



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING JUNE 4, 2010

Board Members Present:

Dr. Gregory A. Waite, President
Dr. Scott W. Morrison, Vice President
Ms. Laurie A. Buckles, RDH
Dr. Jack R. Cole
Dr. Gary M. Gradke
Dr. Michael R. Hauer
Dr. Robert H. Foster
Ms. Catherine L. Bevers, RDH
Mr. Jason D. Farnsworth
Mr. Joshua Greer

Board Members Absent:

Dr. Louis Sommerhalter

Staff Present:

Ms. Elaine Hugunin, Executive Director
Ms. Nancy Chambers, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Ms. Colleen R. Amos, Investigations Supervisor
Ms. Sherrie Biggs, Licensure Manager
Ms. Terry Bialostosky, Programs & Projects Specialist
Ms. Marsha Fuentes, Legal Administrator
Ms. Yvonne Barron, Legal Assistant
Ms. Nancy Elia, Licensure Administrator

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."

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Agenda Item No. 1 – Call To Order and Introductions

Dr. Waite called the meeting to order at 8:00 a.m.

Agenda Item No. 2 – President's Report – Dr. Greg Waite

A. Dental Assistant Radiography Certification

- i. Appointment of Dental Assistant Radiography Certification Committee: Dr. Gregory Waite (chair), Dr. Eric Pettersen, Dr. Eldon Hastings, Patricia Moore, RDH, Rita Perry, RDH, Nicole Albo, RDH, Catherine Bevers, RDH, Mr. Kevin Earle, Ms. Barbara Crowley.
- ii. Review, discussion and possible action regarding changes to the Arizona Clinical Radiologic Proficiency Exam.

Ms. Chambers stated this is a request from DANB. They are asking if while the committee is making recommendations for changes to the exam, if the Board would consider the Oregon model minus the education portion. The biggest change would be that DANB would no longer coordinate the exam. The schools would give the exam. Also, a licensed dentist or certified dental assistant could give the exam in a dental office. Another major difference is that the dental assistant is allowed to look at the radiographs they took and decide whether they are diagnostic. If not, they are allowed to take the radiographs again.

Dr. Waite stated Oregon has a 90% pass rate compared to Arizona's 55% because assistants are able to retake radiographs.

Ms. Crowley with Pima Community College stated DANB coordinates the exams now but the schools already have the autonomy to dictate when they are scheduled. She has concerns about who will evaluate the exams. If DANB continues to evaluate the exams, then the schools can adjust to coordinating them though it will be problematic at first. The schools that are ADA accredited shouldn't have to take the exam because these students have already proved themselves.

Ms. Pisano is a certified dental assistant who teaches radiology at NAU. She stated DANB is deciding not to be the coordinator for the exam, so it is falling on the schools to do this. She is not sure NAU wants to take on this responsibility.

The Board stated there is concern that in a dental office setting, there is no regulation similar to when you take the test at a school or DANB. That needs to be closely looked at.

Dr. Waite stated at this point they will TAKE NO ACTION.

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- B. Appointment of Legislative Committee Members: Mr. Josh Greer (chair). Dr. Terry Ramsey, Dr. Don Altman, Margaret Perry, RDH, Deborah Kappes, RDH, Fred Cummings, Esq. and Dr. Roger Briggs.

Agenda Item No. 3 Executive Director's Report

- A. Discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration – Central Services Bureau, MATP Medical Director, Legislative Liaison and Staff Consultant.

Upon MOTION by Dr. Foster, second by Ms. Bevers the Board voted to RENEW Interagency Service Agreements and contracts. MOTION PASSED UNANIMOUSLY.

- B. Discussion regarding the Board's FY11-12 budget. NO ACTION TAKEN.
- C. Review, discussion and possible action regarding Board office relocation.

Ms. Hugunin stated they are asking the Board to approve/endorse relocation of the Board office to 7th Avenue between Camelback and Indian School. The Occupational Therapy and Physical Therapy Boards are located there and Board room space could be shared. Rent would be significantly less and set for a 5 year period. Bids for relocation have been obtained showing the cost to be between \$20,000 to \$30,000. The highest cost is moving the files in the file room which are bolted to the floor. The Arizona Department of Administration is considering mandating the Dental Board move into a State owned building given the State's budgetary challenges. This will cost the Dental Board approximately \$16,000 more a year or \$80,000 over a five year period. The location will be a hardship to the employees. Ms. Hugunin is asking the Board to support a move to the Augora building on 7th Avenue.

The Board wanted to know what would happen if after moving to 7th Avenue, the State later mandated the Board move to a State owned building. Ms. Hugunin stated once relocation occurs, the State would have to pay for any move they mandated later on. Dr. Waite stated the rent at the 7th Avenue building would be less than the Dental Board's present location. It would be \$10 to \$11 more per square foot at the location the State wants. Ms Hugunin stated the data is consistently being presented to the State to show that it is not cost effective or to the best interest of the Dental Board to move into a State owned building at this time.

Upon MOTION by Mr. Farnsworth, second by Dr. Foster the Board voted to RELOCATE the Board office to the 7th Avenue location. MOTION PASSED UNANIMOUSLY.

- D. Review, discussion and possible action regarding delegation of authority to Executive Director to terminate complaints under House Bill 2172.

Ms. Hugunin stated HB 2172 becomes effective 7/29/10. She is requesting the Board go on record as delegating authority to the Executive Director in accordance with the statute. The statute allows the complainant to make an appeal before the Board of Directors. Communications will be modeled similar to other regulatory Boards that already have this process in place.

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Upon MOTION by Mr. Greer, second by Dr. Morrison the Board voted to GRANT delegation of authority to the Executive Director in accordance with HB 2171 effective 7/29/10. MOTION PASSED UNANIMOUSLY.

- E. Review, discussion and possible action regarding Board-ordered restitution as a disciplinary sanction. NO ACTION TAKEN.
- F. Review, discussion and possible action regarding the consent agreement process to resolve complaints.

Ms. Hugunin stated in certain situations, many regulatory Boards work with a licensee's attorney prior to a Board meeting to develop a consent agreement, especially where the licensee knows there has been a finding of unprofessional conduct. The CPR Committee has discussed this in context of our current process and the Medical Board's process. Developing a consent agreement prior to the Board meeting has proven to be effective at other regulatory Boards with a positive outcome. Our statutes do not need to be changed to allow this. We are asking the Board to endorse/approve Board staff working with licensee's attorneys in appropriate situations to bring a consent agreement for the Board's consideration and approval.

