



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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Janet Napolitano, Governor

Donald S. Altman, DDS, MPH, MBA, MA, President
Sharon L. Zastrow, RDH, Vice President

Kevin B. Earle, MPH, Executive Director
Pamela J. Paschal, Deputy Director

MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING December 7, 2007

Board Members Present:

Dr. Donald S. Altman, President
Ms. Sharon L. Zastrow, RDH, Vice President
Dr. Gregory A. Waite
Dr. Joyce A. Rosenthal
Dr. Jack R. Cole
Dr. Gary M. Gradke
Ms. Susan C. Stevens
Dr. Roy G. Daniels

Board Members Absent:

Ms. Catherine L. Bevers, RDH
Dr. Bruce A. Spigner
Mr. Jason D. Farnsworth

Staff Present:

Mr. Kevin B. Earle, Executive Director
Ms. Pamela J. Paschal, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Mr. Christopher Munns, Solicitor General
Dr. Sam Palmer, Chief Investigator
Ms. Nancy Chambers, Assistant Director
Ms. Sherrie Rowe, Licensure Manager
Ms. Colleen R. Amos, Investigations Supervisor
Ms. Marsha Fuentes, Legal Administrator
Ms. Terry Bialostosky, Legal Assistant

NOTICE:

Roll Call votes are recorded and provided as an attachment to these minutes pursuant to A.R.S. §32-3205 which reads "If a disciplinary action requires a vote of Board members, the health professional regulatory Board shall conduct that vote by roll call. The Board shall maintain a record of each member's vote. This section does not prohibit a Board from using a Consent Agenda."

GENERAL BUSINESS

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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Agenda Item No. 1 – Call To Order

Dr. Altman called the meeting to order at 8:05 a.m.

Agenda Item No. 4 – President's Report

A. Election of Officers

Dr. Altman opened the floor to nominations for Board President. Dr. Rosenthal nominated Dr. Altman and Ms. Zastrow nominated herself. Following a vote, Dr. Altman was elected Board President.

The floor was opened to consider nominations for Vice President. Dr. Waite nominated Dr. Rosenthal and Ms. Zastrow nominated herself. Following a vote, Dr. Rosenthal was elected Vice President.

Agenda Item No. 5 Executive Director's Report

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

Staff is working hard to prepare for the installation of new servers and the new database from GL Suites. Installation is expected to occur beginning January 17 through 21. The Board's existing database will be down during the transfer, migration of data and roll out of the new database.

New scanning equipment has been installed and the process of scanning all disciplinary orders and letters of concern for all licensees has begun. These Orders will be linked to the licensing software and will ultimately be available on the Board's website, which will have a licensee look up feature.

Mr. Earle has been working with Dr. Palmer on two projects: (1) to create a template incident report form in MSWord format that can be downloaded from the board's website and completed by any permit holder who has an anesthesia related incident. The format will insure that the Board gets all relevant pieces of information related to such incidents. (2) Updating the procedures and reports for clinical examinations and exploring the advantages and disadvantages of allowing the clinical examiners to have the patient records and radiographs available to review prior to conducting the clinical examination. The objective is to give panel members and Board members better and clearer information about the patient's current clinical condition. The clinical report form will be improved as well. It is anticipated that the material will be available for the Board's consideration at the February meeting.

Staff is planning on conducting training for II panel members and will hopefully get that in place for the first quarter of next year.

Customer satisfaction surveys will be distributed following the December meeting. Also, a Newsletter should be in place early next year as well.

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Mr. Earle participated in the first meeting of the Prescription Monitoring Program Implementation Task Force in November. Representatives of the DEA, BOMEX, Osteopathic Board and Pharmacy board, along with other interested parties are part of the Task Force, which is charged with establishing guidelines for the use of the data collected under the program. The Board of Pharmacy is in the process of soliciting bids for the database to track prescriptions. The program is expected to begin in late June or early July of 2008. The Pharmacy Board reports that they will be collecting data from approximately 24,000 practitioners and pharmacies. The data will be used to alert practitioners of unusual patterns of prescribing to individual patients. For example, if a dentist issues a prescription for a controlled substance and the patient is receiving prescriptions for the same drug or a similar class of drugs from several other practitioners, the dentist would be given an alert Email and could access through a secure website the data necessary to evaluate their own prescribing. The data would be collected weekly. Individual dentists and doctors will only be required to report any dispensing that occurs from their office. All other data will be electronically submitted by pharmacies.

Mr. Earle was asked by the Arizona Department of Administration to participate in the evaluation of bids for dental care plans for the State benefit system.

In late October, Mr. Earle attended the annual meeting of the Citizen Advocacy Center. He had an opportunity to make a presentation about a project completed while in New Jersey where an On Line New Licensee Orientation and Jurisprudence Examination were developed. He offered to demonstrate the program to any Board members who were interested. The program also had interesting sessions on evaluating continued competency and about several agencies across the country that had been the subject of newspaper exposes. How these agencies responded to the criticisms was quite enlightening.

The Board office has made a referral to the Attorney General's office to seek collection of the outstanding restitution on one of its major cases from this past year. Mr. Earle was happy to report that the collections unit may be making some progress.

This past month has been spent on Legislative issues. Mr. Earle will give that report later in this meeting.

- B. Dr. Marcus L. Paulus – Case 270290; Status report on case and review, discussion and possible action to expand scope of investigation to include review of additional patient treatment records.

Ms. Williams explained to the Board that there were several patients involved in the investigation conducted by AHCCCS. The Board had previously been privy to 10 of those patients. The investigation would be more comprehensive if it included the remaining patients.

Upon MOTION by Dr. Altman, second by Ms. Zastrow the Board voted to expand the scope of its investigation to include a review of additional patient treatment records.
MOTION PASSED UNANIMOUSLY.

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- C. Dr. Lewis P. Robinson – Review and discussion and possible action on adverse occurrence report.

No action taken.

- D. Dr. Navid H. Javadi – Review, discussion and possible action regarding DUI disclosure.

Dr. Sucher reported that he evaluated Dr. Javadi and there was no evidence of abuse or dependency, nor is he a danger to the public. Dr. Javadi was late in reporting the DUI.

No action taken.

- E. Catherine K. Klein – Review, discussion and possible action regarding DUI disclosure.

Dr. Sucher reported that Ms. Klein was not able to see him prior to the December meeting of the Board. An appointment has been scheduled. This matter was tabled pending that appointment.

- F. Review, discussion and possible action regarding attendance of Board President and Kevin Earle at the AADE Mid-Year Meeting, March 9-11, 2008.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to APPROVE attendance as requested. MOTION PASSED UNANIMOUSLY.

- G. Review, discussion and possible action regarding the repeal of A.A.C. R4-11-1601 relating to mediation of complaints.

The Board had reviewed and discussed statistics on Mediation as a viable option in the complaint process. It was determined that Triage was an acceptable replacement for the Mediation process.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to REPEAL section A.A.C. R4-11-1601 relating to mediation of complaints. Dr. Daniels OPPOSED. MOTION PASSED.

- H. Review, discussion and possible action regarding April 2008 Board meeting – current date of April 4, 2008 conflicts with Western Regional Conference dates.

The Board agreed to meet on April 11, 2007 instead of the April 4th date.

- I. Review, discussion and possible action regarding Guidelines for State Dental Boards on Unprofessional Conduct Involving Sexual Boundary Violations.

**The Board directed staff to draft a substantive policy statement on Unprofessional Conduct Involving Sexual Boundary Violations.

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- J. Review, discussion and possible action regarding referral of Dr. Martin Zais to WREB as an examiner.

Upon MOTION by Dr. Rosenthal, second by Dr. Daniels the Board voted to DENY the referral of Dr. Martin Zais to WREB due to him not being an actively practicing dentist. MOTION PASSED UNANIMOUSLY.

- K. Review, discussion and possible action regarding anonymous complaint filed against Dr. Johnny Lee Smith.

No action taken.

- L. Dr. Paul Pease – Review, discussion and possible action including vacating vote to open an investigation.

Staff informed the Board that Dr. Pease was not the treating dentist in the case.

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to VACATE their vote to open an investigation.

- M. Dr. Gordon Kenneth Wilson – Review, discussion and possible action including opening an investigation regarding alleged misleading advertising.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to OPEN an Investigation. MOTION PASSED UNANIMOUSLY.

- N. Review, discussion and possible action on Draft Guidelines for Non-Disciplinary Continuing Education including adoption of the guidelines as a Substantive Policy Statement.

The Board reviewed the draft version of the Non-Disciplinary Continuing Education Guidelines. Paragraph 6, which stated that the C.E. could not be used to satisfy triennial registration requirements, was deleted in its entirety and the last sentence in paragraph 10, regarding a completed feedback form was deleted.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to ADOPT the Non-Disciplinary Continuing Education Guidelines as Amended as a Substantive Policy Statement. MOTION PASSED UNANIMOUSLY.

- O. Review, discussion and possible action regarding recommendation of potential nominees for a consumer representative on the WREB Board of Directors 2008 term.

At this point, the Board did not have any recommendations but would contact Mr. Earle should they have any suggestions.

