



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING February 6, 2015

Board Members Present:

Michael R. Hauer, DDS, President
Robert H. Foster, DDS, Vice President
Ms. Carole A. Crevier
Mr. Charles E. Jackson
Howard Sorensen, DDS
Robert B. Taylor, DDS
Marilyn J. McClain, RDH
Mr. Joshua Greer

Board Members Absent:

Heather N. Hardy, RDH
Darren L. Flowers, DMD
Gregory A. Waite, DDS

Staff Present:

Ms. Elaine Hugunin, Executive Director
Ms. Nancy Chambers, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Ms. Terry Bialostosky, Investigations Supervisor
Ms. Sherrie Biggs, Licensure Manager
Ms. Yubeka Riddick, Legal Administrator

NOTICE:

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

GENERAL BUSINESS

Agenda Item No. 1 CALL TO ORDER, INTRODUCTIONS AND ANNOUNCEMENTS

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

For the record, Dr. Waite, Dr. Flowers and Ms. Hardy are absent for today's meeting. Also for the record, additional information is in The Board folders for agenda items 4Bi, 4Bii, 4Cie, 4Cif, 4I, 17C, 19D and 23C.

Agenda Item No. 3 PRESIDENT'S REPORT

A. VACANT

Agenda Item No. 4 Executive Director's Report

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A. Summary of current events that affect the Arizona State Board of Dental Examiners

No current events reported

B. Arizona Administrative Code (ACC)

Although there is a rules moratorium, Board Staff is asking the Board to approve the final rulemaking notice for fees and one for continuing education. Board staff will be making a request for an exemption from the Executive Order placing a moratorium for rules.

i. Review, discussion and possible action regarding Notice of Final Rule Making – Title 4, Chapter 11, Article 4 Fees

Upon MOTION by Ms. Crevier, second by Ms. McClain, the Board voted to APPROVE the final rulemaking Title 4, Chapter 11, Article 4 Fees. MOTION PASSED UNANIMOUSLY

ii. Review, discussion and possible action regarding Notice of Final Rule Making – Title 4, Chapter 11, Article 12 Continuing Education Rules

Upon MOTION by Ms. Crevier, second by Dr. Foster, the Board voted to APPROVE the final rule making Title 4, Chapter 11, Article 12 Continuing Education. MOTION PASSED UNANIMOUSLY

C. Current Proposed Legislation – Review and discussion regarding current proposed legislation for the 2015 session:

i. Proposed Legislation

- a) HB 2034 – Repealing Section 41-3015.03, Arizona Revised Statutes; Amending Title 41, Chapter 27, Article 2, Arizona Revised Statutes, by adding section 41-3025.03; Relating to the State Board of Dental Examiners.

This is the Board's continuation bill. It has passed through the Caucus; however, the Legislature may or may not approve a 10 year versus an 8 year continuation. This is not isolated to the Dental Board, but all agencies going through a performance audit by the Auditor General's office.

- b) HB 2297 – Amending Title 41, Chapter 6, Article 3, Arizona Revised Statutes, by Adding Section 41-1038; Relating to State Agency Rulemaking

This bill is regarding restricting agencies from developing new rules that would increase existing regulatory restraints or burdens.

- c) HB 2496 – Amending Sections 32-1201, 32-1207, 32-1232, 32-1236, 32-1240, 32-1263.01, 32-1264, 32-1284, 32-1287, 32-1292.01, 32-1297.01, 32-1297.06 and 32-1299, Arizona Revised Statutes; Relating to the State Board of Dental Examiners

This is the Dental Board's omnibus bill which the Board has previously seen in a different format. It is moving forward.

- d) VACANT

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- e) SB 1370 – controlled substances prescription monitoring program – Amending Title 32, Article 1, Arizona Revised Statutes by adding section 32-3219; amending sections 36-2601, 36-2604 and 36-2606, Arizona Revised Statutes; repealing section 36-2611, Arizona Revised Statutes; relating to the controlled substances prescription monitoring program.