Upon MOTION by Dr. Foster, second by Dr. Gradke the Board voted to allow staff and licensee's attorneys to PROCEED with CONSENT AGREEMENT. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 4 – Assistant Attorney General's Report For Board Direction & Possible Action – Mary DeLaat William, AAG

- A. Dr. Mu-Hun Kim v. ASBDE (Case 280093) (Court Case LC2009-000370)

Dr. Kim's case is currently before the Court of Appeals. Our brief is due 7/7/10. Dr. Kim will have 40 days after that to file.

- B. Dr. Rosalyn D. Keith v. ASBDE (Case 270098) (Court Case LC2009-000836)

Dr. Keith's case is still before the Superior Court.

- C. Dr. Jack I. Lipton v. ASBDE (Case 280440) (Court Case LC2009-000836)

Upon MOTION by Dr. Waite duly seconded the Board voted to go into EXECUTIVE SESSION for legal advice regarding settlement of appeal in pending litigation according to ARS §38-431.03(A)(4). MOTION PASSED UNANIMOUSLY.

****Executive Session****

RETURN TO OPEN MEETING

Upon MOTION by Mr. Greer, second by Mr. Farnsworth the Board voted to DIRECT Mary Williams to pursue settlement. MOTION PASSED UNANIMOUSLY.

- D. Dr. Denham Bohart Crafton II v. ASBDE (Case 280459)(Court Case LC2010-000063)

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Stipulated to dismiss and he will accept non-disciplinary civil penalty.

- E. Dr. Garrett F. Harnett v. ASBDE (Case 280400)(Court Case LC2010-000214)
Review, discussion and possible action regarding settlement of appeal.

Upon MOTION by Dr. Waite duly seconded the Board voted to go into EXECUTIVE SESSION for legal advice regarding settlement of appeal in pending litigation according to ARS §38-431.03(A)(4). MOTION PASSED UNANIMOUSLY.

****Executive Session****

RETURN TO OPEN MEETING

Upon MOTION by Mr. Greer, second by Dr. Gradke the Board voted to DIRECT Mary Williams to PURSUE SETTLEMENT. MOTION PASSED UNANIMOUSLY.

- F. Dr. William Hoskyns v. ASBDE (Cases 290098 and 290138)(Court Case LC2010-000237)

Motion to dismiss pending before the Superior Court.

Agenda Item No. 5 - Personnel Issues

- A. VACANT

Agenda Item No. 6 – Request for Action on Licensure/Certificate by Examination

- B. VACANT

Agenda Item No. 7 – Request for Action on Dental Assistant Radiology Certification by Credential – Consent Agenda

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

- A. Brittany R. Reynolds – Certified in CA
- B. Emanuel Garcia – Certified in CA
- C. Sheilta J. Pauley – Certified in CA
- D. Maria Del Refugio Rohas – Certified in CA
- E. Crystal D. Joe – Certified in NM
- F. Cari M. Funkhouse – Certified in OR

Agenda Item No. 8 – Request for Action on Licensure by Credential

- A. Heather L. Dotson, RDH – Application was tabled from the April 9, 2010 Board meeting pending information on practice hours completed.

Heather Dotson was present.

A couple Board members stated they thought documentation was weak and didn't find her documentation any different than what was submitted before. The Board reviewer

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stated he initially felt the same way, but upon further scrutiny was fine with the documentation presented this time.

Upon MOTION by Dr. Morrison, second by Mr. Greer the Board voted to GRANT licensure by credential for the 1000 hours provided by Ms. Dotson. Ms. Buckles and Ms. Bevers OPPOSED. MOTION PASSED.

- B. Maryam Hesari, RDH – 1998 CA Hygiene exam prior to a regional exam

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

- C. Denise M. Hinkle, RDH – 1981 MS and 1990 FL exams prior to a regional exam

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

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

- D. VACANT

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

- E. VACANT

Agenda Item No. 9 – Request for Action on Licensure by Credential – Consent Agenda – Board-approved Clinical Examination

Upon MOTION by Ms. Bevers, second by Mr. Farnsworth the Board voted to GRANT licensure by credential to the following applicants who have submitted documentation of successful completion of a Board-approved clinical examination. MOTION PASSED UNANIMOUSLY.

- A. Dr. Vijay P. Parashar – 2008/2009 NERB
- B. Dr. Glenn H. Featherman – 1987 NERB
- C. Dr. Matthew H. Maneely – 2002 CRDTS
- D. Dr. James G. Millward – 1998 WREB
- E. Dr. Jennifer T. Ebner – 1999 CA
- F. Dr. Charles B. Spriggs – 2002 WREB
- G. Carol M. Perez, RDH – 2009 NERB
- H. Brenda K. Lale, RDH – 1992 NERB
- I. Brittany A. Mahieu, RDH – 2007 CRDTS
- J. Nicole M. Scheiner, RDH – 2006 CRDTS
- K. Michele M. Mick, RDH – 2000 CRDTS
- L. Kelly L. Cook, RDH – 2003 WREB

Agenda Item No. 10 – Request for Action On Application(s) for Renewal of License

- A. Dr. Geoffrey A. Berg – Review, discussion and possible action regarding disclosure of disciplinary action taken by the Oregon Board of Dentistry.

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

- B. Dr. Robert D. Carpenter – Review, discussion and possible action regarding disclosure of participation in the New York State Professional Assistance Program.

Upon Motion by Dr. Morrison, second by Mr. Greer the Board voted to GRANT renewal of license. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 11 – Recommendation(s) From Board MATP Medical Director

- A. Lora A. Bradley, RDH – Review, discussion and possible action including opening an investigation regarding disclosure of a DUI and recommendation by Dr. Sucher.

Dr. Sucher reported this was an isolated incident and no further evaluation, monitoring or treatment is required. NO ACTION TAKEN.

- B. Dr. Kevin M. Mueller – Review, discussion and possible action including opening an investigation regarding disclosure of a DUI and recommendation by Dr. Sucher.

Dr. Sucher reported this was an isolated incident and no further evaluation, monitoring or treatment is required. NO ACTION TAKEN.

- C. Dr. Smitha Reddy – Review, discussion and possible action regarding request for licensure involving disclosure of a DUI arrest and recommendation by Dr. Sucher.

Dr. Sucher reported this was an isolated incident and no further evaluation, monitoring or treatment is required.

