



Janet Napolitano, Governor

ARIZONA STATE BOARD OF DENTAL EXAMINERS

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Joyce A. Rosenthal, DDS, Vice President

Pamela J. Paschal, Deputy Director

MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING October 3, 2008

Board Members Present:

Dr. Donald S. Altman, President
Dr. Joyce A. Rosenthal, Vice President
Ms. Sharon L. Zastrow, RDH
Dr. Gregory A. Waite
Dr. Jack R. Cole
Dr. Gary M. Gradke
Ms. Catherine L. Bevers, RDH
Ms. Susan C. Stevens
Dr. Bruce A. Spigner
Dr. Roy G. Daniels
Mr. Jason D. Farnsworth

Board Members Absent:

Staff Present:

Ms. Pamela J. Paschal, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Mr. Christopher Munns, Solicitor General
Ms. Nancy Chambers, Assistant Director
Ms. 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."

MEMBERS OF THE BOARD

• Gary M. Gradke, DDS • Sharon L. Zastrow, RDH • Donald S. Altman, DDS • Jack R. Cole, PhD • 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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GENERAL BUSINESS

Agenda Item No. 1 – Call To Order

Dr. Altman called the meeting to order at 8:04 a.m.

Agenda Item No. 4 – President's Report

- A. Executive Director Vacancy
 - i. Review, discussion and possible action on options and procedures for filling the Executive Director position.
 - ii. Review, discussion and possible action on options and procedures for appointing an Acting Executive Director.

Dr. Altman outlined the options for hiring a new Executive Director to the Board. He reminded the Board that the State officially has a hiring freeze, so the Board could do nothing at this time. Dr. Altman had submitted the paperwork to the Department of Administration asking that the position be considered a "mission critical" position. At this point, the request had not been approved. The discussion at this meeting would entail what the Board could do should the position become approved to be filled.

There were several options available to the Board. An acting director could be appointed, an Executive Director could be appointed from persons the Board has already interviewed or knows or a sub-committee could be formed to work with the state and interview applicants. If the third option is chosen, criteria must be in place as well.

Dr. Altman assured the Board that the day-to-day operations of the Board would not be affected by any decision made at this meeting.

Upon MOTION by Ms. Zastrow, second by Mr. Farnsworth the Board voted to form a sub-committee to work with D.O.A. in hiring an Executive Director, should the position become approved to fill. MOTION PASSED UNANIMOUSLY.

**Dr. Gradke, Dr. Rosenthal, Ms. Bevers and Mr. Farnsworth volunteered to be on the sub-committee.

Agenda Item No. 5 Executive Director's Report

- A. Dr. Michael R. Templeton, Case 250280 - Review, discussion and possible action regarding compliance with Consent Agreement.

Dr. Templeton was present. The quarterly reporting requirement of his consent agreement has been met. Dr. Templeton was in compliance with the remaining terms and conditions of the consent agreement.

No action was taken.

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- B. Dr. Ralph L. Juriansz, Case 270239 - Review, discussion and possible action regarding compliance with Consent Agreement.

Dr. Juriansz was present. It was determined that Dr. Juriansz was not in compliance with his consent agreement. A term of the agreement provided that the Board receive a progress report from Dr. Juriansz' therapist. The report was due on September 15 and as of this meeting, the report had not been received. The consent agreement contained a clause that allowed for the Board to automatically suspend Dr. Juriansz' license if any of the terms or conditions were not met.

Dr. Juriansz stated that he was unaware that the report had not been received. He planned to meet with his therapist on the following Monday and assured the Board that he would provide them with the report. If need be, he would bring the report prior to the end of this meeting.

Upon MOTION by Mr. Farnsworth, second by Ms. Zastrow the Board voted to SUSPEND Dr. Juriansz' license to practice until the report from his therapist was produced. Dr. Spigner was OPPOSED. Dr. Daniels and Ms. Stevens were ABSENT. MOTION PASSED.

- C. Review, discussion and possible action regarding American Dental Association memo discussing equivalency of American Board Dental Licensing Examination (ADLEX), Southern Regional Testing Agency (SRTA) and WREB.

No action was taken.

- D. Review and discussion regarding FY10-11 Budget Request.

Ms. Paschal reported that the Budget Request had been completed and submitted. She will have the report available for the Board members should they wish to review it.

No Action was taken.

- E. Review and discussion regarding September 2008 Cash Flow Analysis as submitted to OSPB and GAO.

Ms. Paschal explained that, as a result of the sweep of Dental Board funds, and the projected sweep for the upcoming fiscal year, a Cash Flow Analysis must be submitted on a monthly basis.

No action was taken.

- F. Review, discussion and possible action regarding the Board of Nursing request for Board's support in obtaining an Attorney General's opinion to clarify whether A.R.S. § 1-501 requires an individual to submit documentation of citizenship or permanent lawful presence each time the individual renews a license.

Upon MOTION, duly seconded and UNANIMOUSLY PASSED the Board voted to SUPPORT the Board of Nursing's request to obtain an Attorney General's opinion to clarify A.R.S. § 1-501.

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- G. Review, discussion and possible action regarding legislative initiative by 90/10 Executive Directors to amend A.R.S. § 1-501 regarding the requirement to submit documentation of citizenship and lawful presence prior to issuance of a license.

Upon MOTION by Dr. Altman and duly seconded the Board voted to SUPPORT the legislative initiative to amend A.R.S. § 1-501. MOTION PASSED UNANIMOUSLY.

- H. Dr. Marc Auerbach - Review, discussion and possible action regarding adverse occurrence report involving oral conscious sedation.

The Board determined that no action was necessary.

- I. Review, discussion and possible action regarding referral of Lorraine M. Brouse, RDH to WREB as an examiner.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to DENY referral of Ms. Brouse to WREB as an examiner. MOTION PASSED UNANIMOUSLY.

- J. Review and discussion regarding Special Board Meetings.

Ms. Paschal reminded the Board that, typically, a likely participant for the MATP would wait until the next regularly scheduled Board meeting to appear regarding the conditions or terms under which they would be practicing. A Special Board meeting would not normally be scheduled. The Emergency meetings have different criteria and the Board could call an Emergency meeting as they see fit; however, policy dictated that reinstatement of a person's license upon release from a rehabilitation center would not call for a special meeting.

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

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

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

Ms. Williams reported no change to the status of this JRA.

FORMAL HEARING

Agenda Item No. 7 **Case No. 280202**
Dr. Clayton Wainwright

Dr. Wainwright, his attorney Mr. Tonner, Ms. Williams on behalf of the State and Mr. Munns, the Solicitor General were all present.

Ms. Williams addressed the Board and urged them to adopt the Administrative Law Judge's (ALJ) recommendation with a few procedural corrections to the Findings of Fact and Conclusions of Law. Ms. Williams asked the Board, should it decide to accept the ALJ's recommendation, to include a psychological evaluation in addition to the medical evaluation and to include restitution to the remaining two patients, DB and JS.

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Mr. Tonner asked the Board to consider deleting the active suspension of Dr. Wainwright's license. His argument was that with a suspension Dr. Wainwright would not be able to earn the money to pay back the patients. A majority of Dr. Wainwright's practice is based upon insurance payments. If an insurance provider found a suspension, part of Dr. Wainwright's income would automatically be cut off. Mr. Tonner informed the Board that Dr. Wainwright is on the list for a kidney transplant. Should a kidney become available, Dr. Wainwright would have to immediately go into surgery. His recovery time would be approximately 30 days.

Dr. Wainwright stated that he wanted to be able to continue to practice dentistry. He understood that he had made some mistakes in the past, but he was originally misdiagnosed and he thought he was dying. He was unable to function properly. When he found out that there was a chance that he could receive a kidney and continue to be a viable person, he immediately made steps to correct his situation. He could have filed bankruptcy, but he has always paid his bills and he did not want his patients to be left without some type of compensation, even if it took him a little longer than normal to reimburse them.

