



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING June 3, 2016

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

Michael R. Hauer, DDS, President  
Robert H. Foster, DDS, Vice President  
Ms. Carole A. Crevier  
Mr. Charles E. Jackson  
Marilyn J. McClain, RDH  
Mr. Joshua Greer  
Gregory A. Waite, DDS  
Darren L. Flowers, DMD

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

Howard Sorensen, DDS  
Heather N. Hardy, RDH

#### **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, Program & Project Specialist  
Ms. Dee Woodard, 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.

##### **Agenda Item No. 3 PRESIDENT'S REPORT- Dr. Michael R. Hauer**

- A. Report from the mid-year American Association of Dental Boards meeting held in Chicago, IL. April 10 – April 11, 2016

Dr. Hauer stated he, Executive Director Hugunin and Dr. Waite attended the American Association of Dental Boards' mid-year meeting in Chicago, April 10 – April 11, 2016. The meeting was a continuation of what was heard before in terms of change in the future;

change is coming in a number of ways. Change in demographics and changing percentages of dentists to populations. Back in 1980 there were 6,000 dentists graduating every year. At that time there was one graduate for every 38,000 population. 10 years later, in 1990 the number of graduates had dropped to 4,000 as a result of schools that had closed, and schools that had reduced their classes due to the lack of federal funding available to students. The estimate is, by 2020 the number of graduates will be up to 5,600, one graduate per 60,000 of the population. Based on this information, the feeling is there is an access problem, and to solve it they currently are looking at innovative ways to provide treatment therapy. The American Dental Education Community is pushing the testing community to do away with testing on live patients. Portability is also being pushed by the American Dental Boards. There was a discussion regarding compacts between states, also known as reciprocity, which is now being talked about as compacts between states. Compacts would require a statute change in Arizona.

**Agenda Item No. 4 EXECUTIVE DIRECTOR'S REPORT**

- A. Summary of current events that affect the Arizona State Board of Dental Examiners  
No current events reported
  
- B. Report from the mid-year American Association of Dental Boards and American Association of Dental Administrators meeting held in Chicago, IL. April 10 – April 11, 2016.

Executive Director Hugunin stated, as Dr. Hauer indicated, there was definitely a theme at the meeting; one being licensure portability. Ms. Hugunin stated she also serves on the AADB (American Association of Dental Boards) and the AADA (American Association of Dental Administrators) program committee which gives her an opportunity to network and meet many others and contribute opinions related to the program. Ms. Hugunin said she felt this was an excellent meeting with great speakers and pertinent information. Ms. Hugunin also attended the AADA (American Association of Dental Administrators) meeting which at mid-year is only a half-day session dedication to business. As to be expected, there were some states also dealing with legislation related to the FTC (Federal Trade Commission) decision and also some portability issues. For example, in Iowa, the dental school proposed legislation to eliminate clinical testing on live patients. It did not pass as proposed; however, as amended required that a study be conducted at the cost of the Dental Board. Again, as previously reported, networking is very important to stay current on national issues. As president of Director Hugunin's peers, she is privy to perhaps too much information at times, but it has been helpful when situations arise that may have occurred in other states. Director Hugunin thanked the Board for their support in allowing her to attend these meetings.

- C. Approval for Board President and Executive Director to attend American Association of Dental Administrators on October 16 -17, 2016 and American Association of Dental Board annual meeting October 18-19, 2016 in Denver, Colorado.

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the attendance of the Board President and Executive Director at the American Association of Dental Administrators on October 16 -17, 2016 and American Association of Dental Board annual meeting October 18-19, 2016 in Denver, Colorado. MOTION PASSED UNANIMOUSLY.

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- D. Joint Commission on National Dental Examinations – Integrated National Board Dental Examination (INBDE) – for information only

Executive Director Hugunin stated the Board has received communication from the Joint Commission on National Dental Examinations regarding the introduction of the Integrated National Board Dental Examination which will replace the National Dental Board Examination Parts One and Two. The new exam will be available for administration on August 1, 2020 with full replacement scheduled to occur by August 1, 2022. They want to ensure Dental Boards' statutes/rules/policies or procedures conform to this test. The Board has already amended its statutes in anticipation of this change.

