



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING APRIL 11, 2014

#### **Board Members Present:**

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

#### **Board Members Absent:**

William G. Woods, DDS

#### **Staff Present:**

Ms. Elaine Hugunin, Executive Director  
Ms. Nancy Chambers, Deputy Director  
Ms. Mary Williams, Assistant Attorney General  
Ms. Terry Bialostosky, Investigations Supervisor  
Ms. Sherrie Biggs, Licensure Manager  
Ms. Susie Adams, Legal Assistant  
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 and Introductions**

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

For the record Dr. William Woods is absent. Dir. Hugunin stated, for the record, additional information for agenda items 4J, 4K, and 23C are provided in Board members folders.

##### **Agenda Item No. 2 PUBLIC COMMENT ON CASES**

Complainant RT was present and spoke about case no 201300284 (Agenda Item 16G).  
Complainant JM was present and spoke about case no.201400018 (Agenda Item 16H).  
Complainant SM was present and spoke about case no. 201300305 (Agenda Item 17F).

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Complainant TB was present and spoke about case no. 201300265-ED (Agenda Item 23C).  
Complainant LS was present and spoke about case no. 201300299-ED (Agenda Item 23E).  
Complainant RJL was present and spoke about case no. 201300300-ED (Agenda Item 23F).  
Complainant DNS was present and spoke about case no. 201300153 (Agenda Item 13B).

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

- A.    Dr. Mark Richard Brouillette – Board approved exam, voluntary surrender and discipline on Nebraska license, disclosure of felony convictions

Dr. Brouillette was present to answer questions from the Board. The Board asked Dr. Brouillette if he was currently on probation by the Nebraska Board or any other legal entities. Dr. Brouillette responded no.

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

- B.    Dr. Andrea Judith Botar – Board approved exam, discipline on New York license. Dr. Botar was denied an Arizona Dental license for not disclosing New York discipline on application in 2005.

Dr. Botar was present to address the Board. Dr. Botar stated that she was sorry that she did not take the opportunity to appear before the Board in 2005. She apologized for making a mistake and humbly asked the Board for a second chance.

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to GRANT licensure to Dr. Botar. Dr. Taylor OPPOSED. MOTION PASSED.

- C.    Dr. Richard S. Ulrich – Board approved exam, discipline on Illinois license

Dr. Ulrich was present to answer questions from the Board. The Board questioned Dr. Ulrich regarding the discipline on his license. He stated that he signed the consent agreement for an incident that took place in 1995. He agreed to the punishment, but did not admit guilt when signing the consent agreement. One of his employee's polished a child's teeth under the pretense of showing the child that teeth polishing did not hurt. Since 1995, all of the laws have been changed. Dr. Ulrich's attorney advised him to sign the consent agreement and that is what he did. The assistant did not take final crowns or irrigate root canals. The complaint was brought before the Illinois Board due to office conflict between two dentists.

The Board had an issue with the fact that Dr. Ulrich describes the incident as minor, even though he was suspended for 15 days and had to pay \$3,000.00. Dr. Ulrich stated that the case was never investigated. Dr. Sorensen stated that the incident took place almost 20 years ago and there has not been any other action on Dr. Ulrich's license.

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

- D.    Dr. Stanley Walter Bohnstedt – 1985 Oregon State exam prior to a regional

Dr. Bohnstedt was present to address questions by the Board.

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

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E. April Dawn Churchill, RDH – 2005 California Dental Hygiene Exam

Ms. Churchill was present to address questions by the Board. The Board asked if she was currently licensed in California. Ms. Churchill stated that she is currently licensed in California.

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

F. Transcripts

- i. Erica Andrea Caprera Cordova, RDH – Board approved exam; transcript was received from Parchment Exchange, a third party.

Ms. Chambers addressed the Board. The Arizona Administrative Code for documentation must be submitted directly from the source; it includes the transcripts from a Dental or Dental Hygiene school. There is a trend where dental schools and dental hygiene schools are outsourcing this process. So, the transcripts are coming from a direct source; however, that source isn't the school directly.

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

**\*\*Executive Session\*\***

**RETURN TO OPEN MEETING**

At this point the applicant's application is in the review time frame. The Board can direct staff to send a comprehensive letter to the applicant requesting that the transcripts come directly from the school.

