



ARIZONA STATE BOARD OF DENTAL EXAMINERS

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

Telephone (602) 242-1492 • Fax (602) 242-1445

www.dentalboard.az.gov

MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING April 10, 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
Heather N. Hardy, RDH
Gregory A. Waite, DDS

Board Members Absent:

Darren L. Flowers, DMD

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. Flowers is absent for today's meeting. Additional information was provided in the Board folders for agenda items 4B, 4F, 4H, 24G, and 27A.

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. Review, discussion and possible action on Five-year Review Report for Arizona Administrative Code Title 4, Chapter 11, Articles 11, 12, 14, 15 and 18.

The Board received the five year review report. It covers Articles 11, 12, 14, 15 and 18. As reflected in the report, R411-1405 will need to be opened to amend this section to comply with federal regulations.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to APPROVE the Five-year Review Report for Arizona Administrative Code Title 4, Chapter 11, Articles 11, 12, 14, 15, and 18. MOTION PASSED UNANIMOUSLY.

- C. Review, discussion and approval for the Executive Director to attend CLEAR Basic National Certified Investigator/Inspector Training (NCIT) program in Boston, Massachusetts, September 14-16, 2015

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the Executive Director to attend CLEAR Basic National Certified Investigator/Inspector Training program in Boston, Massachusetts, September 14-16, 2015. MOTION PASSED UNANIMOUSLY.

- D. Dr. Wade A. Mendenhall – Case no. 201400012 – Review, discussion, and possible action to accept the voluntary surrender of Dr. Mendenhall's dental license.

Upon MOTION by Dr. Taylor, second by Dr. Foster, the Board voted to ACCEPT the voluntary surrender of Dr. Mendenhall's dental license. MOTION PASSED UNANIMOUSLY.

- E. Tiffany N. Georgia, RDH – Case No. 201400280 – Review, discussion, and possible action to accept the voluntary surrender of Ms. Georgia's dental hygiene license.

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to ACCEPT the voluntary surrender of Ms. Georgia's dental hygiene license. MOTION PASSED UNANIMOUSLY.

- F. Board Training – Catherine Keyes, Affiliated Monitors, Inc.

Ms. Catherine Keyes of Affiliated Monitors, Inc. provided training for the Board.

- G. Legislative Update

- 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. The Board is continued for an additional eight years.

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

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This bill prohibits an agency from adopting any new rule that would increase existing regulatory restraints or burdens on the free exercise of property rights or the freedom to engage in an otherwise lawful business or occupation unless the rule is part of an effort to reduce regulatory burdens or is strictly ministerial in implementing legislative standards.

Ms. Williams is working on an interpretation of how this relates to the Governor's Executive Order for the rule making moratorium.

- 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 included the provision for criminal background checks, specifies that licensees shall incur the costs for board ordered evaluations and cleans up some language within the statutes including the elimination of the word "final" in ARS 32-1201.21(v). Subsequent to the introduction of the bill at the capitol, the bill was amended which added two items. The Board is now required to place all non-disciplinary actions on the board's website. Senator Barto has stated she will be running legislation next year to require all regulatory boards to do so. The second item is requiring the Board to place its audio recordings of Board meetings on the website.

- d) 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 requires certain healthcare regulatory boards to provide to the Pharmacy Board on a monthly basis the names of licenses and "any information necessary" to register and provide access to the medical practitioner. The Board will have to communicate to the licensees it is their responsibility to register with the Controlled Substance Monitoring Program. Unfortunately, this will require a significant amount of staff time and most likely a cost to the Board because of the database changes. Board staff has been informed that the necessary information, which has not yet been defined, will be provided.

- e) 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.

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This was the Dental Association's bill. This bill provides for Extended Dental Function Assistants, addresses changes in the affiliated practice hygienists and provides that dental hygienists or dental assistants can now apply sealants. There are other bills that passed which will require Board staff time and cost. The effective date is July 3, 2015.