Upon MOTION by Dr. Gradke, second by Dr. Foster the Board voted to APPROVE licensure. MOTION PASSED UNANIMOUSLY.

- D. Dr. William Lee Anderson – Review, discussion and possible action regarding request for licensure involving disclosure of DUI, opening an investigation and recommendation from MATP Director for entrance into the Board's 2-year Abuse Track Program. Tabled from the April meeting pending Dr. Sucher's attendance.

Dr. William Anderson stated he made a mistake and got one DUI. After this, he has never driven while drinking. Last summer, he celebrated passing his last Board exam. He put his date in a cab and waited in a parked car for his cab to arrive. An officer on a bicycle wrongly sighted him for DUI which was dismissed.

Ms. Susan McLellan stated Dr. Anderson has had only one DUI which occurred two years ago. He fully understands and learned from this. He was waiting on a cab the second time he was charged with a DUI. This was dismissed by the court system with nothing to convict him. They are asking the Board for an unrestricted license. If needed, they would then like the opportunity to discuss other options open to him.

Dr. Sucher stated Dr. Anderson has been arrested three times for alcohol related incidences between 3/08 and 7/09. The police reports indicate issues of disorderly conduct and being under the influence of alcohol. His insight into the series of events

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was fair to poor and judgment in all of these events poor. Dr. Sucher believes Dr. Anderson definitely meets the threshold for alcohol abuse. At the minimum, he needs the 2 year abuse Track Program. The only alternative is to send him to a 4-5 day comprehensive evaluation and see what an independent party says.

Ms. McLellan stated in regard to disorderly conduct, it was after students were at an acoustic guitar concert when crossing the street. An officer selectively pulled Dr. Anderson out of the group. Dr. Wilson who was witness to all of this wrote a letter describing what was written in the police report was not the same way he witnessed the events. The officer who made these arrests got a reprimand for how she handled the situation. Dr. Anderson did use good judgment in the last incident in not driving his car. These are youthful indiscretions while he was in school. There has been no evidence of impairment for Dr. Anderson to need the 2 Year Abuse Track Program. He holds a license in Kentucky where they felt he was suitable for licensure.

Dr. Sucher stated it is an option for Dr. Anderson to go to one of the 3-4 approved centers where he can be fully evaluated for another opinion. Dr. Sucher believes the diagnosis will come back alcohol abuse with the same type of recommendation, but it is a choice Dr. Anderson has. The Board stated that would give them an independent evaluation to consider. If it comes back different than Dr. Sucher's evaluation, they would seriously take this into consideration.

Ms. McLellan requested the Board vote regarding an unrestricted license. If that fails, they would like to withdraw his application so it doesn't go on his record. Ms. Williams stated if Dr. Anderson asks the Board to withdraw his application, then the Board can grant or deny this.

Dr. Anderson stated he started the application process in January hoping to resolve it by April. Now it is June and he is concerned about the resources this is costing him. He is already licensed in another state where they have faith in him.

Ms. McLellan stated by entering into the Two Year Abuse Track Program, it will always be on Dr. Anderson's record. He is a young dentist starting out and this will greatly impact his opportunities throughout his dental career. They are making a formal request to allow Dr. Anderson to withdraw his request for a license.

Upon MOTION by Dr. Gradke, second by Mr. Greer the Board GRANTED withdrawing Dr. Anderson's application for licensure. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 12.A – Current MATP Participants

No action taken.

Agenda Item No. 12.B – Current Abuse Track Participants

No action taken.

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Upon MOTION by Dr. Foster, second by Ms. Bevers the Board voted to ACCEPT the Findings of Fact. Dr. Waite OPPOSED. MOTION PASSED.

Upon MOTION by Dr. Foster, second by Dr. Gradke the Board voted to ACCEPT Conclusions of Law and find a VIOLATION of §32-1201.21(n). Dr. Morrison OPPOSED. MOTION PASSED.

**The Board requested priors – staff reported one letter of concern.

Upon MOTION by Dr. Foster, second by Dr. Gradke the Board voted to impose CONTINUING EDUCATION of 16 hours hands-on oral surgery to be completed in 12 months and accept the course she already signed up for. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 15 **Case No. 100034**
Dr. Nafys Samandari

Dr. Samandari and his attorney Mr. Cummings were present.

Dr. Gradke recused himself.

Mr. Cummings stated he would like to ask the Board to dismiss this complaint. This matter pertains to a claim made to Dr. Samandari's insurance company regarding endodontically treated tooth #7 which had a post perforation occur when the doctor placed a crown on it. This event occurred in 2000, and the patient remained a patient until 2003 with no symptoms occurring. In 2009, the patient appeared and told the doctor he had been told there was a root perforation. Dr. Samandari wanted him go to an endodontist which the patient declined. The doctor then put him in contact with his insurance carrier for settlement. The tooth lasted for about 9 years before there was a problem with it. It was a risk of the procedure and the doctor took full responsibility for it.

In response to the Board question if a post op film was taken, Dr. Samandari stated he did not take one. He places posts often and had no reason to think there was a problem. He does take x-rays when a concern is present.

The Board agreed that perforation is a risk of the procedure but not taking an x-ray is also a risk. In regards to continuing education, they think CE in restoration of endodontically treated teeth should replace crown and bridge.

Upon MOTION by Dr. Morrison, second by Ms. Bevers the Board voted to ACCEPT the Findings of Fact and Conclusions of Law. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Morrison, second by Ms. Buckles the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION of 4 hours Risk Management and 6 hours Restoration of Endodontic Teeth with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 16 **Case No. 100022**
Dr. Peter Rinaldi

No one was present to address the Board.

Dr. Palmer stated Dr. Rinaldi's license expires at the end of June 2010. As of Tuesday, his bankruptcy has not yet been discharged. Ms. Williams stated the Board can't order administration penalty or restitution.

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Upon MOTION by Dr. Morrison, second by Ms. Bevers the Board voted to ACCEPT Findings of Fact. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Morrison, second by Mr. Greer the Board voted to AMEND the Conclusions of Law and find a VIOLATION of §32-1201(21)n. MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported two.

Upon MOTION by Dr. Morrison, second by Ms. Bevers the Board voted to impose CENSURE. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 17 **Case No. 20100097**
Dr. James R. Olson

No one was present to address the Board.

Ms. Hugunin stated they have a recommendation to refer this to formal hearing. They do not know where Dr. Olson is. Ms. Williams can file the appropriate paperwork.