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to SEND a comprehensive letter to Ms. Cordova requesting that the transcripts come directly from the school and not a secondary source. MOTION PASSED UNANIMOUSLY

- ii. Discussion and possible action on whether Board may accept transcripts from a third party.

- iii. Review, discussion, and possible action regarding opening a rule docket to amend R4-11-3-1A3

The Board discussed opening a docket to amend rule R4-11-3-1A3 to be able to accept transcripts from third parties as long as verification is available either online or via the mail. The dental and dental hygiene schools are moving away from providing transcripts to students. Many Boards are going to credentialing verification as it may be more cost effective for the schools to outsource it. The Board would still be able to accept transcripts directly from the school.

Board staff will research other Boards to review their language and ultimately the Board will be able to review the proposed language for the amended rule.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to OPEN a rule docket to amend R4-11-3-1A3 to be able to accept transcripts from third parties as long as there is online verification. MOTION PASSED UNANIMOUSLY

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**Agenda Item No. 3 President's Report**

- A. Report regarding the American Association of Dental Board (AADB) Mid-Year Meeting

Dr. Hauer provided the following report from the AADB meeting. The meeting spent quite a bit of time discussing the training and criteria for dental anesthesiologists. Most anesthesia in dentistry is done by oral surgeons, and most anesthesia related deaths occur in oral surgeons offices under oral surgeons. There was a panel composed of Executive Directors from different states which was very interesting. This included an update on the North Carolina Board and the Federal Trade Commission.

The meeting was held in the ADA building and the ADA President did a presentation. The presentation talked about how things could get worse for the boards. The number of complaints is expected to rise due to us becoming a litigious society, but mostly because the doctor/patient relationship has been breaking down and is not as good as it used to be.

**Agenda Item No. 4 Executive Director's Report**

- A. VACANT
- B. Summary of current events that affect the Arizona State Board of Dental Examiners
- No current events reported
- C. Dr. Edward W. Galapeaux – Case no. 201200011 – Review, discussion, and possible action to dismiss without prejudice case number 201200011

The Board has information in its material explaining staff's request for the Board to consider dismissing this case without prejudice as Dr. Galapeaux has surrendered his license.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to DISMISS without prejudice case no. 201200011. MOTION PASSED UNANIMOUSLY

- D. Dr. Christopher R. Reavis – Review, discussion and possible action regarding the acceptance of Dr. Reavis' interim voluntary suspension.

Upon MOTION by Dr. Foster, second by Dr. Sorensen, the Board voted to ACCEPT voluntary suspension of Dr. Reavis' license. MOTION PASSED UNANIMOUSLY

- E. Dr. Wade A. Mendenhall – Review, discussion and possible action regarding the acceptance of Dr. Mendenhall's interim voluntary suspension.

The Board voted to summarily suspend Dr. Mendenhall's license. However, subsequent to this, the Board did receive Dr. Mendenhall's interim voluntary suspension. So, the Board no longer needs to proceed to a Formal Hearing.

Upon MOTION by Dr. Foster, seconded by Dr. Taylor, the Board voted to ACCEPT the interim voluntary suspension of Dr. Mendenhall's license. MOTION PASSED UNANIMOUSLY

- F. Review, discussion and possible action regarding approval of Arizona Professional Monitoring, LLC ("APM") as a monitoring service.

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Dir. Hugunin and Ms. Bialostosky met with Ms. Bursk of Arizona Professional Monitoring, LLC and are asking whether the Board will consider approving her as a monitoring service similar to Affiliated Monitors. It would be beneficial to offer another monitoring company and the company is local. The Board may invite her to attend a future meeting to answer any questions.

The Board asked if other monitoring companies were considered. The only monitoring company the Board uses right now is Affiliated Monitors. Arizona Professional Monitoring contacted Board staff. The Board has not researched other companies at this point. Most regulatory boards use Affiliated Monitoring because they have significant depth in the company just by virtue of the types of auditing that can be done. Affiliated Monitoring is also a nationwide company.

Arizona Professional Monitoring is a brand new company with one or two cases. The Board discussed possibly interviewing other companies and expressed keeping business in Arizona. The possibility that there are other companies in the marketplace, there would be a need to ensure that the needs of the Board will be met. Board staff will invite Arizona Professional Monitoring to attend a future meeting as well as query other Boards for possible companies.

