



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING OCTOBER 9, 2009

Board Members Present:

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

Board Members Absent:

**Dr. Bruce A. Spigner – from 8 a.m. until 3 p.m.
**Mr. Jason Farnsworth – from 1:45 until adjournment

Staff Present:

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 2**

GENERAL BUSINESS

Agenda Item No. 1 – Call To Order

Dr. Rosenthal called the meeting to order at 8:01 a.m.

Agenda Item No. 4 – President's Report

- A. Report on A.A.D.E. annual meeting.

Dr. Rosenthal reported the A.A.D.E. (American Association of Dental Examiners) is now the A.A.D.B. (American Association of Dental Boards). One of the new changes is a course on airway obstruction, which will be ready in approximately one year. Any dentist who has an anesthesia permit will be required to take this course. A point of interest was that Minnesota offers a dental therapist program which is similar to a nurse practitioner. Additionally, Minnesota now accepts the Canadian licensees. Also, in several states, the Boards are requiring their licensees to pay a fee if they are unsuccessful in their Board cases. This would apply to any judicial review action or formal hearing in which the licensee is unsuccessful and the Board incurs costs.

Agenda Item No. 5 Executive Director's Report

- A. BOARD MEMBER TRAINING

Presentation by attorney and staff regarding the following topics:

VACANT

- B. Review, discussion and possible action regarding referral of Dr. Lucius N. Butler, IV to WREB as an examiner.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to REFER Dr. Butler to WREB as an examiner. MOTION PASSED UNANIMOUSLY.

- C. Alameda Crossing Dental Group – Review, discussion and possible action on staff recommendation to vacate vote to open an investigation.

Upon MOTION by Dr. Morrison, second by Ms. Buckles the Board voted to VACATE its vote to open an investigation. MOTION PASSED UNANIMOUSLY.

- D. Marketplace Smiles - Review, discussion and possible action on staff recommendation to vacate vote to open an investigation.

Upon MOTION by Dr. Morrison, second by Ms. Bevers the Board voted to VACATE its vote to open an investigation. MOTION PASSED UNANIMOUSLY.

- E. Review, discussion and possible action regarding revised Substantive Policy Statement #2, Community Service Guidelines, including revised list of approved clinics.

Upon MOTION and duly seconded the Board voted to ACCEPT the revised Substantive Policy Statement #2 and the revised list of approved clinics. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 3**

- F. Review, discussion and possible action regarding Investigative/Informal Interview Panel Checklist.

Ms. Hugunin explained the checklist to the Board which was developed by one of the volunteer consultants to be used as a tool during investigative interviews to assist the panel in reviewing and evaluating the records and other documents relating to a complaint. Staff has been asked to place the checklist in the Inscriptions publication as some dentists have begun using it in their individual practices. Verbiage will be added to inform the licensee that he or she may not rely on the checklist to demonstrate compliance with the Dental Practice Act or standard of care in the event a complaint is filed with the Board.

Upon MOTION by Dr. Morrison, duly seconded the Board voted to ACCEPT the checklist as recommended. MOTION PASSED UNANIMOUSLY.

- G. Review, discussion and possible action on proposed template for Non-Disciplinary Consent Agreement for failure to comply with a subpoena and accompanying cover letter and delegation of authority to Executive Director to enter into the consent agreement on behalf of the Board.

Ms. Williams stated staff has been trying to develop ways to reduce the number of complaints opened by the Board for failure to comply with a subpoena. According to statute, the Board has the authority to issue non-disciplinary civil penalties in those instances. Ms. Williams did some research and developed the template for a consent agreement. The licensee will have the option of entering into an agreement with the Board in lieu of having a case opened. A \$500 civil penalty will be imposed and no case will be opened. The use of a consent agreement allows each instance of noncompliance to be handled uniformly and with consistence. In order to implement the agreements, delegation must be given to the Executive Director.

The Board wanted language included to let the licensee know the agreement was a one-time option. Any subsequent non-compliance issue would result in a case being opened. The Board also wanted to include registered business entities as well as licensees.

Upon MOTION by Ms. Bevers, second by Ms. Buckles the Board voted to ACCEPT the proposed Consent Agreement with the amendments and DELEGATE authority to the Executive Director to enter into these agreements. MOTION PASSED UNANIMOUSLY.

- H. Report on FY11 Budget Request. Information only.

Ms. Hugunin reported the FY11 budget request has been submitted, but the legislature has not yet determined what the Board's budget will be.

- I. Report on mandated 15% reduction in FY10 budget. Information only.

Ms. Hugunin reported the Governor's Office forwarded a communication which stated all agencies must submit a 15% expenditure reduction plan for the FY10 budget prior to October 9, 2009. The plan has already been submitted and, if accepted, will be implemented effective January, 2010. The Board has initiated reductions immediately to ensure compliance with the required reduction. Ms. Hugunin will meet with the Deputy Chief of Staff, Finance Director and with the Executive Directors of the Nursing and

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 4**

Medical Boards to discuss the challenges 90:10 Boards may face as a result of the mandated reductions. Also, the agency has been informed that the 15% reduction, if accepted, will be permanent and thus affect the FY11 budget request.

- J. Annual Report to the Governor. Information only.

The information regarding the Annual Report to the Governor was provided to the Board prior to this meeting.

- K. Review, discussion and possible action regarding Board approval of the following physicians to render physical assessments.

Bruce A. Bethancourt, M.D.
Mark R. Wallace, M.D.
Palliva Purohit, M.D.
Alfredo Lim, MD
Neil Sapin, MD

Upon MOTION by Dr. Morrison, second by Dr. Gradke the Board voted to APPROVE the list of physicians. MOTION PASSED UNANIMOUSLY.

- L. Review, discussion and possible action regarding pre-approval of the following substance abuse courses to satisfy Board-ordered continuing education courses.