- H. 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 WH was present and spoke about case no. 201400210-ED (Agenda Item 24A).
Complainant PL was present and spoke about case no. 201400314-ED (Agenda Item 24G).
Complainant AP was present and spoke about case no. 201500001-ED (Agenda Item 24H).
Complainant RB was present and spoke about case no. 201400227 (Agenda Item 26A).
Complainant PKP was present and spoke about case no. 201400265 (Agenda Item 26B).

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

- A. Dr. Paul Vernon Bahlinger – 1981 Texas State Exam prior to a regional

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Bahlinger. MOTION PASSED UNANIMOUSLY.
- B. Dr. Wayne Bryan Bishop – 1982 Texas State Exam prior to a regional.

Dr. Bishop was present to answer any questions from the Board.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Bishop. MOTION PASSED UNANIMOUSLY.
- C. Dr. William Rudy Izzard – 1984 Texas State Exam prior to a regional

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Izzard. MOTION PASSED UNANIMOUSLY.
- D. Dr. Samantha Callahan – 1991 North Carolina Exam prior to a regional

Dr. Callahan was present to answer any questions from the Board.

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Callahan. MOTION PASSED UNANIMOUSLY.
- E. JoAnne Bertha Marquis, RDH – 1981 Washington State Exam prior to a regional

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Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to GRANT licensure to Ms. Marquis. Ms. Hardy RECUSED. MOTION PASSED.

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

The Board's orders in both cases were affirmed by the Court of Appeals. The orders are now final and enforceable.

- 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.

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

Dr. Wassef's case is at the beginning stages of Superior Court.

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

Dr. Keith's case is at the beginning stages of Superior Court.

Agenda Item No. 6 PERSONNEL ISSUES

- A. VACANT

Agenda Item No. 7 COMMITTEE REPORTS

- A. VACANT

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

- A. VACANT

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

- A. Dr. Thomas Joseph Gale – 1994 SRTA Dental Exam

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

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

- A. VACANT

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**Agenda Item No. 12 REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE
A. 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. 16A Case No. 201400244-MP Dr. Christopher J. Erskine
Agenda Item No. 17A Case No. 201400259 Dr. Kyle Huish
Agenda Item No. 18B Case No. 201400280 Suzanne J. Grieshaber, RDH**

Cases ADJUDICATED:

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

Upon MOTION by Dr. Foster, second by Ms. Hardy, the Board voted to IMPOSE the Disciplinary Continuing Education Consent Agreement on the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201400248	Dr. Jerome C. Cutler	

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

Upon MOTION by Dr. Foster, second by Ms. Hardy, 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
B.	201400270	Dr. Bradley X. DeMark	6 hours in the area of crown and bridge that includes crown lengthening

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

Upon a MOTION by Dr. Foster, second by Ms. Hardy, 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
B.	201400277	Dr. Amogh Velangi	Issue a Letter of Concern stating: “Dr. Velangi should document any changes in the treatment plan requested by the patient.”
C.	201400308	Dr. Ana T. Ortiz	Issue a Letter of Concern stating: ““Dr. Ortiz should be diligent in monitoring and correcting inaccurate advertising about her

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			credentials.”
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**Agenda Item No. 18 – CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION
AUDIT ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA**

Upon a MOTION by Dr. Foster, second by Dr. Sorensen, 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
A.	201400284	Candace G. Greer, RDH	Issue a Letter of Concern stating: “Ms. Greer should ensure she is knowledgeable regarding the continuing education requirements.”
C.	201400294	Dr. Anthony O. Rao	Issue a Letter of Concern stating: ““Dr. Rao should ensure he is knowledgeable regarding the continuing education renewal requirements.”