The Board had serious concerns with Dr. Wainwright's ability to practice safely. Some measures had to be in place before allowing Dr. Wainwright to continue to practice. While the Board was sympathetic with Dr. Wainwright's medical and financial dilemmas, its greater concern was in ensuring that the public was protected.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact and Conclusions of Law as Modified. Dr. Daniels ABSTAINED. MOTION PASSED.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to ADOPT the Administrative Law Judge's recommended order with the following amendments: No active suspension to Dr. Wainwright's license at this time; a). The respondent shall undergo both a medical and a psychological evaluation to determine his competency to practice dentistry. Respondent shall execute any medical release forms to allow the Board access to the records of the evaluation. The evaluation is to be completed in 10 days by a Board-approved evaluator who will provide the Board with a report which comments on safety to practice; b). Respondent shall comply with any treatment plan developed as a result of his medical and psychological evaluation; c). Respondent shall be prohibited from accepting any prepaid treatment plan payments from any patient for a period of 2 years from the date of this order; and adding f). Impose restitution to patients DB in the amount of \$2610 and JS in the amount of \$2110, within 60 days by certified funds to be submitted to the Board. Dr. Daniels ABSTAINED. MOTION PASSED UNANIMOUSLY.

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

- A. Melissa Hunnicut, RDH - Review, discussion and possible action on disclosure of conviction of Class 5 felony theft.

Ms. Hunnicut was present. She stated that this incident happened when she was 18 years old. She has had the record expunged.

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

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

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

- A. Maria E. Cortes-Vargas- Certified in California
- B. Jeanette M. Peattie-Certified in California
- C. Irene Elsberry-Certified -in California
- D. Jean L. Lynch-Certified in California
- E. Tawny M. McWhorter-Certified in California
- F. Kristi N. McNeil-Certified in California
- G. Monica M. Rangel-Certified in California
- H. Wendy L. Schetgen-Certified in California
- I. Krystal M. Crellin-Certified in California
- J. Michael Guillen-Certified in California
- K. Veronica Johns-Certified in New Mexico
- L. Stacy L. Welser-Certified in Oregon
- M. Stephanie D. Elmore-Certified in Oregon

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

- A. Dr. Vincent G. Colosimo - Board approved exam, malpractice disclosure

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a Comprehensive Review Request for additional information which entails a personal appearance by Dr. Colosimo at the December Board meeting. MOTION PASSED UNANIMOUSLY.

- B. Dr. Blane R. Christman - Board approved exam, malpractice disclosure

Dr. Christman was present and stated that there were actually 2 separated incidents. He has accepted the consequences and has also taken additional hours of continuing education in endodontics. He is currently working at a technical college.

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

- C. Dr. Bao-Quac Vinh - 1999 CA Exam prior to a regional exam

Dr. Vinh was present and stated that he had three separate disclosures on his application for licensure. All three incidents were misdemeanors and the last offense was approximately 15 years ago.

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

- D. Dr. Charles F. Kimball - 2000 CA Exam prior to a regional exam

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

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- E. Dr. Paul Bradford Smith - 1986 CA Exam prior to a regional exam

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

- F. Bonnie M. Clark, RDH - 2000 IN 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.

- G. Amy B. Inman, RDH - 2008 NERB Hygiene exam, & disclosure, 1990 second degree retail fraud

Ms. Inman was present and stated that this incident occurred while she was working as a supermarket clerk. She allowed a friend of hers to go through her checkout line without paying. The actual record has been expunged.

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

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

- H. Janice C. Shepard, RDH - 1990 CRDTS

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

- I. Joyce A. Mattioli, RDH - 1983 NERB

Ms. Mattioli was present.

Upon MOTION by Dr. Waite, second by Dr. Rosenthal 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

- J. Dr. Harpreet K. Wasson - 2006 CITA

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

- K. Andrea M. Parks, RDH-2008 NERB

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

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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. Waite 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. Jonathan L. Bowers - 2007/2008 NERB
- B. Dr. Jennifer S. Oki - 2007/2008 NERB
- C. Dr. Mohamad R. Alolabi - 2007/2008 NERB
- D. Dr. Lynda Ngo - 2007/2008 NERB
- E. Dr. Tulsi Lala - 2006/2007 NERB
- F. Dr. Yi-Ping Liu - 2005/2006 NERB
- G. Dr. Christine A. Halket - 2000 NERB
- H. Dr. Shreedevi Thulasidas - 1998/1999 NERB
- I. Dr. Howard H. Cho - 2007 CRDTS
- J. Dr. Gregory D. Dumitru - 1999 NV
- K. Julie Ann Young, RDH - 2004 NERB
- L. Stephanie A. Pajot, RDH - 2002 NERB
- M. Alana M. Garms, RDH - 2002/2003 NERB
- N. Michelle L. Riddell, RDH - 2000 NERB
- O. Marilen L. Santos, RDH - 1996 NERB
- P. Rochelle Ann Wilezewski, RDH - 1988 NERB
- Q. Jean A. Baum-Hanway, RDH - 1977 CRDTS
- R. Julia K. Mieras, RDH - 1993 CRDTS
- S. Judith C. Barthel-Whalen, RDH - 1995 CRDTS
- T. Polar S. Akoi, RDH - 2005 CRDTS
- U. Susan Kitchenmaster, RDH - 1992 WREB
- V. Amy Phillips, RDH - 2000 WREB
- W. Kellie D. Korpelainen, RDH - 2002 WREB
- X. Bonnie Howard Lansing, RDH - 1998 CA
- Y. Diana M. Monserratte, RDH - 2001 CA
- Z. Mary T. Chandler, RDH - 2001 CA
- AA. Danielle N. Aguirre, RDH - 2003 CA
- BB. David R. Shirts, RDH - 2002 NV

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

- A. Dr. Siamak M. Jafari - Review, discussion and possible action regarding disclosure of disciplinary action in California.

Dr. Jafari was present. In response to the Board, Dr. Jafari stated that he had a conviction in 1987. He has been licensed in Arizona since 2004. The conviction was expunged and his attorney advised him that he did not need to disclose it on his application for licensure. His renewal was due this past June, but the original application for licensure was where he should have made the disclosure. The Board's options at this point were to grant the renewal, deny renewal based upon the false statements on his original application for licensure, grant the renewal and open a complaint or grant the renewal and enter into a consent agreement.

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Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to GRANT the renewal and enter into a Consent Agreement to include an Administrative Penalty of \$2000. Dr. Cole, Dr. Altman and Ms. Zastrow were OPPOSED. Dr. Gradke ABSTAINED. MOTION PASSED.

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

A. REQUEST FOR ACTION ON LICENSURE/CERTIFICATE BY EXAMINATION

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

- i. Jolene Corrales, RDH - Review, discussion and possible action, including interim order for evaluation based on DWI disclosure on application for licensure.

Ms. Corrales was present. Dr. Sucher stated that he had met with Ms. Corrales and determined that this was an isolated incident which required no further monitoring, evaluation or treatment. There were no safety issues with regard to Ms. Corrales continuing to practice dental hygiene.

Ms. Corrales stated that this incident was a one-time mistake that she deeply regretted.

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

B. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- i. VACANT

C. REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE
Roll Call Vote is Required

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

- i. Dr. Arpad A. Sooky - Review, discussion and possible action, including interim order for evaluation regarding DUI disclosure on application for renewal of license.

Dr. Sooky was present. He has been practicing in the military for 4 years and was stationed in Germany. He was embarrassed about having the DUI. He did not normally drink and, since this incident, has completely abstained. The military was very strict with his discipline. He has completed an evaluation by a doctor on the base as well as a 3-day course.