- E. Dr. Gary Schoenrock - Case No. 201500263 – Licensee's letter to the Board regarding Letter of Concern.

As the Board's memo indicates Dr. Schoenrock was issued a non-disciplinary letter of concern for Case No. 201500263 at the April 1, 2016 Board Meeting. Subsequent to the Board meeting, Dr. Schenrock submitted a letter which was provided to the Board regarding his Letter of Concern. He requested the Letter of Concern be removed from his file and the public domain. Director Hugunin stated a Letters of Concern is non-appealable, and will remain on a licensee's record for five years.

NO ACTION TAKEN

- F. Review, discussion and approval for Executive Director to attend the 2016 Arizona State Bar Association meeting, Administrative Law Section June 17, 2016.

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the attendance of the Executive Director at the 2016 Arizona State Bar Association meeting, Administrative Law Section June 17, 2016. MOTION PASSED UNANIMOUSLY.

- G. Review, and discussion on ADEA (American Dental Education Association) correspondence regarding eliminating live patient examinations.

Executive Director Hugunin stated the Board received communication from the American Dental Education Association Council of Deans reiterating its position in opposition to the use of human subject, patient-based components of clinical licensure examinations. The letter also states the Board should consider reciprocal licensure in any state or jurisdiction. This resonates with what was heard at the recent mid-year meeting in regard to the movement from schools and dental students for portability of licensure.

NO ACTION TAKEN

- H. Discussion and possible action regarding Dental and Dental Hygiene Licensing Compact.

Executive Director Hugunin stated at the midyear meeting, the Western Region Caucus was charged with talking about Dental Board's interest in developing a Dental Compact. A Compact is already in existence for the Medical and Nursing boards. It is a contractual agreement amongst states, which allows licensees to have one multistate license with the ability to practice in the compact states. At the last legislative session, the Physical Therapy and Psychology Boards were approved for proceeding with this with their respective

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organizations. The American Association of Dental Boards has formed a task force to study this matter.

**NO ACTION TAKEN**

- I. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration - Central Services Bureau, MATP Medical Director, Legislative Liaison and Staff Investigator.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to RENEW the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration - Central Services Bureau, MATP Medical Director, Legislative Liaison and Staff Investigator. MOTION PASSED UNANIMOUSLY.

- J. Review, discussion and possible action regarding license renewal fees for dentists, dental consultants, dental hygienists, and denturists pursuant to Arizona Revised Statutes (A.R.S.) §§§ 32-1236(A) -1287(A) and -1297.06(A), License by credential fees § 32-1240(B), fees for Anesthesia and Sedation Permits Arizona Administrative Code (AAC) R4-11-406 and Online Renewal Convenience Fees.

Executive Director Hugunin stated at the April 1, 2016 Board meeting, the Board voted to request an exemption from the Governor's rulemaking moratorium to proceed with rule changes to Article 4 and to direct Board staff to conduct an analysis to assist the Board in determining the appropriate fee reductions. Board staff's first memo indicated the Governor's office denied the exemption; however, the Board could proceed with the fee analysis and subsequently submit another request for an exemption. Director Hugunin stated the first memo provided to the Board detailed the process Board staff took in its analysis she said she wasn't going to elaborate on it during the Board Meeting. Subsequent to the first memo, a second memo was distributed based on additional information received from the budget analyst at the Office of Strategic Planning and Budget which changed Board staff's recommendation. Director Hugunin apologized to the Board. Board staff received a call from the budget analyst who had done additional research and identified A.R.S. § 32-1211 in the Dental Practice Act. This limits the Board to not making expenditures exceeding 90% of the total revenue of the Board. In the exemption Board Staff requested other changes in part to establish other fees the law requires Board Staff to provide the current fees in order to document those fees in the rules. Executive Director Hugunin stated the Board should repeal A.R.S. §32-1211 in the future. Board staff requested an additional \$150,000 in its appropriations to adjust staff salaries and fill all vacancies. Board staff also identified some special projects, but do not have the resources at this time to complete those projects, but have targeted these projects for 2017. Board Staff agrees the fund balance is currently too high; however, there are steps that must be taken to reduce the fund balance. Director Hugunin recommended the Board direct Board staff to develop a three year plan to bring down the fund balance. Efforts to reduce the current fund balance would be conducted in such a manner as to not jeopardize the safety of the public.