This bill relates to the Pharmacy Board's Controlled Substance Monitoring Program. Dir. Hugunin has attended one meeting. Although the intent of the bill is good, which is to ensure all health care professionals with a DEA are registered with the pharmacy board's program, it places an unusual burden on the respective regulatory boards. Board staff believes this may be deferred until the logistics of implementation have been discussed.

- f) SB 1282 – Teledentistry; dental hygienists; dental assistant – Amending Title 20, Chapter 4, Article 3, Arizona Revised Statutes by adding section 20-848; Amending Title 20, Chapter 4, Article 9, Arizona Revised Statutes, by adding section 20-1057.15; Amending Title 20, Chapter 6, Article 4, Arizona Revised Statutes, by adding section 20-1376.07; Amending Title 20, Chapter 6, Article 5, Arizona Revised Statutes, by adding section 20-1406.07; Amending Section 32-1201, Arizona Revised Statutes; Amending Title 32, Chapter 11, Article 1, Arizona Revised Statutes, by adding section 32-1201.01; Amending sections 32-1263; 32-1281 and 32-1289, Arizona Revised Statutes; Amending Title 32, Chapter 11, Article 4, Arizona Revised Statutes, by adding sections 32-1289.01 and 32-1291.01; Amending Title 36, Arizona Revised Statutes, by adding chapter 36.1; relating to dental services.

This is the Dental Association's bill which makes changes to the affiliated practice, adds a teledentistry provision which is not within the Dental Practice Act and adds the Board's responsibility to regulate Extended Function Dental Assistants.

- D. Dr. Jack I. Lipton – Case No. 201300103: Review, discussion and possible action regarding proposed consent agreement

Ms. Karvis, attorney for Dr. Lipton, was present to address the Board and present a proposed consent agreement.

Ms. Karvis stated that she believes a lot of the confusion regarding the treatment and care of this patient resulted primarily from a lack of records from Dr. Lipton's former employer as they were the custodian of records. When the records were produced to the Board, they were missing documentation, x-rays, as well as significant pieces of information. Due to this, the care that Dr. Lipton provided to the patient was not accurately portrayed. Dr. Lipton was never given the opportunity to address this patient's concerns as Dr. Lipton had ended his relationship with his employer when the patient returned with issues. DDL Dental did not inform Dr. Lipton that the patient had returned with issues. Additionally, the patient received a refund from DDL Dental; however, the total amount was never disclosed to Dr. Lipton. Ms. Karvis' understanding is that the patient was seeking additional compensation from Dr. Lipton. It was undetermined if the amount received from DDL Dental adequately compensated the patient. Dr. Lipton was given an opportunity to enter into a consent agreement that provided for disciplinary continuing education. Ms. Karvis proposed an alternative consent agreement with the same number of continuing education hours recommended, but requested that the consent agreement be non-disciplinary.

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Ms. Williams, attorney for the State, was present to address the Board. Dr. Lipton chose to go to a formal hearing for this case. Ms. Karvis is correct in that a consent agreement for disciplinary action, finding a violation of 32-1201 (n) and 6 hours of continuing education in record keeping and documentation and 6 hours in the area of implant placement was offered. Ms. Williams' still stands by that offer. This needed to come before the Board because Dr. Lipton wanted to propose a non-disciplinary agreement.

If the Board wishes to take Dr. Lipton's offer, it can do so. If the Board wants to offer disciplinary, the Board can do so. Otherwise the matter is scheduled to go to a formal hearing.

In order to go into executive session for legal advice, the Board would have to get someone from the Attorney General's Office via telephone.

The case was not on the agenda for the Board to propose a settlement offer.

The Board decided to table this agenda item for 30 minutes.

Tabled for 30 minutes

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to go into Executive Session for legal advice. MOTION PASSED UNANIMOUSLY.

Executive Session

****RETURN TO OPEN SESSION****

The Board will allow this to go forward to the Office of Administrative Hearings.

E. Board Member Training – Dr. Michel Sucher

Dr. Michel Sucher provided Board Member Training regarding substance abuse.