- i. New Choices
- ii. The Center for Life Skills Development
- iii. Arizona Consulting and Counseling Services
- iv. STI – Scottsdale Treatment Institute Policies and Procedures
- v. Dynamic Living Counseling, Inc.
- vi. Community Bridges
- vii. NAADAC Approved Education Providers:

ABC Wellness Centre
Amity Foundation/Extension, LLC
Ben Franklin Institute
Byron Katie International, Inc.
Calvary Center
Center for Applied Behavioral Health Policy
Cottonwood de Tucson, Inc.
International Institute for Trauma and Addiction Professionals
Kay Bennett
The Meadows
Patrick Paul and Associates
Rio Salado College
Sierra Tucson, LLC
Symbiotic Innovation, LLC

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 5**

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to ACCEPT the continuing education courses in Ethics and Substance Abuse for pre-approval. MOTION PASSED UNANIMOUSLY.

M. VACANT

N. Discussion regarding prescribing of Latisse by Dentists.

Ms. Hugunin reported information was received that there are many dentists prescribing Latisse which is an ointment that is placed in the eye to promote fuller eyelashes. Staff has confirmed this by checking the website www.latisse.com. This does not fall within the dental practice act and staff recommends a notation in Inscriptions publication and on the Board's website educating licensees that this does not fall within their scope of practice. The Board has dealt with a similar issue when addressing Botox injections. The substantive policy statement (#15) should be modified to include the mention of Latisse, specifically. The Board has received permission from Mr. Earle, AzDA's Executive Director, to reprint any columns from the Board on its website as well.

**The Board directed staff to modify Substantive Policy Statement #15 to specifically include Latisse as one of the materials a licensee cannot utilize within the scope of practice.

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

A. Dr. Sam Hashemian v. ASBDE (Case 280056)

B. Dr. Mu-Hun Kim v. ASBDE (Case 280093)

Ms. Williams reported no change to these JRA's.

Agenda Item No. 7 - Personnel Issues

A. VACANT

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

A. Joanna Lee Knowles, RDH - Review, discussion and possible action on disclosure for solicitation.

Ms. Knowles was present.

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

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

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

A. Elizabeth Baltierra – Certified in California

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 6**

- B. Christopher Buenaventura – Certified in California
- C. Felisha P. Long – Certified in California
- D. Lourdes Cervantes – Certified in California
- E. Renee R. Pimentel – Certified in California
- F. Annaliza D. Avendula – Certified in California
- G. Olga M. Virje – Certified in California
- H. Heidi E. Lauterbach – Certified in California
- I. Sandra Ornelas – Certified in California
- J. Jessica L. Roe – Certified in California
- K. Maria D. Andrade Rodriguez – Certified in California
- L. Veronica Gonzalez – Certified in California

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

- A. Dr. Shlaimon T. Sawa – Board approved exam, disclosure of action taken by CA Attorney General for Fraudulent Billing to Medi-Cal.

Dr. Sawa was present. With regard to the pending case in California, he had an additional motion to settle out of court. According to Board staff, California's website shows Dr. Sawa's complaint as pending, but no decision had been made as of this date. Dr. Sawa's additional information was dated September 1, 2009. The Board expressed concern that Dr. Sawa did not voluntarily disclose the pending issue in California. The case was filed based upon an allegation of insurance fraud. The case is still open.

Upon MOTION by Dr. Waite, second by Mr. Greer the Board voted to SUSPEND action on Dr. Sawa's application for licensure until the California matter is resolved. MOTION PASSED UNANIMOUSLY.

- B. Dr. James J. Herget – Board approved exam, disclosure of complaints filed in Wisconsin. No action was taken by Wisconsin Dental Board.

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

- C. Dr. Jeffrey T. Meister – 1988 IN State Exam prior to a regional

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

- D. Dr. Jason G. Barton – 1995 CA State Exam prior to a regional

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 7**

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

- E. Shelia K. Levine, RDH – 1976 NERB Hygiene

Ms. Levine was present.

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

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

- F. Courtney N. Bordbeck, RDH – 2009 NERB Hygiene

Ms. Bordbeck was present.

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

- G. Nadia R. Fattohi, RDH – 2009 NERB Hygiene

Ms. Fattohi was present.

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

- H. Cara L. Simone, RDH – 2008 Florida Hygiene

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

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

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

- A. Dr. Eric E. Jacobsen – 2005/2006 NERB
- B. Dr. Sarah I. Schaeffer – 2005/2006 NERB
- C. Dr. Gilberto A. Nunez – 2002 NERB
- D. Dr. David G. Carter, Jr. – 1999 NERB
- E. Dr. Bruce E. Stewart – 1984 NERB
- F. Dr. Peter M. LoFurno – 1979 NERB
- G. Dr. Gregory P. Mathieu – 1976 NERB
- H. Dr. Theodore Zislis – 1973 NERB
- I. Dr. Jason A. Monroe – 2001 CRDTS
- J. Dr. Travis Dee Whiteley – 2004 WREB
- K. Colleen M. Ondrejcek, RDH – 2006 NERB
- L. Donna I. Tucker, RDH – 2001 NERB

M. Kathleen A. Smientana, RDH – 2000 NERB
N. Tiffany M. Trapp, RDH – 1996 NERB
O. Heather A. Lasky, RDH – 1995 NERB
P. Deborah J. Sanford, RDH – 1987 NERB
Q. Carolyn Stover Stewart, RDH – 1979 NERB
R. Kimberlee M. Loutzenhiser, RDH – 2009 CRDTS
S. Holly R. Tanner, RDH – 2005 CRDTS
T. Tasha L. Schmidt, RDH – 2004 CRDTS
U. Angelle R. Graham, RDH – 2003 CRDTS
V. Judy J. Toelle, RDH – 1995 WREB
W. Sharon I. Trotter, RDH – 1995 CA

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

- A. Dr. William E. Munson, Jr. - Review, discussion and possible action on disclosure of a DUI and related treatment; and physical disability. Review, discussion and possible action on opening an investigation for failure to timely report DUI.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to TABLE this matter until the December 2009 meeting pending a comprehensive request for a substance abuse evaluation and OPEN AN INVESTIGATION for Failure to Timely Report an Arrest. Mr. Farnsworth was ABSENT. MOTION PASSED UNANIMOUSLY.