The concern expressed by the Board is that by approving one, does this open the door to possibly approve seven or eight.

- G. Report regarding the American Association of Dental Board (AADB) Mid-Year Meeting  
Dir. Hugunin thanked the Board for providing the opportunity to attend the meeting. Networking is one of the biggest benefits of attending as it provides resources to contact other boards when there is an issue in Arizona. Dr. Hauer provided a report regarding the AADB meeting. The highlight for Dir. Hugunin was the botox infomercial. She wrote very clearly on her critique that it was a little offensive in that the presenter projected that it is a standard that general dentists are now doing botox when it is not a national standard.

- H. Report regarding the American Association of Dental Administrators (AADA) meeting.

Dir. Hugunin also participated in a meeting of her peers. She is the Vice President of the AADA. The meetings are always interesting because every state's statutes and issues are significantly different. One of the most interesting items is that in one of the states, as a result of legislature, is being forced to undo discipline that was issued by the Board for failure to comply with spore testing. The Board is going to have to refund over \$100,000.00 to the licensees that were disciplined. However, the minutes and newsletter will still reflect that the licensee was disciplined.

- J. Dr. Michael Wassef – Case no. 201400061 – Review, discussion, and possible action, including possible summary suspension, regarding non-compliance with Interim Order for substance abuse evaluation.

Since the last telephonic Board meeting, Board staff has had only one contact with Dr. Wassef's attorney which was the day after the Board meeting. Clarification was made that since this was not a consent agreement and instead a Board Order, the Board would incur the cost of Dr. Wassef's evaluation. There has been no other contact and at this time Dr. Wassef is non-compliant. The Board needs to consider his non-compliance and whether a summary suspension is appropriate.

Mr. Tonner, attorney for Dr. Wassef, addressed the Board. After the last telephonic call, the Board ordered Dr. Wassef to see one of three different places for an assessment. Dr.

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Wassef began by checking out the closest facility in California, Promises. When he reviewed Promises, the company Elements Behavioral Health, they mentioned on their website that Dr. Sucher is the person in charge of assessments for professionals. Dir. Hugunin stated for the record, that although that was true at the time, Dr. Sucher has not been the person in charge of assessments for professionals since the first year the facility was opened and the website has not been updated.

Mr. Tonner stated that the website is currently live and that this is a conflict of interest. Dr. Wassef contacted Promises via telephone and was told that the cost would be \$10,000.00 plus travel expenses.

Mr. Tonner reviewed the case before the Board. Dr. Wassef was given an emergency urine analysis, tramadol and soma was found in his system. Both of those medications were prescribed by his doctor. Based upon the prescription records, there were three people that were prescribed large amounts of soma. Those three people were his wife, his assistant, and his assistant's daughter. The Board wants to ensure that Dr. Wassef is not taking these medications illegally funded through the back door of these people. Dr. Wassef understands the Board's need for an assessment. The conflict is why does it have to be out of state and why does it have to be \$10,000.00. There are plenty of board certified addiction medicine specialist in the valley that can do an assessment for approximately \$2,000.00 - \$3,000.00. Dr. Wassef tried to schedule an assessment with someone locally during the two weeks since the Board last convened for this case. He was unable to do so. Dr. Wassef and his attorney are asking that the Board redefine the order to say get the assessment by any board certified addiction medicine specialist, within whatever time frame the Board sets. Mr. Tonner suggested 60 days. Mr. Tonner provided affidavits of four people, Dr. Wassef, Dr. Wassef's wife, the dental assistant, and the dental assistant's daughter. The affidavits are all simple and state "that everything Dr. Wassef prescribed for me, I took. I did not give any to Dr. Wassef nor did I allow him to do anything." Mr. Tonner stated that he hoped this would give the Board some interim comfort. Dr. Wassef also went to Scottsdale Behavioral Health Center and got an assessment by a therapist, as this was all that could be done in two weeks.

Dr. Wassef and Mr. Tonner understand that this is not the level the Board requested, but again, Dr. Wassef passed. The assessment was provided to the Board. Mr. Tonner reiterated \$10,000.00 is too much. There are plenty of competent people here and are suggestion that the Board provides a period of time, possibly 30 days, to get an assessment done and the report sent to the Board by a board certified addiction medicine specialist.