Agenda Item No. 19 – CASES RECOMMENDED FOR TERMINATION – CONSENT AGENDA

Upon a MOTION by Dr. Foster, 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.	201400305	Dr. Kevin D. Givens	Terminate – per patient letter
B.	201500002	Dr. Abraham M. Miller	Terminate – per patient letter
C.	201500003	Dr. Jesse R. DeBaker	Terminate – per patient letter
D.	201500004	Dr. Santosh K. Saini	Terminate – per patient letter
E.	201500030	Dr. Theresa M. Herro	Terminate – per patient letter

**Agenda Item No. 20 – CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION
AUDIT AND DISMISSAL – CONSENT AGENDA**

Upon a MOTION by Dr. Foster, second by Ms. Crevier, 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.	201400285	Melissa A. van der werf, RDH	
B.	201400292	Dr. Victor M. Israel	

**Agenda Item No. 21 – MALPRACTICE, ADVERSE OCCURANCE REPORTS, AND DISCIPLINARY
ACTION IN ANOTHER STATE – CONSENT AGENDA**

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

Agenda Item No. 21A

Dr. Ryan S. Brown

Malpractice report. Took no action.

Agenda Item No. 22 – APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

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

- A. Chitra N. Gidwani – Dental Consultant
- B. Dr. Nathan Daniel Vassiliades – Dental Consultant
- C. Joe Wayne Abdel – Anesthesia Consultant

Agenda Item No. 23 – APPROVAL OF MINUTES – CONSENT AGENDA

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

Agenda Item No. 23A February 6, 2015 – Board Meeting Minutes

Agenda Item No. 22B February 6, 2015 – Executive Session Meeting Minutes

END OF CONSENT AGENDA

Agenda Item No. 18B

Case No. 201400287

Suzanne J. Grieshaber, RDH

This case was pulled by a member of the public.

Ms. Grieshaber was present to address the Board. She has been a dental hygienist for 20 years. Due to extenuating circumstances, the documentation confirming the completion of continuing education units accrued over the last three years were disposed. Ms. Grieshaber stated that she kept a tally at work regarding what she had completed and what was left to complete in order to renew her license. When she submitted her paperwork for the renewal of her license, she was subsequently audited. She did not have all of the documentation necessary to show she had completed all of her continuing education units. Since that time, she has retaken some courses to obtain documentation, which she has submitted.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to APPROVE the Continuing Education Audit and ISSUE a Letter of Concern stating "Ms. Greishaber should ensure she is knowledgeable regarding the continuing education requirements." MOTION PASSED UNANIMOUSLY.

Agenda Item No. 17A

Case No. 201400259

Dr. Kyle J. Huish

This case was pulled by a Board member.

Dr. Huish's legal counsel, Mr. Tonner, was present to address the Board.

The Board discussed if Dr. Huish had the dental assistant seat the crown with permanent or temporary cement. Dr. Palmer informed the Board that Dr. Huish delivered two crowns. The first crown was cemented by the assistant with permanent cement; however, there was an open margin and Dr. Huish resealed the crown with temporary cement knowing that it would need to be redone. The patient went to see another dentist before it could be redone. The Board also discussed concerns with the anesthesia

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Agenda Item No. 24C Case No. 201400249-ED

Dr. Michael V. Goldman

Upon MOTION by Ms. Crevier, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination.

Agenda Item No. 24D Case No. 201400273-ED

Dr. Seyed Ismail Moayedpardazi

Upon MOTION by Ms. Crevier, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 24E Case No. 201400274-ED

Dr. Paul W. Hicks

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 24F Case No. 201400275-ED

Dr. Christopher M. Farnsworth

Upon MOTION by Ms. Crevier, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 24G Case No. 201400314-ED

Dr. Zinab Alnaqib

The patient testified that he was informed that the gum line would not support the crown at the location. A clinical evaluation was not done, but there was nothing in the record that indicated that this was an issue.

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 24H Case No. 201500001-ED

Dr. Luke Jacobsen

The Board discussed the patient's testimony presented during Agenda Item number two. It was an allegation that the patient made that was not in the original complaint and did not seem to be a concern until the complaint was terminated.