- P. Review, discussion and possible action regarding AzDA Community Oral Health Representative Sunrise application.

Ms. Erin Raden, Mr. Rick Murray and Dr. Anita Elliott with the Arizona Dental Association (AzDA) were present to report on the progress of the Community Oral Health Representative (COHR) Sunrise application.

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Ms. Raden, who is the Director of Public Affairs, reported that they are in the final stages of the legislative process to make the COHR a reality. AzDA has been working with communities of interest to develop a program which would serve the unique needs of rural and tribal persons within the state. AzDA has also been working with the Dental Board and the Arizona Hygiene Association in order to come up with the best possible legislation. Ms. Raden encouraged the Board to take the position of support in this matter. Regarding cost to the Board, no request for appropriation was made, however the COHR program would require the dentist employing the COHR to register with the Board. This would require the Board to prescribe and instigate regulation of the registration fee and other costs associated with registration. Also, implementation of the COHR legislation would require a change to the Board's rule regarding dental assistants, allowing functions to be performed under general supervision as opposed to direct supervision.

The Board expressed concern that, since their meeting with AzDA, the agreed upon terms and conditions of the COHR had been changed. The addition of allowing the COHR to perform scaling had not been discussed at their meeting and the Board did not support that change. AzDA was unable to assure the Board that there would be no additional changes. The Board did not feel comfortable with announcing their support of the program at this time because it was unsure as to what other changes may be made prior to the legislation being passed.

No action was taken, however the Board announced that it would continue to work with AzDA.

- Q. Review, discussion and possible action regarding adoption of Substantive Policy Statement No. 21, Components of a Two (2) Year Abuse Monitoring Agreement.

This matter was tabled.

- R. Dr. Michael L. Glick – Review, discussion and possible action regarding approval of letter from Temple University in lieu of official transcript required for licensure.

Dr. Glick was present.

Upon MOTION by Dr. Waite, second by Dr. Rosenthal the Board voted to ACCEPT the letter from Temple University in lieu of an official transcript. Dr. Daniels OPPOSED. MOTION PASSED.

- S. Dr. Thomas E. Miller – Review, discussion and possible action regarding voluntary surrender of dental license.

Upon MOTION by Dr. Altman, second by Ms. Zastrow the Board voted to ACCEPT the voluntary surrender. MOTION PASSED UNANIMOUSLY.

- T. Discussion regarding potential sweep of the Dental Board fund by the Legislature.

The Board discussed the possible sweep of all 90/10 Boards' funds by the Legislature. In addition to the Dental Board, those potentially hardest hit would include the Pharmacy, Medical and Cosmetology Boards. Staff provided the Board with copies of an e-mail alert AzDA sent to its members opposing the sweep. No action was taken.

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- U. Review, discussion and possible action on the following Legislative initiatives:
 - i. Business Entities
 - ii. Omnibus Bill
 - iii. Financial Responsibilities

The Board reviewed the Legislative initiatives and approved the drafts as presented.

- V. Dr. Jenny V. Wang – Review, discussion and possible action including opening an investigation for alleged billing irregularities, fraud/misrepresentation and failure to supervise staff.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to OPEN AN INVESTIGATION against Dr. Wang. MOTION PASSED UNANIMOUSLY.

- W. Review, discussion and possible action including scheduling a special Board meeting regarding proposed legislation.

A special Board meeting was scheduled for January 4, 2008 regarding the proposed legislation.

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

- A. Status of Judicial Review Actions

- i. Dr. Terry Lee v. ASBDE (Case 240108)

Dr. Lee has appealed this case in the Supreme Court.

- B. Review, discussion and possible action regarding Board's delegation of authority to the Executive Director to implement orders for license suspension and reinstatement regarding child support enforcement (A.R.S. §§2 25-517 and 518).

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to delegate authority to the Executive Director. MOTION PASSED UNANIMOUSLY.

- C. Review, discussion and possible action regarding application of licensure by credential statutes and rules – A.R.S. §§ 32-1240 and 1292.01; A.A.C. R4-11-201 through 203.

**The Board directed staff to draft a substantive policy statement.

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

- A. Dr. Chad F. Merrill – Review, discussion and possible action regarding entrance into Board's MATP.

Dr. Merrill was present.

Dr. Sucher reported that Dr. Merrill had applied for licensure previously and had provided the Board with inconsistent statements in response to its questions. As a result, Dr.

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Merrill ended up withdrawing his application for licensure which the Board accepted. Since then, Dr. Merrill has come to understand that he had a problem and has begun treatment. He admitted himself into Betty Ford and was successfully discharged in November. In his meeting with Dr. Sucher, Dr. Merrill has shown significant progress and has gotten past the initial denial he exhibited before the Board last year. He is presently in early recovery and is being monitored privately in Dr. Sucher's abuse program. He has also done well in the group sessions. Dr. Sucher's recommendation was to place Dr. Merrill in the Board's MATP, with a Nitrous Oxide restriction in addition to its usual terms and conditions.

In response to the Board, Dr. Merrill stated that he has a temporary sponsor until he could locate a permanent sponsor. With regard to licensure in Idaho, he was denied licensure due to information Idaho received from the Arizona Board. He had applied for licensure in both states, simultaneously. The Idaho Board did not believe Dr. Merrill was being forthright in his answers, which he admitted that, at that time, he was not. He has not been licensed in any other state, but hopes to practice dentistry in Arizona.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to GRANT licensure upon entrance into the MATP with an additional RESTRICTION on Nitrous Oxide. Dr. Daniels OPPOSED. MOTION PASSED.

- B. Dr. Benjamin Stark – Disclosure; conviction for 2 misdemeanors.

Dr. Stark was present.

The Board felt that Dr. Stark's conviction was the result of a teen-aged mistake.

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

- C. Kelly Peck, RDH – Disclosure; convicted of a misdemeanor.

Ms. Peck was present.

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

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

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

- A. Ms. Blanca Estela Franco – Certified in California
B. Ms. Aime Lynn Gerber – Certified in California
C. Ms. Shawn L. Krauter – Certified in California

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

- A. Dr. Sherman D. Hibbert – Review, discussion and possible action regarding request to withdraw application for licensure by credential.

Ms. Williams reported that Dr. Hibbert had a tax evasion conviction a few years ago. He was willing to enter into a consent agreement with the Board; however it was discovered that his insurance would be affected by accepting the violation. Because he would not be practicing in Arizona, Dr. Hibbert requested that he be allowed to withdraw his application.

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

- B. Dr. Larry J. Slepicka – Board approved exam, disclosure, MN complaint filed. No action taken by MN.

Dr. Slepicka was present.

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

- C. Dr. Jack L. Goodrich – 1971 CA exam prior to a regional exam; malpractice.

Dr. Goodrich was present. Regarding the malpractice, Dr. Goodrich explained that he had planned to treat the patient with the placement of veneers. During the treatment, he decided to place crowns instead because he did not think the veneers would stick. He did not inform the patient of his decision until the seat visit.

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

- D. Dr. Steven L. Paige – 1986 CA Exam prior to a regional exam; disclosure.

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

- E. Dr. Jeffrey M. Collins – Board approved exam; disclosure, NV complaint filed. No action taken by NV.

Upon MOTION by Ms. Zastrow, second by Dr. Waite 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

- F. Dr. Gianira I. Lopez – 1993 FL State Dental Exam

Dr. Lopez was present.

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It was determined that the Florida State exam was not equivalent to WREB, but Dr. Lopez also took the Puerto Rico examination. This application could be reviewed later after Puerto Rico's submission of its examination components.

Upon MOTION by Dr. Rosenthal, second by Dr. Daniels the Board voted to TABLE this matter until the February meeting pending Puerto Rico's examination components. Dr. Waite OPPOSED. MOTION PASSED.

- G. Michele B. Slezak, RDH – 1992 FL State Dental Hygiene Exam

Ms. Slezak was present.

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

- H. Karyn A. Ford, RDH – Review, discussion and possible action regarding reconsideration of prior license denial. 1983 IN Dental Hygiene Exam prior to a regional exam.

Ms. Ford was present. Ms. Ford was denied licensure at the October meeting. Upon review of the statute, it was determined that licensure could be granted.

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

- I. Christine G. Gray, RDH – Review, discussion and possible action regarding reconsideration of license denial. 1978 LA Dental Hygiene Exam prior to regional exam.

Ms. Gray was present. Staff reported that the Board had denied licensure to Ms. Gray at the October Board meeting due to the lack of equivalency of her exam to the WREB exam. The statute pertaining to licensure by credential was given to the Board for their review. Upon review of that statute, it was discovered that the license standards need to be substantially equivalent to that of Arizona.

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

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

- J. Dr. Bridget A. Watts – 2006/2007 CRDTS Exam.

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

- K. Taneika N. Duhaney, RDH – 2007 NC Dental Hygiene Exam. Review, discussion and possible action including reconsideration of prior licensure denial.