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

D. HEALTH AND WELL BEING

- i. Julie A. Nightingale, RDH - Review, discussion and possible action on disclosure of DUI arrest and status of compliance with interim order for evaluation; review, discussion and possible action on entrance into MATP. Tabled from the August 2008 meeting.

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Ms. Nightingale was present. Dr. Sucher reported that Ms. Nightingale successfully completed treatment at Valley Hope. Dr. Sucher felt that Ms. Nightingale was ready to practice dental hygiene upon entrance into the MATP. He also felt that quarterly reports from Ms. Nightingale's psychiatrist should be an added condition to the usual terms.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to ACCEPT Ms. Nightingale into the MATP with the usual terms and conditions along with the additional stipulation of quarterly reports from the psychiatrist regarding safety to practice and progress. Ms. Bevers RECUSED. MOTION PASSED.

- ii. Dr. Mehrdad J. Mehranfar - Review, discussion and possible action on disclosure of DUI arrest and status of compliance with interim order for evaluation. Tabled from the August 2008 meeting.

Dr. Mehranfar was present. Dr. Sucher reported that this was an isolated incident which required no further monitoring or treatment.

No action was taken.

- iii. Dr. Wa N. Chao - Review, discussion and possible action, including opening an investigation relating to disclosure of DUI arrest and evaluation report from Dr. Sucher.

Dr. Chao was present. Dr. Sucher stated that he had met with Dr. Chao and determined that this was an isolated incident which required no further monitoring, evaluation or treatment. There were no safety issues with regard to Dr. Chao continuing to practice dentistry.

Dr. Chao stated that he was arrested for DUI in June of 2008. He felt badly about the potential harm he put, not only himself in, but others as well. He has worked hard to promote health and well-being and he felt that he tarnished his reputation and the reputation of the dental profession. He would never allow this incident to occur again.

The Board determined that no further action was required.

- iv. Nina M. McGee, RDH – Case 280304 - Review, discussion and possible action, including entering into a consent agreement based on evaluation report from Dr. Sucher.

Ms. McGee was present. Dr. Sucher reported that Ms. McGee did not have a problem with addiction, but did have a history of abuse. She has pre-existing health issues that require her to take mood-altering drugs. Ms. McGee has forged prescriptions for drugs in the past. Dr. Sucher recommended that Ms. McGee be placed in the Board's 2-year Abuse Tracking Program. Ms. McGee stated that she sees a psychiatrist on a monthly basis.

Upon MOTION by Dr. Altman, second by Ms. Bevers the Board voted to OPEN A CASE and ACCEPT Ms. McGee's entry into the Board's 2-year abuse monitoring program.

E. CONSIDERATION OF MATP CONSENT AGREEMENTS & REQUIRED PERSONAL APPEARANCES

- i. This agenda item was vacant.

F. UPDATE ON MATP PARTICIPANTS

Dr. Sucher reported that the remaining MATP participants are in compliance at this time.

Agenda Item No. 14 – Other Committee Reports

A. Mobile Dentistry Task Force

- i. Review, discussion and possible action regarding draft legislation recommendations from the Mobile Dentistry Task Force.

Upon MOTION by Dr. Altman, second by Ms. Bevers the Board voted to Propose the Legislation as drafted, with amendments. MOTION PASSED UNANIMOUSLY.

B. Anesthesia Committee - Dr. Spigner (To be heard at 3:30 p.m.)

- i. Review, discussion and possible action regarding recommendations of the Anesthesia Committee for revisions to Arizona Administrative Code (A.A.C.) Title 4, Chapter 11, Articles 1 and 13.

Ms. Paschal reminded the Board of the history of this item. The rules were presented to the Board previously, but were sent back to the committee based upon stakeholder comments and requests to address the committee. Should the Board choose to approve the rules today and open a docket, there will be another public comment hearing and there will be public testimony taken before the Governor's Regulatory Review Council (GRRC).

Roger Morris addressed the Board and stated that with regard to Certified Registered Nurse Anesthetists (CRNA) and Physician Anesthesiologists the Board would be stepping outside of its jurisdiction should it choose to adopt the committee's recommendations. The Board has no authority to dictate to those groups because their duties and restrictions are outlined and regulated by other Boards. The possibility existed that GRRC would challenge these rules, if adopted, and if not GRRC, there would definitely be court challenges.

Dr. Altman stated for the record that the Board's attorney, Ms. Williams was not in attendance at the committee meeting.

Mr. Rodney Moffett, CRNA stated that the Arizona State Board of Nursing is the only agency who has the authority to regulate CRNA practices in Arizona. No other Board or agency has the ability to limit the scope of practice of a CRNA either directly or indirectly. A licensed registered nurse can issue anesthesia under the direct supervision of a licensed physician. In Arizona, a dentist is considered a physician; therefore CRNA's do practice within their full scope when practicing in a dental office. Under the current draft proposal, both a CRNA and an anesthesiologist would have to be in the

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Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to impose RESTITUTION of \$1387 to the patient and \$134 to the insurer; CONTINUING EDUCATION of 12 hours in Crown and Bridge and 4 hours in Risk Management with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 20 **Case No. 280046**
Dr. Vernon S. Eddlemon

Complainant DY was present. DY stated that, initially, his teeth were in good condition except he needed a crown. After spending 2 hours with Dr. Eddlemon, DY was told that the tooth could not be crowned and he would need a partial. He paid \$1524 for work he did not receive. DY felt that he should have been told ahead of time that his tooth could not be crowned.

The Board expressed a concern with the treatment plan. It appeared that teeth 22 and 27 were prepped with a single crown as if they were part of a bridge. The treatment plan was changed while DY was there. It was believed that Dr. Eddlemon offered DY a refund of \$1200 initially, and then changed it to \$1369 after DY refused the first offer, but DY stated he was only offered the \$1200.

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

Finding of Fact No. 4 AMENDED to read:

The treatment plan was changed without the patient's proper understanding. Teeth #22 & 27 were prepped without the patient understanding options for 23-26.

Finding of Fact No. 5 AMENDED to read:

1) Patient presented on 11/13/07 with cc: re: mandibular anterior teeth. Options for treatment were presented, and patient elected an "immediate" fixed bridge #22-27 with ext. #23-26. 2) 12/18/07, #22 and 27 were prepped and temporized and impression taken. 3) 1/3/08, patient contacted office and questioned the fee for services. He had at that point paid \$1524, which was a partial payment (deposit) to start the case. Through the staff and with Dr. Eddlemon's input, a series of discussions with patient ensued through 1/22/08 regarding fees. Ultimately patient would not accept fees agreed upon and refused to return for treatment. A refund in the amount of \$1200 was offered initially. This was adjusted upward to \$1369 which was a full refund except for exam and x-ray fees. Patient stated he was not offered the refund of \$1369. Patient has never returned to office. The "holes" in teeth #22, 27 alleged by patient were apparently "holes" worn through incisal edge of temporary crowns. This is documented in dental record of Simon Dental Care on 1/8/08 by treating dentist who saw patient at that time. The "holes" were not in the teeth (#22,27) themselves.

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

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

**The Board requested priors - staff reported 2

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to impose RESTITUTION of \$1369 to the patient and CONTINUING EDUCATION of 6 hours in Treatment Planning and 6 hours in Crown and Bridge with 6 months time to complete. Dr. Waite was ABSENT. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 16

Case No. 280006
Dr. Champa R. Chatterjee

Dr. Chatterjee and her attorney Mr. Tonner were present. Mr. Tonner stated that Dr. Chatterjee was an independent contractor for Smile Doctors where she did the extractions and the immediate denture for the patient. She also had a private practice where the implants were done. Dr. Chatterjee was not a partner at Smile Doctors. The patient paid \$13,000 to Smile Doctors. The patient was seen in Dr. Chatterjee's office for the abutments and that was the last visit. When the patient went back to Smile Doctors, they were in receivership and had been sold to a new entity. Smile Doctors did not provide the Board with records. Dr. Chatterjee was never the custodian of the records and she had no control over getting the records.