Mr. Kevin Earle, Executive Director for the Arizona Dental Association was present and addressed the Board. He stated that the Arizona Dental Association is not happy with the recommendations made by Board staff. Mr. Earle said the Arizona Dental Association would like the Board to take a more aggressive approach to reducing the current fund balance. The Board had the opportunity to reduce the fees as they currently are and reduce the fund

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balance and that has not occurred. In 2011, the Board reduced fees by \$50.00, which was not enough to reduce the surplus and contributing to the dental Board fund. In 2014, Board staff made a recommendation not to touch the fees and the Board voted not to reduce the fund, and now here it is 2016 with a recommendation that really does not provide a reduction to bring down the fund balance. He stated the Arizona Dental Association disagrees with the Board's recommendation that two years of operating expenses in the reserves are necessary. Mr. Earle stated non-profit agencies have a 50% operating budget; however, the Board as a state agency has the authority to set its fees, established by statute. Mr. Earle stated the Board has an ongoing source of revenue. The Board funds are established for smoothing out the purpose of cash flows. The Dental Board has triennial licensure and the same number of licensees contribute to the fund balance on an annual basis.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to APPROVE a 15% reduction in renewal licensing fees for dentists, eliminate convenience fees, and reduction of fees for anesthesia and sedation permits. Board staff was instructed to bring this item back to the August Board meeting to discuss further. 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.

The list of each complaint terminated was in the additional information as stated under Agenda Item 2.

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

Complainant CV was present and spoke about case no. 201500260 (Agenda Item 16B).  
Complainant CLJ and TJ were present and spoke about case no. 201600014 (Agenda Item 17B).  
Complainant PM was present and spoke about case no. 201500297-ED (Agenda Item 23C).  
Complainant XT was present and spoke about case no. 201600027-ED (Agenda Item 23D).  
Complainant BL was present and spoke about case no. 201500190 (Agenda Item 24A).  
Complainant HP was present and spoke about case no. 201500275 (Agenda Item 16C).

Additional materials for agenda items 4G, 4J, 4K, 8D, 16A, 17D, and 23B, were provided in the Board's materials.

**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. Dr. Robert Todd Erickson - Discipline on Washington license.

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Dr. Erickson is present and addressed the Board. Dr. Erickson stated he is from Washington and is in the process of transferring his license to Arizona. He said he is full time faculty at Arizona School of Dentistry.

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

- B. Dr. Justin David Moody - Convicted of attempted tax evasion in 2003

Dr. Moody was not present to address the Board.

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

- C. Dr. Keith Mitchell Cooper - NPDB disclosure of four malpractice settlements.

Dr. Cooper is present and addressed the Board. Dr. Cooper stated he is a dentist in good standing in California. He has been in practice since 1992 and is a prosthodontist. He said he is very dedicated to his patients and their care. He comes from a long line of health care professionals. His parents reside in Gilbert, AZ and are at the age they require some help. He said he and his family are moving to Arizona to provide assistance to his parents.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Cooper. Dr. Taylor OPPOSED. MOTION PASSED

- D. Dr. Calvin Cephus Brown Jr.- NPDB disclosure of one malpractice settlement over \$10,000.

Dr. Brown is present and addressed the Board. He stated he is from Michigan. Dr. Brown said in his malpractice settlement case that he offered to pay the patient. He said she had some insurance issues and he wanted to ensure she had appropriate follow-up care. He said the patient had some complications while she was in his care. She later presented to the University of Detroit Dental School and said in her health history that she was fine and that Dr. Brown didn't try to cause her any harm. Dr. Brown thanked The Board for allowing him to appear and give a statement.