**The Board directed staff to notify the Pharmacy Board of Dr. Munson's history.

- B. Dr. Sibera Brannon - Review, discussion and possible action on disclosure of disciplinary action taken by Michigan Department of Community Health.

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

- C. William M. Tudor, RDH - Review, discussion and possible action on disclosure of a criminal conviction for misdemeanor possession/use of marijuana; review, discussion and possible action on opening an investigation for failure to timely report arrest.

Mr. Tudor was not present, but a character witness, Dr. Todd Smith was present on his behalf. Ms. Williams informed Mr. Smith that because this was not an evidentiary hearing and he was not an attorney representing Mr. Tudor, no testimony would be taken from him at this time.

The Board believed a comprehensive request for information in the form of a substance abuse evaluation was necessary. Because Mr. Tudor resides in Alaska, the evaluation can take place there.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to issue a Comprehensive Request for Information to entail a Substance Abuse Evaluation, by a medical professional in Alaska AND OPEN AN INVESTIGATION for Failure to Timely Report an Arrest. Dr. Spigner was ABSENT. MOTION PASSED UNANIMOUSLY.

**The Board indicated it would like this matter brought back for review at the December 2009 Board meeting.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 9**

- D. Dr. Michael W. Dodd - Review, discussion and possible action on disclosure of criminal charges relating to possession of marijuana and assault; review, discussion and possible action on opening an investigation for failure to timely report arrests.

Dr. Dodd was present and stated he was not licensed at the time of the arrest.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT renewal and OPEN AN INVESTIGATION for Failure to Timely Disclose an Arrest. MOTION PASSED UNANIMOUSLY.

- E. VACANT

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

HEALTH AND WELL BEING

- A. Dr. Dennis Day - Review, discussion and possible action on evaluation by Dr. Sucher and accepting interim voluntary surrender of license.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to ACCEPT the Permanent Surrender of Dr. Day's license to practice dentistry. MOTION PASSED UNANIMOUSLY.

**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.

- B. Robert J. Freithoffer, RDH – Review, discussion and possible action on evaluation by Dr. Sucher related to DUI disclosure. Tabled from the August meeting.

Mr. Freithoffer was present.

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

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT renewal and OPEN AN INVESTIGATION for failure to timely report a DUI. MOTION PASSED UNANIMOUSLY.

- C. Dr. Chandan S. Walia - Review, discussion and possible action on DUI disclosure, evaluation by Dr. Sucher and opening an investigation for failure to timely disclose arrest.

Dr. Walia was present and stated he was not aware he needed to report the arrest within 10 days.

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 10**

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT renewal and OPEN AN INVESTIGATION for failure to timely report an arrest. MOTION PASSED UNANIMOUSLY.

- D. Dr. Stephen A. Kovar - Review, discussion and possible action on DUI disclosure, evaluation by Dr. Sucher and opening an investigation for failure to timely disclose arrest.

Dr. Kovar was present.

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

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT renewal and OPEN AN INVESTIGATION for failure to timely report an arrest. MOTION PASSED UNANIMOUSLY.

- E. Dr. Leigh-Ann Schuerman - Review, discussion and possible action on DUI disclosure, evaluation by Dr. Sucher and opening an investigation for failure to timely disclose arrest.

Dr. Schuerman was present.

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

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to GRANT renewal and OPEN AN INVESTIGATION for failure to timely report an arrest. MOTION PASSED UNANIMOUSLY.

- F. Dr. Kevin M. Harris - Review, discussion and possible action on DUI disclosure, evaluation by Dr. Sucher and opening an investigation for failure to timely disclose arrest.

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

Upon MOTION by Dr. Waite, second by Mr. Greer the Board voted to GRANT renewal and OPEN AN INVESTIGATION for failure to timely report an arrest. MOTION PASSED UNANIMOUSLY.

- G. Anita Webb, RDH – Review, discussion and possible action on evaluation by Dr. Sucher, opening an investigation and entrance into the MATP. Tabled from the August meeting.

Ms. Webb was present.

Dr. Sucher reported a history of alcohol dependency which had been treated. Ms. Webb has not been to alcohol anonymous nor does she have a sponsor. There is also a history of depression. Dr. Sucher believed Ms. Webb should be placed in the

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 11**

Board's MATP. She already has a two-year period of recovery, so Dr. Sucher recommended an option for early release dependent on Ms. Webb's recovery.

In response to the Board, Ms. Webb did not understand why she should accept a violation simply by entering the MATP. Ms. Williams explained to Ms. Webb that she has an opportunity to enter into a stipulation agreement with the Board. The stipulated agreement places the licensee on probation for a period of 5 years which is discipline. The Board can only impose discipline if a violation is found.

Upon MOTION by Dr. Waite duly seconded the Board voted to GRANT renewal upon admission into the Board's MONITORED AFTERCARE TREATMENT PROGRAM with its usual terms and conditions AND psychiatric monitoring with quarterly reports submitted to the Board. Dr. Spigner was ABSENT. MOTION PASSED UNANIMOUSLY.

REQUEST FOR ACTION ON LICENSURE/CERTIFICATE BY EXAMINATION

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

H. VACANT

REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

I. VACANT

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

Agenda Item No. 14.A – VACANT

Agenda Item No. 14.B – VACANT

Agenda Item No. 14.C Dr. Keith Rogers

Dr. Sucher reported Dr. Rogers had a history of hydrocodone dependency. He was detoxed at Arizona Bridges to Recovery and completed a month of treatment at Chandler Valley Hope. Dr. Sucher has evaluated Dr. Rogers and placed him in a mirror image program to the Board's MATP. Dr. Rogers has been compliant and his drug analysis tests have been negative for hydrocodone. Dr. Sucher recommended Dr. Rogers be placed in the Board's MATP under its usual terms and conditions with an added stipulation for restriction to schedule II and II drugs. He also recommended Dr. Rogers continue with his psychiatric treatment.