In response to the Board, Dr. Chatterjee stated that from her memory, she did provide a treatment plan to the patient, but she does not have access to the records to verify this. She did not recall whether she did surgical extractions or simple extractions on the patient. The Board was provided with the billing records, which indicated that surgical extractions were done. Dr. Chatterjee stated that she was not responsible for billing and could not remember whether surgical extractions were actually done or not. Mr. Tonner stated that several of Smile Doctors' billing issues were being addressed in the civil case.

The Board did not understand why they were provided with the billing records but not any other records. The practice was purchased by Dr. Crafton who had been subpoenaed for records, but did not provide the Board with any records.

Upon MOTION by Dr. Rosenthal, second by Dr. Altman the Board voted to DISMISS for Lack of Supporting Evidence. Drs. Waite, Spigner, Gradke, Cole, Ms. Stevens, Ms. Bevers, Mr. Farnsworth and Ms. Zastrow were OPPOSED. Dr. Daniels was ABSENT. MOTION FAILED.

**The Board directed staff to place Dr. Crafton on the December agenda for alleged failure to comply with a Board Subpoena.

Upon MOTION by Dr. Cole, second by Ms. Bevers the Board voted to TABLE this case pending a response from Dr. Crafton to a second subpoena. Dr. Rosenthal OPPOSED. MOTION PASSED.

Agenda Item No. 23

Case No. 280075
Dr. Michael G. Stojanovic

Complainant LL and Ms. McLellan on behalf of Dr. Stojanovic were present.

LL asked the Board to refund the money she paid to Dr. Stojanovic because she received nothing in return for her money. When asked whether or not she declined a night guard, LL responded that the night guard was irrelevant in this case.

Ms. McLellan stated that this case was regarding composites on teeth 8 and 9 which were needed due to recurrent decay. The patient denied bruxing and declined a night guard. Dr. Stojanovic discussed placing composites instead of crowns. The patient had pre-existing composites on 8 and 9. Dr. Stojanovic extended the fillings distally and again recommended LL use a night guard. Again, LL refused. The Investigative Interview (I.I.) panel recommended upholding the allegation of Inadequate Operative Dentistry but Ms. McLellan stated that the fillings are still in place, but the cosmetic portion chipped off. Dr. Stojanovic voluntarily refunded \$394 to the patient. It was sent by certified mail, which LL had not picked up yet.

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

Agenda Item No. 19 **Case No. 280058**
Dr. Eric J. Harris

Dr. Harris, his attorney Mr. Tonner and complainant SV were present.

SV stated that she still has problems and is concerned that things may be getting worse.

Mr. Tonner stated that this was a reconstruction case involving teeth 6 - 11 and 22 - 27. Teeth 18 - 20 were prepped for a bridge. The patient complained of pain on #18 and was sent to an endodontist who did the root canal. SV did not think the root canal was necessary. Root canal therapy was also to be performed on tooth #20, but SV did not want it done. The clinical evaluation was completed 9 months after the work was done.

Dr Harris stated that his objective was to get the patient out of pain. Splint therapy appeared to be helping her. All of her teeth basically required restoration.

SV stated that she was not experiencing any pain prior to seeing Dr. Harris. She only went for 2 crowns and ended up getting a root canal. She was in pain for 3 weeks before he referred her to an endodontist. The temporaries were not painful, but the permanents were the problem. In response to the Board, SV stated that she ended up getting full mouth reconstruction because her teeth started getting black and the crowns began to break. She did not have root canal therapy on tooth #20.

The Board stated that there were no signed consent forms in the records. Page 37 of the record show the recommended treatment for the patient and included a notation of the verbal informed consent; but there was no written consent. The treatment notes indicated that the patient was asked if she was in pain and she responded that she was not. Afterwards, she began to complain of pain. Dr Harris deliberately built up some of her posterior teeth with composite in an effort to alleviate any TMJ symptoms. He was also aware that two veneers had open margins. However, SV had already decided not to return to Dr. Harris and he never had an opportunity to complete the treatment.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to impose a LETTER OF CONCERN stating comprehensive understanding by the patient of the treatment plan presented and Non-Disciplinary CONTINUING EDUCATION of 4 hours in Risk Management. Dr. Altman OPPOSED. MOTION PASSED.

Agenda Item No. 18 **Case No. 280076**
Dr. Kyra D. Lee

Dr. Lee and Her attorney Ms. McLellan were present.

Ms. McLellan expressed a concern with the Investigative Interview (I.I.) panel's recommendations. She felt that they got off track with the issue and went overboard with their findings. Dr. Lee used her clinical judgment for treatment of teeth 8 and 9. The patient had her previous crowns for approximately 10 years and had a history of diastema that had been cosmetically treated with the crowns. She presented with facial decay and 6 millimeter pockets around teeth 8 and 9. Dr. Lee remade the crowns. The patient has never complained about the look or the integrity of the crowns. The patient continued to be treated by Dr. Lee for a year. Two years after her last visit, the patient complained of a small diastema between 8 and 9. Dr. Lee offered her options of re-doing the crowns by making them larger or she could do orthodontic treatment. She did orthodontic treatment for one month and the diastema closed. She agreed with the

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

Cases DISMISSED:

Agenda Item No. 26	Case No. 270531	Dr. Carole A. Slencsak
Agenda Item No. 27	Case No. 270525	Dr. Terry L. Work
Agenda Item No. 33	Case No. 280044	Dr. Jason R. Arthurs
Agenda Item No. 34	Case No. 270500	Dr. Patrick A. Carr
Agenda Item No. 35	Case No. 270361	Dr. Patrice S. Winterholler
Agenda Item No. 36	Case No. 270535	Dr. James B. Mallory, Jr.
Agenda Item No. 38	Case No. 280136	Dr. Mark J. Castle
Agenda Item No. 39	Case No. 280077	Dr. Ronald J. Moon

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

Agenda Item No. 41	Case No. 280130	Dr. Michael A. Kort
Agenda Item No. 42	Case No. 270360	Dr. Nabil Fehmi
Agenda Item No. 43	Case No. 280008	Dr. Adrian E. Pulkrabek
Agenda Item No. 44	Case No. 280039	Dr. Daniel Ingel

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

Agenda Item No. 45	Case No. 280019	Dr. Loan Kim Dao
Agenda Item No. 46	Case No. 280056	Dr. Sam Hashemian

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

Agenda Item No. 50	Case No. T-08-030	Dr. Jeffrey H. Kootman
Agenda Item No. 54	Case No. 270493	Dr. Salvatore F. Perna

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

Cases TERMINATED/LACK OF JURISDICTION:

Agenda Item No. 47	Case No. 280245	Dr. Gregory R. Manning
Agenda Item No. 48	Case No. T-08-027	Dr. Mark Everett Ellicson
Agenda Item No. 49	Case No. 280089	Dr. Alan Mazurek
Agenda Item No. 51	Case No. 280092	Dr. Mu-Hun Kim
Agenda Item No. 52	Case No. 270522	Reel Dental
Agenda Item No. 53	Case No. 280258	Dr. Samuel Gegamian

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Agenda Item No. 56 – 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.

