr. Altman pulled this case from the consent agenda to address the September 27th letter from Dr. Ingersoll. Dr. Altman felt that Dr. Erickson knew that he was not abiding by the statutes and rules and the comment that "I've learned my lesson" was inconsequential. Dr. Altman wanted to know what Dr. Erickson's understanding of the law was at present.

Mr. Morris stated that Dr. Erickson would respond to what his understanding of the law was then and what his current understanding was. Dr. Erickson stated that Dr. Ingersoll has always visited his practice in a very intimidating fashion. The dentists in his office have no training in anesthesia, yet Dr. Ingersoll tests them as if they are anesthesiologists. Dr. Erickson has always believed that the role of the Board consultant was to test the anesthesiologist. There are 2 full-time medical anesthesiologists along with some nurse anesthetists in the practice. But Dr. Ingersoll was of the opinion that the dentists must be tested. This is where they disagree. Currently, Dr. Erickson is doing everything that Dr. Ingersoll has suggested they do, even though he interprets the law differently.

Dr. Altman stated that he interpreted the law the same as Dr. Ingersoll. Discussion ensued regarding the intent of the law. Had Dr. Erickson, who has a 1301 permit, been the person who anesthetized the patients before the students treated them, there would be no issue. However, the Board has no jurisdiction over medical anesthesiologists or nurse anesthetists. The law states "Before inducing general anesthesia by any means, a dentist shall possess a section 1301 permit". Mr. Morris stated that the law should address the treating dentist by clearly stating he or she should have a 1301 permit. As it stands, an MD anesthesiologist does have the legal ability to induce the patient. Since the controversy arose between Dr. Erickson and Dr. Ingersoll, the dentists in Dr. Erickson's office have now obtained 1301 permits, but Mr. Morris did not believe the statute actually required them to do so.

Dr. Altman stated that if there was confusion with any other dentists, he would be more inclined to feel that the wording of the law was inadequate; but in his 2 years with the Board, this is the first time this issue has come to the Board. Dr. Erickson responded that there have been at least 2 other dentists who have expressed their confusion as well, but he, personally was now abiding by the guidelines set by Dr. Ingersoll.

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

Agenda Item No. 33

**Case No. 260218
Dr. Gary J. Core**

Dr. Core, his attorney Mr. Tonner and complainant JM were present. JM stated that at the Investigative Interview (I.I.) Dr. Core stated that she had a piece of tooth hanging out of her mouth which is why the flipper didn't work. That was the first she had heard of that being an issue. While at his office, Dr. Core told her the flipper didn't work because of her bite. Unfortunately, JM did not take a picture of her mouth after the extraction, but she did save the tooth. She further stated that Dr. Core tried to refund the money to her, but she was out of the country at the time and did not receive the mail.

Mr. Tonner stated that JM presented with tooth #8 partially fractured. Dr. Core referred her to a periodontist for extraction and JM was supposed to return to Dr. Core for the flipper. When JM returned to Dr. Core, she had not had the fractured tooth removed yet. He took an impression for a second

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Upon MOTION by Dr. Foster, second by Dr. Waite the Board voted to issue a LETTER OF CONCERN regarding Failure to renew the anesthesia permit in a timely manner. Dr. Spigner ABSENT. Ms. Zastrow RECUSED. Mr. Fiegen, Ms. Bevers, Ms. Stevens and Dr. Altman OPPOSED. MOTION FAILED.

Mr. Fiegen made a motion to find a VIOLATION of A.A.C. R4-11-1302 and R4-11-1306, failure to renew a sedation permit.

Ms. Williams noted that the Board would need to formulate a Finding of Fact in support of this motion.

Upon MOTION by Mr. Fiegen, second by Ms. Bevers the Board proposed Finding of Fact No. 1 to read: Dr. Watkins did not renew his sedation permit in a timely fashion and practiced sedation for a period of 6 years with no permit. MOTION FAILED.

Mr. Fiegen could not understand the Board's reluctance to find a violation in this matter. While he agreed that the oversight of failing to renew the permit was something that could happen to anyone, he could not understand why the Board would find this acceptable. The bottom line was that a permit is required to do I.V. sedation. If anyone else appeared before the Board who was doing I.V. sedation without a permit, it would be looked at very strongly; he didn't believe the Board would just say "oh, well". Ms. Stevens agreed with Mr. Fiegen and added that a renewal is not something that can just be handled by the staff. Those papers must be presented to the licensee for signature. At some point, the licensee does see the renewal. It was no different than knowing when tax time was or knowing when deadlines are. At some point it has to dawn on the licensee that they have not signed their renewal. The responsibility lies with the licensee.

The Board discussed the potential violations and options related to finding a violation as opposed to issuing a Letter of Concern.

Ms. Bevers offered another MOTION to issue a Letter of Concern regarding non-compliance with R4-11-1302, failure to renew sedation permit. NO SECOND.

Dr. Altman recommended tabling this matter until the next meeting in order to attempt a vote that would not result in a tie. The Board discussed that changing the Findings of Fact is only necessary if the Board intends to find a violation of the law and that a violation could not be found if only a Letter of Concern was issued.