F. Review, discussion and possible action to approve continuing education course provided by CNA for 3 hours of Ethics as required in R4-11-1203(6).

Board staff is requesting the Board consider making a determination as to whether or not the CNA Continuing Education (CE) course qualifies for 3 hours of Ethics CE. Additional information was provided to the Board to assist in making this determination.

Dr. Sorensen MOVED to approve the continuing Education course provided by CNA for 3 hours of Ethics as required in R4-11-1203(6), second by Dr. Taylor. MOTION PASSED UNANIMOUSLY

G. Dr. Rosalyn D. Keith – Case nos. 201400156 and 201400233 – Review, discussion and possible action to dismiss without prejudice case nos. 201400156 and 201400233.

As the memo reflects, Dr. Keith's license is revoked. If Dr. Keith's license is reinstated, the cases will be reopened for investigation.

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to go into Executive Session for legal advice. MOTION PASSED UNANIMOUSLY.

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Executive Session

****RETURN TO OPEN SESSION****

Dr. Sorensen MOVED that case nos. 201400156 and 201400233 be dismissed without prejudice, second by Dr. Taylor. MOTION PASSED UNANIMOUSLY

H. Auditor General Initial Follow up Report – For information only

Board staff has submitted its six-month follow up to the Auditor General as a result of their performance audit recommendations. The majority have been implemented with the exception of those requiring statute or rule changes.

I. Review and discussion regarding the Executive Director Complaint Terminations. Pursuant to A.R.S. § 32-1263.03(C), the Executive Director has provided a list of each complaint terminated under A.R.S. § 32-1263.03(A) to the Board. The list of complaints is confidential pursuant to A.R.S. § 32-1207(A)(3). The Board may vote to go into Executive Session on this agenda item, pursuant to A.R.S. § 38-431.03(A)(2), to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law.

No discussion. The list of each complaint terminated was in the additional information as stated under Agenda Item 1.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant KG was present and spoke about case no. 201400156 (Agenda Item 4G).
Complainant CN was present and spoke about case no. 201400218 (Agenda Item 16B).
Complainant FC was present and spoke about case no. 201400242 (Agenda Item 16F).
Complainant SS was present and spoke about case no. 201400240 (Agenda Item 17B).
Complainant VK was present and spoke about case no. 201400241 (Agenda Item 17C).
Complainant HAS was present and spoke about case no. 201400261 (Agenda Item 17F).
Complainant LG was present and spoke about case no. 201400206-ED (Agenda Item 23B).
Complainant LID was present and spoke about case no. 201400215-ED (Agenda Item 23C).
Complainant LF was present and spoke about case no. 201400243-ED (Agenda Item 23E).

Agenda Item No. 9 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

A. Dr. Kevin James Kwiecien – Board approved exam, allegedly practicing dentistry in Arizona without a license.

This was tabled from the December Board meeting. Dr. Kwiecien was present to answer questions from the Board.

The Board asked if Dr. Kwiecien had a conversation with Board staff as it relates to timeframes. Dr. Kwiecien stated that he had both an email and telephone conversation with Board staff. Dr. Kwiecien called on the day of the Board meeting to confirm that the meeting was being held at 8:00 pm and that he should be here at 7:30 pm. There is a question as to whether the time was correct. Dr. Kwiecien stated that he calendared the meeting for 8:00 pm and that during the conversation on December 5, 2014, he was told that the meeting had already ended.

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The Board asked Dr. Kwiecien to describe the situation with the patient as it related to practicing dentistry prior to receiving an Arizona license.

The patient was an employee of The Winter Lab who had recently had some dentistry work done. One morning while talking to Dr. Kwiecien and Dr. Gary DeWitt, she stated she was experiencing a lot of pain after having had crowns placed. Dr. DeWitt did an examination in the clinic and noted the muscle pain and issues she was having. Dr. Kwiecien was present during the examination. Dr. DeWitt diagnosed that maybe a splint would be appropriate to see if the pain could be relieved. Dr. DeWitt and Dr. Kwiecien decided that Dr. Kwiecien could take the impressions, as a dental assistant would, due to Dr. Kwiecien not being licensed. Dr. Kwiecien stated he took impressions, fabricated an appliance, inserted, and adjusted it.