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

**Agenda Item No. 9** VACANT

**Agenda Item No. 10.** VACANT

**Agenda Item No. 11** VACANT

**Agenda Item No. 12** **REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE**  
Roll Call Vote *is required*

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

- A. VACANT

**Agenda Item No. 13** **ACTION ON PREVIOUS ACTION – Roll Call Vote is required**

The Board will review, discuss and may vote to take action on the previous action for the following case(s):

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**Agenda Item No. 13A - CASE NO. 201500219 – Dr. Jaleh Keyhani**

Executive Director Hugunin stated at the April 1, 2016 meeting, the Board conducted a Formal Interview with Dr. Keyhani. The Board voted to discipline Dr. Keyhani with several sanctions. One of the sanctions was six hours of record keeping. After reviewing the transcripts it was unclear what the Board's concerns are with Dr. Keyhani's record keeping. The Board may consider adding a finding of fact to support the record keeping sanction or delete the continuing education in record keeping.

Ms. Corcoran, attorney for Dr. Keyhani, is present and addressed the Board. Ms. Corcoran said when reviewing Dr. Keyhani's records, she provides extensive amounts of information, and some of the information is lost in translation. Ms. Corcoran stated she advised Dr. Keyhani to keep her records more simple. She said record keeping should not be a finding of fact. Ms. Corcoran also stated that she disagrees with the proposed Board Order. The restitution in the Order is \$21,000; however, the patient only paid \$11,940.56. Ms. Corcoran asked the amount of the restitution be changed to reflect what was actually paid to the patient.

The Board directed Board Staff to review restitution with Ms. Corcoran, and come to an agreement for the amount.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to REMOVE six hours of record keeping from the consent agreement and AMEND the amount of restitution. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13B - CASE NO. 201500256 – Dr. Omaima S. Samain**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to ACCEPT the proposed Board Order from the April 1, 2016 Formal Interview for Dr. Samain. MOTION PASSED UNANIMOUSLY.

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

A. Administrative Appeals

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

A petition before the Supreme Court is still pending.

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

There was nothing to report

**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. 15A	Case No. 201500245	Dr. Amanda Sue Sparacino
Agenda Item No. 16A	Case No. 201500221	Dr. Richard L. Saran
Agenda Item No. 16C	Case No. 201500275	Dr. John M. McLaughlin
Agenda Item No. 16F	Case No. 201600006	Dr. Kathy Ann Jacobsen
Agenda Item No. 16H	Case No. 201600010	Dr. Gregory M. Pafford

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Agenda Item No. 17A Case No. 201500294

Dr. Aanya Virendra Sanghvi

Agenda Item No. 17D Case No. 201600022

Dr. Krishnan R. Bala

**Agenda Item No. 14 - PETITION TO REHEAR – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the Petition(s) for Rehearing for the following case(s). If GRANTED, the Board may remand for rehearing at an Investigative Interview or an immediate rehearing and determination.

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**Agenda Item No. 15 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS  
CONSENT AGENDA – Roll Call Vote *is required***

The Board will review, discuss and may vote to take action on the Consent Agreements for the following case(s):

Item No.	Case No.	Licensee	Action
A.	201500245	Dr. Amanda Sue Sparacino	

**Agenda Item No. 16 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING  
EDUCATION CONSENT AGREEMENTS  
CONSENT AGENDA – Roll Call Vote *is required***

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to ISSUE a Non-Disciplinary Continuing Education Consent Agreement on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
B.	201500260	Dr. Ronald D. Walker	6 hours record keeping
D.	201500293	Dr. Yewande Olunfunmilayo Onodipe	3 hours record keeping, 3 hours operative dentistry
E.	201600002	Dr. John A. Patterson	6 hours diagnosis and treatment planning of implants, 3 hours of record keeping
G.	201600009	Dr. Michael C. Anderson	6 hours crown and bridge

**Agenda Item No. 17 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN  
CONSENT AGENDA – Roll Call Vote *is required if case is pulled***