Upon MOTION by Mr. Fiegen, second by Ms. Stevens the Board voted to ADOPT Finding of Fact No. 1 – Dr. Watkins did not renew his sedation permit in a timely fashion and practiced sedation for a period of 6 years with no permit. MOTION PASSED.

Upon MOTION by Mr. Fiegen, second by Ms. Bevers the Board voted to find a VIOLATION of A.A.C. R4-11-1302 and 1306. MOTION PASSED.

**The Board requested priors – staff reported 1.

Upon MOTION by Mr. Fiegen, second by Dr. Rosenthal the Board voted to impose an ADMINISTRATIVE PENALTY of \$1000. MOTION PASSED.

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

Agenda Item No. 87 Case No. 260420 Dr. Bradley X. DeMark

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

Cases issued a LETTER OF CONCERN:

Agenda Item No. 85 Case No. 260418 Dr. Eric A. Heap **
Re: The doctor's responsibility to make sure all records are supplied to the Board and fully documenting the diagnosis prior to treatment

**The complaint, SA, appeared after Case No. 260418 had been adjudicated. The Board allowed her to address them regarding this issue. SA stated that she went to Dr. Heap, was diagnosed with a cavity and was charged \$1200 for the treatment. Her subsequent treating dentist informed her that she had no cavity. Also, she claimed Dr. Heap's assistant chipped her front tooth. According to the records, Dr. Heap acknowledged that the tooth was chipped and scheduled it to be repaired at SA's next appointment. She never returned for re-treatment. In reviewing the ledger, it was discovered that SA was mistaken regarding being charged \$1200 for the treatment. The actual charge was \$300 for 2 teeth. The Board considered SA's statement, but stood by its earlier vote.

Agenda Item No. 86 Case No. 260417 Dr. Kae C. Hogan
Re: The lack of a written documented diagnosis

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

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN in the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case issued a LETTER OF CONCERN:

Agenda Item No. 88 Case No. 260377 Dr. Christine M. Kopsky
Re: Proper allocation of CE courses for license renewal

Cases that are Recommended for Discipline for Failure to Comply with C.E. Requirements – Consent Agenda – From Triage

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose DISCIPLINE in the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

DISCIPLINE IMPOSED ON:

Agenda Item No. 89 Case No. 260391 Dr. John M. McLaughlin
Administrative penalty of \$2000 and issue a subpoena for the records of verification of the required CE

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Agenda Item No. 90 Case No. 260378 Dr. John P. LaPine
Administrative penalty of \$500 and completion
of the required CE with 3 months time to
complete

Cases pulled that are Recommended for Remand – Consent Agenda

Agenda Item No. 91 Case No. 260400 Dr. Brandon J. Kroll

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

Agenda Item No. 93 Case No. 270006 Dr. Barry James Nestlerode
Agenda Item No. 94 Case No. T-07-003 Dr. Robert Griego

Upon MOTION by Ms. Zastrow, second by Dr. Waite 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. 92 Case No. T-07-002 Dr. Hugh T. Keffe
Agenda Item No. 95 Case No. T-07-004 Dr. Oskana Stoj
Agenda Item No. 96 Case No. 270018 Dr. Shandy S. Condie
Agenda Item No. 97 Case No. 270044 Dr. Robert G. Manning
Agenda Item No. 98 Case No. 270014 Dr. Mark H. Lidner

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

Agenda Item No. 99 Case No. 270001 Dr. Jon Gregory Sabol
Agenda Item No. 99A Case No. 260350 Dr. Garrett F. Harnett

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

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose a CIVIL PENALTY in the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

CIVIL PENALTY IMPOSED ON:

Agenda Item No. 100 Case No. 260396 Dr. Marc R. Mondragon - \$250

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 Dr. Foster 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. 101 Dr. Louis J. Casillas – Alleged inadequate infection control and failing to follow recommended OSHA and CDC guidelines

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- Agenda Item No. 102 Dr. Brent Boyse – Malpractice report – Alleged inadequate oral surgery
- Agenda Item No. 103 Dr. Michele Bibeau – Alleged abuse of prescribing privileges, failure to maintain records, dispensing for non-dental purposes and conscious sedation without a permit
- Agenda Item No. 104 Dr. David E. Naisbitt – Alleged misleading advertising
- Agenda Item No. 105 Dr. Ronald A. Foeldi – Alleged misleading advertising
- Agenda Item No. 106 Dr. Karen A. Kramarczyk – Alleged adverse occurrence and alleged sedation without a permit
- Agenda Item No. 107 Dr. Orville S. Diggs – Alleged inadequate oral surgery
- Agenda Item No. 108 Dr. Jose G. Fernandez – Alleged inadequate endodontics and complications during or after treatment
- Agenda Item No. 109 Dr. Darian Kaar – As a result of Case 260318 for alleged failure to fully comply with a Board subpoena to produce records by not sending all the records
- Agenda Item No. 110 Dr. Mark J. Castle – As a result of Case 260268 for alleged failure to maintain records and failure to release records