Ms. Duhaney was denied licensure at the October meeting. Upon review of the statute regarding licensure by credential, it was determined that licensure could be granted. Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal 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. Altman 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. Thomas A. Roubal – 1974 NERB
- B. Dr. Cris E. Hayes – 1982 NERB
- C. Dr. Martin F. Giacobbi – 1993 NERB
- D. Dr. Ishaq G. Ali – 2003/2004 NERB
- E. Dr. Madhavi Vallabhaneni – 2006/2007 NERB
- F. Dr. Ahmed O. Kheir – 2005/2006 NERB
- G. Dr. Benjamin L. Studebaker – 2004 NERB
- H. Dr. Aristidis Pontikas – 2001 WREB
- I. Dr. Tranh Tam N. Ton – 1999 CA
- J. Dr. Mark L. Moss – 1978 CA
- K. VACANT
- L. Katherine S. Connell, RDH – 1991 NERB
- M. Nida M. Lerch, RDH – 1993 NERB
- N. Melissa J. Schuler, RDH – 2000 NERB
- O. Stephanie L. Reno, RDH – 2003 NERB
- P. Jaime L. Evans, RDH – 2004 NERB
- Q. Sonya L. Merideth, RDH – 2001 SRTA
- R. Sharon L. Byrd, RDH – 1987 CRDTS
- S. Sarah C. Goss, RDH – 1999 CRDTS
- T. Jammie L. Shaughnessy, RDH – 1997 CA
- U. Monica Melendez, RDH – 1995 WREB

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

- A. Dr. Steven D.R. Vergara – Review, discussion and possible action regarding disclosure of felony conviction for federal tax conspiracy disclosure.

Dr. Vergara was present. This case differed from similar tax cases the Board has made decisions on in that the conviction is recent. The other Board cases involved old convictions. Dr. Vergara's incarceration has not yet taken place and he was expected to serve 18 months.

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

****Executive Session****

RETURN TO OPEN MEETING

The Board asked whether Dr. Vergara would be willing to accept a 5-year suspension of his license, rather than a denial of his renewal. Due to the felony conviction, the Board was not willing to renew the license without any discipline. It was explained to Dr. Vergara that he could continue to practice until his incarceration date, and the suspension would go into effect on the day he reported to the prison. Upon his release,

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one of the Board's options would be to lift the suspension subject to a lesser form of discipline, possibly probation for the remainder of the suspension. The Board would make that determination once he is released from prison. If the Board denied the application for renewal, Dr. Vergara would not be able to re-apply for licensure for 5 years.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to GRANT renewal with a Stipulation Agreement which would entail a 5-year suspension of Dr. Vergara's license effective on the date of his incarceration. Dr. Daniels RECUSED. MOTION PASSED.

- B. Dr. Robert B. Smith – Review, discussion and possible action regarding disciplinary action in another state.

Dr. Smith has an issue in Washington which is pending resolution. He is also presently licensed in Maryland. Should the incident in Washington prove to require discipline; the Board would have the authority to take action at that time.

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

- C. Dr. Cameron R.C. Smith – Review, discussion and possible action regarding DUI disclosure and status on compliance with interim order for evaluation.

Dr. Sucher reported that he had not heard from Dr. Smith. Staff received a letter from Dr. Smith requesting that this matter be tabled until his health improved.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to TABLE this matter until the February Board meeting. MOTION PASSED UNANIMOUSLY.

- D. Dr. James C. Snider – Review, discussion and possible action regarding DUI disclosure.

Dr. Snider was present. Dr. Sucher stated that he met with Dr. Snider on November 2, 2007 regarding two DUI disclosures. Dr. Snider's history was consistent with alcohol abuse. He is presently in remission and has already received a significant amount of education in alcohol and drug abuse. Dr. Sucher recommended that Dr. Snider be placed in the Board's 2-year abuse monitoring program, without the standard continuing education normally required in the agreement.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT Dr. Snider's entry into the Board's 2-year monitoring program. MOTION PASSED UNANIMOUSLY.

- E. Dr. Jerald D. Wienke – Review, discussion and possible action regarding DUI disclosure.

Dr. Wienke was present. He met with Dr. Sucher who reported that the incident was considered to be isolated and there was no evidence of abuse or dependency. Dr. Sucher felt there were no issues that would prevent Dr. Wienke from practicing safely. In response to the Board, Dr. Wienke stated that he reported the DUI on his renewal application.

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

- F. Gina L. Southwick, RDH – Review, discussion and possible action regarding conviction for possession of drug paraphernalia and possession of a forgery device.

Dr. Sucher reminded the Board that Ms. Southwick appeared before them as the result of an incident in which she altered a prescription by changing the number of times it could be refilled. She has completed substance abuse education and Dr. Sucher did not find any evidence that she has ever had any drug or alcohol problems. Ms. Southwick was drug tested with negative results.

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

- G. Dr. John J. Sesta – Review, discussion and possible action regarding disclosure of an endangerment conviction.

Dr. Sesta and his attorney Mr. Tonner were present. Mr. Tonner stated that the disclosure in this case involved a car accident in which Dr. Sesta hit a car, causing it to roll. A case was filed and dismissed back in 2001, but was re-opened in 2004. The accident did not involve any life-threatening injuries. Dr. Sesta's license had non-renewed in June of 2006. He had not planned on practicing in Arizona. When he completed his renewal form this year, he reported the disclosure. The law regarding the 10-day rule for disclosures did not go into effect until October of 2005; Dr. Sesta's case was re-opened in 2004.

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

- H. Dr. Robert C. Michie – Review, discussion and possible action regarding disclosure of felony conviction on application for renewal of disabled license.

Upon MOTION by Dr. Daniels, second by Dr. Altman the Board voted to GRANT the renewal. Ms. Stevens, Dr. Gradke, Dr. Cole, Dr. Rosenthal and Ms. Zastrow OPPOSED. MOTION FAILED.

The Board felt that more information was required in order to make a decision regarding Dr. Michie. Dr. Michie's license is currently in disabled status.

Upon MOTION by Ms. Zastrow, duly seconded the Board voted to TABLE this item pending a Comprehensive Review request for additional information to include a mental evaluation to determine whether Dr. Michie is safe to practice dentistry. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 13 **Case No. 250211**
Patrick M. McMillan, RDH

Mr. McMillan was present. Dr. Sucher reported that at the October MATP meeting, Mr. McMillan requested that his meeting log requirement be removed. Mr. McMillan has been a participant in the

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MATP for a little over 2 years and it is customary to have the requirement removed at the 2-year point. Dr. Sucher recommended that the Board approve the removal.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to REMOVE the monthly meeting log requirement. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 16 **Case No 260280**
Dr. Gregory P. Edmonds

Dr. Edmonds was present. Dr. Sucher reported that the original agreement signed by Dr. Edmonds allowed him the privilege of prescribing drugs specific to his practice of oral surgery. Confusion arose because the minutes reflected that Dr. Edmonds would be accepted into the MATP with the standard agreement. Dr. Sucher asked that Dr. Edmonds' original order be amended to more accurately reflect his prescribing privileges of schedule II, III and IV drugs, post-operatively.

Dr. Edmonds stated that, in reading his order, it was not crystal clear that he is allowed to write prescriptions for schedule II, III, and IV drugs, post-operatively. He would like it more specific to him so that he does not have any problems later on. The Board asked Dr. Sucher to re-write the paragraph that referenced the prescription writing.

Upon MOTION by Dr. Altman, second by Dr. Waite the Board voted to AMEND the previous Stipulation Agreement to clarify the prescribing privileges of schedule II, III and IV drugs, post-operatively. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 14 **Case No. 240348**
Dr. Christopher R. Reavis

Dr. Reavis was present. Dr. Sucher recommended the Board allow the removal of the meeting log requirement and the restriction on prescribing privileges.

Upon MOTION by Dr. Altman, second by Ms. Zastrow the Board voted to REMOVE the monthly meeting log requirement and the restriction on prescribing privileges. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 15 **Case No 250091**
Dr. Sathish B. Chari

Dr. Chari was present. Dr. Sucher recommended the Board allow the removal of the meeting log requirement and the restriction on prescribing privileges.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to REMOVE the monthly meeting log requirement and the restriction on prescribing privileges. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 17 – Health and Well Being Committee

- A. Dr. Wade A. Mendenhall – Review, discussion and possible action including opening an investigation regarding alleged violation of current consent agreement and/or alleged failure to maintain records and abuse of prescribing privileges.

Dr. Sucher received information that Dr. Mendenhall has been ordering Tramadol, which was the drug he abused and had been prescribed for chronic neck and back pain. He

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had also written prescriptions for his mother, who lives in Texas, for Tramadol and Oxycodone.

Dr. Sucher met with Dr. and Mrs. Mendenhall. It became evident to Dr. Sucher that Dr. Mendenhall did not understand the importance of the conditions outlined in his agreement with the Board. For example, Dr. Mendenhall had been taking Tramadol and Oxycodone for his neck and back pain. These were the drugs he began to abuse. His physician advised him to undergo cortisone injections as a form of pain management for the neck and back problems. Dr. Mendenhall informed Dr. Sucher that he would "get around" to getting the injections in January when he had some free time. He also informed Dr. Sucher that he has old prescriptions lying around that he takes as needed. Dr. Sucher emphasized the importance of Dr. Mendenhall receiving prompt treatment for all of his ailments in order for him to be healthy and safely practice dentistry. Dr. Sucher's recommendation was for the Board to open an investigation against Dr. Mendenhall.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to OPEN AN INVESTIGATION regarding alleged violation of current consent agreement and alleged failure to maintain records and abuse of prescribing privileges. MOTION PASSED UNANIMOUSLY.