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

Agenda Item No. 24I Case No. 201500008-ED

Dr. Barbara B. Giancola

Upon MOTION by Ms. Crevier, second by Ms. Hardy, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

FORMAL INTERVIEW

**Agenda Item No. 25A 201400256
 Dr. Minseok Kang**

On October 27, 2014, the Board received a complaint from KS alleging Dr. Kang performed inadequate implants and provided conscious sedation without a permit. Dr. Kang chose to have a formal interview and has been advised that he may have committed unprofessional conduct in accordance with ARS 32-1201(21)(n) and (x) and committed a violation of ARS 32-1264(A) and ARS R4-1302(A).

Dr. Sorensen was the lead board member.

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Dr. Kang attended and graduated from Midwestern University in Arizona in 2012. He also practices in Illinois. Dr. Kang currently places about 10-15 implants per month in his practice. He received additional training via an internship from Carle Oral and Maxillofacial Surgery located at the Carle Foundation Hospital. Dr. Kang received anesthesia training from there, but took additional courses from Dr. Stanley Malamed for his certification. He attended the program for approximately four weeks; two of those weeks were with his office staff.

The initial evaluation done by Dr. Augustine, the periodontist, on July 16, 2014 stated the implant was placed inadequately four months ago. Dr. Kang stated the implant was placed in September of 2013. It was not an immediate implant and it was orthodontically moved to an area where an implant was planned for the future. This was information that was not communicated to Dr. Augustine. In the periapical x-ray taken, it showed 50 percent of the implant was exposed and it was inserted into bone and tissue. The periapical x-ray only showed the depth of the implants and not the position of the implant in relation to the buccal. Dr. Kang believes the implants integrated poorly, not that they were placed incorrectly. Dr. Sorensen stated implants are not the 98% success rate as touted; however, there was definitely bone loss around the implant. With buccal bone loss around the implant, there will be a migration of the implant.

Dr. Kang prepared a model that showed the stages of what he had initially planned to do with the patient. The model was passed around to the Board. This was not the actual model from the case. Dr. Kang did an extra osteotomy because the patient did not have any bone. He wanted to ensure that it would integrate with bone graft. Angled abutments can be used in implants that are not in position. Dr. Kang was hesitant to place an angled implant knowing how much bone loss there was on the implant. Dr. Kang discussed with the patient that with that much bone loss a bridge could be done. However, the mother knew that Dr. Kang had successfully placed implants and talked the patient into it. The patient signed a consent form which states there is a possibility the implant may not integrate.

Dr. Sorensen questioned Dr. Kang regarding the allegation of administering anesthesia without a permit.

The entire procedure from beginning to end was practice for Dr. Kang's onsite evaluation for the conscious sedation permit. There were a number of staff members who had not attended the training in Oregon. According to Dr. Kang's anesthesia records, it was documented that 10mg of midazolam was used. Dr. Kang testified that the number 10 was slashed out and the number five was written in. There was 10mg of saline prepared in the syringe for the practice run and it was set aside. The records included anesthesia start time vs. surgery time, which is another record that sedation was performed. Dr. Kang stated that was the time nitrous was started on the patient. Based on his training, he was informed to start a record whenever a station was started on a patient. Dr. Kang was issued his oral conscious sedation permit on October 19, 2013. In the follow up surgery in January 2014, Dr. Kang sedated the patient with 28mg of Versed.

The Board questioned Dr. Kang regarding why he had the patient sign an Oral Sedation and IV consent form on September 17, 2013 when his Oral Sedation permit was not issued until a month later. Dr. Kang reiterated that the procedure was a practice run for his onsite evaluation. Dr. Kang followed every step of the procedure from the time the patient arrived in the office until the patient left. The form was resigned in January 2014. Dr. Kang stated he did not have experience finding the vein on patients for IV sedation. He had practiced previously on his wife as well as himself. This was to prepare his office staff and the staff knew that it was a practice run. The billing records indicated an IV sedation and nitrous discount of \$849.00. The ledger for the first procedure shows that the cost for sedation was zero.