Upon MOTION by Dr. Foster, second by Ms. Crevier, the Board voted to IMPOSE a LETTER OF CONCERN for the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
B.	201600014	Dr. Dariene V. Lazore	“Dr. Lazore should be familiar with the duties of a laboratory technician”
C.	201600016	Dr. Pouria Owtad	“Dr. Owtad should completely

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			document all complications in every patient's chart"
E.	201600031-MP	Dr. Vito M. Ardito	"Dr. Ardito should inform the patient and document any adverse outcomes"
F.	201600033	Dr. Mandalene Jayne Mirkhah	"Dr. Mirkhah should only write for medications that are within the scope of dentistry"
G.	201600043	Dr. Cheyanne R. Fazeli	"Dr. Fazeli should have a documented diagnosis prior to treatment"

**Agenda Item No. 18 – CASES RECOMMENDED FOR TERMINATION  
CONSENT AGENDA – Roll Call Vote *is not required***

Upon 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.	201600020	Dr. Aaron A. Jarvis	Per patient letter
B.	201600025	Dr. Brooke A. Zoumbaris	Per patient letter
C.	201600026	Dr. Juan Carlos Valencia	Per patient letter
D.	201600028	Dr. Manoj Sharma	Per patient letter
E.	201600029	Dr. Mark J. Castle	Per patient letter

**Agenda Item No. 19 – CASES RECOMMENDED FOR DISMISSAL  
CONSENT AGENDA – Roll Call Vote *is not required***

The Board will review and may vote to take action on the following case(s).

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**Agenda Item No. 20 – MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND  
DISCIPLINARY ACTION IN ANOTHER STATE  
CONSENT AGENDA – Roll Vote is required if case is pulled**

- A. Dr. Gregory A. Kammeyer – Adverse Occurrence – Took no action

NO ACTION TAKEN

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

- A. VACANT

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

- A. April 1, 2016 Board Meeting Minutes
- B. April 1, 2016 Executive Session Minutes

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Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the April 1, 2016 Board Meeting Minutes and the April 1, 2016 Executive Session Minutes. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 23 - REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

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

Item No.	Case No.	Licensee	Comments
A.	VACANT		
B.	201500281-ED	Dr. Hugh T. Keefe	
C.	201500297-ED	Dr. Dale D. Lentz	
D.	201600027-ED	Dr. Christopher S. Brendemuhl	

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

**FORMAL INTERVIEW**

**Agenda Item No. 24A Case No. 201500190  
Dr. Sathish Bhadra Chari**

Dr. Chari was sworn in by the court reporter. Mr. Jeffrey Tonner, attorney for Dr. Chari, was present to address the Board.

On July 20, 2015, the Board received a complaint against Dr. Chari alleging he performed inadequate endodontics, inadequate crown and bridge and inadequate orthodontics. The patient also alleges Dr. Chari did not provide adequate informed consent. This was on the April 1, 2016 consent agenda and was pulled by a member of the Board. The Board voted to MODIFY the consent agreement by imposing a \$2000.00 administrative penalty, 12 hours of hands-on training in endodontics in a dental school setting, and limit practice in endodontics until continuing education is complete, four hours of continuing education in risk management, six hours of continuing education in crown and bridge, six hours of hands-on orthodontics training in a dental school setting, and limit his practice in orthodontics until the continuing education is complete, three hours of continuing education in record keeping. If Dr. Chari declined he would be invited for a Formal Interview. Dr. Chari has chosen to appear in front of the Board for a Formal Interview and has been notified that he may have committed Unprofessional Conduct under A.R.S. §32-1201.01(14) and (24) and committed a violation of A.R.S. §32-1264(A).