B. UPDATE ON MATP PARTICIPANTS

Dr. Sucher reported that all other participants appeared to be in compliance at this time.

Agenda Item No. 18 – Other Committee Reports

B. Dental Hygiene Selection Committee – Dr. Altman

- i. Review, discussion and possible action regarding candidates for one Dental Hygienist from central Arizona and one public member as follows:
 - a. The Dental Hygiene Selection Committee recommends the appointment of Deborah L. Campbell, RDH.
 - b. The Dental Hygiene Selection Committee recommends Brenda J. Chavez, RDH as an alternate choice.
 - c. The Dental Hygiene Selection Committee recommends the reappointment of Ms. Paula D. Aguayo as the public member.

Upon MOTION by Dr. Altman, second by Ms. Zastrow the Board voted to APPOINT Ms. Deborah L. Campbell, Hygienist and RE-APPOINT Ms. Paula D. Aguayo, public member to the Dental Hygiene Selection Committee. MOTION PASSED UNANIMOUSLY.

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C. Dental Hygiene Committee

- i. Upon recommendation from the Dental Hygiene Committee, the Board may consider APPROVAL of the CE Audit responses from the following:
- a. Kristina A. Barno, RDH
 - b. Michelle Jane Brown, RDH
 - c. Teresa R. Carman, RDH
 - d. Terra L. Cunningham, RDH
 - e. Kristina K. Beenenga, RDH
 - f. Kristen Cruse Felling, RDH
 - g. Sandra M. Fussner, RDH
 - h. Patricia Jean Hooker, RDH
 - i. Kathryn R. Kocos, RDH
 - j. Patricia F. Martinez-Coyle, RDH
 - k. Peggy B. Offenber, RDH
 - l. Toni C. Peloso, RDH
 - m. Kim C. Schuck, RDH
 - n. Lynn M. Simon, RDH
 - o. Annie M. Sparks, RDH

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to APPROVE the CE Audit responses as indicated in items 18.C.i.a through o. MOTION PASSED UNANIMOUSLY.

- ii. Upon recommendation from the Dental Hygiene Committee, the Board may consider APPROVAL of the Local Anesthesia and Nitrous Oxide Coursework from the following schools:
- a. Rio Salado Community College Continuing Education – Arizona
 - b. San Juan College, School of Dental Hygiene – New Mexico
 - c. Utah College of Dental Hygiene – Utah

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to APPROVE the Local Anesthesia and Nitrous Oxide Coursework from the schools listed in items 18.C.ii.a through c. MOTION PASSED UNANIMOUSLY.

- iii. Upon recommendation from the Dental Hygiene Committee, the Board may consider DENIAL of the Local Anesthesia and Nitrous Oxide Coursework from Oakland Community College, Michigan, for insufficient lingual injections, conflicting information regarding Nasopalatine injections and syllabus does not indicate that CPR is prerequisite.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to DENY the Local Anesthesia and Nitrous Oxide Coursework from Oakland Community College, Michigan, for insufficient lingual injections, conflicting information regarding Nasopalatine injections and syllabus does not indicate that CPR is prerequisite. MOTION PASSED UNANIMOUSLY.

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- D. Continuing Education Audit for Dentists Committee – Dr. Rosenthal
- i. Review, discussion and possible action regarding the 2007 Dental Continuing Education Audits. Upon the Continuing Education Audit for Dentists Committee the Board may consider approval of the CE Audit responses from the following:
- | | |
|----------------------------|---------------------------------|
| a. Dr. Gary F. Bernard | j. Dr. Craig J. Lussier |
| b. Dr. Mary Jean Brannock | k. Dr. Jafar Naghashbandi |
| c. Dr. Jeffery Alan Carver | l. Dr. Bradley D. Scott |
| d. Dr. Luis Alberto Cueva | m. Dr. Steven R. Singer |
| e. Dr. Anitha A. Goud | n. Dr. Eric Christopher Solberg |
| f. Dr. Kevin Ryan Haley | o. Dr. Kirk Allen Speicher |
| g. Dr. Manisha R. Javia | p. Dr. Jerry L. Sullivan |
| h. Dr. Karen Kramarczyk | q. Dr. Richard E. Warner |
| i. Dr. Matthew F. Linaker | r. Dr. William R. Womack |

Upon MOTION by Dr. Rosenthal, second by Dr. Altman the Board voted to APPROVE the CE Audit responses as indicated in items 18.D.i.a through r. MOTION PASSED UNANIMOUSLY.

- ii. Review, discussion and possible action regarding the 2007 Dental Continuing Education Audits. Upon the Continuing Education Audit for Dentists Committee the Board may consider opening an investigation against the following:
- a. Dr. Adrian G. Huang – For failure to complete the required hours of continuing education because of excessive self-study.
- b. Dr. Ronald F. Pflipsen – For failure to complete the required hours of continuing education because of lack of documentation and for false statement on Continuing Education Affidavit.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to OPEN AN INVESTIGATION against Dr. Adrian G. Huang and Dr. Ronald F. Pflipsen as indicated in agenda items 18.D.ii.a and b. MOTION PASSED UNANIMOUSLY.

- iii. Dr. Trevor E. Andrews – Review, discussion and possible action regarding the 2007 Dental Continuing Education Audit response.

Upon MOTION by Dr. Rosenthal, second by Dr Altman the Board voted to ACCEPT the 2007 Dental Continuing Education Audit response. MOTION PASSED UNANIMOUSLY.

ACTION ON CASES – Morning Agenda
From Investigative or Informal Interview

Agenda Item No. 21 **Case No. 270182**
Dr. William A. Hoskyns

Ms. Corcoran, attorney for Dr. Hoskyns and complainant BK were present. Ms. Corcoran presented BK with a check in the amount of \$9610 at this meeting.

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BK stated that he has been in agony for the past 2 years. His main concern at this point was that he would continue to experience pain and have problems. Initially, his teeth were not in bad shape, however Dr. Hoskyns adjusted his bite so badly and ground his teeth so far down that he now has no other option but to get crowns. In response to the Board, the orthodontic treatment he received was given to him as an option.

Ms. Corcoran reported that Dr. Hoskyns now resides in Georgia, but he was present at the Investigative Interview (I.I.).

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. § 32-1201.20(n). MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to AMEND the Conclusions of Law to add a violation of A.R.S. § 32-1264.D. MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported 2.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to impose RESTITUTION of \$9610 which has already been paid and CONTINUING EDUCATION of 4 hours in Risk Management and 12 hours in Hands-on Endodontics with 6 months time to complete. Dr. Waite OPPOSED. MOTION PASSED.

Agenda Item No. 27 **Case No. 270269**
Dr. Gordon Kenneth Wilson

Mr. Tonner was present on behalf of Dr. Wilson. He stated that the patient in this case presented to Dr. Wilson with no posterior occlusion. Dr. Wilson provided him with several treatment plans. The patient chose to have crowns placed on the remaining teeth and removable partials placed. After the teeth were prepped, the patient decided he wanted implants instead. He was sent to Dr. Ingersoll, who, after several consultations, opted not to take him as a patient. The patient returned to Dr. Wilson and they decided to move forward with the previous treatment plan of removable partials. The problem with that course of treatment at this point was that the all-porcelain crowns originally made could no longer be used. The patient ultimately left Dr. Wilson's practice and went to a subsequent treating dentist who extracted all of his teeth and placed implant complete dentures. Mr. Tonner asked that this case be dismissed.

The Board expressed concern with the patient changing his mind so often during the course of treatment and could not find any evidence to support the allegations in this case.

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

Agenda Item No. 28 **Case No. 270264**
Dr. Nicholas B. LaFeber

Mr. Tonner was present on behalf of Dr. LaFeber. He stated that Dr. LaFeber did some fillings, implants, upper and lower veneers on the patient. After about 6 months, the patient saw a subsequent treating dentist who claimed that there were cracks on the veneers, but did not mention where they were. In response to the Board, Mr. Tonner stated that the patient was only given the option for lumineers. She had already made it known that she did not want any teeth reduced or tooth structure removed.

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The Board could not discern from the radiographs or photographs if there were any cracks or excess cement on the veneers. The Board felt that if the patient asked that there be no tooth reduction, the treatment was compromised.

Upon MOTION by Dr. Rosenthal, second by Dr. Daniels the Board voted to REMAND for a Clinical Evaluation only. Ms. Zastrow OPPOSED. MOTION PASSED.

Agenda Item No. 20 **Case No. 270189**
Dr. Michael W. Dodd

Mr. Tonner was present on behalf of Dr. Dodd. Mr. Tonner stated that the patient went to Dr. Dodd who diagnosed the need for restorations on 4 teeth. The patient saw a subsequent treating dentist who diagnosed problems with other teeth, but not the same 4 teeth Dr. Dodd diagnosed. As a result of the subsequent dentist's diagnosis, the patient filed a complaint alleging over-diagnosis.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported 1

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

Agenda Item No. 30 **Case No. 270284**
Dr. Trevor Duc Luu

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

**The Board directed staff to place DDL Dental on the February agenda to open an investigation regarding hiring a non-licensed dentist.