The rationale behind it was to document step-by-step a different way to make an appliance which is something that is taught at Spear Education. There was no irreversible damage done. It was a completely removable appliance that a dental assistant can adjust. Dr. Kwiecien stated he was not practicing dentistry without a license nor did he diagnose. The diagnosis came from Dr. DeWitt. Dr. Kwiecien stated he never touched her teeth while fitting her for the appliance.

The patient noted that she owed Dr. Kwiecien some money. Dr. Kwiecien said that the patient wanted to pay him for inserting the appliance. However, he did not take the money, nor would he ever take it. He thought that it was nice that the patient wanted to pay him something for his time. Dr. Kwiecien submitted paperwork for licensing in Arizona when this incident occurred. It was complete and submitted in September of 2014.

Board staff was unable to obtain financial records for the patient.

Upon MOTION by Dr. Sorensen, second by Ms. McClain, the Board voted to GRANT licensure to Dr. Kwiecien. Dr. Foster and Dr. Taylor OPPOSED. MOTION PASSED.

- B. Dr. Edward Martin Reifman – 1978 California State Exam prior to a regional.

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to GRANT licensure to Dr. Reifman. MOTION PASSED UNANIMOUSLY.

- C. Dr. Russell Leon Harrison – 1966 Missouri State Exam prior to a regional.

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to GRANT licensure to Dr. Harrison. MOTION PASSED UNANIMOUSLY.

- D. Dr. Charles Zanders, III – 1984 California State Exam prior to a regional

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to GRANT licensure to Dr. Zanders. MOTION PASSED UNANIMOUSLY.

- E. Marjorie Sue Rankin, RDH – 1988 Washington State Exam prior to a regional

Ms. Rankin was present to answer any questions by the Board.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure to Ms. Rankin. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 7 COMMITTEE REPORTS

A. Rules Review Committee – Dr. Michael Hauer

- i. Arizona Administrative Code (AAC) Title 4, Chapter 11, Articles 2, 3, and 8.

Review, discussion and possible action regarding the Rules Review Committee's recommended proposed revisions to AAC Title 4, Chapter 11, Article 2 Clinical Examinations; Requirements, Article 3 Examinations, Licensing Qualifications, Application and Renewal, Time-Frames and Article 8 Denturists

The Board was provided a cover memo as well as the actual proposed rules with the suggested changes from the Rules Review Committee. One of the significant changes is when an applicant has taken an exam that is not approved by the Board; the applicant then must obtain an exam comparison. Since 2003 when license by credential has been in existence, the Board has not denied licensure based upon that report. It is difficult to compare an exam from 1978 to the current WREB exam. Another proposed revision is adding verifying a third party transcript provider. The Board previously discussed this and indicated that it was something worth pursuing. A significant change would be adding healthcare provider CPR for applicants which would mirror what renewal applicants must complete. More and more states are starting to send the verifications electronically; Board staff would be provided a password to retrieve the verification.

The Board may consider changing the time frame rules for anesthesia and sedation permit evaluations. When someone is in a rural area applying for a sedation or anesthesia permit, it can be very difficult to get an evaluator out there as they are volunteers and it takes a significant amount of time. Some of the evaluators do fly, so there is a great expense. Since it is difficult to get the evaluator out there, it is difficult to submit the report within the timeframe rules. The committee recommends lengthening the time frame. However, part of the Governor's Executive Order 2015-01, suggests time frames be reduced. Board staff does not think it is prudent to currently ask for more time on a time frame rule. According to the current rule, the evaluation has to be completed within 120 days from the date of a completed initial application.