Unfortunately, Dr. Sucher was not available to be at the Board meeting. He did testify that due to the complexity of the case, the fact that Dr. Wassef had been monitored before, the three day in-patient assessments have a much more in-depth evaluation. The Board has used this assessment with other licensees who corroborate that the assessments are more in-depth.

Dr. Wassef has also had problems in the past, which was admitted on the record, the conflict of the affidavits, two of which are not patients of records. For the record, cost is not a factor. Because the evaluation was ordered by the Board, the Board must incur the cost. Mr. Tonner is proposing that the assessment be completed by a board certified addiction specialist here in Arizona. The Board questioned if Mr. Tonner and his client researched the other two facilities, in Mississippi and Texas. Mr. Tonner indicated that both facilities were reviewed, except there is now the additional cost of airfare. It was confirmed that the Board would be responsible for the cost of Dr. Wassef's transportation. The Board wanted to understand if the hesitancy of Dr. Wassef stemmed from the cost of the evaluation and transportation. Dir. Hugunin stated that she communicated to Mr. Tonner that

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the Board would in fact incur those costs. Mr. Tonner repeatedly stated that is not what he understood. There is no conflict with either facility in Mississippi or Texas and the Board would incur those costs if one of those facilities were selected.

In accordance with the interim order, Dr. Wassef was to contact Board staff ten days prior to inform the Board of the facility he selected. He is still not in compliance; however, the Board asked if would select either the facility in Mississippi or Texas. Mr. Tonner stated that because there was no conflict with either of those facilities, he assumed Dr. Wassef would select one. Ms. Williams advised Mr. Tonner and the Board that Dr. Wassef is still in non-compliance, as this should have been completed by April 7<sup>th</sup>. The Board has the option of extending the time limit. There is still a non-compliance issue. The question is whether or not it becomes a part of the case and can be addressed later. The Board has to decide if immediate action needs to be taken and summarily suspend Dr. Wassef's license or give him additional time to comply based upon the discussion that is currently taking place. It was confirmed that Dr. Wassef was still practicing.

The Board discussed concerns about Dr. Wassef continuing to practice.

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

**\*\*Executive Session\*\***

**RETURN TO OPEN MEETING**

Tabled for 30 minutes

There was an offer that was presented to Mr. Tonner and Dr. Wassef has rejected it. Dr. Wassef said he is willing to get an assessment by a Board certified addictionologist locally and that is where he stands. He wanted Mr. Tonner to provide the Board with a copy of the assessment that he recently had done by a therapist. Dr. Wassef asked, via his attorney, to please state on the record the reason the Board suspended his license.

Upon MOTION by Dr. Taylor, second by Dr. Foster, the Board voted to summarily SUSPEND the license of Dr. Michael Wassef based on non-compliance of an interim Board Order, constituting a threat to the public, which can be lifted in the event of compliance with the Interim Board Order and pending final review of the Board, so that the Board can determine how to proceed. Mr. Greer OPPOSED. MOTION PASSED

The following Interim Findings of Fact were read into the record: 1) The Board has the authority for the regulation and control of the practice of dentistry in the State of Arizona. 2) Respondent is the holder of License No. D5171 for the practice of dentistry in the State of Arizona 3) On March 20, 2014, the Board served an Interim Order for Substance Abuse Evaluation ("Interim Order") to Respondent via certified mail to Respondent's address of record. Respondent received the Interim Order on March 24, 2014 when the certified mail was signed on Respondent's behalf. The Board also mailed a copy of the Interim Order to Respondent's counsel on March 20, 2014. 4) The Interim Order required Respondent to obtain the substance abuse evaluation at a Board-approved in-patient facility within fourteen days of Respondent's receipt of the Interim Order. Respondent was required to obtain the in-patient substance abuse evaluation by April 7, 2014. 5) The Interim Order also required Respondent to notify the Board of the facility at which he would obtain the substance abuse evaluation at least ten days prior to his admission into the in-patient facility. 6) Respondent has failed to comply with the Interim Order. To date, Respondent has not notified the Board of the facility at which he would obtain the substance abuse evaluation

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The following Interim Conclusions of Law were read into the record: 1) The Board has jurisdiction over the subject matter hereof and over Respondent, holder of License No. D5171, for the practice of dentistry in the State of Arizona. 2) The conduct and circumstances described above constitute unprofessional conduct as defined in A.R.S. § 32-1201(21)(n) and (v). Such conduct constitutes grounds for disciplinary action, including suspension or revocation of Respondent's dental license, pursuant to A.R.S. §32-1263(A)(1).