Agenda Item No. 22 **Case No. 270203**
Dr. Alejandro Rabanal

Mr. Tonner on behalf of Dr. Rabanal and complainant SF were present.

SF felt that the treatment provided by Dr. Rabanal was excessive. The office manager used scare tactics in order to convince SF to remove her mercury fillings. She found out later that it was not necessary for her natural teeth to be ground down; she only needed on-lays. At this point, her teeth have shifted and the midline is off. In response to the Board, SF did have an appointment with Dr. Rabanal after the Board complaint had been filed. She actually liked Dr. Rabanal and did not want to believe that he would deliberately deceive her. She had tried to make an appointment to talk things over with Dr. Rabanal, but the office manager kept telling her that Dr. Rabanal was unavailable. She finally got an appointment, but she had already filed the complaint a few days prior to the appointment. She was hoping that the issue could have been resolved at that final visit.

Mr. Tonner stated that Dr. Rabanal was an associate dentist at Dream Dental and, as such, was not responsible for the office manager. Dr. Rabanal delivered 4 crowns for teeth 2, 3, 14 and 15. There was an occlusal adjustment made, but more adjustments were needed. SF saw 4 other dentists who all had

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the same recommendation for treatment as Dr. Rabanal. Mr. Tonner felt the Investigative Interview (I.I.) panel erred in their findings because the diagnosis of fractured margins was made by a previous dentist, there was a treatment plan on page 8 of the records, no subsequent treating dentist found a problem with the crown and bridge and all of the dentists involved made the same recommendation of full mouth equilibration.

In response to the Board, SF stated that she did not discuss her conversations with the office manager with Dr. Rabanal because she did not meet Dr. Rabanal until after the crowns were seated. She assumed the office manager was speaking to her on his behalf. The initial dentist she saw did not find any problems with her teeth. SF mentioned to him that she had heard that mercury fillings were not good. He told her to talk with the office manager about that at her next appointment. After her next appointment, the office manager took her into a room and talked to her about the removal of the fillings. SF brought study models, taken after the treatment by Dr. Rabanal, and an articulator with her to the Board meeting.

The Board mounted the study models. Upon review of the models it appeared that SF did have an anterior open bite, which would need to be corrected. The model which showed what the projected treatment would look like after corrective treatment was severely adjusted.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported none.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose CONTINUING EDUCATION of 4 hours in Risk Management with 6 months time to complete and RESTITUTION to the patient of \$4116. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to OPEN AN INVESTIGATION against Dr. Sundberg regarding alleged failure to supervise staff. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 24 **Case No. 270224**
Dr. Clayton Wainwright

Mr. Tonner, attorney for Dr. Wainwright was present. He explained to the Board that Dr. Wainwright had found a record keeping course in Hawaii, but was unable to find a local course. He submitted information to the Board for pre-approval of the Hawaii course and was approved, but his illness prevented him from attending the course. Dr. Wainwright's illness requires him to be in dialysis frequently. Mr. Tonner was requesting that Dr. Wainwright be allowed to take an on-line course.

A motion was made by Dr. Rosenthal and seconded by Dr. Daniels to APPROVE the use of on-line continuing education for discipline; however a vote was not taken on that motion.

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

Finding of Fact #1 AMENDED to read:

Dr. Wainwright did not comply with the Board order in case 250128.

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

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to find a VIOLATION of A.R.S. §32-1201.20(w). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported 13.

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

****Executive Session****

RETURN TO OPEN MEETING

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to VACATE its previous vote to accept the Findings of Fact and Conclusions of Law. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to FORWARD TO FORMAL HEARING. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 25 **Case No. 270237**
Dr. Clayton Wainwright

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to FORWARD TO FORMAL HEARING. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 29 **Case No. 270328**
Dr. James R. Bourne

Ms. McLellan on behalf of Dr. Bourne and complainant LR were present.

LR stated that she received a check in the amount of \$352 from Dr. Bourne and confirmed that Met Life received a check in the amount of \$293. LR was under the impression that she would be receiving the entire amount she paid which was \$502.

Ms. McLellan stated that a metal crown was placed on tooth #19. It was replaced with a PFM crown which subsequently had an open margin. The owner of the practice offered to re-do the crown which LR declined. LR was voluntarily refunded the \$352 which was based on the amount LR paid for tooth #19 only.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to impose RESTITUTION of \$352 to the patient and \$293 to Met Life which has already been paid. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 19

Case No. 270261
Dr. Jay H. Spiegel

Dr. Spiegel and complainant RE were present.

RE stated that he never asked for restitution because he had planned on going back to the Veteran's Administration Hospital (VA) to have the work completed. He ended up going elsewhere to get his work done instead of at the VA and would now like the Board to consider restitution should they rule in his favor. RE stated that he could not close his mouth for a week after the crowns were cemented. He did not like them immediately upon seeing them. One was larger than the other, both wider and longer. He returned to the VA and was told that because no prep work was done, the other dentists did not want to become involved. He is currently in temporaries, but now has a subsequent treating dentist.

Dr. Spiegel stated that he did place the crowns on teeth 8 and 9, but RE thought they were too short. He was paid by the VA hospital. He was not in possession of the records because he was not allowed by the VA to get them. The Board must subpoena the VA directly with patient consent.

RE stated he would give his written consent to obtain the records or he would request a copy himself, whatever the Board needed him to do.

Upon MOTION by Dr. Daniels, second by Dr. Altman 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; with an additional subpoena issued to the VA Hospital for records with RE's consent. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 26

Case No. 270255
Dr. Wayne O. Baldon

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose RESTITUTION to the patient of \$633.20 and to the Insurance provider of \$724.80 and CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment planning of Periodontic cases and 4 hours in Risk Management with 6 months time to complete. 1 Board member OPPOSED. MOTION PASSED.

Agenda Item No. 23

Case No. 270208
Dr. Tony J. Dalton

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

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

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ACTION ON PREVIOUS ACTION

Agenda Item No. 31 **Case No. 270003**
Dr. Marta C. Persinger

Dr. Persinger, her attorney Ms. McLellan, Ms. Williams, attorney for the State and Mr. Munns the Solicitor General were present.

Ms. Williams addressed the Board. This case had previously been forwarded to a formal hearing. Dr. Persinger did not respond to the complaint and notice of hearing. As a result, Ms. Williams filed the Motion to Deem Allegations Admitted. After the Motion to Deem was filed, Dr. Persinger obtained counsel and has expressed her desire keep her license active. She was now willing to cooperate with the Board. Ms. Williams asked the Board to consider entering into a consent agreement.

Ms. McLellan stated that she and Ms. Williams have been working to come up with the terms and conditions of the consent agreement and Dr. Persinger was in agreement with the proposed sanctions. Due to having filed bankruptcy, Dr. Persinger's office was closed and locked. Unfortunately, she was in the middle of treatment with the patient in this case. Dr. Persinger repeatedly ignored the complaint, however the Board got her attention when it voted to forward to a formal hearing.

Dr. Persinger apologized to the Board. Because of the circumstances that were taking place in her life at that time, she chose to hide from any additional problems. That particular period of time was very difficult for her, but she was willing to do what was necessary to keep her license.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to ACCEPT the Proposed Consent Agreement. MOTION PASSED UNANIMOUSLY.

**The Board directed staff to place this item on the February agenda for review of the completed Consent Agreement.

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to DENY the Motion to Deem Allegations Admitted. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 32 **Case No. 250209, 270025, 260094, 270239**
Dr. Ralph L. Juriansz

Ms. Williams, attorney for the State, reported that Dr. Juriansz did not respond to the Notice of Complaint and Notice of Hearing. Dr. Juriansz had several cases involving quality of care, wrote prescriptions after his DEA license expired and has been consistently noncompliant with Board orders. A clear pattern has been demonstrated by Dr. Juriansz of his inability to be regulated by the Board. Ms. Williams asked the Board to deem the allegations admitted.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to DEEM the Allegations Admitted. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to ADOPT the allegations and charges as the Findings of Fact and Conclusions of Law and REVOKE license number D 4064 issued to Dr. Juriansz. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 33 **Case No. 270389, 270028, 270222**
Dr. A. Ruben Turley

Ms. Williams, attorney for the State, reported that several months ago, the Board forwarded these cases to formal hearing due to non-compliance by Dr. Turley. Also, Dr. Turley did not renew his license and it had become suspended. Since then, Dr. Turley has submitted a renewal and has paid all outstanding penalties and fines. Except for 2 classes, Dr. Turley has brought his continuing education up to date. He has already obtained pre-approval for the 2 outstanding classes. Because of Dr. Turley's efforts to become compliant and the hard work he has been doing in order to keep his license active, Ms. Williams supported a proposed consent agreement.

Upon MOTION by Dr. Altman, second by Dr. Waite the Board voted to ACCEPT the Consent Agreement and VACATE the vote to formal hearing. Dr. Daniels OPPOSED. MOTION PASSED.