Ms. Crevier MOVED to ACCEPT the committees proposed revisions to AAC Title 4, Chapter 11, Article 2 Clinical Examinations; Requirements, Article 3 Examinations, Licensing Qualifications, Application and Renewal, Time-Frames and Article 8 Denturists with the exception of increase of time frames for rural areas sedation permits. Mr. Greer second. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 10 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL
Clinical Examination taken more than five years ago**

A. VACANT

**Agenda Item No. 5 ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION &
POSSIBLE ACTION**

A. Administrative Appeals

- i. Dr. Jack I. Lipton v. ASBDE (Cases No. 201000254 & 201100259) (Maricopa County Superior Court Case LC2011 000713) – Status Update

There is still a pending appeal in the Courts from Dr. Lipton. The Board is currently awaiting a decision from the court.

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- ii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Status Update

This case has been briefed and is before the Court of Appeals. The Board is awaiting a decision from the court.

- ii. Dr. Michael Wassef v. ASBDE (Case No. 201400061) (Maricopa County Superior Court Case LC2014-000547-001) – Status update

Dr. Wassef has a pending appeal in Superior Court. He has asked for a stay, but the court has not ruled on it.

- iii. Dr. Rosalyn D. Keith v. ASBDE (Case No. 201300291/201400004) (Maricopa County Superior Court Case LC2015-000017-001) – Status update

Dr. Keith filed a judicial review action on January 16, 2015. It is in the very early stages.

Agenda Item No. 13 ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201400147
Dr. Ian Ikhyun Cho**

The Board has to vote on the proposed Board Order for Dr. Cho from the December 5, 2014 Formal Interview.

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to ACCEPT the proposed Board Order from the formal interview held at the December 5, 2014 Board Meeting. Dr. Taylor, Ms. Crevier, Mr. Jackson, Ms. McClain, Dr. Foster, Dr. Hauer OPPOSED. MOTION FAILED.

The Board voted on what the final outcome should be at the formal interview. If that is not what the Board wants, it will have to vacate the previous vote and do a formal interview with the Office of Administrative Hearings. The Board Order was brought to the Board to review the proposed agreement as a result of the Board's motion from the December meeting. The Board always reviews a proposed Board Order before it is sent out.

A new motion is now needed as the last motion to accept the proposed agreement failed.

If the last vote is vacated, the case can be tabled until the next meeting.

Upon Motion by Dr. Hauer, second by Dr. Sorensen, the Board voted to VACATE the last vote to not approve the Board Order. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to TABLE case no. 201400147 until the next regularly scheduled board meeting. Dr. Taylor, Mr. Jackson, Mr. Greer, Ms. McClain, Dr. Sorensen, Dr. Foster, Dr. Hauer OPPOSED. MOTION FAILED

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to APPROVE the proposed Board Order from the December 5, 2014 Formal Interview. Dr. Taylor, Ms. Crevier, Dr. Foster, and Dr. Hauer OPPOSED. MOTION FAILED.

Upon MOTION by Ms. Crevier, second by Mr. Greer the Board voted to TABLE case no. 201400147 until the April 10th Board Meeting. Dr. Sorensen OPPOSED. MOTION PASSED.

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**Agenda Item No. 13B Case No. 201400200-MP
Dr. Yakov S. Khaydatov**

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to APPROVE the proposed non-disciplinary consent agreement as a result of the December 5, 2014 Board Meeting. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 14 PETITION TO REHEAR

Agenda Item No. 14A Vacant

CONSENT AGENDA

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

Cases pulled from the Consent Agenda:

Agenda Item No. 16B Case No. 201400218	Dr. Robert O. Caseldine
Agenda Item No. 17C Case No. 201400241	Dr. Glen E. Doyon
Agenda Item No. 17E Case No. 201400260	Dr. John A. Patterson
Agenda Item No. 17F Case No. 201400261	Dr. John Scott Coleman

Cases ADJUDICATED:

Agenda Item No. 15 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS

Item No.	Case No.	Licensee	Action
A.	Vacant		

Agenda Item No. 16 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS – CONSENT AGENDA