Upon MOTION by Ms. Bevers, second by Dr. Foster the Board voted to send to FORMAL HEARING. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 18 **Case No. 100059**
Dr. Youil G. Mamook

Dr. Youil Mamook and his attorney Mr. Ed Gaines were present.

Mr. Gaines stated Dr. Mamook made a mistake in not utilizing a rubber mouth dam during an endodontic procedure. His employer had run out of them. Dr. Mamook did not show up to the investigative interview due to a misunderstanding. Mr. Gaines was not representing him then. Dr. Mamook attended a risk management course two weeks ago. They are asking to consider non-disciplinary CE instead of disciplinary.

Dr. Mamook stated he realizes it is proper protocol to use a rubber dam always. He used bad judgment that day and performed the root canal on a second molar without one. He will never do that procedure without a rubber dam again. In the future, he would reschedule the patient if he didn't have a rubber dam and place him on medication. Regarding charting, he should have charted all restorations. He did chart all missing teeth and conditions that needed to be restored that day. He is asking for non-disciplinary CE instead of disciplinary.

The Board stated the endodontics was very acceptable, and it all comes down to a risk management issue in not using a rubber dam.

Upon MOTION by Dr. Morrison, second by Mr. Greer the Board voted to AMEND discipline to a non-disciplinary LETTER OF CONCERN stating 1) Necessity for formally documenting comprehensive exam findings e.g. Oral cancer screening and diagnosis for every case. 2) Documenting any treatment injury or complication in the record. 3) Always using a rubber dam for endodontic therapy. DR. WAITE OPPOSED. MOTION PASSED.

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Agenda Item No. 19 **Case No. 100030**
Dr. Doug Chang

Dr. Doug Chang and his attorney Mr. Gaines were present.

Mr. Gaines stated Dr. Chang had a doctor not credentialed by AHCCCS providers seeing AHCCCS patients. That doctor would do a note then give it to a credentialed doctor to redo and submit to AHCCCS providers to get paid. Dr. Chang recognizes the gravity of the error and sent both sets of records to the Board. He immediately developed a new policy and procedure so that now there is always a credentialed AHCCCS provider at each office, except the one where they don't see AHCCCS patients. He has also entered into an agreement with Affiliated Monitoring. At a minimum, they are doing audits on a quarterly basis of 20 charts to make sure there are no issues with billing or record keeping. Also recently, a three hour Risk Management seminar was presented to all the doctors and dental assistants at Dr. Chang's offices.

Dr. Chang stated he takes ownership and full responsibility for the mistakes he made. He has implemented procedures to make sure these mistakes do not occur again.

Upon MOTION by Ms. Bevers, second by Dr. Foster the Board voted to ACCEPT the Findings of Fact and Conclusions of Law §32-1201(21)L;O. MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported one letter of concern.

Ms. Bevers made a MOTION for \$500 ADMINISTRATIVE PENALTY and to send Dr. Chang to P.R.O.B.E. which is a professionally based ethics program.

Dr. Gradke stated he would like to add a 2 year period of PROBATION and MONITORING with Affiliated Monitors including quarterly reports. Ms. Buckles seconded the motion.

Ms. Williams stated if they wanted to do a Consent Agreement, the language of probation can be eliminated. Mr. Gaines stated a Consent Agreement was a great idea that would include all the proposed discipline minus probation.

Ms. Bevers and Dr. Gradke WITHDREW their first and second motions.

Upon MOTION by Ms. Bevers, second by Dr. Gradke the Board voted to enter into a CONSENT AGREEMENT for \$500 ADMINISTRATIVE PENALTY, ETHICS PROGRAM (P.R.O.B.E.), and MONITORING with Affiliated Monitors including quarterly reports. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 20 **Case No. 201000098**
Dr. Michael J. Snow

Mr. Tonner on behalf of Dr. Snow stated Dr. Snow spends part of his time in Utah and part of his time here in Arizona. He is not currently working except for temporarily once or twice a month. He has had five evaluations done.

Dr. Waite stated it appears to be an isolated incident that took place outside of the office. Dr. Snow has had five evaluations that all found he is fit to practice. The last one was 4/4/10.

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

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Agenda Item No. 21 **Case No. 290247**
Dr. Steven Morales

The Board reviewer stated nothing new is being presented in this case that the three subsequent examining dentists didn't already address. Different dentists have looked at this and their opinions vary greatly. Some say decay and others not. Some say open margins and others not.

Mr. Tonner on behalf of Dr. Morales stated in 2006, a crown was put on #2. In 2007, there was a bridge placed from #29-31. The patient had 27 months without any type of proph. He was seen by four different dentists during that time. These dentists have varied summaries of these teeth. The clinical evaluator had the least problem with the crown and bridge finding no decay and small repairable open margin on #31. The Board ordered restitution of \$2800. Mr. Tonner has a certified check here to refund to the patient today. They are asking the case be dismissed.

Upon MOTION by Dr. Hauer, second by Mr. Greer the Board voted to DENY petition to rehear. Dr. Waite and Dr. Morrison OPPOSED. MOTION PASSED.

Agenda Item No. 22 **Case No. 290238**
Dr. Sathish Bhadra Chari

Mr. Tonner on behalf of Dr. Chari stated the complainant was a former staff member having worked for Dr. Chari six months. The day after she was fired, she filed this complaint. She gave the Board thirty names. Of these almost all were frivolous. Four of the thirty cases did have errors. During this time, Dr. Chari submitted 421 claims which is a 1% error margin. That is pretty good. Dr. Chari rectified the billing errors. He has admitted to having two assistants taking x-rays who were not x-ray certified. They are asking that §32-1201.21(p) be stricken and §32-1201.21(s) stay.

The Board reviewer stated there were repeated write offs and courtesy discounts given to patients. It is recommended this petition be reheard for the billing irregularities portion of the case only.

Board discussion ensued. Some members saw nothing new being presented. Most Board members found it hard to believe the employee had the authority to write off \$900 worth of work without the dentist knowing. Others said it could happen.

Upon MOTION by Dr. Waite duly seconded, the Board voted to go into EXECUTIVE SESSION. MOTION PASSED UNANIMOUSLY.

****Executive Session****

RETURN TO OPEN MEETING

Upon MOTION by Dr. Foster, second by Ms. Bevers the Board voted to GRANT rehearing the petition. Mr. Greer OPPOSED. MOTION PASSED.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to DISMISS the entire case. Ms. Buckles, Ms. Bevers, Dr. Gradke, Dr. Cole, Dr. Hauer, Mr. Greer, Mr. Farnsworth and Dr. Foster OPPOSED. MOTION FAILED.