Sigita Jankunas, DDS
D 7610, issued: 07/22/2008

Joseph P. Osdieck, DMD
D 7639, issued: 08/07/2008

Lisa M. Anderson, DMD
D 7611, issued: 07/22/2008

Rishi Popat, DMD
D 7640, issued: 08/07/2008

Timothy J. Yu, DMD
D 7612, issued: 07/22/2008

Michael J. Bowen, DMD
D 7641, issued: 08/07/2008

Timothy W. Oh, DMD
D 7613, issued: 07/22/2008

Russell L. Mitchell, DDS
D 7647, issued: 08/07/2008

Kelly M. Bradley, DMD
D 7614, issued: 07/22/2008

Sean T. Nguyen, DDS
D 7648, issued: 08/12/2008

Megan J. Coker, DDS
D 7615, issued: 07/22/2008

Quynh M. Le, DDS
D 7649, issued: 08/12/2008

Devin L. Croft, DDS
D 7616, issued: 07/22/2008

Alfredo R. Paredes, DDS
D 7650, issued: 08/12/2008

Erik A. Pease, DMD
D 7617, issued: 07/23/2008

Chadwyck R. Bradley, DMD
D 7651, issued: 08/12/2008

Dawn M. Ososke, DDS
D 7618, issued: 07/23/2008

Joseph E. Hansen, DMD
D 7652, issued: 08/21/2008

Amanda Jo Okundaye, DDS
D 7619, issued: 07/24/2008

Zachary X. Van Hilsen, DDS
D 7653, issued: 08/21/2008

Mark H. Snow, DDS
D 7620, issued: 07/24/2008

Babak Etemadshahidi, DMD
D 7654, issued: 08/27/2008

Roselin Reiss, DMD
D 7621, issued: 07/25/2008

Mike Minh Tran, DDS
D 7655, issued: 08/28/2008

Neal L. Jones, DDS
D 7633, issued: 08/06/2008

Sonia Kumar, DDS
D 7656, issued: 09/03/2008

David M. Self, DDS
D 7635, issued: 08/07/2008

Crystal Lee Bill, DMD
D 7657, issued: 09/04/2008

Jesse B. Norris, DMD
D 7638, issued: 08/07/2008

Vasudha Narra, DDS
D 7658, issued: 09/11/2008

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Tye A. Thompson, DDS
D 7659, issued: 09/15/2008

Benjamin K. Mishler, DDS
D 7660, issued: 09/22/2008

Total Dental: 32

Kimberly A. Favreau, RDH
H 6510, issued: 07/22/2008

Michele L. Groom, RDH
H 6536, issued: 08/27/2008

Radonna G. Bull, RDH
H 6511, issued: 07/23/2008

Gloria J. Dorsey, RDH
H 6537, issued: 08/27/2008

Rebecca J. Peifer, RDH
H 6512, issued: 07/24/2008

Elisa Storbeck, RDH
H 6538, issued: 08/28/2008

Renee Y. Patterson, RDH
H 6513, issued: 07/25/2008

Aleksandra S. Makarychev, RDH
H 6539, issued: 09/09/2008

Aisha N. Tendvahl, RDH
H 6514, issued: 07/25/2008

Jadie H. Billings, RDH
H 6540, issued: 09/15/2008

Alicia M. Kucinski, RDH
H 6515, issued: 08/04/2008

Sonia M. Raymond, RDH
H 6541, issued: 09/16/2008

Christina M. French, RDH
H 6529, issued: 08/04/2008

DeAnna M. Soto, RDH
H 6542, issued: 09/22/2008

Elizabeth Czerw, RDH
H 6531, issued: 08/05/2008

Mari K. Trevino, RDH
H 6543, issued: 09/23/2008

Terry Lee Arias, RDH
H 6534, issued: 08/12/2008

Victoria R. Grijalva, RDH
H 6544, issued: 09/23/2008

Kristin R. LaBreck, RDH
H 6535, issued: 08/22/2008

Rebecca Ann Martos, RDH
H 6545, issued: 09/24/2008

Total Dental Hygiene: 20

Agenda Item No. 58 – Approval of Minutes – Consent Agenda

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

- A. August 1, 2008 Board Meeting Minutes
- B. August 1, 2008 Executive Session Minutes
- C. September 3, 2008 Special Board Minutes

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Agenda Item No. 30 **Case No. 280065**
Dr. Richard George Strub

Mr. Tonner, on behalf of Dr. Strub and complainant GDZ were present.

GDZ stated that the work has to be re-done on his top teeth. Dr. Strub cemented the bridge knowing that it was defective. When GDZ was called to come into the office for the try-in, he was told by the manager that it was defective, but they wanted to try it in anyway. 5 days after the bridge was cemented, the front tooth crumbled. He assumed that the tooth that crumbled was the defect the manager mentioned over the phone. He paid \$12,000 for this bridge and it now needs to be re-done.

In response to the Board Mr. Tonner stated that the periodontal charting could be found on page 4 of the record.

The Board stated that a clinical evaluation had taken place and the work was found to be inadequate by the evaluator.

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

Finding of Fact #5 AMENDED to read:

Per the clinical evaluation, there was over contouring and as evident on the evaluator's radiograph, the crowns either have open margins or were not seated properly.

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

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

**The Board requested priors - staff reported 3

Upon MOTION by Ms. Bevers, second by Dr. Rosenthal the Board voted to impose RESTITUTION to the patient of the amount of the 11-unit bridge, which will be determined by staff and CONTINUING EDUCATION of 12 hours in Hands-on Crown and Bridge with 6 months time to complete. Dr. Spigner ABSTAINED. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 32 **Case No. 270499**
Dr. Robert D. Sundberg

Dr. Sundberg was present along with his attorney, Mr. Tonner.

The Board pulled this complaint from the consent agenda. There was a concern with the rapid failure of the prosthesis and the fact that no restitution was offered to the patient for the failure.

Dr. Sundberg responded that he did not know why the prosthesis failed so soon. By the time he realized there was implant failure, the patient was under the care of a prosthodontist. He agreed that the bone loss was extreme and it happened fast. If the failure had occurred because the implants were loaded too soon, the other implants would have failed also.

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Mr. Tonner stated that he did call the patient to offer a refund on behalf of Dr. Sundberg. She told Mr. Tonner that she would get back to him, but filed a civil suit instead.

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

Agenda Item No. 41 **Case No. 280130**
Dr. Michael A. Kort

Dr. Kort, his attorney Mr. Tonner and complainant AM were present.

Upon MOTION by Ms. Zastrow, duly seconded the Board voted to issue a LETTER OF CONCERN stating the doctor must establish a clear, concise and understandable informed consent process for all patients on the procedure regarding the use of restraints. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 42 **Case No. 270360**
Dr. Nabil Fehmi

Mr. Tonner, on behalf of Dr. Fehmi, complainant CM and the office manager MF were present.

CM stated that her issue began with Gloria, the finance person. CM signed an agreement regarding the cost of the treatment. Later the fee was different. Gloria admitted that she made a mistake, but the nature of the mistake was never explored.

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

Agenda Item No. 44 **Case No. 280039**
Dr. Daniel Ingel

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

The Board expressed a concern that there was no documented periodontal diagnosis.

Dr. Waite made a motion to dismiss for lack of supporting evidence, but the motion died due to lack of a second.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating prior to performing any definitive treatment the doctor must document a periodontal diagnosis. Dr. Daniels and Dr. Waite were OPPOSED. MOTION PASSED.

Agenda Item No. 46 **Case No. 280056**
Dr. Sam Hashemian

Mr. Tonner on behalf of Dr. Hashemian and complainant CE were present.

CE stated that she did not understand why she had to return to the office so many times to be fitted for the denture if it was just a temporary denture.

Mr. Tonner stated that the extractions and initial immediate denture was done by another dentist. That same dentist decided to do a second immediate denture. Dr. Hashemian delivered the second immediate denture and finally the permanent denture. When Dr. Hashemian became involved in this case, the

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treatment was already started by another dentist. Dr. Hashemian was doing all he could do to correct the situation. The Board determined that Dr. Hashemian was responsible for the second and third dentures.

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

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

**The Board requested priors - staff reported none

Upon MOTION by Ms. Bevers, duly seconded the Board voted to impose CONTINUING EDUCATION of 6 hours in Complete Dentures with 6 months time to complete. Dr. Daniels and Dr. Gradke were OPPOSED. MOTION PASSED.