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to IMPOSE the Non-Disciplinary Continuing Education Consent Agreements on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201400208	Dr. Tzuyu Meng	6 hours in the area of crown and bridge and 6 hours in the area of record keeping
C.	201400225	Dr. Kathleen Ann Conderato	6 hours in the area of crown and bridge
D.	201400228	Dr. Morteza Zamani	6 hours in the area of crown and bridge
E.	201400234	Dr. Saeid Badie	3 hours of record keeping
F.	201400242	Dr. Sepideh Malekpour	3 hours in the area of crown and bridge

Agenda Item No. 17 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA

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Upon a MOTION by Mr. Greer, second by Ms. McClain, the Board voted to ISSUE a Letter of Concern for the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201400223	Dr. Christopher A. Lienau	Issue a Letter of Concern stating: "Dr. Lienau should ensure patient records are complete, concise and understandable to any dentist."
B.	201400240	Dr. Randall S. Ruminson	Issue a Letter of Concern stating: "Dr. Ruminson should complete periodontal charting prior to treatment and thoroughly document all discussion with the patient concerning treatment options."
D.	201400257	Dr. Burke D. Frei	Issue a Letter of Concern stating: "Dr. Frei should verify the cement is completely removed from all restorations and ensure follow-up x-rays are diagnostic."
G.	201400262-MP	Dr. Paul W. Sharbo	Issue a Letter of Concern stating: "Dr. Sharbo should have more complete documentation of informed consent for surgical extractions."

**Agenda Item No. 17.1 – CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION
AUDIT ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA**

Upon a MOTION by Mr. Greer, second by Dr. Foster, the Board voted to APPROVE the Continuing Education Audit and ISSUE a Letter of Concern for the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
H.	201400278	Ms. Tina M. Jerome, RDH	Issue a Letter of Concern stating: "Ms. Jerome should ensure she is knowledgeable regarding the continuing education requirements."
I.	201400283	Ms. Erin C. Konyyn, RDH	Issue a Letter of Concern stating: "Ms. Konyyn should ensure she complies with continuing education requirements."
J.	201400288	Dr. Prabidhi Adhikari	Issue a Letter of Concern stating: "Dr. Adhikari should be aware of the continuing education renewal requirements."
K.	201400289	Dr. Martha L. Duchon	Issue a Letter of Concern stating: "Dr. Duchon should timely respond to the Board's continuing education audit."
L.	201400290	Dr. Yuriy Nektalov	Issue a Letter of Concern stating: "Dr. Nektalov should be aware of the dental continuing education renewal timeframe requirements."
M.	201400291	Dr. David E. Spring	Issue a Letter of Concern stating: "Dr. Spring should timely respond to the Board's continuing education audit."

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Item No.	Case No.	Licensee	Comments
N.	201400295	Dr. Gerald Paik	Issue a Letter of Concern stating: "Dr. Paik should submit the appropriate documentation to the Board for continuing education renewal requirements."
O.	201400296	Dr. Michael J. Gengle	Issue a Letter of Concern stating: "Dr. Gengle should be aware of the definition of "Recognized Continuing Dental Education."

Agenda Item No. 18 – CASES RECOMMENDED FOR TERMINATION – CONSENT AGENDA

Upon a MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to TERMINATE the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201400238	Dr. Keith David Johnson	Terminate – per patient letter
B.	201400246	Dr. Vincent Arthur Martinez	Terminate – per patient letter

Agenda Item No. 19 – CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION AUDIT AND DISMISSAL – CONSENT AGENDA

Upon a MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to APPROVE the Continuing Education Audit and DIMISS the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
A.	201400279	Ms. Kara Boone, RDH	Continuing Education Renewal
B.	201400282	Ms. Sarah D. Tolman, RDH	Continuing Education Renewal
C.	201400286	Ms. Judith A. Berry, RDH	Continuing Education Renewal
D.	201400293	Dr. Laura P. Robison	Continuing Education Renewal
E.	201400297	Dr. Peter M. Dellios	Continuing Education Renewal
F.	201400298	Dr. Richard Brian Higgs	Continuing Education Renewal
G.	201400299	Dr. Devin T. Matsumori	Continuing Education Renewal

Agenda Item No. 20 – MALPRACTICE, ADVERSE OCCURANCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE – CONSENT AGENDA

Upon a MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to ACCEPT the recommendation to take no action on the following cases. MOTION PASSED UNANIMOUSLY

Agenda Item No. 20A

Dr. Raymond A. Skinner
Malpractice report. Took no action.