The following Finding of Emergency was read into the record: Based on the foregoing Interim Findings of Fact and Conclusions of Law, the Board finds that the public health, safety and welfare imperatively require emergency action. A.R.S. §§ 32-1263.02(C) and 41-1092.11(B).

The Board read the following Order into the record: Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above, IT IS HEREBY ORDERED THAT: 1) Respondent's license to practice dentistry in the State of Arizona, License No. D5171, is summarily suspended. 2) The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this Order. 3) The Board will refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this Order, unless stipulated and agreed otherwise by Respondent. 4) The Board may consider lifting the summary suspension in the event Respondent complies with the Board's Interim Order for Comprehensive Substance Abuse Evaluation, issued in conjunction with this Order for Summary Suspension, and agrees to abide by any recommendations that arise from the evaluation.

The Board amended the Board Order as follows: 1) Respondent's license to practice dentistry in the State of Arizona, License No. D5171 is summarily suspended until the time the Respondent has completed the substance abuse evaluation and the Board has had the opportunity to review the results thereof. The Board shall convene within three business days of receipt of the report of the substance abuse evaluation. 4) The Board deleted item number four listed.

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to APPROVE the summary suspension order as amended by Mr. Greer. MOTION PASSED UNANIMOUSLY

- K. 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.

Dir. Hugunin stated there have been 28 Executive Director Terminations since the last Board meeting. Three have been appealed. Sixteen can still be appealed.

**Agenda Item No. 7 COMMITTEE REPORTS**

- A. Dental Hygiene Selection Committee – Heather N. Hardy, RDH

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- i. Review, discussion and possible action regarding the 2013 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:
  - a. Natalie J. Choi, RDH – with a letter stating that CE used in this audit may not be used for the 2013-2016 renewal

Upon MOTION by Ms. Hardy, second by Dr. Foster, the Board voted to APPROVE the CE Audit responses for Ms. Natalie J. Choi with a letter stating that CE used in this audit may not be used for the 2013-2016 renewal. MOTION PASSED UNANIMOUSLY

- ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Fortis College – Salt Lake City, UT

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from Fortis College – Salt Lake City, UT. MOTION PASSED UNANIMOUSLY

- iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Concorde Career College – San Diego, CA

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from Concorde Career College – San Diego, CA. MOTION PASSED UNANIMOUSLY.

- iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Old Dominion University, Norfolk, VA – Course does not include at least three experiences of the NP, GP injections or at least three experiences of nitrous oxide analgesia.

Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to DENY recognizing the Local Anesthesia and Nitrous Oxide coursework from Old Dominion University, Norfolk, VA. MOTION PASSED UNANIMOUSLY

- v. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from College of DuPage, Glen Ellyn, IL – Course does not include at least three experiences of nitrous oxide analgesia

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY recognizing the Local Anesthesia and Nitrous Oxide coursework from College of DuPage, Glen Ellyn, IL. MOTION PASSED UNANIMOUSLY.

**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. Jared Louis Slovan – 2007 SRТА

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Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to GRANT licensure to Dr. Jared Louis Slovan. MOTION PASSED UNANIMOUSLY.

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

A.      Dr. Kendra Lynette Hunter – 2013 SRТА

The Board was concerned that Dr. Hunter attempted to pass the SRТА three times. The Board was informed that this was not a reason for denial pass and Dr. Hunter did indeed pass the SRТА. She did meet the statute requirements in that she passed.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Kendra Lynette Hunter. MOTION PASSED UNANIMOUSLY

B.      Megan Ruden DeArmond, RDH – 2010 SRТА

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to GRANT licensure to Ms. Megan Ruden DeArmond. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 12      RECOMMENDATION(S) FROM BOARD MATP MEDICAL DIRECTOR**

A.      VACANT

**Agenda Item No. 13      ACTION ON PREVIOUS ACTION**

**Agenda Item No. 13A      Case No. 201300238  
Dr. Thomas Endicott**

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to ACCEPT the proposed Board Order from the February 7, 2014 Formal Interview. Mr. Jackson RECUSED. MOTION PASSED.