Ratification of Cases Recommended for Investigative Interview – Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Dr. Waite 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. 111	Case No. 260370	Dr. Jeremy P. Sweet
Agenda Item No. 112	Case No. 260368	Dr. Carter A. Grampp
Agenda Item No. 113	Case No. 260406	Dr. Forbes E. Morse
Agenda Item No. 114	Case No. 260380	Dr. Kevin M. Shuster
Agenda Item No. 115	Case No. 260381	Dr. Gary L. VanderYacht
Agenda Item No. 116	Case No. 260392	Dr. Rosalyn D. Keith
Agenda Item No. 117	Case No. 260394	Dr. Ralph L. Juriansz
Agenda Item No. 118	Case No. 260395	Dr. Soheyla Marzvaan

**Agenda Item No. 93 Case No. 270006
Dr. Barry James Nestlerode**

Mr. Gaines was present on behalf of Dr. Nestlerode. He stated that Dr. Nestlerode and the patient had entered into an agreement. He refunded her money and she forwarded a letter to the Board saying that she didn't wish to pursue the case any longer. Mr. Gaines felt that if the dentist can make the patient whole and put the complaint to rest, this type of arrangement should be encouraged. As an attorney representing dentists and physicians, Mr. Gaines would like to be able to recommend to his clients that

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Agenda Item No. 83

**Case No. 260317
Dr. Robert Hoskyns**

Mr. Tonner, on behalf of Dr. Hoskyns and complainant MW were present. MW stated that she had never requested that her over-bite be corrected by Dr. Hoskyns. She had dealt with it for over 60 years and it was not a problem for her. Dr. Hoskyns convinced her that the over-bite was severe and needed to be corrected. He never gave her the option of going home to think about whether she wanted the treatment or not. She felt that the problem with her lower teeth should have been corrected first. She has suffered bone loss in that area and has had problems with teeth #'s 17 through 21. Since he ground her teeth, she was now at the original malocclusion. She expected Dr. Hoskyns, with his expertise, to take into consideration what was best for her age, finances and needs. She felt that she was used as a guinea pig for his new practice of cosmetic dentistry. MW further stated that she had asked Dr. Hoskyns several times to stop grinding her teeth and to not break any of her teeth during the prepping for crowns. She continued treatment with Dr. Hoskyns because she trusted him not to damage healthy teeth. At her last visit, she kept telling Dr. Hoskyns to stop, but he wouldn't and also asked his assistant to help him hold her tongue out of the way. MW felt that Dr. Hoskyns was guilty of all of the allegations made in this complaint.

Mr. Tonner stated that he was very taken aback with MW's statements. They were not in the original complaint and were not discussed at the Investigative Interview. The clinical evaluation showed the work to be fine with the exception of recurrent caries on tooth #30. Her complaint centered on her last office visit in which Dr. Hoskyns used a Telscan device which shows where the occlusion is. She did not want that procedure done. Over the course of 10 years of treatment by Dr. Hoskyns, MW has had implants, 5 root canals, several bridges, several crowns and veneers placed. Mr. Tonner found it hard to believe that all of that work would be acceptable, but the Telscan would be the one thing that would set MW off and make her leave the office. Mr. Tonner felt this case should be dismissed.

Ms. Bevers pulled this case to address the clinical evaluator's comment regarding the occlusion on tooth #30.

In response to Dr. Rosenthal, MW stated that she was a patient of Dr. Hoskyns for several years. Once he moved to his new location, his attitude changed. He was a very aggressive and "take charge" person in his office. From diagnosis to treatment, approximately 1 to 2 weeks had passed.

Ms. Zastrow stated that, while she did not want to appear insensitive to MW's problem, she found it difficult to believe that MW was manipulated into having the treatment done by Dr. Hoskyns; more so because MW is a nurse and has a healthcare background. Just because Dr. Hoskyns would not allow her to go home and think about it did not mean that MW didn't have that option. It appeared to Ms. Zastrow that MW knew that she didn't need the treatment, but she decided to trust Dr. Hoskyns anyway. MW was unhappy with the results, but there was some accountability on MW's part.

MW stated that Dr. Hoskyns ground her teeth down until they were too short. No other dentist made this diagnosis; this was what she was continuously telling Dr. Hoskyns. In response to the Board, MW stated that Dr. Hoskyns had not replaced her short teeth nor has he made the offer to replace them. Also, if he were to make the offer now, she would be very uncomfortable to allow him to do so.

Ms. Zastrow moved to DISMISS for Lack of Supporting Evidence but the motion died due to lack of a second.

Dr. Rosenthal expressed concern that Dr. Gibbons, the clinical evaluator, and Dr. Bleaker, the prosthodontist and MW's subsequent treating dentist, shared the same office. Ms. Paschal clarified for

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Agenda Item No. 119 – Members of the Public

None

Agenda Item No. 120 – Associations

None

Agenda Item No. 121 – Future Agenda Items

None

Agenda Item No. 122 – Next Meeting Date

Special Meeting May 4, 2007
Board Meeting June 1, 2007

Agenda Item No. 123 – Adjournment

Dr. Altman adjourned the meeting at 4:50 PM.

Minutes APPROVED at the June 1, 2007 Board Meeting

Julie N. Chapko, Executive Director