Dr. Rogers understood that he would be accepting a violation upon entrance into the Board's MATP.

Upon MOTION by Dr. Waite, second by Mr. Farnsworth the Board voted to REINSTATE Dr. Roger's license to practice dentistry and ACCEPT entrance into the Board's MATP with its usual terms and conditions AND a restriction to schedule II and III drugs for a period of 2 years AND psychiatric monitoring for ADHD with quarterly reports submitted to the Board. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 12**

Agenda Item No. 15 - UPDATE ON MATP PARTICIPANTS

All other participants were in compliance at this time.

Agenda Item No. 16 - UPDATE ON ABUSE TRACK PARTICIPANTS

**Agenda Item No. 16.C Case No. 280236
 Sarah Morones, RDH**

Dr. Sucher reported Ms. Sarah Morones provided a specimen last month that had been substituted. This means it was not urine at all. She was subsequently re-tested and was positive for marijuana. She has checked into a treatment facility and is doing well. She has voluntarily surrendered her license to practice dental hygiene.

**Agenda Item No. 16.G Case No. 290031
 Dr. Paul Chang**

Dr. Sucher reported Dr. Paul Chang had early issues with noncompliance. He had tested positive for cocaine, but denied ever having used it. Since then, he has tested positive for alcohol. When asked, Dr. Chang stated it was Nyquil; however Nyquil is on the list of medications which are prohibited. Dr. Chang is in treatment and has been diagnosed as chemically dependent. He will do 90 days of treatment in a facility and has voluntarily surrendered his license to practice dentistry.

Dr. Sucher reported all other participants were in compliance at this time and there were no outstanding issues.

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

VACANT

Agenda Item No. 18 – Other Committee Reports

A. Mobile Dentistry – Dr. Greg Waite

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

Dr. Waite reported this committee met approximately three weeks prior to the Board meeting. Mr. Dan Goldsmith, who works with Dr. Ralph Green in his mobile and portable dentistry program and Mr. Kevin Earle, Arizona Dental Association (AzDA) Executive Director, were also present to speak on this issue.

Mr. Goldsmith stated mobile dentistry serves several needy children throughout the state of Arizona. He agreed that informed consent must take place, but would like it to include verbal recorded consent as well as written. His organization records verbal consents and the recordings are readily accessible. He provided the Board with a legal brief which stated only one statute exists regarding written informed consent. If the treatment will consist of oral surgery, written consent must be obtained. It should be left to the treating practitioner's discretion as to what type of consent is acceptable. If the parent is illiterate or speaks a language other than English, verbal consent is acceptable. In some instances, if verbal consent is not given, some patients would not be able to be seen.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 13**

Additionally, consent has been obtained over the telephone for approximately 50,000 patients. If the Committee will be requiring written informed consent, Mr. Goldsmith asked that the law include a grandfather clause so as not to hinder the progress of current patients. In response to the Board, Mr. Goldsmith stated verbal consents are recorded and maintained on 2 separate, large hard-drive systems. The phone call could be listened to at any time.

Mr. Earle stated the mobile dentistry units should be subjected to the same informed consent procedure as any other dental practice. There was no way to prove whose voice is giving the consent over the telephone or what their relationship is to the patient. AzDA was supportive of the initiative to require written informed consent. This was important to public safety and the ability to appropriately treat children. In response to the Board, Mr. Earle stated the initiative, if it were to become law, could not be applied to a system that was in place before the law became effective. At this time, there are approximately twenty mobile dentistry units and thousands of children are being served by these units. Most of the mobile units are utilizing written informed consent. With regard to the children who are being presently treated by these units, most of the procedures require surgery. Their oral condition is unacceptable and most need a great deal of restorative treatment. While there is a significant access to dental care problem, AzDA was looking at other methods of providing care to these children through Arizona Health Care Cost Containment System (AHCCCS).

In response to the Board regarding solicitation, Mr. Goldsmith stated Dr. Green goes to schools where there are children who are on free or reduced lunches. If these children have a dentist, they are encouraged to keep that dentist. If not, they are asked to sign up for Dr. Green's program. The children are given consent forms to take home. Dr. Green works through the school nurse. The forms given to the children ask whether they have a dentist or not. Dr. Green also verifies this verbally.

Dr. Waite stated all of these issues were addressed at the committee meeting. The committee was concerned with both the access to care for the children and with the way informed consent was obtained.

Ms. Hugunin recommended the Board move forward with the mobile dentistry legislation as presented at this meeting, with the caveat that should the Governor's 15% budget reduction be enacted, the legislation cease regardless of its stage in the process. With the reduction, the Board will not have sufficient funds to implement enforcement of the bill which includes modifying the current database and website, development of the appropriate forms and the issuance of licenses.

Dr. Waite assured the Board that all pertinent persons would have an opportunity to speak and address their issues through the legislative process.

Upon MOTION by Dr. Waite, second by Ms. Buckles the Board voted to move forward with the mobile dentistry legislation as recommended with the caveat that should the Governor's 15% budget reduction be enacted, the legislation cease regardless of its stage in the process. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 14**

FORMAL HEARING

Agenda Item No. 19

**Case No. 270098
Dr. Rosalyn D. Keith**

Dr. Keith, her attorney Mr. Tonner, Ms. Williams, on behalf of the State, and Mr. Munns of the Solicitor General's office were present.

Ms. Williams stated the Board had already been provided with the Administrative Law Judge's (ALJ) recommendation and a transcript of the hearing. Based upon the allegations, the decision was fair. Ms. Williams asked the Board to adopt the findings of fact and conclusions of law as recommended by the ALJ. With regard to discipline, Ms. Williams had originally recommended a suspension in addition to the sanctions proposed by the ALJ; however he chose to impose a stayed revocation. The stay would be lifted and the revocation would go into effect immediately upon any future violations to the Dental Practice Act or any noncompliance with the Board's order by Dr. Keith. Ms. Williams believed this provision would adequately protect the public and address the issues Dr. Keith has had before the Board.