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Agenda Item No. 20B

Dr. David P. Terlizzi
Malpractice Report. Took no action

Agenda Item No. 20C

Dr. Michael G. Allard
Malpractice Report. Took no action

Agenda Item No. 20D

Dr. Sid S. Stevens
Malpractice Report. Took no action

Agenda Item No. 20E

Dr. Therese A. Murphy
Malpractice Report. Took no action

Agenda Item No. 20F

Dr. Kimberly J. Fulton
Adverse Occurrence. Took no action

Agenda Item No. 21 – APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to APPROVE the following Consultants and Examiners

- A. Ms. Ellen L. Gohlke, RDH – Dental Hygiene Consultant
- B. Dr. Tannaz Z. Malekzadeh – Periodontist Consultant
- C. Dr. Sonia Kumar – Anesthesia Consultant
- D. Dr. Nagesh H. Gidwani – Dental Consultant

Agenda Item No. 22 – APPROVAL OF MINUTES – CONSENT AGENDA

Upon a MOTION by Dr. Taylor, second by Mr. Jackson, the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

- Agenda Item No. 22A** **December 5, 2014 – Board Meeting Minutes**
- Agenda Item No. 22B** **December 5, 2014 – Executive Session Meeting Minutes for Agenda Item 9B**
- Agenda Item No. 22C** **December 5, 2014 – Executive Session Meeting Minutes for Agenda Item 6**

END OF CONSENT AGENDA

Agenda Item No. 17C **Case No. 201400241**
Dr. Glen E. Doyon

This case was pulled by a Board member and the public.

Dr. Doyon was present to address the Board.

In the Board's investigation of the complaint filed, there were two areas of documentation that were of concern; one of them is the documentation of a rubber dam. It's pretty clear from the record that a rubber dam was used. A rubber dam clamp does not show on a length or claim fit radiographic. In the records that were submitted, you will find radiographs show a rubber dam clamp which implies that a rubber dam was used and it's on the dates that are in question according to Dr. Doyon.

The other issue in the letter of concern is that Dr. Doyon's records should be able to be read by any dentist and he thinks the records are complete and thorough and available.

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One board member stated that the case should be dismissed. It appears to be a technical issue with the software program that Dr. Doyon used.

Upon MOTION by Dr. Hauer, second by Ms. McClain, the Board voted to DISMISS case 201400241 against Dr. Doyon. Ms. Crevier, Mr. Jackson, Mr. Greer OPPOSED. Dr. Sorensen RECUSED. MOTION PASSED

**Agenda Item No. 16B Case No. 201400218
 Dr. Robert O. Caseldine**

This case was pulled by a member of the Board

The first IRR had one allegation. It was amended and two allegations were added. The original allegation is added upon receipt of the complaint. As the case is investigated further, i.e. looking at records, the investigator identifies things in the records that may need to be added. An amended IRR will then be sent to the doctor with the additional allegations.

Upon MOTION by Dr. Sorensen, second by Ms. Crevier, the Board voted to MODIFY the non-disciplinary consent agreement by adding four hours of risk management. If Dr. Caseldine refuses to accept, he will be invited for a formal interview.

In the records, the outside consultant couldn't determine whether he actually did sedation. Dr. Caseldine gave the patient a prescription for eight triazolam and told him to take them before he came in and to bring the rest with him. There is no other documentation. So the outside consultant couldn't really determine what appears to be sedation, but risk management would be appropriate.

One board member commented that this appears to be a disciplinary issue.