**Agenda Item No. 13B      Case No. 201300153  
Dr. Lee W. Harding**

There were some questions about over treatment. The Board was advised that it is not something that can be discussed at this time, however if a petition to rehear is filed, it would be appropriate to address at that time.

Upon MOTION by Ms. Crevier, second by Ms. McClain, the Board voted to ACCEPT the proposed Board Order from the February 7, 2014 Formal Interview. Dr. Taylor, Dr. Sorensen, Mr. Greer OPPOSED. MOTION PASSED.

**Agenda Item 23              REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

**Agenda Item No. 23A      Case No. 201300253-ED                      Dr. Golinaz M. Asadi**

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

**Agenda Item No. 23B      Case No. 201300259-ED                      Dr. Jesse W. Harker**

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

**Agenda Item No. 23C Case No. 201300265-ED Dr. Adriatik Rama**

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

**Agenda Item No. 23D Case No. 201300271-ED Dr. William M. McFadden**

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

**Agenda Item No. 23E Case No. 201300299-ED Dr. Lynn A. Shumway**

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

**Agenda Item No. 23F Case No. 201300300-ED Dr. Steven M. Morales**

During public comment on cases, the attorney for the patient brought up some priors. The Board cannot address those at this time, as the case is not up for discipline.

Upon MOTION by Dr. Taylor, second by Mr. Jackson, the Board voted to APPROVE the Executive Director Termination. Dr. Foster and Ms. Crevier OPPOSED. MOTION PASSED.

**Agenda Item No. 23G Case No. 201400005-ED Dr. Brooke A. Zoumaris**

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

**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:**

<b>Agenda Item No. 15C Case No. 201300246</b>	<b>Dr. Massoud Eftekhari</b>
<b>Agenda Item No. 15H Case No. 201300233</b>	<b>Dr. Michael Wassef</b>
<b>Agenda Item No. 16B Case No. 201300231</b>	<b>Dr. Robert John Balcar</b>
<b>Agenda Item No. 16D Case No. 201300242</b>	<b>Dr. Edward V. Kuch</b>
<b>Agenda Item No. 16F Case No. 201300272</b>	<b>Dr. Michael V. Goldman</b>
<b>Agenda Item No. 16I Case No. 201400040</b>	<b>Dr. Robert John Balcar</b>
<b>Agenda Item No. 17A Case No. 201300264</b>	<b>Dr. Bryan J. Shanahan</b>
<b>Agenda Item No. 17D Case No. 201300281</b>	<b>Dr. Nathan W. Smith</b>
<b>Agenda Item No. 17E Case No. 201300286</b>	<b>Dr. Steven C. Green</b>
<b>Agenda Item No. 17F Case No. 201300305</b>	<b>Dr. Kevin L. Mueller</b>

**Cases ADJUDICATED:**

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

Upon MOTION by Mr. Greer, second by Mr. Jackson, the Board voted to ACCEPT the Disciplinary Consent Agreements on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

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Item No.	Case No.	Licensee	Action
A.	201300198	Dr. Salvatore F. Perna	
B.	201300228	Dr. Mark L. Moss	
D.	201300263	Dr. Omaina S. Samain	
E.	201300280	Dr. Brandon D. Arnow	
F.	201300282	Dr. Mu-Hun Kim	
G.	201300283	Community Dental Services of Arizona, LLC	

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

Upon MOTION by Dr. Foster, second by Mr. Greer, 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.	201300230	Dr. David M. Brewton	4 hours of record keeping
C.	201300241	Dr. Glenn H. Featherman	6 hours of implant treatment planning
E.	201300262	Dr. Mark L. Moss	4 hours of risk management
G.	201300284	Dr. David Todd Madder	6 hours of crown and bridge
H.	201400018	Dr. Brooke A. Zoumbaris	6 hours of crown and bridge

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

Upon a MOTION by Mr. Greer, second by Dr. Taylor, 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.	201300270-MP	Dr. Scott R. Jackson	Issue a Letter of Concern stating: "Dr. Jackson should ensure complete documentation of all diagnostic tests and working lengths for endodontic treatment."
C.	201300279	Dr. Christopher W. Munkel	Issue a Letter of Concern stating: "Dr. Munkel should document the risks, benefits and alternatives to treatment with all patients."
G.	201400007	Dr. Brian D. Griffiths	Issue a Letter of Concern stating: "Dr. Griffiths should perform an independent diagnosis and evaluation of each patient"