The terms, as recommended by the ALJ, also included a restriction of administering of any anxiolysis or oral sedation drugs. Even though Dr. Keith does not have a sedation permit, the ALJ determined Dr. Keith exceeded the one dose, one drug exception. In order to enforce the restriction, audits would have to be conducted, at Dr. Keith's expense, to ensure those drugs are not being administered to her patients. In addition to the audits, Ms. Williams asked the Board to allow its investigator to conduct random searches with pharmacies and drug suppliers to ensure the order is being adhered to. This would also be done at Dr. Keith's expense. In essence, the ALJ was allowing Dr. Keith one last chance to prove that she can be regulated and comply with the Dental Practice Act. In response to the Board, Ms. Williams stated should a revocation occur, it would be permanent but Dr. Keith would be eligible to re-apply for licensure after a period of five years. The suspension originally asked for by Ms. Williams was not length specific, but she would have preferred a minimum of a 30-day suspension. Even though the ALJ did not recommend a suspension, it was still an option for the Board to consider.

Mr. Tonner believed he was at a distinct disadvantage because the ALJ opinion was written as if he and Dr. Keith were not a part of the formal hearing. The expert witness opinion was not included in the report at all and there were several other matters omitted from the report. It is true that Dr. Keith does not have an oral sedation permit, but she did not administer any drug to her patients without being properly trained to do so. In 2004, Dr. Keith and her staff took over twenty hours of continuing education through Dental Organization for Conscious Sedation (DOCS) and provided the certificates of completion at the formal hearing. DOCS is similar to the American Dental Association (ADA) or the Academy of General Dentistry (AGD) in that it is a voluntary organization of dentists who contrive how or how not to properly sedate patients. Mr. Tonner outlined DOCS protocol with regard to sedation. At this point, Ms. Williams objected to the introduction of new evidence as the evidentiary hearing had already taken place.

The Board emphasized that DOCS was not equivalent to either the ADA or the AGD. Mr. Tonner responded by stating his expert witness contended DOCS was a legitimate organization. The expert had testified he was asked by the AGD to speak at its meetings on behalf of DOCS. This would indicate that DOCS was accepted by the AGD.

Mr. Tonner argued that Dr. Keith followed DOCS protocol and the sedation should not be at issue. None of the four patients in this matter were over-sedated, nor were they harmed. Dr. Keith did take measured steps in order to sedate these patients. The remaining issues were regarding some temporaries placed by Dr. Keith which had open margins and original patient records which became

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 20**

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

**** Executive Session ****

RETURN TO OPEN MEETING

The Board was not initially provided a copy of the Investigative Interview report. The report was provided to the Board at this time and the matter was tabled until later in the afternoon.

Upon MOTION by Dr. Gradke, second by Ms. Bevers the Board voted to CONSIDER the Findings of Fact. Dr. Sommerhalter RECUSED. Dr. Spigner and Mr. Farnsworth were ABSENT. MOTION PASSED.

Finding of Fact #1 AMENDED to read:

1) Testimony of staff, Carlotta and Dr. Bedard, state they have not seen any erratic behaviors. 2) Urinalysis taken 9/12/08 shows alcohol consumption. During workup with Meadows clinic, there were no more findings of positive alcohol. Dr. Harnett admits to drinking 1-2 glasses of alcohol per week. 3) On page 8 of Dr. Sucher's report dated 11/3/08, it details number of prescriptions for Klonopi 2, which the number of intake and prescriptions do not match. In discussion, he does state confirmation of episodic abuse of benzodiazepine. 4) Letter from Dr. Parker, who Dr. Sucher recommends follow Dr. Harnett, the last line indicates in the recent time, no evidence of recent substance abuse. 5) On page 16 of Meadows report by Dr. Knowles, they did confirm alcohol abuse (dated 12/16-17/2008). Dr. Harnett testified the past social behaviors were brought by the combination of alcohol and Ambien during the period of 12/05-06/2006. It's stated in Dr. Knowles on page 5 on 12/18/08, bipolar disorder may have been undertreated for years during the social erratic behavior problems. 6) Dr. Sucher initially evaluated Dr. Harnett on 09/18/08 during which he diagnosed him with episodic alcohol abuse and bipolar disorder and recommended he undergo a comprehensive evaluation at a substance abuse facility. 7) Dr. Harnett obtained a comprehensive evaluation at the Meadows on 12/16-17/2008, the results of which confirmed alcohol abuse and also possible sedative abuse and bipolar disorder. 8) Dr. Sucher did a follow-up evaluation on 12/20/08 and diagnosed Dr. Harnett with alcohol abuse and bipolar disorder. Dr. Sucher felt that Dr. Harnett could safely practice dentistry if he participated in the Board's monitoring program and continued to receive psychiatric care. 9) At the Board's August 7, 2009 meeting, Dr. Harnett agreed to undergo a follow-up evaluation with Dr. Sucher. Dr. Sucher again diagnosed Dr. Harnett with alcohol abuse and bipolar disorder. He reiterated his opinion that Dr. Harnett should be required to enter into the MATP two-year abuse track program, including continued psychiatric care and continuing education. Dr. Sucher believes these steps are necessary to allow Dr. Harnett to safely practice. 10) Dr. Potts disagreed with Dr. Sucher's evaluations.