Mr. Tonner addressed the Board. He stated he listened to the audio from the last Board meeting and there are three areas he wanted to discuss. First is endodontics; when Dr. Chari performed the endodontics there were nine done, they were not all of his, but he had referred the patient to an endodontist. The patient told the endodontist she was not going back to Dr. Chari and she wanted another dentist. As a result the endodontist sent the patient to Dr. Kelly and was seen on the same day. The endodontist looked at the teeth and saw problems with 2, 3 and 4. He has explanations for these teeth. The patient then seeks treatment from the general dentist who overrules the endodontist recommendations and he states there are nine problems with the patient's teeth. In the previous Board meeting, a member of the Board said there was a problem with the endodontics. Second, is crown and bridge the patient presented to Dr. Kelly. Dr. Kelly did not say there were open margins; he did say there was an improper bite relationship on the posteriors. In Dr. Chari's notes he stated there was a class one

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molar relationship issue on the right, a class two molar relationship with the left. Those two cause an imbalance, which causes pressure issues. The patient was not interested in overall orthodontics; Dr. Chari restored the patient to the normal position. Mr. Tonner agreed there was a problem with the endodontics and this was true in this case, but it is not caused by Dr. Chari. Third, was the orthodontics, there seems to be some issue performing restorative as well as orthodontics at the same time. Mr. Tonner said they disagree. The orthodontics that was performed was just canine to canine up and down. All of the other procedures completed were done on other teeth. There was some mention of the restorative should have been completed before the orthodontics. Mr. Tonner stated if the Board were to verify the criticisms they are not what they appear.

Dr. Foster is the Lead Board Member.

Dr. Foster asked Dr. Chari what the orthodontic diagnosis for this case was. Dr. Chari said his diagnosis were in the records. Mr. Tonner responded and said the diagnosis was in the progress notes dated 8/7/13, he said class one right side, class three left side, with interior crowding. Mr. Tonner said this diagnosis was on page one of the progress notes. Dr. Foster said he did not see the progress notes in his Board materials.

Mr. Tonner asked the Board if they had seven pages of progress notes from Dr. Chari. Mr. Tonner stated he was unable to do an adequate job presenting this case without the progress notes and recommended the case be tabled until the August 5, 2016, Board Meeting.

Upon MOTION by Ms. Crevier, second by Ms. McClain, the Board voted to TABLE Case No. 201500190 to review the progress notes until the August 5, 2016 Board Meeting. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 15A – Case No. 201500245 - Dr. Amanda Sue Sparacino**

This case was pulled by two Board Members.

One member of the Board pulled the case to state that, one of the allegations in the case was there were issues with the implants and dentures and this was not addressed in the consent agreement. The case had problems with the prosthetic part, and Dr. Sparacino did not develop the proper vertical dimension.

The second Board Member pulled the case, because there was a concern with the local anesthetic used on the patient. She said she would like to see an additional six hours added in anesthesia technique with three of the hours in a dental school setting with hands-on training.

Ms. Corcoran, attorney for Dr. Sparacino addressed the Board with her concerns regarding the AMENDED consent agreement. Ms. Corcoran asked the Board to explain the difference between dosage and technique classes. Dr. Hauer stated toxicity means the doctor administered too much total anesthesia to the patient. Had proper technique been used, Dr. Sparacino would not have used too much anesthesia on the patient. Ms. Corcoran said she wanted to ensure she could find 12 hours in the amount of time Dr. Sparacino has to complete the training.

Upon MOTION by Dr. Hauer, second by Dr. Taylor the Board voted to AMEND the consent agreement by ADDING six hours of treatment planning in implant retained prosthetics, six hours of anesthesia technique, three of the six hours to be completed in a dental school with hands on training, with nine months to complete. If Dr. Sparacino does not accept the AMENDED consent agreement she will be invited for a Formal Interview. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16A – Case No. 201500221 – Dr. Richard L. Saran**

This case was pulled by a Board Member to RECUSE.

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Upon MOTION by Mr. Greer, second by Ms. McClain the Board voted to ACCEPT the non-disciplinary continuing education consent agreement for Dr. Saran. Mr. Jackson is RECUSED. Dr. Waite is RECUSED. MOTION PASSED.

**Agenda Item No. 17A – Case No. 201500294 – Dr. Aanya Virendra Sanghvi**

Dr. Sanghvi appeared before the Board and was sworn in.