**The Board directed staff to place Western Dental on the December agenda to open an investigation for alleged inadequate denture.

Agenda Item No. 54 **Case No. 270493**
Dr. Salvatore F. Perna

Mr. Tonner, on behalf of Dr. Perna and complainant GE were present.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to TERMINATE for Lack of Jurisdiction. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 31 **Case No. 280020**
Dr. Lisa M. Beznoska

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

The Board expressed a concern with the lack of chart notes. There also appeared to be a lack of concern for the patient in this case in that she was diabetic and was in the chair for 5 hours before being sent to an oral surgeon.

Upon MOTION by Dr. Rosenthal, second by the Board voted to VACATE the previous Investigative Interview and REMAND to a new Investigative Interview with an added allegation of Failure to Comply with a Subpoena. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 40 **Case No. 280162**
Dr. Sulieman Albert Kassisieh

Complainant SV was present. SV stated that she was asking for her case to be remanded. She was not able to attend the Investigative Interview (I.I.) because she did not receive the notice. She did receive a copy of the tape recording of the I.I. and due to the numerous discrepancies in the testimony; a new I.I. would be in order to address the patient abandonment issue. Staff reported that the notice was mailed certified mail. The post office attempted to deliver the item 3 times.

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Upon MOTION by Ms. Bevers, second by Ms. Stevens the Board voted to VACATE the previous Investigative Interview and REMAND to a new Investigative Interview. Dr. Rosenthal RECUSED. MOTION PASSED.

Agenda Item No. 28 **Case No. 270530**
Dr. Lori Karen Anderson

Ms. McLellan, on behalf of Dr. Anderson and complainant MW were present.

MW stated that before he went to Dr. Anderson, he had no problems or pain with his teeth. As a result of the Invisalign treatment, several doctors have told him that he will need corrective treatment. He has constant pain on the side of his face and he has pain when he smiles. He must now undergo jaw surgery. He has never been referred to a TMJ specialist and part of the time, Dr. Anderson was not in the office after having driven over 300 miles for the appointment. He had not given any thought to Dr. Anderson not being an orthodontist as she assured him that he was a good candidate for Invisalign. He felt comfortable with her initially.

The Board felt that Dr. Anderson took on a case that she should have known something about.

Ms. McLellan stated that this case had a thorough Investigative Interview which included an orthodontist on the panel. MW's treatment was done originally to reduce crowding of his teeth. MW was given 4 upper and 7 lower refinement trays as part of his Invisalign treatment. He admitted later that he had not completed all of the refinements. Dr. Anderson was essentially doing final adjustments based on the patient's claim that he had finished the treatment.

MW stated that Dr. Anderson knew that he was unable to finish all of the retainers. It is documented in her records the multiple times he called to tell her of his discomfort. She had even written in her chart notes that he could not go to tray 9. Tray 9 was making his teeth move the wrong way. MW felt that Dr. Anderson should have referred him to a specialist at some point.

Ms. McLellan stated that the consent form signed by MW clearly said that if the patient was noncompliant with all of the treatment, there could be complications. Also, MW was being treated by several different dentists by mid-2007.

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

Upon MOTION by Dr. Daniels, second by Dr. Gradke the Board voted to ACCEPT the Findings of Fact as written. MOTION FAILED.

Finding of Fact #5 AMENDED to read:

There was no left side occlusion and there was an anterior edge to edge bite.

Finding of Fact #6 AMENDED to read:

Patient appeared complaining of problems with pain. Complications were not addressed and TMD problems now exist.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact as AMENDED. Dr. Daniels and Dr. Gradke OPPOSED. MOTION PASSED.

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Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to find a VIOLATION of A.R.S. §32-1201.21(n). Dr. Daniels and Dr. Gradke OPPOSED. MOTION PASSED.

**The Board requested priors - staff reported none.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to impose RESTITUTION to the patient of \$4650 and CONTINUING EDUCATION of either 12 hours in Hands-on Orthodontics *OR* 6 hours in the 2nd Level Invisalign course and 6 hours in Hands-on Orthodontics with 6 months time to complete and RESTRICTION OF PRACTICE of any new cases in the area of Invisalign Orthodontics until completion of the imposed Continuing Education. Dr. Gradke and Dr. Daniels OPPOSED. MOTION PASSED.

Agenda Item No. 29 **Case No. 280134**
Tanya V. Mendoza-Galindo, RDH

Ms. McLellan was present on behalf of Ms. Mendoza-Galindo.

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

Agenda Item No. 45 **Case No. 280019**
Dr. Loan Kim Dao

Upon MOTION by Dr. Daniels, second by Ms. Bevers the Board voted to impose Non-Disciplinary CONTINUING EDUCATION of 6 hours in Crown and Bridge with 6 months time to complete. Ms. Stevens was ABSENT. Dr. Gradke ABSTAINED. MOTION PASSED.

Agenda Item No. 43 **Case No. 280088**
Dr. Adrian E. Pulkrabek

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

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating lack of supervision of front office staff regarding billing and discounts. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 37 **Case No. 270512**
Dr. Joseph R. Cohen

Mr. Williams was present on behalf of Dr. Cohen. Mr. Williams stated that Dr. Cohen's assertion that he was the Board consultant was taken out of context in order to enhance the current civil litigation.

The Board was not as concerned about Dr. Cohen's statement, but felt there were too many unanswered questions to be able to make a decision in this case.

Upon MOTION by Dr. Altman, second by Ms. Bevers the Board voted to TABLE this case pending information from staff regarding ADA and other states' standards, including UCLA, on pain management issues and accepted practices by dentists for treatment and Dr. Cohen's personal appearance. MOTION PASSED UNANIMOUSLY.

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Finding of Fact #4 AMENDED to read:

No written treatment plan.

Finding of Fact #5 AMENDED to read:

Based on subsequent dentist evaluations, there were inadequate crowns on teeth 3, 9, 10, 11, 20 and 29 and open margins on teeth 9, 10 and 11.

Finding of Fact #6 AMENDED to read:

Based on subsequent dentist evaluations, inadequate endodontics was performed on teeth 9, 20 and 29.

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

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

**The Board requested priors - staff reported 3

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to impose RESTITUTION to the patient and to the insurance provider for crowns on teeth 9, 10, 11, 20 and 29 and for the endodontics on teeth 9 and 29. Dr. Ash must provide the Board with a detailed accounting balance reflecting charges and payments in order for staff to determine the amount within 25 days; CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment Planning, 12 hours in Hands-on Crown and Bridge and 12 hours in Hands-on Endodontics with 9 months time to complete; RESTRICTION OF PRACTICE in the area of Crown and Bridge limiting any new cases involving a bridge of more than 3-units and no Endodontics until the Continuing Education is completed; and an ADMINISTRATIVE PENALTY in the amount of \$1000. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION against Dr. Ash for alleged practicing outside the scope of dentistry, for example, Botox injections. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 60 **Case No. 280010**
Dr. Ashutosh Kaushesh

Both Dr. Kaushesh and complainant NR were present. NR stated that she had root canal therapy with a crown done. Afterwards, she continued to have symptoms with the tooth. She returned to Dr. Kaushesh several times, but he could not find a reason for NR to still be experiencing symptoms. She finally asked for her records so that she could be seen somewhere else, but he refused to give them to her. She then filed the complaint. Her insurance provider has been refunded, but she has not. An evaluator told her the canal was not filled properly, which is why the tooth was still problematic. She has also been having problems with the crown. She finally did get a copy of the records.

Dr. Kaushesh stated that he did not immediately give NR a copy of her records. He was expecting her to send a written request for the records. Once she filed the complaint, he erroneously assumed that the Board would provide her with a copy of the records. As soon as he realized that NR did not get copies from the Board, he forwarded a copy to her. Dr. Kaushesh agreed that NR should get her money back.