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

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

**The Board requested priors – staff reported none.

Upon MOTION by Dr. Rosenthal, second by Dr. Gradke the Board voted to impose CONTINUING EDUCATION of 4 hours in Risk Management with 6 months time to complete and entrance into the Board's TWO-YEAR ABUSE TRACK MONITORING PROGRAM with its usual terms and conditions (including 36 hours of CE in substance abuse) AND including continued psychiatric care with quarterly reports

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 22**

Agenda Item No. 42	Case No. 290011	Dr. John K. Swain
Agenda Item No. 43	Case No. 290139	Dr. James H. Seib
Agenda Item No. 44	Case No. 290135	Dr. Nam-Rene Nguyen
Agenda Item No. 45	Case No. 290140	Dr. Anh Thu Becker
Agenda Item No. 47	Case No. 290144	Dr. Paul J. Pease

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

Agenda Item No. 48	Case No. 290082	Dr. Arthur J. Porter
Agenda Item No. 49	Case No. 290120	Dr. John S. Coleman
Agenda Item No. 50	Case No. 280474	Dr. Terrence The-Hung Yu
Agenda Item No. 51	Case No. 290128	Dr. Deydokht Raoufi
Agenda Item No. 52	Case No. 290137	Dr. Gordon Kenneth Wilson

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

Agenda Item No. 53	Case No. 290067	Dr. Vincent A. Rauschel
Agenda Item No. 54	Case No. 290023	Dr. Sara S. Mosley
Agenda Item No. 55	Case No. 290018	Dr. A. Blaine Brimley
Agenda Item No. 57	Case No. 290141	Dr. Byron J. Larsen

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to impose NON-DISCIPLINARY CONTINUING EDUCATION in the remaining case on the consent agenda. MOTION PASSED UNANIMOUSLY.

Cases issued Non-Disciplinary CONTINUING EDUCATION:

Agenda Item No. 56	Case No. 290081	Dr. Eldon E. Hastings Non-disciplinary Continuing Education of 4 hours in Risk Management with 6 months time to complete
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Cases pulled that are Recommended for Termination/Lack of Jurisdiction – Consent Agenda

Agenda Item No. 60	Case No. T-09-050	Dr. Clayton Wainwright
Agenda Item No. 66	Case No. T-09-056	Arrowhead Dental Group

Upon MOTION by Dr. Waite, 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. 58	Case No. T-09-051	Dr. Anthony J. Kohler
Agenda Item No. 59	Case No. T-09-053	Meridian Dental Care
Agenda Item No. 61	Case No. T-09-052	Encanto Family Dental Care
Agenda Item No. 62	Case No. 290105	Dr. Matthew T. Smith
Agenda Item No. 63	Case No. T-09-054	Dr. Elonia Iasku
Agenda Item No. 64	Case No. T-09-057	Dr. Angela S. Ratnam
Agenda Item No. 65	Case No. T-09-058	Dr. Leslie R. Fish

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 23**

Agenda Item No. 67	Case No. T-08-059	Associated Dental Care Providers
Agenda Item No. 68	Case No. T-09-063	Dr. Alexandre Aalam
Agenda Item No. 69	Case No. T-09-065	Dr. Neil Miller
Agenda Item No. 70	Case No. T-09-067	Dr. Mark R. Scilley

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

Nothing was pulled.

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

Cases TERMINATED/LACK OF SUPPORTING EVIDENCE:

Agenda Item No. 71	Case No. 290173	Dr. John Joseph Septer
Agenda Item No. 72	Case No. 290147	Dr. Phillip L. Cooke
Agenda Item No. 73	Case No. 290136	Dr. Ardeshir Dabestani
Agenda Item No. 74	Case No. 290270	Dr. Kathleen L. Crowley

Agenda Item No. 75 – Approval of Restricted Permit(s) (Application or Renewal) – Consent Agenda

This item was vacant.

Agenda Item No. 76 – Ratification of New Dental and Dental Hygiene Licenses – Consent Agenda

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to RATIFY the following licenses. MOTION PASSED UNANIMOUSLY.