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Upon MOTION by Ms. Bevers, second by Dr. Gradke the Board voted to RETAIN the Findings of Fact, AMEND the Conclusions of Law to DELETE §32-1201.21 (p) and UPHOLD §32-1201.21(s), and RETAIN Board Ordered CONTINUING EDUCATION. Mr. Greer and Dr. Morrison OPPOSED. MOTION PASSED.

Agenda No. 22A **Case No. 290363**
Dr. Rosalyn D. Keith

Mr. Tonner stated it is his fault Dr. Keith only submitted the appointment book, sign in sheet and treatment records for the one patient seen on 11/17/09. They were informed by the Board the next day that they wanted the records for all patients seen that day. Three people were seen 11/17/09 for discussion only with no dentistry performed. He is asking the Board to dismiss with a letter of concern.

The Board stated three patients were seen without a license. Diagnosing and offering treatment plans is practicing dentistry.

Upon MOTION by Dr. Waite, second by Dr. Gradke the Board voted to FORWARD this case to FORMAL HEARING for EK, AH, KR for practicing on a suspended license and non-compliance with a Board order in case 270098. MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA

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

Cases pulled from the Consent Agenda

Agenda Item No. 23	Case No. 290333	Dr. Devon L. Holeman
Agenda Item No. 26	Case No. 100041	Dr. Salvatore Perna
Agenda Item No. 29	Case No. 100003	Dr. Ralph Green DDS PC, SA
Agenda Item No. 30	Case No. 100031	Dr. Gordon K. Wilson
Agenda Item No. 38	Case No. 201000077	Dr. Darin Dickerson
Agenda Item No. 43	Case No. 100061	Western Dental
Agenda Item No. 45	Case No. 201000106	Dr. Robert Bingham
Agenda Item No. 47	Case No. 201000096	Roberta Barbara Rawls, RDH
Agenda Item No. 48	Case No. 201000081	Dr. Thihan C. Phan
Agenda Item No. 63	Case No. 100017	Dr. Thomas J. Cipriano
Agenda Item No. 64	Case No. 201000083	Dr. Robert Harris
Agenda Item No. 65	Case No. 201000085	Dr. Omamia Samain
Agenda Item No. 66	Case No. 201000093	Stella N. Dimitrova-Munro, RDH
Agenda Item No. 67	Case No. 290357	Sharon D. Peterson, RDH
Agenda Item No. 68	Case No. 100019	Dr. Stuart E. Garber
Agenda Item No. 69	Case No. 100033	Dr. Mark A. Costes
Agenda Item No. 70	Case No. 290288	Dr. Aaron Dennis Laws
Agenda Item No. 73	Case No. 280323	Dr. Clayton Wainwright

Upon MOTION by Mr. Greer , second by Dr. Gradke the Board voted to ACCEPT the Recommendations for the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases ADJUDICATED:

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Agenda Item No. 24	Case No. 100026	Dr. William A. Hoskyns Dismiss – Lack of Supporting Evidence
Agenda Item No. 25	Case No. 100032	Dr. David S. Hancock Dismiss – Lack of Supporting Evidence
Agenda Item No. 27	Case No. 100024	Dr. Joyce L. Bassett Dismiss – Lack of Supporting Evidence
Agenda Item No. 28	Case No. 100052	Dr. Mark Alan Collins Dismiss – Lack of Supporting Evidence
Agenda Item No. 31	Case No. 290339	Dr. Steven H. Poulos Terminate – Lack of Supporting Evidence
Agenda Item No. 32	Case No. 100051	Dr. Roxanne M. Huber Terminate – Lack of Supporting Evidence
Agenda Item No. 33	Case No. 100048	Aspen Dental Terminate – Lack of Supporting Evidence
Agenda Item No. 34	Case No. 100035	Dr. Ghassan Sheikh Sroujeh Terminate – Lack of Supporting Evidence
Agenda Item No. 35	Case No. 100036	Dr. Vanessa C. Marinho Terminate – Lack of Supporting Evidence
Agenda Item No. 36	Case No. 100040	Dr. Michael L. Bleeker Terminate – Lack of Supporting Evidence
Agenda Item No. 37	Case No. 100047	Dr. Thihan C. Phan Terminate – Lack of Supporting Evidence
Agenda Item No. 39	Case No. 100037	Dr. Jason McCargar Terminate – Lack of Supporting Evidence
Agenda Item No. 40	Case No. 201000074	Dr. David Foley Terminate – Lack of Supporting Evidence
Agenda Item No. 41	Case No. 201000062	Dr. Shunyu Nieh Terminate – Lack of Supporting Evidence
Agenda Item No. 42	Case No. 100056	Dr. Jeffrey H. Kootman Terminate – Lack of Supporting Evidence
Agenda Item No. 44	Case No. 201000071	Dr. Paul R. Sandstrom Terminate – Lack of Supporting Evidence
Agenda Item No. 46	Case No. 201000095	Dr. Michael J. Hyneman Terminate – Lack of Supporting Evidence

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Agenda Item No. 49	Case No. T-10-021	Dr. Kevin Guzman Terminate – Lack of Jurisdiction: Fee issue
Agenda Item No. 50	Case No. 100025	Dr. Tania D. Nguyen Terminate – Lack of Jurisdiction: Per patient letter
Agenda Item No. 51	Case No. T-10-022	Dr. Jack Lipton Terminate – Lack of Jurisdiction: Rude/harassing behavior; other agency
Agenda Item No. 52	Case No. 201000105-T	Dr. Sheila Shaghghi Terminate – Lack of Jurisdiction: Other agency; contract dispute
Agenda Item No. 53	Case No. 201000099-T	Dr. Brian Lilien Terminate – Lack of Jurisdiction: Rude/harassing behavior; personality conflict
Agenda Item No. 54	Case No. 201000104-T	Western Dental Terminate – Lack of Jurisdiction: Fee issue
Agenda Item No. 55	Case No. 201000069	Dr. Ashraf S. Ghoneim Terminate – Lack of Jurisdiction: Per patient letter
Agenda Item No. 56	Case No. 201000070	Dr. Jeffrey M. Burstein Terminate – Lack of Jurisdiction: Per patient letter
Agenda Item No. 57	Case No. 201000109-T	Dr. Dirk M. Donovan Terminate – Lack of Jurisdiction: Personality conflict; business practices
Agenda Item No. 58	Case No. 100042	Dr. Ekatarina N. Pollard Terminate – Lack of Jurisdiction: Per patient letter
Agenda Item No. 59	Case No. 201000119-T	Dr. Peter Bassett Terminate – Lack of Jurisdiction: Other agency
Agenda Item No. 60	Case No. 201000120-T	Dr. Glenn Cochran Hanf Terminate – Lack of Jurisdiction: Contract dispute
Agenda Item No. 61	Case No. 201000063	Dr. Shahram Karimi Terminate – Lack of Jurisdiction: Per patient letter
Agenda Item No. 62	Case No. 201000126-T	Dr. Anita Chu Terminate – Lack of Jurisdiction: Other agency