Ms. McLellan, attorney for Dr. Sanghvi was present and addressed the Board. The recommendation is for a Letter of Concern. Ms. McLellan asked the Board to consider dismissing this. Dr. Sanghvi was a new doctor practicing at the location. Ms. McLellan said the existing dental assistants at this location did not take kindly to a new doctor at the location. The dental assistants did not like the directions they were given by a new dentist, changing some of the protocol they were used to following. There was a dental assistant who filed this complaint, 19 patients were identified in the complaint. She said in reviewing this complaint there is absolutely no deviation from the standard of care. Ms. McLellan said the concern was raised regarding periodontal documentation in this case. She doesn't believe the 19 patients in this complaint are exemplary for that type of issue. Ms. McLellan said when she reviewed the charts with Dr. Sanghvi they identified four cases that did have information about periodontal evaluations in the charts. Those were patients 2, 13, 14 and 19. Dr. Sanghvi is aware that full mouth periodontal examinations are done with new patients for comprehensive exams and done on an annual basis. Dr. Sanghvi also understands and performs some of those periodontal exams on a limited examination depending on the issue. Ms. McLellan stated since Dr. Sanghvi has the level of comprehension and a Letter of Concern is not necessary she asked the Board to consider dismissing the case.

Upon MOTION by Ms. McClain, second by Dr. Taylor the Board voted to DISMISS the Letter of Concern in case no. 201500294. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17D – Case No. 201600022 – Dr. Krishnan R. Bala**

This case was pulled by a Board Member and a member of the public. Dr. Hauer stated in this case, Dr. Bala placed a crown on the patient, and advised the patient he did not have enough to hold the crown in place. The doctor told the patient he did not want to place this crown; however, the patient insisted.

Upon MOTION by Dr. Hauer, second by Dr. Waite, the Board voted to DISMISS the Letter of Concern in Case no. 201600022. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16C – Case No. 201500275 – Dr. John M. McLaughlin**

This case was pulled by a Board Member. After reviewing this case the Board discussed this case and determined it was more egregious than a non-disciplinary consent agreement. After reviewing the preoperative x-rays of teeth no. 19 and 20, Dr. McLaughlin seated crowns on both of these teeth. Both teeth, especially tooth no. 20, should have had a root canal. Restorability is very questionable. Once the endodontics has been performed, crown lengthening should have been performed. Both teeth were eventually extracted after Dr. McLaughlin had performed crowns. Dr. McLaughlin failed to inform the patient of risks involved in this case.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to REJECT the non-disciplinary consent agreement and OFFER the licensee a disciplinary consent agreement with three hours in record keeping, six hours of diagnosis and treatment planning, 12 hours of hands-on training in crown and bridge. If Dr. McLaughlin declines the consent agreement, he will be invited to a Formal Interview. Ms. McClain is RECUSED. MOTION PASSED.

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**Agenda Item No. 16F – Case No. 201600006 – Dr. Kathy Ann Jacobsen**

This case was pulled by a Board Member. The Board discussed adding an additional sanction to the non-disciplinary consent agreement. There was no treatment plan, or any discussion with the patient.

Upon MOTION by Ms. McClain, second by Dr. Foster the Board voted to AMEND the non-disciplinary consent agreement to include six hours of diagnosis and treatment planning, and six hours of continuing education in record keeping. If Dr. Jacobsen declines the non-disciplinary consent agreement, she will be invited to a Formal Interview. MOTION PASSED.

**Agenda Item No. 16H – Case No. 201600010 – Dr. Gregory M. Pafford**

This case was pulled by a Board Member to RECUSE.

Upon MOTION by Mr. Greer, second by Dr. Taylor the Board voted to ACCEPT the non-disciplinary continuing education consent agreement. Dr. Foster RECUSED. Dr. Hauer RECUSED. MOTION PASSED.

**Agenda Item No. 28 – Future Agenda Items**

- A. A.R.S. §32-1211

**Agenda Item No. 29 – Next Meeting Date – August 5, 2016**

**Agenda Item No. 30 – Adjournment**

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

Dr. Hauer adjourned the meeting at 10:34 AM.

Minutes APPROVED at the June 3, 2016 Board Meeting.

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**Elaine Hugunin, Executive Director**