PETITION TO REHEAR

Agenda Item No. 34 **Case No. 260213**
Dr. Champa R. Chatterjee

Mr. Tonner on behalf of Dr. Chatterjee and complainant MS were present. Mr. Tonner stated that this petition was filed as a procedural motion. Statute requires that any information the Board uses in making its determination of a case be provided to the respondent or the representing attorney. At the August Board meeting, the Board referred to a memo from the Chief Investigator while making its final adjudication. This memo had not been provided to Mr. Tonner prior to the Board meeting, even though he had submitted a request for copies of the case file and any subsequent information the Board received. Mr. Tonner understood that this was a clerical error, but the Board has always held the dentists responsible for their staff and he felt that the Board should also be held responsible for its staff. Due to the clerical error and since the patient has also filed a civil action against Dr. Chatterjee, Mr. Tonner felt that the Board should "un-ring the bell" in this case and dismiss it.

The complainant asked the Board to deny the petition to rehear.

The Board agreed there was an issue with Mr. Tonner not receiving the memo and felt the case should be reheard in order to properly address that issue.

Upon MOTION by Dr. Rosenthal, second by Dr. Altman the Board voted to GRANT the Petition to Rehear and to rehear immediately. MOTION PASSED UNANIMIMOUSLY.

The Board did not agree that the case should be dismissed. The Board was a bit chagrined with the insinuation that, with the information before them, they would be unable to rehear the case and make an honest determination. Some Board members felt that this error was critical and agreed with Mr. Tonner, but also felt that there should be some type of reprimand to the Board. It was explained that there was no stipulation in the law as to some type of discipline to the Board, however the case must now be reheard after it has already been adjudicated.

Upon MOTION by Dr. Daniels, second by Ms. Zastrow the Board voted to DISMISS for Lack of Supporting Evidence due to a procedural error. Drs. Waite, Rosenthal, Gradke, Altman, Dr. Cole and Ms. Zastrow OPPOSED. Ms. Stevens was ABSENT. MOTION FAILED.

Ms. Williams, attorney for the State, informed the Board that the open meeting law was not violated in this case. This was more of a due process issue, but there is no discipline taken against the Board in due

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process issues. In administrative law the correct protocol is to back the case up to where the error occurred. The error gets corrected and the case proceeds from the point of correction. Since the August meeting, Mr. Tonner has received a copy of the memo and has seen all of the pertinent documents used to draft it.

Board discussion ensued. The majority of the Board felt that the investigator's memo had no bearing on the Board's decision, as a whole. The case and all of its accompanying documentation had been thoroughly reviewed several times prior to the memo from the investigator. One of the Board's primary objectives was to protect the health, safety and welfare of the public, and dismissing this particular case based on a procedural error would not meet that objective. In rehearing the case, the Board stood by its previous determination.

Upon MOTION by Dr. Waite, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n), (o), (p) and (x). Dr. Daniels OPPOSED. Ms. Stevens was ABSENT. MOTION PASSED.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to impose CENSURE; RESTITUTION to the patient in the amount of \$8310; CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment Planning, 6 hours in Record Keeping, 6 hours in Oral Surgery and 6 hours in Ethics with 12 months time to complete; RESTRICTION TO PRACTICE in Oral Surgery until Continuing Education is complete; and an ADMINISTRATIVE PENALTY of \$2000. Dr. Daniels, Dr. Rosenthal, Dr. Altman, Dr. Gradke, and Dr. Cole OPPOSED. Ms. Stevens was ABSENT. MOTION FAILED.

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose CENSURE; RESTITUTION to the patient in the amount of \$6502; CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment Planning, 6 hours in Record Keeping, 6 hours in Oral Surgery and 6 hours in Ethics with 12 months time to complete; and an ADMINISTRATIVE PENALTY of \$2000. Dr. Daniels, Dr. Waite, Dr. Cole and Dr. Gradke OPPOSED. Ms. Stevens was ABSENT. MOTION FAILED

Upon MOTION by Dr. Rosenthal, second by Ms. Zastrow the Board voted to impose CENSURE; RESTITUTION of \$6502 to the patient; CONTINUING EDUCATION of 6 hours in Diagnosis and Treatment Planning, 6 hours in Record Keeping, 6 hours in Hands-on Oral Surgery and 6 hours in Ethics with 12 months time to complete; and an ADMINISTRATIVE PENALTY of \$2000. Dr. Daniels and Dr. Waite OPPOSED. Dr. Gradke ABSTAINED. Ms. Stevens was ABSENT. MOTION PASSED.

Agenda Item No. 35 **Case No. 270050**
Dr. Darrel L. Bischoff

Mr. Tonner was present on behalf of Dr. Bischoff. He stated that this case was supposed to have had an independent evaluation with those results provided to the Board. That option did not work out for Mr. Tonner.

The Board reviewer felt that the penalties imposed in this case were excessive and recommended a re-hearing immediately.

Upon MOTION by Dr. Waite, second by Ms. Zastrow the Board voted to GRANT the Petition to Rehear. Drs. Daniels, Rosenthal, Gradke, Altman and Dr. Cole OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Altman, second by Dr. Rosenthal the Board voted to DENY the Petition to Rehear. Dr. Waite OPPOSED. MOTION PASSED.

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Agenda Item No. 36 **Case No. 270039**
Dr. Darian Kaar

Dr. Kaar, his attorney Ms. McLellan and complainant OH and her daughter were present.

The Board reviewer felt that the Board was not in possession of all of the facts when this case was initially heard. It has since been discovered that the dental practice and the complainant had already worked out a payment arrangement and had done so some time ago.

Upon MOTION by Dr. Daniels, second by Dr. Altman the Board voted to GRANT the Petition to Rehear. MOTION PASSED UNANIMOUSLY.

OH's daughter spoke on her behalf. She stated that OH had not received a refund from Dr. Kaar, but did receive money from Dental Impressions.

Ms. McLellan stated that she filed the petition to rehear to address the issue of restitution only. In November of 2006, the patient received a check from Dental Impressions in the amount of \$2000. In February of 2007, OH filed the complaint claiming they had never received any money back from the practice. There is litigation in Superior Court between Dr. Kaar and Dental Impressions. The court appointed a receiver to handle the outstanding debts. One of the debts mentioned involved OH. The receiver has already contacted OH and explained that the debt would be taken care of. Ms. McLellan asked the Board to relieve Dr. Kaar of the restitution part of its original order.

OH's daughter stated that they had no knowledge of any court proceedings being held. The Board questioned OH and she admitted that the court-appointed receiver had contacted her regarding paying off the balance.

Upon MOTION by Dr. Daniels, second by Dr. Waite the Board voted to AMEND its previous order to remove the Restitution of \$1373. Dr. Altman RECUSED. MOTION PASSED.

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

MORNING CONSENT AGENDA

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

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

Agenda Item No. 37	Case No. 270260	Dr. Steven Chris Chang
Agenda Item No. 38	Case No. 270274	Dr. Scott A. Lee
Agenda Item No. 42	Case No. 270193	Dr. Alejandro Rabanal
Agenda Item No. 46	Case No. 270227	Continental Dental Group
Agenda Item No. 51	Case No. 270213	Dr. Leonard L. Brewster

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

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Cases DISMISSED:

Agenda Item No. 39	Case No. 270231	Dr. James S. Kohner
Agenda Item No. 40	Case No. 270246	Dr. Patrice S. Winterholler
Agenda Item No. 41	Case No. 270220	Dr. Vernon S. Eddlemon
Agenda Item No. 43**	Case No. 270245	Dr. Daniel Kang
Agenda Item No. 44	Case No. 270302	Dr. Vahid "Vinnie" Hojreh
Agenda Item No. 45	Case No. 270263	Dr. Charles R. Kosowski
Agenda Item No. 47	Case No. 270299	Dr. Daniel Kang
Agenda Item No. 48	Case No. 270187	Dr. Chad Ryan Haak
Agenda Item No. 49	Case No. 270077	Dr. Jason Roy Zuch
Agenda Item No. 50	Case No. 270287	Ms. Bonnie S. LaRussa
Agenda Item No. 52	Case No. 270305	Dr. Harjot K. Brar
Agenda Item No. 53	Case No. 270278	Dr. Mark S. Sinnard

**Case opened against Towne Center Dental for alleged failure to fully comply with a subpoena.

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

Agenda Item No. 54	Case No. 270232	Dr. Lance P. Schneider
Agenda Item No. 55	Case No. 270243	Dr. Justin J. Philipp
Agenda Item No. 56	Case No. 270250	Dr. Keith Stewart West

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

Nothing was pulled. Upon MOTION by Ms. Zastrow, second by Dr. Altman 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.