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			and document his findings.”
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**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.	201300287	Dr. Charles E. Pick	Terminate – per patient letter
B.	201300295	Dr. Champa R. Chatterjee	Terminate – per patient letter
C.	201300311	Dr. Jarom Alan Stradling	Terminate – per patient letter
D.	201300312	Dr. Yen C. Wang	Terminate – per patient letter
E.	201400022	Dr. Brooke A. Zoumbaris	Terminate – per patient letter
F.	201400043	Dr. David Warren Edwards	Terminate – per patient letter
G.	201300294	Dr. Bryce E. Justesen	Terminate – per patient letter

**Agenda Item No. 19 – CASES RECOMMENDED FOR DISMISSAL – CONSENT AGENDA**

Item No.	Case No.	Licensee	Comments
A.	VACANT		

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

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

**Agenda Item No. 20A**

**Dr. Ronal E. Ward**  
Malpractice report. Took no action.

**Agenda Item No. 20B**

**Dr. Jenny V. Wang**  
Malpractice report. Took no action.

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

Upon MOTION by Dr. Taylor, second by Dr. Foster, the Board voted to APPROVE Dr. Kammeyer and Dr. Mack as Dental Consultants. MOTION PASSED UNANIMOUSLY.

- A. Dr. Gregory A. Kammeyer
- B. Dr. Thomas M. Mack

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

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

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**Agenda Item No. 22A February 7, 2014 – Board Meeting Minutes**

**Agenda Item No. 22B February 7, 2014 – Executive Session Minutes**

**Agenda Item No. 22C March 19, 2014 – Telephonic Board Meeting Minutes**

**\*END OF CONSENT AGENDA\***

**FORMAL INTERVIEW**

**Agenda Item No. 24A Case No. 201300291  
Dr. Rosalyn D. Keith**

Dr. Keith was present. The Court Reporter swore in Dr. Keith. Dr. Hauer read the Formal Interview process.

The Board has a memo articulating the reason this investigation was opened. Dr. Keith is in non-compliance with a disciplinary consent agreement which was executed on Nov. 1, 2013, which required she pay restitution to the patient within 30 days. Additionally, she was to have taken 4 hours of continuing education in ethics. Dr. Keith was well aware of the requirements of the consent agreement when she signed it.

Dr. Keith addressed the Board. On November 1, 2013, she signed in good faith a consent agreement to resolve the matter between herself and the patient. She agreed to restitution in the amount of \$10,847.00 to be paid within 30 days and she also agreed to take four hours of continuing education in ethics. In November, she contacted the Board to advise them that she would not be able to comply with the signed agreement because of the sudden change in her health. To date she has not provided restitution due to an unforeseen medical condition. Dr. Keith stated that she has accepted a job, in addition to her one day a week job that will begin on April 22. The position offers her a committed three days a week at a daily rate. Based upon the days that she will be working, and the base salary, she is convinced that she will be able to provide restitution to the patient. She will also be able to complete her continuing education requirements in ethics by May and risk management by June. She also owes the Board \$2,000.00 for an administrative penalty which she will resolve over the summer. She realizes this is out of the ordinary to extend consideration to a consent agreement. However, at the time Dr. Keith signed the consent agreement, she was not aware of any health issues that precluded her from meeting her obligations.

Mr. Greer was the lead board member. He questioned Dr. Keith regarding violating ARS § 32.1263.01(c). Dr. Keith holds license number D4190 initially issued by the board on Oct. 31, 1990. In November, she entered into a disciplinary consent agreement in regards to her treatment of patient MA. The disciplinary consent agreement required restitution in the amount of \$10,846.00 to MA, within 30 days. To date, restitution has not been paid due to her medical problems that began in November of 2013.

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to FORWARD this case to a formal hearing for suspension or revocation of Dr. Keith's license, based on ARS § 32.1263.01(c). MOTION PASSED UNANIMOUSLY.

The Board was unable to request priors at this time.

**Agenda Item No. 24B Case No. 201400004  
Dr. Rosalyn D. Keith**

Dr. Keith was present. The Court Reporter swore in Dr. Keith. Dr. Hauer read the Formal Interview process.