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Agenda Item No. 71	Case No.	Dr. Michael Mansfield Adverse Occurrence Report: Take no action
Agenda Item No. 72	Case No. 290018	Dr. A. Blaine Brimley Open an investigation: Noncompliance with a Board Order
Agenda Item No. 74	VACANT	
Agenda Item No. 75	Case No. 290329	Dr. Michael Wassef Open an investigation: Noncompliance with a Board Order
Agenda Item No. 75A	Case No.	Dr. Vincent Colosimo Open an investigation for felony conviction

Agenda Item No. # 76 – Approval of Restricted Permit(s) (Application or Renewal) – Consent Agenda

Nothing was pulled. Upon MOTION by Mr. Greer, second by Dr. Gradke the Board voted to RATIFY the following restricted permits (application/renewal). MOTION PASSED UNANIMOUSLY.

- A. Dr. Maynard Charles Anderson
- B. Dr. Bruce L. Wolff
- C. Dr. John Paul Mitchell
- D. Dr. Howard Allen Gerstein

Agenda Item No. # 77 – Ratification of New Dental and Dental Hygiene Licenses – Consent Agenda

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

Dental:

Robert W. Scorsby, DDS
D 7962, issued: 04/07/2010

Leo B. Christensen, DDS
D 7983, issued: 05/18/2010

Abrak Etemad, DMD
D 7977, issued: 04/15/2010

David P. Recigno, DMD
D 7984, issued: 05/18/2010

Mansi Malavia, DMD
D 7978, issued: 04/21/2010

Richard T. Bauman, DMD
D 7985, issued: 05/28/2010

Monya C. Phung, DMD
D 7979, issued: 04/21/2010

Dental Hygiene:

Hayley M. Medeiros, RDH
H 6846, issued: 03/31/2010

Joseph A. Ingoglia, DDS
D 7980, issued: 04/27/2010

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Telal A. Elmaki, DDS
D 7981, issued: 05/17/2010

Steven L. Wolfington, DMD
D 7982, issued: 05/18/2010

Emily B. Miller, RDH
H 6857, issued: 05/28/2010

Monica L. Gonzales, RDH
H6858, issued: 05/28/2010

Mary Jan C. Butac, RDH
H 6859, issued: 05/28/2010

Agenda Item No. # 78 – Ratification of Anesthesia and Sedation Permits – Consent Agenda

Nothing was pulled. Upon MOTION by Mr. Greer, second by Mr. Farnsworth the Board voted to RATIFY the following anesthesia and sedation permits. MOTION PASSED UNANIMOUSLY.

Dr. Vaughn E. Perkins III
D7525 New 1302
Issued: 5.11.10

Dr. Joseph J. Bull
D7290 New 1303
Issued: 5.3.10

Dr. Stanley P. Baird
D5091 New 1303
Issued: 4.1.10

Dr. Mark Gerald Prusacki
D4705 New 1303
Issued: 5.11.10

Dr. Shahyar Foroughi
D5717 New 1303
Issued: 4.2.10

Dr. Tam T. Lee
D5767 New 1301-Employs
Issued: 4.2.10

Dr. Eric E. Ellis
D7708 New 1303
Issued: 4.5.10

Dr. Ralph Forrest Wilson
D5633 New 1301-Employs
Issued: 4.2.10

Dr. John J. Nay
D7142 New 1303
Issued: 4.20.10

Dr. Douglas G. Benting
D6755 New 1301-Employs
Issued: 5.11.10

Dr. Michelle E. Choi
D7578 New 1303
Issued: 5.3.10

Agenda Item No. # 79 – Approval of Consultants and Examiners – Consent Agenda

A. VACANT

Agenda Item No. # 80 – Approval of Minutes – Consent Agenda

Nothing was pulled. Upon MOTION by Mr. Greer, second by Dr. Gradke the Board voted to APPROVE the following minutes AMENDED by Dr. Hauer that he was present for the Executive session. MOTION PASSED UNANIMOUSLY.

- A. April 9, 2010 Board Meeting Minutes
- B. April 9, 2010 Executive Session Minutes

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Agenda Item No. #23 **Case No. 290333**
Dr. Devon L. Holeman

Mr. Cummings on behalf of Dr. Holeman stated the patient complained about over diagnosis in needing an additional prophylaxis. The investigative panel was concerned about the corporate guidelines that Dr. Holeman was required to follow. Dr. Holeman has been counseled about the vulnerability he is put in by these corporate practices and he is making changes accordingly.

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. #26 **Case No. 100041**
Dr. Salvatore Perna

Complainant RM and Dr. Perna were present.

RM stated he had implants done by Dr. Barget then Dr. Perna made the prosthesis. From 11/05 through early 2009, he saw Dr. Barget a couple times who suggested Dr. Perna redo the prosthesis. Dr. Perna did redo the prosthesis and it was worse. RM returned to Dr. Barget who made a prosthesis that works. He paid Dr. Perna \$8500 and didn't get anything for it.

Dr. Perna stated he discovered two of the implants had failed due to periodontal defect, bone loss and angulation. The implants were removed by Dr. Barget which required Dr. Perna to have to change the design of the prosthesis. He could only put the teeth where the implants were placed, which were down to 3 implants from 5. He wasn't comfortable making a prosthesis with a large angulation, so Dr. Barget took responsibility for it. Dr. Perna spent a large amount of time planning and going through this case with Dr. Barget prior to surgery.

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

Agenda Item No. 29 **Case No. 100003**
Dr. Ralph Green DDS PC

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

Ms. Hugunin stated complainant VAD signed in to testify if necessary. She did not appear before the Board when called.

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

Ms. Hugunin stated that earlier she called several times for the complainant who had signed in with no response. The complainant VAD is now here. There was an attorney here earlier who is no longer here.