The Board had concerns that Dr. Kang did not document anywhere in the records that this was a practice run. The Board asked Dr. Kang if he communicated this was a practice run to the patient. Dr. Kang stated that he did not know if the patient knew that he was receiving saline during the procedure. The patient's mother knew that he was not being sedated. After the procedure, the patient drove himself

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home. In the record it says that the patient was discharged to his mother, an employee of Dr. Kang; however, his mother worked that day until 5:00pm.

Dr. Kang commonly uses nitrous during IV sedation as it makes the patient comfortable and nitrous is a vessel dilator.

Dr. Kang's two assistants addressed and answered questions from the Board. They confirmed that this was a practice run and that to their knowledge the patient was not sedated during any time of the procedure.

The Board discussed the number of inconsistencies contained in the charting. The patient stated that he did not feel any sedation in the first procedure, but he did in the second procedure. Dr. Kang did not state anywhere in the written records that this was a practice run. In regards to the implant, the patient stated on the health history that he did not smoke. According to Dr. Kang, the patient smokes heavily and drinks alcohol which was never divulged. Without the cone beam scan, it cannot be determined if the implant was placed incorrectly. It had been ten months since the placement of the implant and with buccal bone loss; the implant could have shifted significantly.

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to FIND a violation of unprofessional conduct based on ARS 32.1201.21(n) and (x), 32.1264(A) and AAC R4-11-1302(A) for the allegation of administering IV sedation without a permit. Ms. Hardy, Mr. Jackson, Dr. Waite, Ms. McClain Dr. Hauer OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Hauer, second by Ms. McClain, the Board voted to IMPOSE six hours of non-disciplinary continuing education in the area of record keeping. Dr. Taylor, Ms. Crevier and Mr. Greer OPPOSED. MOTION PASSED.

**Agenda Item No. 26A 201400227
Dr. Salvatore F. Perna**

Dr. Perna and his attorney, Jeffrey Tonner, were present. Dr. Perna was sworn in by the court reporter. They waived their right to an opening statement.

On September 23, 2014, the Board received a complaint from RB alleging inadequate implants and complications during or after treatment. Dr. Perna chose to have a formal interview and has been advised that he may have committed unprofessional conduct in accordance with ARS 32-1201(21)(n) and (x) and committed a violation of ARS 32-1264(A).

Dr. Waite was the lead board member.

Dr. Perna attended and graduated from the University of Georgetown in 1986. His training in the placement of implants was completed at the California Implant Institute in 2005. Since 2005 he has placed three to five hundred implants, with approximately seven to eight per month.

Dr. Waite questioned Dr. Perna regarding the amount of Halcion prescribed to the patient. Dr. Perna stated although the prescription stated the patient should take .25mg x 2 one hour prior to the procedure that is not how it was administered. Dr. Perna administered .25mg to the patient sublingually 30 minutes prior to the visit. According to Dr. Perna the prescription as written was an error. During the procedure the patient's blood pressure and pulse oximeter was monitored via Bluetooth and sent to the doctor's phone. The Bluetooth did not record a written record and therefore was not in the patient's file. During the treatment planning of teeth nos. 6 and 11 the patient did not want a removable appliance. Dr. Perna informed the patient that placing implants is a long term procedure and she agreed to extracting and restoration around the areas of teeth nos. 6 and 11 with the placement of implants at those sites.