Jeffrey J. Styskal, DDS
D 7853, issued: 08/06/2009

Robert E. Patterson, DDS
D 7881, issued: 08/18/2009

Sasan B. Sani, DMD
D 7854, issued: 08/06/2009

David R. Ericksen, DDS
D 7882, issued: 08/18/2009

Derek H. Lamb, DMD
D 7855, issued: 08/06/2009

Mark D. Stumphy, DDS
D 7883, issued: 08/18/2009

James S. Ratcliff, DDS
D 7858, issued: 08/11/2009

Michael A. Holm, DDS
D 7884, issued: 08/18/2009

Robert G. Hodous, DDS
D 7878, issued: 08/11/2009

Bryan W. Harman, DMD
D 7885, issued: 08/18/2009

Marcus Ray Pope, DDS
D 7880, issued: 08/18/2009

Rita Rostami Asrabadi, DDS
D 7886, issued: 08/21/2009

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 24**

Caroline M. Kacer, DMD
D 7887, issued: 08/21/2009

Larry D. McIver, DMD
D 7888, issued: 08/26/2009

Stacy R. Williams, DMD
D 7889, issued: 08/28/2009

Matthew J. West, DMD
D 7890, issued: 08/31/2009

Pooja B. Patel, DMD
D 7891, issued: 09/01/2009

Justin D. Church, DMD
D 7892, issued: 09/02/2009

Behnam Kamvari, DMD
D 7893, issued: 09/04/2009

Elias G. Abou Khalil, DDS
D 7894, issued: 09/09/2009

Johnathan H. Tran, DDS
D 7895, issued: 09/16/2009

Lawlay Naeimasa Azizi, DMD
D 7896, issued: 09/16/2009

Troy K. Lundell, DMD
D 7897, issued: 09/22/2009

John D. Tingey, DMD
D 7898, issued: 09/22/2009

Jonathan R. Peterson, DMD
D 7899, issued: 09/22/2009

David E. Hoffman, DMD
D 7900, issued: 09/28/2009

Aaron M. Olson, DDS
D 7901, issued: 09/28/2009

Jody E. Oller, RDH
H 6793, issued: 10/05/2009

Marianne R. Dano, DMD
D 7902, issued: 10/05/2009

Lindsay L. Don, DDS
D 7903, issued: 10/06/2009

Diane M. Daley, RDH
H 6765, issued: 08/06/2009

Ashley C. Hart, RDH
H 6766, issued: 08/06/2009

Heather K. Spoehr, RDH
H 6767, issued: 08/13/2009

Lindsay C. Lawson, RDH
H 6770, issued: 08/13/2009

Aleyxis R. Garcia, RDH
H 6782, issued: 08/21/2009

Barbara L. Messer, RDH
H 6783, issued: 09/02/2009

Rekha Kishore, RDH
H 6784, issued: 09/04/2009

Stacie Lee Vanderpool, RDH
H 6785, issued: 09/09/2009

Bridget M. Wright, RDH
H 6786, issued: 09/14/2009

Natalie N. Mahaffey, RDH
H 6787, issued: 09/17/2009

Megan A. Jeziorski, RDH
H 6788, issued: 09/17/2009

Sonia Saeidi, RDH
H 6789, issued: 09/22/2009

Maria C. Rosales, RDH
H 6790, issued: 09/28/2009

Cynthia L. West, RDH
H 6791, issued: 09/28/2009

Kelly N. Barnes, RDH
H 6792, issued: 09/28/2009

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 28**

Agenda Item No. 55

**Case No. 290018
Dr. A. Blaine Brimley**

Ms. Corcoran on behalf of Dr. Brimley and complainant SW and her husband CW were in attendance.

CW stated Dr. Brimley needs more training. He has no business doing the treatment he has been doing. They were not aware Dr. Brimley was not an oral surgeon. He assured them he was qualified and had done hundreds of implant cases. SW stated she was never informed Dr. Brimley was not an oral surgeon, nor was she given the option of a referral to an oral surgeon.

The Board expressed a concern that there was no notation in the record of an oral surgeon referral, or of a stint being used during treatment.

Ms. Corcoran stated Dr. Brimley does a large number of implant cases. The idea was to retrofit the denture, if necessary. During this particular procedure, SW was fidgeting and complaining of pain. At that point, Dr. Brimley stopped the procedure and told her she could go to an oral surgeon. While this is not noted in the patient record, SW did mention this in her complaint. SW chose to have Dr. Brimley complete the procedure. Dr. Brimley never told SW he was not an oral surgeon, but did mention this to SW during the implant procedure. Ms. Corcoran admitted the chart notes were scarce, but the patient's testimony indicated Dr. Brimley offered a referral. Dr. Brimley did eventually send SW to Dr. Mansfield, who is an oral surgeon and paid for the treatment himself.

In response to the Board, Ms. Corcoran stated Dr. Brimley did not use a surgical guide. The Board informed Ms. Corcoran the community standard of care is to use a surgical guide. Ms. Corcoran stated Dr. Brimley did take care of the problem when he recognized there was one. At the end of SW's treatment with Dr. Mansfield, the implants were stable. The Board reminded Ms. Corcoran, there were two additional surgeries prior to the end result, which were unnecessary. All of the issues could have been avoided had the treatment been done in the proper sequence. In response to the Board, SW stated Dr. Brimley gave her nitrous and some localized shots, but no sedation.

Upon MOTION by Dr. Gradke, second by Mr. Farnsworth the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

Finding of Fact #4 AMENDED to read:

Page 4, lower implants and full upper reline discussed 9/4/07. Dr. Brimley testifies conversation to retrofit existing lower denture to SDI's. Patient recalls this conversation. Page 46 itemized treatment plan with fee to include 4 SDI's and retrofit lower denture. Surgical guide was indicated, but not used by the doctor.

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

Upon MOTION by Dr. Gradke, 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 one

Upon MOTION by Dr. Gradke, second by Mr. Farnsworth the Board voted to impose RESTITUTION to the patient of \$3200 and CONTINUING EDUCATION of 12 hours in Implant Treatment Planning and Diagnosis with 1 year time to complete. Dr. Spigner was ABSENT. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 37**

Agenda Item No. 101	Case No. 290089	Dr. Manu Alexander
Agenda Item No. 102	Case No. 290177	Dr. Spencer G. Wilson
Agenda Item No. 104	Case No. 280084	Dr. Nafys Samandari
Agenda Item No. 105	Case No. 290171	Dr. Benjamin L. Studebaker
Agenda Item No. 106	Case No. 290145	Dr. Eric L. Kerbs

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

Cases DISMISSED:

Agenda Item No. 89	Case No. 290100	Dr. Gordon K. Wilson
Agenda Item No. 91	Case No. 280454	Dr. Brian A. Lilien
Agenda Item No. 92	Case No. 290072	Dr. Christine A. Nguyen
Agenda Item No. 93	Case No. 290055	Dr. Tonya L. Phillips
Agenda Item No. 94	Case No. 290086	Dr. Douglas Dewey Sewright
Agenda Item No. 95	Case No. 290039	Dr. Stephen Samuel Baer
Agenda Item No. 96	Case No. 290079	Dr. Barry J. Uldrikson
Agenda Item No. 97	Case No. 290068	Dr. Steven W. Peterson**
Agenda Item No. 98	Case No. 290108	Dr. Daniel B. Funk
Agenda Item No. 100	Case No. 290097	Dr. David Frausto, Jr.
Agenda Item No. 103	Case No. 290201	Dr. Paul J. Kelly
Agenda Item No. 107	Case No. 290142	Dr. David B. Drabs
Agenda Item No. 108	Case No. 290096	Dr. Jeffrey J. Lysdale
Agenda Item No. 109	Case No. 290077	Dr. Robert Norman Barber
Agenda Item No. 109A	Case No. 290101	Dr. Kelly John Cook

**The Board also voted to enter into a Non-disciplinary Consent Agreement with Western Dental for alleged failure to comply with a subpoena.