Cases Resulting in the OPENING OF A NEW COMPLAINT:

Agenda Item No. 57	Case No. 250240	Dr. Clayton Wainwright
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Agenda Item No. 58 – Approval of Restricted Permit(s) (Application or Renewal) – Consent Agenda

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

A. Dr. David A. Fleming

B. Dr. Bruce L. Wolff

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Agenda Item No. 59 – Ratification of New Dental and Dental Hygiene Licenses – Consent Agenda

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

Ashish S. Patel, DMD
D 7405, issued: 10/10/2007

Lucian D. Boboia, DDS
D 7431, issued: 10/23/2007

Jennifer Vyas, DDS
D 7406, issued: 10/10/2007

Vincent K. Ip, DDS
D 7432, issued: 11/14/2007

Spencer J. Burton, DDS
D 7429, issued: 10/16/2007

Ray Nguyen, DDS
D 7433, issued: 11/26/2007

Jeremy L. Tanner, DMD
D 7430, issued: 10/16/2007

Jason I. Margolis, DMD
D 7434, issued: 11/26/2007

Total Dental: 8

Xilian W. Pang, RDH
H 6322, issued: 10/03/2007

Annie C. Johns, RDH
H 6343, issued: 10/23/2007

John K. Wisthoff, RDH
H 6341, issued: 10/12/2007

Jana G. Ingle, RDH
H 6344, issued: 11/01/2007

Dawn Marie Koch, RDH
H 6342, issued: 10/16/2007

Chelsea S. Pettet, RDH
H 6345, issued: 11/26/2007

Total Dental Hygiene: 6

Agenda Item No. 60 – Approval of Consultants and Examiners – Consent Agenda

- A. Dr. Timothy R. Wilson – Anesthesia evaluator
- B. Dr. Brian J. Hanratty – Anesthesia evaluator

Agenda Item No. 60.A. was pulled.

Upon MOTION by Ms. Zastrow, second by Dr. Altman the Board voted to APPROVE Dr. Brian J. Hanratty as an Anesthesia evaluator. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 61 – Approval of Minutes – Consent Agenda

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

- A. October 5, 2007 Board Meeting Minutes
- B. October 5, 2007 Executive Session Minutes

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Agenda Item No. 56 **Case No. 270250**
Dr. Keith Stewart West

Mr. McLellan was present on behalf of Dr. West.

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. 46 **Case No. 270227**
Continental Dental Group

Ms. McLellan on behalf of Continental Dental Group and complainant MB with an interpreter RD were present.

MB, through an interpreter stated that she did not like the work that was done at Continental. She paid for all of the treatment in advance.

Ms. McLellan stated that the Investigative Interview (I.I.) panel found no irregularities in billing and asked the Board to accept their recommendation of dismissal.

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

Agenda Item No. 51 **Case No. 270213**
Dr. Leonard L. Brewster

Dr. Brewster, his attorney Ms. McLellan and complainant LBL were present.

LBL stated that at the Investigative Interview (I.I.) Ms. McLellan labeled her as emotional and she was not given the opportunity to dispute that. She was cut off from speaking repeatedly. She was not allowed to address tooth #29. The reports she submitted from her subsequent treating dentist and her surgeon were not allowed to be reviewed. It was frequently stated that she suffered a blow to the face, which was untrue. She felt the I.I. panel was very unfair and biased.

Ms. McLellan stated that this case has been to Triage, and was only forwarded to an I.I. because the patient requested it. At both reviews, the recommendation was to dismiss the case. The dentistry was very straightforward in this case. The I.I. panel felt that Dr. Brewster used heroic measures to attempt to save tooth #9. In 2002 Dr. Brewster placed a crown on tooth #9. In 2005, LBL complained of trauma to the mouth and tooth #9 was retreated. A year later, LBL came in without an appointment. Dr. Brewster immediately referred her to an endodontist who said the tooth was non-restorable. Dr. Brewster also placed the crown on tooth #29. He did not work on tooth #8 at all. Ms. McLellan asked that the Board accept the I.I. panel's recommendation.

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

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Agenda Item No. 38 **Case No. 270274**
Dr. Scott A. Lee

Dr. Lee, his attorney Mr. Cummings and complainant SH were present.

SH wanted to reiterate that she was never informed of root canal therapy being required and she was still experiencing the paresthesia.

Mr. Cummings stated that he was in agreement with the Investigative Interview panel's recommendation of dismissal.

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

Agenda Item No. 37 **Case No. 270260**
Dr. Steven Chris Chang

Dr. Chang and his attorney Mr. Cummings were present. Mr. Cummings asked the Board to accept the Investigative Interview panel's recommendation for dismissal.

Upon MOTION by Dr. Altman duly seconded the Board voted to DISMISS for Lack of Supporting Evidence. Dr. Waite OPPOSED. MOTION PASSED.

Agenda Item No. 42 **Case No. 270193**
Dr. Alejandro Rabanal

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

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

Agenda Item No. 54 **Case No. 270232**
Dr. Lance P. Schneider

Dr. Schneider and his attorney Mr. Tonner were present. Mr. Tonner asked the Board to reconsider issuance of a letter of concern.

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

Agenda Item No. 55 **Case No. 270243**
Dr. Justin J. Phillip

Mr. Tonner was present on behalf of Dr. Phillip. The Board did not feel this case warranted a letter of concern.

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

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Agenda Item No. 60.A Dr. Timothy R. Wilson

The Board was not certain that Dr. Wilson had completed all of the requirements in order to become a consultant. Staff assured the Board that all of the requirements had been met.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to ACCEPT Dr. Wilson as an Anesthesia evaluator. MOTION PASSED UNANIMOUSLY.

ACTION ON CASES – Afternoon Agenda
From Investigative or Informal Interview

Agenda Item No. 68 Case No. 270315
Dr. Denis James Froehlich

Complainant PT was present.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n) and (x). MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose RESTITUTION of \$515 to the patient, an ADMINISTRATIVE PENALTY of \$500 and CONTINUING EDUCATION of 4 hours in Risk Management and 6 hours in Diagnosis and Treatment Planning with 6 months time to complete. Ms. Stevens was ABSENT. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 62 Case No. 270268
Dr. Mu-Hun Kim

Mr. Tonner was present on behalf of Dr. Kim. Mr. Tonner stated that the patient's treatment consisted of root canal therapy on #'s 5 and 6, implants on 7, 8, 9 and 10 and crowns on teeth 5 through 11. While Dr. Kim admitted that there was no diagnosis for the root canal therapy on teeth 5 and 6, there were no complaints regarding the implants. Dr. Kim had already refunded the patient \$5590.

The Board expressed concern with all of the treatment being done on the examination visit. That appeared to be an extensive amount of invasive dentistry being done without giving the patient any time to consider the options. In reviewing the radiographs dated 4/18/07, it was discovered that the crowns do not fit the abutments on teeth 7, 8 and 9. The periapicals dated 3/23/07 revealed open margins on the implant crowns #7, 8, 9 and 10.

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

Finding of Fact #2 was AMENDED to read:

FMX dated 4/3/03 (diagnostic). PA of upper right (#5 and 6) dated 7/18/06. Working film dated 7/19/06 showing cone fit #6. FMX dated 4/18/07, which was after Dr. Kim had left the office. 2 PA's dated 3/23/07 showing open margins on implant crowns #7, 8, 9 and 10.

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Agenda Item No. 66 **Case No. 270273**
Dr. Nukala H. Reddy

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported none.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to impose RESTITUTION OF \$980 and CONTINUING EDUCATION of 4 hours in Risk Management, 6 hours in Diagnosis and Treatment Planning and 6 hours in Removable Prosthetics with 12 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 65 **Case No. 270281**
Dr. Richard P. Baker

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(n). MOTION PASSED UNANIMOUSLY.

**The Board request priors – staff reported two.

Upon MOTION by Ms. Zastrow, second by Dr. Rosenthal the Board voted to impose an ADMINISTRATIVE PENALTY of \$500 and CONTINUING EDUCATION of 4 hours in Risk Management with 6 months time to complete. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 64 **Case No 270133**
Dr. Steven K. Rubisch

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to ACCEPT the Findings of Fact and Conclusions of Law and find a VIOLATION of A.R.S. §32-1201.20(w). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported one.

Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to impose an ADMINISTRATIVE PENALTY of \$500. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 70 **Case No. 270289**
Dr. James R. Landeros

Upon MOTION by Ms. Zastrow and duly seconded the Board voted to issue a LETTER OF CONCERN regarding lack of supervising staff when ordering controlled substances. MOTION PASSED UNANIMOUSLY.

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ACTION ON PREVIOUS ACTION

Agenda Item No. 78 **Case No. 270136**
Dr. Marcus L. Paulus

Dr. Paulus, his attorney Mr. Stone and complainant AE were present. This case was adjudicated at the October Board meeting but tabled in order to determine the restitution amount. It was determined that there was no restitution owed to the patient. Dr. Paulus never billed AE for his portion of the bill.

Upon MOTION by Dr. Daniels, second by Dr. Waite the Board voted to VACATE the restitution. Ms. Stevens was ABSENT. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 79 **Case No. 270293**
Dr. Marcus L. Paulus

Dr. Paulus, his attorney Mr. Stone and complainant AE were present. This case was tabled from the October Board meeting in order to determine the restitution amount. It was determined that there was no restitution owed to the patient. Dr. Paulus never billed AE for his portion of the bill.