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On May 21, 2014, implant no. 11 failed and moved; however, Dr. Perna had placed additional implants at no additional charge. Dr. Perna placed implants for teeth nos. 5, 7, 8, 9, 10, 12, and 13. Implants were never placed at teeth nos. 6 and 11 due to the buccal bone being slightly thin. Dr. Perna stated that the tooth number 11 implant was in the area of tooth number 12. Dr. Perna placed seven implants with the understanding that potentially three of the implants may have failed while only charging the patient for four implants. In the x-rays of the implants, it looked as if there were several threads that were exposed that were not in bone. Dr. Perna testified in this case, there was a point where the implant did not go any further than the planning. Dr. Perna took some of the patient's bone that came off during the osteotomy and placed it around the implant area.

The patient's chief complaint about not returning to have the bridge seated was due to distance. The bridge was placed with temporary cement. Dr. Perna testified that the bridge is loose and not the implants. When the patient returned for a follow up on August 16, the implants were solid. Dr. Perna did not notate in the chart the implants were solid at the patient's August 16th appointment.

The Board questioned Dr. Perna regarding using the Bluetooth application to monitor the patient's blood pressure and pulse oximeter. The machine previously used to record the data had broken and had not been replaced. The Board also questioned placing bone around the threads of the implant. Dr. Perna has been taught that whenever possible to use a part of the implant bone for post grafting. The bridge was never put on with final cement, so it is no surprise the bridge was loose. The patient was monitored for eight months after the implants were placed and there was no evidence of failure with the exception of the one that came out. Dr. Perna pre-planned for it by putting in more implants than needed. Once the implant was taken out, everything proceeded as planned.

The Board was concerned there was not any documentation for the administration of sedation or any record of the monitoring that took place during the placement of the implants. One Board member suggested this concern be addressed in the recommendation for record keeping.

Another concern expressed by a Board member was the practice of placing bone grafting around exposed threads. Based upon literature, courses and experience it is said that the bone graft material would not last. When placing an implant with an exposed thread, the implant needs to be changed to where the threads were appropriate.

Upon MOTION by Dr. Waite, second by Ms. McClain, the Board voted to FIND unprofessional conduct pursuant to ARS 32.1201(21)(n)(x) and 32.1264(A) and grounds for discipline under ARS 32.1263.01(A). MOTION PASSED UNANIMOUSLY.

Board staff stated Dr. Perna's priors.

Upon MOTION by Dr. Waite, second by Dr. Sorensen, there was a recommendation of 24 hours of hands on treatment planning and placement of implants in a dental school setting, 6 hours of record keeping, a restriction of practice in placing implants until continuing education is completed with one year probation. If there were any other concerns with implants within that year, the Board would address it.

This is the second time there has been an issue with Dr. Perna and implants. With the restriction of practice, he can do everything except place implants until he completes the 24 hours of continuing education. He will also be on probation for a year. Probation begins upon a finalized Board Order regardless of when the continuing education is completed. He can do implants upon completion of the continuing education, but he would still be on probation if there were any other cases filed against him.

The Board discussed if Dr. Perna's probation should begin once the continuing education is complete. Probation can be extended to include anything that comes up, if it is an implant case then the Board would take that very seriously. Ms. Williams advised the Board that generally when probation is done,

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audit requirements are added or the doctor is required to do something to demonstrate that they are in compliance.

Dr. Waite amended the motion to include monitoring by Affiliated Monitors, Inc. or an equivalent for two years, probation for two years to include monitoring and quarterly reports. Dr. Sorensen accepted the amended motion.

Upon MOTION by Dr. Waite, second by Dr. Sorensen, the Board voted to IMPOSE 24 hours of hands on continuing education in treatment planning and placement of implants in a dental school setting, 6 hours of record keeping to be completed within 9 months, RESTRICTION of practice in the placement of implants until the completion of continuing education, two years' PROBATION with monitoring by Affiliated Monitors, Inc. or an equivalent organization with quarterly audits specifically reviewing Dr. Perna's record keeping and then provided to the Board. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 26B 201400265
Dr. Neda E. Delavari**

Dr. Delavari and her attorney, Jeffrey Tonner, were present to address the Board. Dr. Delavari was sworn in by the court reporter.