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

Agenda Item No. 110	Case No. 290043	Dr. Joshua B. Haslam
Agenda Item No. 111	Case No. 280374	Dr. Navid Hajiseyed Javadi
Agenda Item No. 112	Case No. 290091	Dr. Philip S. Johnson

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN in the remaining cases on the consent agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 113	Case No. 290109	Dr. Edward M. Byers Stating a comprehensive exam should be completed when treating a patient unless on an emergency basis
Agenda Item No. 114	Case No. 290162	Dr. Nishith S. Shah Stating doctor should only bill for treatment rendered

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 38**

Agenda Item No. 114A Case No. 290106 Dr. Scott Edward Nuessle
Stating doctor must take full mouth series of x-rays or equivalent prior to treatment

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

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to issue a LETTER OF CONCERN and impose a CIVIL PENALTY on the following case on the consent agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 115 Case No. 290123 Dr. Jill M. Carter
Stating doctor should submit all records in her possession when subpoenaed.
Non-disciplinary Civil Penalty in the amount of \$500

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

Nothing was pulled.

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

Cases TERMINATED/LACK OF JURISDICTION:

Agenda Item No. 116	Case No. T-09-055	Dr. Elizabeth Irene Katz
Agenda Item No. 117	Case No. T-09-062	Dr. Barry Uldrikson
Agenda Item No. 118	Case No. T-09-064	Dr. Ronald Walker
Agenda Item No. 119	Case No. T-09-066	Dr. Steven Badger
Agenda Item No. 120	Case No. T-09-068	Dr. Jeffrey H. Kootman
Agenda Item No. 121	Case No. 290265	Dr. Mark S. Sinnard
Agenda Item No. 122	Case No. T-09-061	General Dentistry for Kids
Agenda Item No. 123	Case No. T-09-069	Dr. Allan K. Bernstein
Agenda Item No. 124	Case No. T-09-070	Dr. Michael Bricker
Agenda Item No. 125	Case No. 290244	Dr. Alexander C. Hatch
Agenda Item No. 126	Case No. 290267	Dr. Kevin M. Harris
Agenda Item No. 127	Case No. 290185	Dr. William H. Taylor
Agenda Item No. 128	Case No. 280225	Dr. Michael E. Steinberg

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

Nothing was pulled.

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 39**

Cases TERMINATED/LACK OF SUPPORTING EVIDENCE:

Agenda Item No. 129	Case No. 290154	Dr. Gordon K. Wilson
Agenda Item No. 130	Case No. 290102	Dr. Gordon K. Wilson
Agenda Item No. 131	Case No. 290099	Dr. Manuel C. Bedoya
Agenda Item No. 132	Case No. 290088	Dr. Russell A. Rima
Agenda Item No. 133	Case No. 290217	Dr. Cedric V. Loud

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

Agenda Item No. 134	Case No. 290156	Dr. Champa R. Chatterjee
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Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to impose DISCIPLINE in the remaining case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case DISCIPLINED:

Agenda Item No. 135	Case No. 290155	Western Dental of Arizona, Inc. Administrative Penalty in the amount of \$1000
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Cases that are Found to be in Noncompliance with Consent Agreement or Board Order – Open New Complaint – Consent Agenda

Nothing was pulled.

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

Cases Resulting in the OPENING OF A NEW COMPLAINT:

Agenda Item No. 136	Case No. 280137	Dr. Michael Wassef
Agenda Item No. 136A	Case No. 280175	Dr. John A. Loesch

Cases Reviewed for Probation Monitoring and/or Compliance Reporting – Consent Agenda

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to ACCEPT the compliance report for the following case. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 137	Case No. 270477	Dr. Jenny V. Wang
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Agenda Items that are Recommended for Review and Filing of Cases for Investigation – Consent Agenda

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to FILE CASES FOR INVESTIGATION for the following items on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 40**

INVESTIGATIONS OPENED FOR:

Agenda Item No. 138 Dr. Daniel N. Indech
For alleged inadequate implants

Agenda Item No. 139 Dr. Jeffrey H. Kootman
For alleged inadequate implants

Ratification of Cases Recommended for Clinical Evaluation – Consent Agenda

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to RATIFY for Clinical Evaluation the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Case RATIFIED FOR CLINICAL EVALUATION:

Agenda Item No. 140 Case No. 290170 Dr. Glenn Cochran Hanf

Ratification of Cases Recommended for Investigative Interview – Consent Agenda

Nothing was pulled.

Upon MOTION by Dr. Waite, second by Ms. Bevers the Board voted to RATIFY for Investigative Interview the cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases RATIFIED FOR INVESTIGATIVE INTERVIEW:

Agenda Item No. 141 Case No. 290130 Dr. Rosalyn D. Keith
Agenda Item No. 142 Case No. 290114 Dr. Alex W. Yuen

**Agenda Item No. 112 Case No. 290091
Dr. Philip S. Johnson**

Dr. Johnson was present and stated the Investigative Interview panel expressed a concern with his dental and medical history charting. He has updated the forms he uses in his practice and provided the Board with examples of those forms at this meeting.

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. 106 Case No. 290145
Dr. Eric L. Kerbs**

Dr. Kerbs, his attorney Mr. Gaines and complainant KH were present.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to DISMISS for Lack of Supporting Evidence. Ms. Bevers ABSTAINED. Mr. Farnsworth was ABSENT. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
OCTOBER 9, 2009
PAGE 45**

Upon MOTION by Dr. Morrison and duly seconded the Board voted to impose completion of the previously ordered Continuing Education within 6 months. THE MOTION WAS WITHDRAWN.

Staff informed the Board the recommendation in this case was made by a Triage panel.

Upon MOTION by Dr. Rosenthal, second by Ms. Bevers the Board voted to FORWARD to an Investigative Interview. Mr. Farnsworth was ABSENT. Dr. Waite OPPOSED. MOTION PASSED.

Agenda Item No. 143 – Members of the Public

None

Agenda Item No. 144 – Associations

None

Agenda Item No. 145 - Future Agenda Items

Add a consent agenda item for those cases that will appear before the Board for failure to timely disclose an arrest.

Agenda Item No. 146 – Next Meeting Date

December 4, 2009

Agenda Item No. 147 – Adjournment

Dr. Rosenthal adjourned the meeting at 4:45 PM.

Minutes APPROVED at the October 5, 2007 Board Meeting

Elaine Hugunin, Executive Director