Complainant AE wanted an opportunity to address the Board. It was explained to AE that both this case and the previous case had already been adjudicated. The only consideration at this meeting was to be for restitution determination only. The testimonies from both parties had already been considered.

Upon MOTION by Dr. Rosenthal, second by Dr. Waite the Board voted to VACATE the restitution. Ms. Stevens was ABSENT. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 74 **Case No. 270109**
Dr. Donald C. Chiappetti

Dr. Chiappetti and Complainant SS, along with her daughter SR were present. SR spoke on behalf of SS and stated that SS was still experiencing problems with pain and sensitivity.

Dr. Chiappetti stated that he did not agree with the clinical evaluator's findings. SS had missing teeth and is edentulous on the lower right. Her anterior teeth were weak due to a large composite build-up. There was excess wear so the eccentric occlusion and excursions would not have any real contact. There are no posterior teeth, just anterior. While he sympathized with SS's dilemma, he could not find any real reason for the discomfort she felt.

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

Agenda Item No. 76 **Case No. 260132**
Dr. Victor E. Trujillo

Dr. Trujillo and his attorney Mr. Gaines were present.

Upon MOTION by Dr. Rosenthal and duly seconded the Board voted to ACCEPT the Consent Agreement. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 89	Case No. 270259	Dr. John J. Nay
Agenda Item No. 91	Case No. 270172	Dr. Phillip L. Cooke
Agenda Item No. 92	Case No. 270271	Dr. William A. Gibbons
Agenda Item No. 93	Case No. 270249	Dr. Wissam S. Ayoub
Agenda Item No. 94	Case No. 270251	Dr. Michael D. Margolis

Cases that are Recommended for Remand – Consent Agenda

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

Agenda Item No. 95	Case No. 270265	Dr. Jason R. Ballou
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Cases pulled that are Recommended for Termination/Lack of Jurisdiction – Consent Agenda

Agenda Item No. 100	Case No. T-07-056	Dr. John C. Graneto
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Upon MOTION by Ms. Zastrow, second by Dr. Waite the Board voted to TERMINATE for Lack of Jurisdiction the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Cases TERMINATED/LACK OF JURISDICTION:

Agenda Item No. 96	Case No. T-07-055	Dr. Stephen D. Brown
Agenda Item No. 97	Case No. T-07-052	Dr. David J. Bernath
Agenda Item No. 98**	Case No. T-07-053	Dr. Ronald J. Moon
Agenda Item No. 99	Case No. T-07-054	Dr. Douglas L. Campbell
Agenda Item No. 101	Case No. 270342	Dr. Ryan D. Cullinan
Agenda Item No. 102	Case No. 270252	Dr. Terry Berkley
Agenda Item No. 103	Case No. 270314	Dr. John D. Lee
Agenda Item No. 104	Case No. 270349	Dr. Joseph A. Santero
Agenda Item No. 105	Case No. 270373	Dr. Derrick J. Dickerson
Agenda Item No. 106	Case No. 270310	Dr. Piyush Hirpara
Agenda Item No. 107	Case No. T-07-057	Harmony Dental
Agenda Item No. 108	Case No. T-07-058	Dr. Paul F. Marischen
Agenda Item No. 109	Case No. T-07-059	Dr. Anthony DiSalvo, III

**** Agenda Item No. 98 Case No. T-07-053
Dr. Ronald J. Moon**

Complainant MG signed in, but was not present when this case was called. She returned later and Board staff explained that the case had already been adjudicated. MG stated that Dr. Moon placed temporary crowns with permanent cement. She suffered nerve damage when the temporaries were removed. MG returned the crowns to Dr. Moon and the work has not been completed. MG's complaint was based on quality of care.

Upon MOTION by Dr. Daniels, second by Ms. Zastrow the Board voted to VACATE its previous vote to Terminate for Lack of Jurisdiction. MOTION PASSED UNANIMOUSLY.

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

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

Agenda Item No. 110 Maryann Livingstone, RDH
Agenda Item No. 111 Dr. Stephen Samuel Baer

Upon MOTION by Ms. Zastrow, second by Dr. Altman 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. 112 Dr. Joseph R. Cohen – Alleged false statements and misrepresentation

Agenda Item No. 113 Dr. Lance P. Schneider – Alleged adverse occurrence following I.V. Sedation

Agenda Item No. 114 Dr. Nader M. Vafaie – Alleged inadequate endodontics and complications during or after treatment

Agenda Item No. 115 Dr. Mrinal Bhatt – As a result of case 260368 for alleged inadequate endodontics and over-diagnosis

Agenda Item No. 116 Smiles of Beauty – As a result of case 260368 for alleged failure to fully comply with a Board subpoena and irregular billing (received money for services not completed)

Agenda Item No. 117 Reel Dental – As a result of case 270225 for alleged fraud and misrepresentation

Agenda Item No. 118 Dr. Denham Bohart Crafton, II – As a result of case 270225 for alleged over-diagnosis and over-treatment

Agenda Item No. 119 Dr. Edward D. Barrelier – As a result of case 270181 for alleged inadequate denture

Agenda Item No. 120 Dental Village – As a result of case 270181 for alleged billing irregularities (charging a fee for services not rendered)

Agenda Item No. 121 Dr. Raymond A. Skinner – As a result of case 270276 for alleged failure to comply with a Board subpoena

Agenda Item No. 121A Dr. Scott P. Gunnell – Alleged failure to properly supervise staff, permitting illegal conduct, inadequate infection control and failure to follow OSHA and CDC guidelines

Agenda Item No. 121B Western Dental (Mesa) – Alleged failure to comply with a Board subpoena

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Agenda Item No. 100 **Case No. T-07-056**
Dr. John C. Graneto

Complainant TL was present. He stated that he was a patient of Doctors of Dentistry, Dr. Graneto's practice, for 12 years. He had been charged a \$39 fee for fluoride treatments for his son which he found out later, was paid for by AETNA insurance. He was being over-charged. He went to Dr. Graneto for a cleaning, but was refused treatment because he would not pay the \$39 fee. He was later discharged as a patient due to their deteriorating relationship. He felt that Dr. Graneto had unethical business practices.

The Board was sympathetic to TL's plight, but informed him that fee disputes and unethical office policies were not in the Board's jurisdiction. It would become the patient's option to go elsewhere for treatment.

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

Agenda Item No. 90 **Case No. 260409**
Dr. Micah D. Rolfe

Complainant VC was present.

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

**The Board directed staff to place Dr. Wang on the February agenda to open an investigation for alleged inadequate operative dentistry and complications during or after treatment.

**The Board directed staff to place Sunshine Dental on the February agenda to open an investigation for alleged failure to release records.

Agenda Item No. 85 **Case No. 270253**
Dr. H.L. Vander Hoek

Complainant BS and her husband GS were present. GS stated that he and his wife were patients of Dr. Vander Hoek for over 20 years. BS was seen every 3 to 4 months due to periodontal disease that caused extensive decay. After 2005, they began seeing Dr. Coggins because Dr. Vander Hoek sold his practice. When BS saw Dr. Coggins, he noted decay underneath her bridge due to a crack in the bridge. In response to the Board, GS stated that money was not an issue; therefore there was no reason for patchwork to be done on the bridge. BS is in the process of re-treatment at this point. The present dentist is Dr. Coggins and the implants were done by Dr. Bode.

The Board expressed concern with the limited content of the Investigative Interview (I.I.) report. It was generally felt that in order to be certain the report was comprehensive, another I.I. should be conducted.

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

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Agenda Item No. 86 **Case No. 270275**
Dr. Richard George Strub

Complainant DH was present.

The Board was concerned with the limited content of the Investigative Interview (I.I.) report. It was felt that in order to be certain the report was comprehensive, another I.I. should be conducted.

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

Agenda Item No. 111 **Dr. Stephen Samuel Baer**

The Board pulled this item from the Consent Agenda. It was determined that Dr. Baer was not in the same office location with Ms. Livingstone and was not her supervising dentist.

No action was taken.

Agenda Item No. 110 **Ms. Maryann Livingstone**

Upon MOTION by Dr. Altman, second by Dr. Waite the Board voted to OPEN AN INVESTIGATION against Ms. Livingstone for alleged misleading advertising. Dr. Daniels and Ms. Zastrow RECUSED. MOTION PASSED.

Agenda Item No. 83 **Case No. 270134**
Dr. David M. Fox

Upon MOTION by Dr. Waite and duly seconded the Board voted to DISMISS for Lack of Supporting Evidence. 2 Board members OPPOSED. MOTION PASSED.

Agenda Item No. 81 **Case No. 270254**
Dr. Brian D. Griffiths

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

**The Board directed staff to place Bright Now Dental on the February Agenda to open an investigation for alleged failure to comply with a Board subpoena.

Agenda Item No. 122 – Members of the Public

None

Agenda Item No. 123 – Associations

None

Agenda Item No. 124 – Future Agenda Items

None

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Agenda Item No. 125 – Next Meeting Date

January 4, 2008 and February 1, 2008

Agenda Item No. 126 – Adjournment

Dr. Altman adjourned the meeting at 4:40 PM.

Minutes APPROVED at the February 1, 2008 Board Meeting

Kevin B. Earle, Executive Director