Dr. Sorensen and Ms. Crevier withdraw the motion.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to REOFFER Dr. Caseldine a disciplinary consent agreement with six hours of continuing education in the area of traditional implants, three hours in the area of recordkeeping, and four hours of risk management. If he doesn't accept, he will be invited for a formal interview. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17E Case No. 201400260
 Dr. John A. Patterson**

This case was pulled by a member of the Board.

Dr. Patterson injected Botox on individuals who were not patients of record. The Board discussed the appropriate level of non-discipline. It appears that this was a failed business venture. The doctor now understands that injecting Botox into someone who is not a patient of record is not allowed. It was unethical.

Upon MOTION by Dr. Hauer, second by Dr. Sorensen, the Board voted to OFFER Dr. Patterson a non-disciplinary consent agreement for four hours in ethics and if he doesn't accept, to invite him to a formal interview before the Board. Mr. Greer OPPOSED. MOTION PASSED.

**Agenda Item No. 17F Case No. 201400261
 Dr. John Scott Coleman**

This case was pulled by a member of the Board.

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A board member stated this case appears to be more serious than a letter of concern. He believed should be raised to disciplinary continuing education with six hours in treatment planning of implant supported over-dentures and a reimbursement of fees. Dr. Coleman had a duty to tell the surgeon where to place the implants and how many to place. When Dr. Coleman got to the dentures, he could have informed the patient that it wasn't working out a lot earlier. A referral to the surgeon was not found in the records. There should have been open communication between Dr. Coleman and the surgeon. The surgeon received non-discipline; however, each case has to be evaluated on its own merit.

Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to OFFER Dr. Coleman a disciplinary consent agreement for six hours in treatment planning of implant supported over-denture and restitution to the patient. If it is not accepted, he will be invited for a formal interview. Dr. Sorensen OPPOSED. MOTION PASSED.

Agenda Item 23 REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

Agenda Item No. 23A Case No. 201400195-ED Dr. Mark J. Castle

Upon MOTION by Dr. Foster, second by Dr. Sorensen, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 23B Case No. 201400206-ED Dr. Keith A. Holm

Upon MOTION by Dr. Sorensen, second by Dr. Hauer, the Board voted APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

The patient or patient's husband stated that the Board did not look at the dentures. You would need to try the dentures in the mouth to see how they fit.

Agenda Item No. 23C Case No. 201400215-ED Dr. Jack I. Lipton

Upon MOTION by Dr. Taylor, second by Dr. Hauer, the Board voted to APPROVE the Executive Director Termination. Mr. Greer OPPOSED. MOTION PASSED.

The patient went four years without any treatment. There are a lot of variable that apply as to whether this merits another look.

Agenda Item No. 23D Case No. 201400224-ED Dr. Matthew A. DeFelice

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 23E Case No. 201400243-ED Dr. Sepideh Malekpour

Dr. Malekpour's attorney was present to answer any questions. The patient stated they didn't have the records. Dr. Malekpour's attorney stated that the patient's records have been provided and if not, Dr. Malekpour will provide them.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

FORMAL INTERVIEW

Agenda Item No. 24A VACANT

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Agenda Item No. 12 REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE

A. VACANT

Agenda Item No. 6 PERSONNEL ISSUES

A. VACANT

Agenda Item No. 8 REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

A. VACANT

**Agenda Item No. 11 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL
Clinical Examination taken less than five years ago**

A. VACANT

Agenda Item No. 25 – Members of the Public

Agenda Item No. 26 – Future Agenda Items

Agenda Item No. 27 – Next Meeting Date – April 10, 2015

Agenda Item No. 28 – Adjournment

Upon MOTION by Dr. Foster and dually seconded, the Board voted to ADJOURN the Board meeting.
MOTION PASSED UNANIMOUSLY.

Dr. Hauer adjourned the meeting at 11:23AM.

Minutes APPROVED at the April 10, 2015 Board Meeting.

Elaine Hugunin, Executive Director