On November 7, 2014, the Board received a complaint from PP alleging Dr. Delavari placed an inadequate crown. Dr. Delavari chose to have a formal interview and has been advised that she may have committed unprofessional conduct in accordance with ARS 32-1201(21)(n)

Mr. Tonner addressed the Board. This case involves a single crown on tooth no. 15. There were three bitewings taken on the day of cementation. In one of the x-rays it is obvious that there is an open margin. Dr. Delavari adjusted the crown and took another x-ray. Four days later, the patient went to see Dr. Chase who looked at the crown, took an x-ray and clinical examination and said that it was fine. The patient left Dr. Delavari's office with a good tooth. There is no indication as to why two months later there was an open margin on the tooth. Mr. Tonner asked that the case be dismissed.

Dr. Waite was the lead Board member.

Dr. Delavari graduated from the University of Missouri at Kansas City in 2009. She practice for one year at a charity and then in private practice for three years before moving to Arizona. She began working for Western Dental in May of 2014.

Dr. Waite asked Dr. Delavari if it was possible to take x-rays of different angles and show that there are no open margins. Dr. Delavari agreed that it was possible. Dr. Delavari stated that in the first x-ray, the contact was too high and the crown was not seated all of the way. She adjusted the contact and still saw the open margin. She adjusted the crown again and did not see an open margin. She did not take another x-ray after she finished adjusting. She did not document in her records that she adjusted a high occlusion.

The Board questioned Dr. Delavari regarding the order in which the x-rays were taken. Dr. Delavari was unable to find out if the x-rays were taken in consecutive order as there was not a date stamp on any of them.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to FIND unprofessional conduct pursuant to ARS 32-1201(21)(n) and grounds for discipline under ARS 32-1263.01(A). Mr. Jackson, Dr. Sorensen OPPOSED. MOTION PASSED.

Board staff stated no priors.

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The Board discussed the outcome to the patient. The patient was seen for a check up on April 12, 2014, when the bitewings were taken, the open margin was discovered and it was treatment planned to replace the crown.

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to IMPOSE 6 hours of continuing education in crown and bridge to be completed in 6 months. Mr. Jackson OPPOSED. MOTION PASSED.

**Agenda Item No. 27A 201400250/201400235
Dr. Michael Wassef**

Dr. Wassef was not present. Dr. Wassef's attorney, Jeffrey Tonner was present on his behalf.

Case no. 201400250 was opened as a result of Dr. Wassef's failure to comply with a Board Order. In April 2014, Dr. Wassef entered into a disciplinary consent agreement with the Board for case no. 201300233 which required him to complete 6 hours in diagnosis and treatment planning for implants in a dental school setting to be completed by October 14, 2014. The Board received documentation from Dr. Wassef showing completion of the continuing education on April 1, 2015. However, this does not mitigate his noncompliance. Dr. Wassef has chosen to have a formal interview and has been advised that he may have committed unprofessional conduct in accordance with ARS 32-1201(21)(v)

On October 2, 2014, the Board received a complaint from SS alleging Dr. Wassef performed inadequate dental implants. Dr. Wassef chose to have a formal interview and has been advised that he may have committed unprofessional conduct in Case no. 201400235 under ARS 32-1201(21)(n) and (x) and committed a violation of ARS 32-1264(A).

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

****Executive Session****

Return to Open Meeting

Mr. Tonner addressed the Board. At the April 2014 Board Meeting, Dr. Wassef was ordered to take 6 hours of continuing education for implants. At the same meeting Dr. Wassef's license was suspended. The continuing education was due in October 2014. Mr. Tonner asked the Board for leniency as Dr. Wassef was not working until the court reinstated his license in February 2015. Mr. Tonner was unsure as to whether the time period was suspended for the completion of the continuing education while Dr. Wassef's license was suspended. Ms. Williams informed him that the time period was not suspended during that timeframe. Once Dr. Wassef was allowed to work again, he completed the continuing education.