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

**The Board requested priors - staff reported none

Upon MOTION by Dr. Altman, second by Ms. Bevers the Board voted to impose RESTITUTION of \$1199 to the patient, an ADMINISTRATIVE PENALTY of \$500 and CONTINUING EDUCATION of 6 hours in Crown and Bridge with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 61 **Case No. 280115**
Dr. Richard A. Johnson

Mr. Tonner was present on behalf of Dr. Johnson. Mr. Tonner requested the Board send this case back to an Investigative Interview (I.I.). There was an orthodontist on the panel and Mr. Tonner did not feel that a specialist should have been on the panel as Dr. Johnson is a general dentist. The Board responded that because Dr. Johnson did orthodontic work as opposed to referring it out, the treatment should have been provided to the patient with the same standard of care as if he were a specialist.

There were no after-treatment models or pictures for the Board to review and make a determination on. Mr. Tonner suggested that the clinical evaluator ask the patient whether she has been in retainers or not before doing the evaluation.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to REMAND for a Clinical Evaluation only. Dr. Altman RECUSED. MOTION PASSED.

Agenda Item No. 63 **Case No. 280197**
Dr. Wayne G. Thorpe

Complainant KS was present and stated that after being treated by Dr. Thorpe; she suffered from massive gum and bone loss. She provided the Board with photos for their review. She did not feel the treatment was done correctly, and it was much too extensive for a 19-year-old to be going through. In response to the Board KS and her mother CS state that they were not aware of the risks involved with the proposed treatment. CS wanted to know if 3 luxations was a normal thing to do and if there were adverse risks involved, why were they never informed.

The Board stated that there was a lack of informed consent in the record. The consent form that was signed, did not adequately address the risks involved with the procedure. KS stated that she is now in treatment with both a periodontist and an orthodontist who are working together as a team to correct her problems.

Basically, the risk of bone loss was not explained to the patient. There was no evidence that the oral surgery was done incorrectly. The Board could find no fault with the procedure. The outcome was unfortunate but Dr. Thorpe's treatment was not at fault. He just should have informed the patient of the risks.

Upon MOTION by Dr. Gradke, second by Dr. Daniels the Board voted to issue a LETTER OF CONCERN stating informed consent must be more complete and documented in the record. Mr. Farnsworth, Dr. Cole, Ms. Bevers, Dr. Altman and Ms. Zastrow were OPPOSED. MOTION PASSED.

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

Cases DISMISSED:

Agenda Item No. 68	Case No. 280009	Dr. Stanley E. Farrell
Agenda Item No. 70	Case No. 270524	Dr. Gordon Ledingham
Agenda Item No. 71	Case No. 280045	Dr. Ghassan Sheikh Sroujeh
Agenda Item No. 72	Case No. 270507	Dr. Edward D. Barrelier
Agenda Item No. 75	Case No. 280074	Dr. Randy B. Reasch

Case Recommended for Dismissal with Prejudice - Consent Agenda

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to DISMISS the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 76	Case No. 270539	Dr. Francis W. Rasin
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Cases pulled that are Recommended for Issuance of a Letter of Concern - Consent Agenda - From Investigative Interview

Agenda Item No. 77	Case No. 280122	Dr. Francine J. Vickers
Agenda Item No. 79	Case No. 280187	Dr. Richard I. Glazer
Agenda Item No. 80	Case No. 280040	DDL Dental
Agenda Item No. 80A	Case No. 280031	Dr. Michael Wassef

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

Agenda Item No. 78	Case No. 280016	Dr. Jennifer M. Matzen ** Stating the doctor should comply completely with a Board subpoena by supplying all of the records including the health history and clinical exam
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**Dr. Matzen appeared to address the Board after the case was adjudicated. The Board listened to her testimony, but did not change its previous order.

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

Agenda Item No. 81	Case No. 280021	Dr. Thomas L. Hossfeld
Agenda Item No. 82	Case No. 280036	Dr. Amer Zarif

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

Agenda Item No. 87	Case No. T-08-032	Dr. Scott P. Wilson
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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to TERMINATE for Lack of Jurisdiction the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

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Cases TERMINATED/LACK OF JURISDICTION:

Agenda Item No. 83	Case No. 280168	Dr. Steven R. Hofmann
Agenda Item No. 84	Case No. T-08-029	Sunwest Dental
Agenda Item No. 85	Case No. T-08-028	Dr. Christopher Antczak
Agenda Item No. 86	Case No. T-08-031	Dr. Steven H. Poulus
Agenda Item No. 88	Case No. 280081	Dr. Jeffrey L. Zimmerman
Agenda Item No. 89	Case No. 280111	Dr. John E. Maslak
Agenda Item No. 90	Case No. 280284	Dr. Alen A. Madadi

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

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to OPEN A NEW COMPLAINT for Noncompliance with a Consent Agreement or Board Order in the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case Resulting in the OPENING OF A NEW COMPLAINT:

Agenda Item No. 91	Case No. 270478	Dr. Michael Wassef
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Probation Monitoring; Compliance Reporting - Consent Agenda

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to take no Action. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 92	Case No. 270410	Dr. Orville S. Diggs
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**Agenda Items pulled that are Recommended for Review and Filing of Cases for Investigation –
Consent Agenda**

Agenda Item No. 94A	Dr. Garrett F. Harnett
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Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to FILE CASES FOR INVESTIGATION for the remaining items on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

INVESTIGATIONS OPENED FOR:

Agenda Item No. 93	Dr. John K. Swain – Alleged misleading advertising and exceeding the scope of practice
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Agenda Item No. 94	Dr. Robert Meese – Alleged inadequate orthodontics
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Agenda Item No. 69	Case No. 280003 Dr. Dalinde E. Gonzalez
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Upon MOTION by Dr. Rosenthal, second by Dr. Daniels the Board voted to DISMISS for Lack of Supporting Evidence. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 80 **Case No. 280040**
DDL Dental, SA

Mr. Carter was present on behalf of DDL Dental.

The Board stated that a student who is doing an externship is not qualified as a dentist. While the program has been approved by the Board, including the externship program, there are no laws in place to adequately address this issue. Provisions need to be in place for an externship program for denturists.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Daniels and Ms. Zastrow OPPOSED. MOTION PASSED.

**The Board directed staff to draft guidelines regarding a dentist externship program and provide those guidelines to the Board.

Agenda Item No. 94A **Dr. Garrett F. Harnett**

The Board expressed a concern with Dr. Harnett's ability to practice safely. Staff reported that Dr. Harnett had agreed to release his medical and psychological records to the Board's Medical Director, Dr. Sucher, for his review. Should the review cause Dr. Sucher undue concern, he would notify the Board and an emergency meeting could be conducted to determine Dr. Harnett's safety to practice or he could be asked to voluntarily surrender his license.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to OPEN AN INVESTIGATION against Dr. Garrett F. Harnett for alleged abuse of alcohol and/or drugs, abuse of prescribing privileges and exceeding the scope of practice by writing prescriptions for medications not related to dental practice. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 87 **Case No. T-08-032**
Dr. Scott P. Wilson

The Board was could not determine whether the patient had received records from Dr. Wilson.

Upon MOTION by Ms. Bevers, second by Dr. Rosenthal the Board voted to TABLE this case pending confirmation of patient receipt of records. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 82 **Case No. 280036**
Dr. Amer Zarif

Dr. Zarif and complainant JD were present. Staff provided the Board with background on the cases it had opened involving complainant JD. There were several different doctors who treated JD while she was a patient of the practice.

JD stated that she never received an impression for the bottom denture. Her teeth were extracted and an impression was taken for the upper denture. JD did understand that there would be a period of adjustments, but the denture never fit right and after 2 or 3 more visits with Dr. Zarif, he was no longer working at the practice.