Complainant VAD stated Reach Out America was not aware of her daughter's mild heart murmur and medical history. They failed to verify her child's date of birth or parent's name. They failed to look at her child's chart to realize she didn't need the procedure. They only had the instruction of what procedure needed to be done. The instructions weren't for her daughter.

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The Board stated a tooth was worked on without anesthetic that wasn't needed. Reach Out America admitted to that. There are protocols in place for patient identifiers.

Upon MOTION by Dr. Foster, second by Dr. Gradke the Board voted to RE-OPEN and TABLE to August Board meeting so complainant's attorney can be present. MOTION PASSED.

Agenda Item No. 30 **Case No. 100031**
Dr. Gordon K. Wilson

Complainant JAM and Mr. Gaines on behalf of Dr. Wilson were present.

JAM stated in 11/07 Dr. Wilson made him a denture which the patient paid \$1700 for. 12/20/07, Dr. Wilson delivered a second denture because he didn't like the first one. This second denture was loose. 2/5/08, the patient returned and a reline was done. 2/08 to 11/08, eating with the denture was difficult. He saw Dr. Wilson numerous times in between. Dr. Wilson's assistant told him a second denture would be needed to eat. The one in his mouth now was for show. It would cost him another \$1700. His regular dentist made a couple adjustments to this same denture and JAM is eating again. He asked Dr. Wilson for a refund only to have the court dismiss the case.

Mr. Gaines stated Dr. Wilson went through bankruptcy. This patient was named in the bankruptcy and discharged as a creditor. Still, Dr. Wilson tried to make this patient happy only later finding out JAM's wife who was a dental assistant was adjusting the denture. Dr. Wilson wanted to make him a new denture, but the patient wanted his money back and sued the doctor. That complaint was dismissed. It doesn't make sense to take this complaint to an investigative interview. You can't do a clinical evaluation because the dentures have been adjusted. You can't order restitution because he was discharged in the bankruptcy.

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

Agenda Item No. 38 **Case No. 201000077**
Dr. Darin Dickerson

Complainant JK was present.

JK stated she went in for a routine cleaning with a prior recommendation from another dentist that #15 needed a root canal. When she consulted with the x-ray tech and Dr. Dickerson, she was in pain and asked the doctor to do a root canal specifically on #15. She told him it was her very back left tooth. He said he could do it that same day. She agreed to have #15 done. Later at home, JK discovered he did the root canal on #14. She called him and he defended that #14 was the tooth that needed treatment though she had the recommendation for #15 prior to that. He had been extremely busy with other patients that day and made a human error. She never had pain in #14 which had an old filling in it. She has the paperwork from her new dentist saying it was #15 that needed to come out.

The Board stated the diagnosis was pulpitis which doesn't show up on an x-ray. Both teeth were heavily restored and next to each other so it would be difficult to know which one was causing the pain. JK was referred to an endodontist over a year prior to this but never went. She signed an informed consent with Dr. Dickerson to have #14 treated.

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JK stated she only signed for the payment \$1575 for #15. Dr. Dickerson never examined any of her teeth. He never discussed with her that he would be treating a different tooth than she requested. She couldn't afford to get the root canal recommended a year earlier for #15 because of financial reasons. She is asking for her money back to get the correct tooth fixed.

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

Agenda Item No. 43 **Case No. 100061**
Western Dental

Mr. Tonner on behalf of Western Dental and complainant KW were present.

KW stated she was seventeen when she first went to Western Dental for braces. Once she started realizing that what they were doing was illegal and how unprofessional they were, she did not go back to their office to continue treatment. When she was still seventeen, KW signed her signature two times, once as the responsible party and another on something she didn't even read. These signatures cannot be found in the paperwork. She has bad credit now due to this. Collections say her total due is \$2248.36. Every time she got a new bill it was a different price. Her mother was taken advantage of because she was not present when they put the braces on KW without her signing the contract first. KW went to another orthodontist and got her braces taken off and retainers for \$680.

Mr. Tonner stated KW was seventeen when she started treatment. Her mother signed six documents the same day – informed consent, installment contract, agreement to start ortho, ortho treatment policy, arbitration agreement, patient cooperation agreement and payment schedule. There was no written request for her records. The records show they were willing to treat her even after she refused to pay.

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

Agenda Item No. 45 **Case No. 201000106**
Dr. Robert Bingham

Mr. Tonner on behalf of Dr. Bingham and complainant LM were present.

LM stated 9/14/09 she had her first appointment with Deer Valley Smiles with Dr. Bingham. She saw Dr. Samain instead. An exam was done plus an old crown removed and impression taken. When the lidocaine wore off, she was aware of a 1 ½ inch blister on the left side of her tongue. The next day, Joey the office manager looked at her tongue and told her the rotary drill burned it. 9/30/09, she went in for full mouth x-rays. Nicole the assistant told her she had no formal training and learned by working with Joey's dad. LM saw Dr. Samain and told her about the blistered tongue and what Joey said must have happened. Dr. Samain told her Joey wasn't qualified to look at it. 10/5/09, LM went back for a second impression. Nicole assisted Dr. Samain. Nicole removed the temporary and it started bleeding. The pain was incredible. Dr. Samain came in and told Nicole to replace the temporary cap. The next morning, the left side of LM's face was swollen. She saw Dr. Bingham. Two different times she had two different infections which destroyed gum tissue. The hygienist at Deer Valley Smiles referred her to the Dental Board because of this.

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

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Agenda Item 65

Case No. 201000085
Dr. Omamia Samain

Mr. Tonner on behalf of Dr. Samain and complainant LM were present.

LM stated when she went in 10/7/09, Dr. Bingham saw the infection and treated her. 10/26/09, the assistant removed the temporary crown and Dr. Bingham seated it. 11/30/09, she was brushing her teeth and there was a shooting pain inside the new crown #19. He told her there was an infection. The hygienist saw her 12/4/09 and was squeezing blood clots to get the infection out. She told her there was debris from impression material and cement left in her mouth. The gum tissue had been destroyed. Dr. Bingham refunded her money. She is here for ethical reasons.

Mr. Tonner stated there were three times afterwards that someone else saw the patient and did not see retraction cord left on #19. They are asking for dismissal.

Upon MOTION by Dr. Gradke, second by Mr. Farnsworth the Board voted for LETTER OF CONCERN stating Doctor must pay close attention to ensure all retraction cord is removed subgingivally after taking impression. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 48

Case No. 201000081
Dr. Thihan C. Phan

Complainant DH was present.