Dr. Foster was the lead board member.

Dr. Wassef's noncompliance in case no. 201400250 does rise to the level of unprofessional conduct. Dr. Wassef had six months to complete his continuing education. It has been approximately six months past his due date.

Upon MOTION by Dr. Foster, second by Dr. Waite, the Board voted to FIND a violation of unprofessional conduct pursuant to ARS 32-1201-.21(v) for failure to comply with a Board Order. MOTION PASSED UNANIMOUSLY.

Board staff stated 3 priors.

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Upon MOTION by Dr. Foster, second by Ms. Crevier the Board voted to IMPOSE an Administrative Penalty of \$1000.00 to be paid within 30 days. MOTION PASSED UNANIMOUSLY.

In case no. 201300235, Mr. Tonner stated it was his understanding that each case is reviewed individually. Dr. Wassef did not include periodontal charting, the existing restoration, the amount of Halcion, or monitoring of the pulse oximeter. The recommendation was for six hours of disciplinary continuing education in record keeping and three hours of anxiolysis. Dr. Wassef has never been asked to take record keeping or anxiolysis. Mr. Tonner asked that the continuing education be changed to non-disciplinary.

Dr. Foster was the lead Board Member.

There was a failure to monitor the patient who was under sedation. There is some concern in regards to the safety of the patient. Mr. Tonner mentioned there was a failure to chart periodontal scores and diagnose periodontal treatment, even though Dr. Wassef treatment planned for root scaling and planing. The implant placed in the tooth number 24 area appears to have been placed far too lingually or buccally. When the site was initially prepped for the implant, the cone beam scan shows there was no labial plated bone down to about two thirds of the photo. In another photo, it looked as if there was no attached tissue at all on the labial of tooth no. 24. There was some concern about the longevity of the implant and the quality of care.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to FIND unprofessional conduct pursuant to ARS 3211201(21)(n)(x) and ARS 32-1264(A) for not monitoring during sedation and inadequate placement of implants and failure to keep and maintain adequate patient records. MOTION PASSED UNANIMOUSLY.

The Board discussed if the implant was placed improperly based upon the x-rays taken after the implant was placed. The patient stated after the implant was placed, he could see the implant through the soft tissue. That is an indication that there was no bone. Some patients who smoke can successfully have implants placed; it has to be an ideal situation.

Board staff reported 3 priors.

Dr. Foster believes that Dr. Wassef is unregulatable and recommended moving the case forward to the Office of Administrative Hearings for the revocation of his license.

Ms. Williams advised the Board that if they want to move a case to formal hearing, normally a violation of unprofessional conduct is not found. The case moves forward based upon the evidence provided to the Board. The Board has already made a decision regarding the noncompliance case, therefore the case cannot go to formal hearing. The only case that can move forward to a formal hearing is case no. 201400235.

Upon MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to VACATE the prior vote of unprofessional conduct in case 201400235. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to SEND case no. 201400235 to a formal hearing for REVOCATION of Dr. Wassef's license. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 13 ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201300256
Dr. Kelly B. Wettstein**

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The Board reviewed the reports from Affiliated Monitors, Inc. for information purpose and the report reflects that Dr. Wettstein is doing a great job.

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

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to APPROVE the proposed Board Order from the February 6, 2015 Formal Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 14 PETITION TO REHEAR

Agenda Item No. 14A Vacant

Agenda Item No. 28 – Members of the Public

Agenda Item No. 29 – Future Agenda Items

Agenda Item No. 30 – Next Meeting Date – June 5, 2015

Agenda Item No. 31 – Adjournment

Upon MOTION by Dr. Taylor and second by Mr. Jackson, the Board voted to ADJOURN the Board meeting. MOTION PASSED UNANIMOUSLY.

Dr. Hauer adjourned the meeting at 1:25 PM.

Minutes APPROVED at the June 6, 2015 Board Meeting.

Elaine Hugunin, Executive Director