Dr. Zarif stated that his assistant took the impressions of both the upper and lower arches and an immediate denture was fabricated from those impressions. He was present when the assistant took the impressions. JD was seeing other dentists for adjustments and relines after Dr. Zarif left the practice.

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The Board asked if Dr. Zarif had provided JD with any other treatment options besides extractions. It appeared that a lot of the teeth were salvageable. Dr. Zarif responded that JD wanted her teeth extracted and she signed a consent form. He did verbally inform her that she could have a partial, but JD insisted that her teeth be extracted. The alternative treatment options were not documented and JD denied that Dr. Zarif offered her the option of a partial.

The Board also expressed a concern with the assistant taking the final impression for the denture. Dr. Zarif was informed that, per the Dental Practice Act, an assistant was not permitted to take a final impression. They could take impressions for study models, but not for an immediate denture.

JD stated that after 6 months of constant adjustments, relines and surgery, she still did not have a denture that she could use.

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

The findings were not changed.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Altman, Dr. Daniels, Ms. Stevens, Ms. Bevers, Dr. Spigner, Dr. Rosenthal, Mr. Farnsworth and Dr. Gradke all OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Spigner, second by Ms. Bevers the Board voted to CONSIDER the Findings of Fact. Dr. Gradke was OPPOSED. MOTION PASSED.

The findings were not changed, however the allegation of Inadequate Treatment Planning was upheld.

Upon MOTION by Dr. Spigner, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN stating the doctor needs to communicate more thoroughly with the patient about the treatment plan so that the patient understands all treatment options and NON-DISCIPLINARY CONTINUING EDUCATION of 6 hours in Treatment Planning with 6 months time to complete. Dr. Daniels and Dr. Waite were OPPOSED. MOTION PASSED.

Upon MOTION by Dr. Daniels, second by Ms. Bevers the Board voted to OPEN A NEW CASE against Dr. Zarif for alleged Inadequate Supervision regarding the dental assistant taking final impressions. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 80A **Case No. 280031**
Dr. Michael Wassef

Mr. Woods, on behalf of Dr. Wassef and complainant JH and his daughter were present. JH stated that the panel wanted to drop the patient abandonment issue. Dr. Wassef claimed that Dr. Nuessle started the treatment, JH's daughter provided proof to the Board that all of the work was done by Dr. Wassef. The fees were paid to Dr. Wassef, who was the only shareholder at the time of JH's treatment. JH's daughter also provided the Board with documents from the Corporation Commission.

The Board determined that there was an abandonment issue. Dr. Wassef was paid in full for work that he did not complete. Additionally, Dr. Nuessle was not qualified to complete work.

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In response to the Board, Mr. Woods stated that Dr. Wassef did not document the new dentist of record in the chart. Dr. Wassef did not receive the money paid by JH, the corporation, Premier Dental, received the money. A stock purchase agreement was made between Dr. Nuessle and Dr. Wassef which resulted in Dr. Nuessle's ownership of the corporation. Many months later, the patient went to Dr. Nuessle. JH never contacted Dr. Wassef. Dr. Wassef did not inform his patients that he was selling the practice because it was part of his agreement with Dr. Nuessle not to do so. Dr. Wassef owned the controlling stock in the corporation Premier Dental, but did not own the corporation.

JH paid \$11,900 to Dr. Wassef and only received dentures. The Capital One payment was made directly to Dr. Wassef. Mr. Woods' contention was that Dr. Nuessle purchased the liability when he purchased Premier Dental and that is who should be responsible for refunding the patient. Mr. Woods felt the monetary issue should be dealt with in a court of law, not at the Dental Board. The Board responded that its usual practice was to order the doctor to pay restitution and the doctor could then deal with the employing practice regarding reimbursement.

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

Finding of Fact #1 AMENDED to read:

There was not a substituting dentist that could do the work that was necessary for this patient. Dr. Nuessle was not qualified to do the work.

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

Upon MOTION by Ms. Zastrow, second by Ms. Bevers the Board voted to find a VIOLATION of Rule R4-11-501.c, e and d. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to impose RESTITUTION of \$15900 to the patient. Drs. Spigner and Gradke ABSTAINED. MOTION PASSED.

Agenda Item No. 73 **Case No. 270370**
Dr. Trent Wilsey Smallwood

Dr. Smallwood and complainant JL were present.

JL stated that, as far as she is concerned, all of the treatment done by Dr. Smallwood must be re-done. She has had constant problems.

Dr. Smallwood stated that approximately 25% of the treatment would be completed in the final phase. He was never allowed to get to that point with JL. JL became very frustrated and upset. There are signed consent forms for all of the treatment. Also, the clinical evaluator had no problem with the work. Dr. Smallwood initially offered to refund a portion of the fee to JL; however, the offer was no longer an option.

JL responded that she never returned to Dr. Smallwood because he would not listen to her. For \$32,000, she did have high expectations. She felt that he was done with the treatment because he told her that there was only so much he could do.

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The Board stated that, according to the clinical evaluation, the work done by Dr. Smallwood was adequate.

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

Agenda Item No. 74 **Case No. 280196**
Dr. James R. Glauser

Complainant KS and her mother CS were present. KS and stated that she now has to wear braces in order to correct the end to end bite. She will need both veneers and braces. The braces will be required in order to produce an overbite. She has suffered bone loss and gum recession around teeth 5 and 6. What they were told would be a simple procedure had turned into a major problem. Dr. Glauser was attempting to pull down the impacted tooth. They never knew about all of the complications that could occur. She must wear the veneers because her teeth were not properly aligned in the front. She provided the Board with pictures. KS is now under the care of an orthodontist and a periodontist for corrective treatment. CS stated that Dr. Glauser brought models with him to the Investigative Interview, but did not leave them with the Board. The bottom line is that KS' front teeth were not aligned properly; she is wearing them out.

The Board had an issue with trying to assess KS' bite. The occlusion could not be determined by looking at the photographs KS provided to the Board. Her new orthodontist could be subpoenaed for records, but KS did not want to jeopardize her treatment. She had a difficult time locating dentists who were willing to take her as a patient and she is pleased with the team she has now. The Board felt that Dr. Glauser's study models should have been provided to the Board in response to his subpoena. CS stated that she and KS would be willing to accept the Board's determination based upon Dr. Glauser's models.

Upon MOTION by Dr. Altman, second by Dr. Daniels the Board voted to TABLE this matter pending a response to a subpoena for the Models from Dr. Glauser and to add an allegation of alleged failure to comply with a Board subpoena. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 77 **Case No. 280122**
Dr. Francine J. Vickers

Complainant RP was present and stated that she had root canal treatment done to tooth #3 by Dr. Vickers. Dr. Vickers left a separated file in the tooth that RP did not find out about until a year and a half later during a routine cleaning. She ended up having another root canal done on the tooth. RP returned to Dr. Vickers complaining of pain. She diagnosed a fracture to the tooth and wanted to extract it, but RP did not want to lose it. The endodontist who re-treated the tooth did not see any fractures.

The Board was concerned that Dr. Vickers did not attempt to re-treat the tooth. She knew that she had broken a file in the canal and the patient was experiencing pain.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

Finding of Fact #5 AMENDED to read:

File broke and patient returned with pain. Doctor should have attempted to retrieve the file and retreat the tooth.

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Agenda Item No. 95 – Members of the Public

None

Agenda Item No. 96 – Associations

None

Agenda Item No. 97 – Future Agenda Items

None

Agenda Item No. 98 – Next Meeting Date

December 5, 2008

Agenda Item No. 99 – Adjournment

Dr. Altman adjourned the meeting at 7:01 PM.

Minutes APPROVED at the February 6, 2009 Board Meeting

Pamela J. Paschal, Deputy Director