DH stated on 3/20/10, Dr. Phan did some restorations for her. Dr. Phan adjusted the occlusal surface on a filling and the drill cut DH. The doctor and the assistant weren't sitting down. Dr. Phan was in a hurry and didn't even apologize to her. DH complained and got a letter from Dr. Phan saying her lawyer would get in touch with her. Dr. Phan never got in touch with her. She was very unprofessional.

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

Agenda Item No. 63

Case No. 100017
Dr. Thomas J. Cipriano

Mr. Gaines on behalf of Dr. Cipriano and complainant AV's attorney Mr. Voightmann were present.

Dr. Hauer recused himself.

Mr. Voightmann stated this case involves an apical surgery performed by Dr. Cipriano. The pre and post x-rays clearly suggest that he did not do this surgery which he charged for. The patient was told that the apical surgery failed and the doctor recommended extraction, implants or bridge. AV consulted another endodontist, Dr. Frost, who took x-rays and told her there was no apical surgery performed. The roots were not amputated according to the x-rays. He documented this and spoke to Dr. Cipriano. Dr. Cipriano offered to refund her money. She required a second apical surgery performed by Dr. Frost. AV now has permanent parasthesia based on the incision that is suspect by other experts who looked at the case. Duplicate chart notes are present for this patient, for dates in question, that are completely different. Both are handwritten. These two sets of records raise all types of issues.

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Mr. Gaines stated Dr. Cipriano testified at the investigative interview that he did do an apical using a microscope and makes his incision higher usually in the frenum area. AV wasn't represented by her lawyer at the I.I. and most of the issues raised by him today were addressed already there. Dr. Frost's subsequent records reflect that he did find evidence of the apical. Dr. Cipriano did have a problem with one root distal buccal. He has computerized and handwritten records that reflect the distal buccal was calcified and couldn't be negotiated. The patient was informed. He told her she had a choice of an apico or extraction. She got a second opinion. Dr. Cipriano refunded the money.

The Board stated pre op x-rays by Dr. Frost do show a retrofill material in both roots and that an apicoectomy was performed. With microscopes, the amount of root removed is much smaller and harder to see on an x-ray. Paresthesia can happen and is part of informed consent.

Mr. Gaines stated Dr. Cipriano works for Southwest Dental. He was unaware that the patient had called a different Southwest Dental office asking for records orally. The records were supposed to be picked up by the patient's husband.

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

Agenda Item No. 64 **Case No. 201000083**
Dr. Robert Harris

Complainant TM was present.

TM stated Dr. Harris allowed his wife and dental assistants to perform coronal polishing and take radiographs without certification. The 15 cases represent just a few of the patients who had services performed by unlicensed personnel. Most of these are minors. Patients and insurance providers paid for professional services. She is asking the Board be an advocate for the consumer.

Upon MOTION by Dr. Gradke, second by Dr. Morrison the Board voted for a LETTER OF CONCERN stating Doctor must be sure of certification of all personnel doing coronal polishing. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 67 **Case No. 290357**
Sharon D. Peterson, RDH

Ms. Peterson stated she procrastinated responding to a continuing education audit. She completed 55 hours of CE. When the audit came, 60 days seemed like a long time. Knowing it would be time consuming to verify all her hours, she put it off. The deadline came and she still didn't have affidavits for all her courses. She did have a signed and notarized letter saying she completed all her CE credits. Upon receiving the second letter from the Board, she brought everything required in. She was later notified that she was an hour short and fined \$500. She is here today to clear up she is not an hour short and that she thinks the \$500 fine is excessive. In her affidavit, she explained that in October 2006 she took a CPR course but did not have her card. Those hours were overlooked when reviewed by the Board. She can have the company verify she took that course. She has three kids in college and a daughter getting married and does not have \$500. She has complied for 33 years to all the requirements regarding her license. She did make a mental mistake in thinking she needed 52 hours instead of 54, so she thought she had 3 over the amount required.

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Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to TABLE until August Board meeting and allow 10 business days to provide CPR information to Board. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 68 **Case No. 100019**
Dr. Stuart E. Garber

Mr. Gaines on behalf of Dr. Garber was present.

Mr. Gaines stated the patient was unhappy after an endodontist told her the fills were a little thin and canals short on four teeth. In retrospect they likely were. Dr. Garber was trained at Loma Linda and perhaps they have a little more conservative approach. Dr. Garber long ago refunded the money to the patient.

The Board stated the radiographs show the teeth to be far short. They feel more education is required than recommended. They would like to order 12 hours non-disciplinary hands-on endo to complete in 12 months. The teeth did have to be retreated.

Upon MOTION by Dr. Morrison, second by Dr. Gradke the Board voted for non-disciplinary CONTINUING EDUCATION of 12 hours Hands-on Non-surgical root canal treatment to be completed in 12 months. MOTION PASSED UNANIMOUSLY.

Agenda Item no. 69 **Case No. 100033**
Dr. Mark A Costes

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

Dr. Waite stated this case is over a pre med that was written on a sticky note. The doctor is well aware of the one issue involved and had never done it before. Non disciplinary CE in history and clinical diagnosis is not relevant to this case. He would like the case to be dismissed. Ms. Buckles stated that she would like to see a letter of concern regarding all medication and premedication be written in the chart notes.

Ms. McLellan states this arose out of a litigation case. The overall chart is very detailed except for the one missing documentation of the pre med given. Pre meds are highlighted in the chart and on the computer. The patient had a one time office appointment and two teeth were extracted. He was given pre medication. The experts verified all of this. Dr. Costes held an office meeting to educate his staff long before the litigation case was filed. Ms. McLellan is asking the case be dismissed.

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

Agenda Item No. 70 **Case No. 290288**
Dr. Aaron Dennis Laws

Complainant DC and Dr. Laws were present.

Ms. Hugunin stated this case is being remanded to a new investigative interview to address crown and bridge allegations only. The complainant can address the Board but they are remanding it back for another investigative interview.

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Ms. Bevers WITHDREW the motion.

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

Agenda Item No. #81 – Members of the Public

None

Agenda Item No. #82 – Associations

None

Agenda Item No. #83 - Future Agenda Items

None

Agenda Item No. #84 – Next Meeting Date

August 6, 2010

Agenda Item No. # – Adjournment

Dr. Waite adjourned the meeting at 12:38 PM.

Minutes APPROVED at the August 6, 2010 Board Meeting

Elaine Hugunin, Executive Director