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Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to ISSUE the Letter of Concern of Dr. Shanahan. Dr. Hauer and Ms. McClain RECUSED. MOTION PASSED

**Agenda Item No. 16B            Case No. 201300231  
   Dr. Robert John Balcar**

This case was pulled by a member of the Board.

Upon MOTION by Dr. Sorensen, second by Dr. Foster, the Board voted to ACCEPT the non-disciplinary consent agreement of Dr. Robert John Balcar. Mr. Jackson RECUSED. MOTION PASSED

**Agenda Item No. 17E            Case No. 201300286  
   Dr. Steven C. Green**

This case was pulled by a member of the public.

Susan McLellan, attorney for Dr. Green, was present and addressed the Board. This case has been set for a Letter of Concern that reads "Dr. Green should ensure all records are clear, concise, and understandable, and that all procedures are documented." The patient was seen in this office twice. The first visit took place on September 24, 2013. The second visit took place on October 3, 2013. The charting issues mentioned in the investigator's report and summary took place on September 24, during the initial appointment. Dr. Green only saw the patient on October 3, 2013. The other issue Ms. McLellan addressed was using the word "ensure" and that by doing so, the Board is guaranteeing something. To issue an order or even a letter of concern that a dentist is ensuring or guaranteeing something is not the standard. Ms. McLellan asked that the Board dismiss the case because the dentistry the doctor did is not being criticized, the charting is. Dr. Green's charting began on October 3, 2013.

Dr. Green did not do a response for a Letter of Concern. This Letter of Concern was amended as the first was an error.

The Board questioned Ms. McLellan regarding who prescribed the Valium to the patient. Ms. McLellan stated that it was not Dr. Green as he did not see the patient until October 3, 2013

Upon MOTION by Dr. Sorensen, second by Ms. McClain, the Board voted to DISMISS case number 201300286 against Dr. Green. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 17D            Case No. 201300281  
   Dr. Nathan W. Smith**

This case was pulled by a member of the Board.

This case was pulled by Dr. Hauer. The doctor allegedly left decay on a tooth; however, the doctor never had a second opportunity to see the patient as he did not seat the crown or bridge. It was seated by a subsequent dentist.

Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to DISMISS case number 201300281 against Dr. Smith. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 17F            Case No. 201300305  
   Dr. Kevin Mueller**

This case was pulled by a member of the Board.



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Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to ISSUE a Letter of Concern stating "Dr. Wassef should completely and thoroughly document all information regarding the size and number of the implant and document treatment planning." Dr. Taylor, Ms. Hardy, Ms. Crevier, Mr. Jackson, Ms. McClain, and Dr. Foster OPPOSED. MOTION FAILED

The Board was unable to ask for priors as this is a consent agreement.

Upon MOTION by Ms. Crevier, second by Mr. Jackson, the Board voted to ACCEPT the disciplinary consent agreement as written. Mr. Greer, Ms. McClain, Dr. Sorensen, Dr. Hauer OPPOSED. MOTION PASSED

**Agenda Item No. 14 PETITION TO REHEAR**

A. VACANT

**Agenda Item No. 6 PERSONNEL ISSUES**

A. VACANT

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

A. Administrative Appeals

- i. Dr. Nishith S. Shah v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Status Update

Ms. Williams stated there were no new updates to report.

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

Ms. Williams stated there were no new updates to report.

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

Ms. Williams stated there were no new updates to report.

- iv. Dr. Arthur J. Porter v. ASBDE (Case No. 201200097) (Maricopa County Superior Court Case LC2013-000370-001DT) – Status update

Ms. Williams stated there were no new updates to report.

**Agenda Item No. 4 – Executive Director's Report**

- I. Discussion, status update and report from Auditor General's Team on Board Sunset Review Audit To be heard at 11:30am

The Board may vote to go into Executive Session 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 on agenda item 4I, pursuant to A.R.S. §38-431.03(A)(2).

\*\*\*Executive Session\*\*\*

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**RETURN TO OPEN MEETING**

**Agenda Item No. 25 – Members of the Public**

**Agenda Item No. 26 – FUTURE AGENDA ITEMS**

**Agenda Item No. 27 – Next Meeting Date – June 6, 2014**

**Agenda Item No. 28 – Adjournment**

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

Dr. Hauer adjourned the meeting at 12:32 PM.

Minutes APPROVED at the June 6, 2014 Board Meeting.

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**Elaine Hugunin, Executive Director**