



## 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](http://www.dentalboard.az.gov)

### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING June 5, 2015

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

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

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

Howard Sorensen, DDS

#### **Staff Present:**

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

#### **NOTICE:**

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

#### **GENERAL BUSINESS**

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

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

For the record, Dr. Sorensen is absent. Additional information was provided in the Board folders for agenda items 4G, 4I, 13B, 15A, and 17D.

##### **Agenda Item No. 3      PRESIDENT'S REPORT**

A.    VACANT

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

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

There is an Executive Order stating there is a rules moratorium. The Board currently has four packages in the process. The Board has received exemptions for everything with the exception of the Fees package. The continuing education package was approved by the Governor's Regulatory Review Council. These changes were made as a result of the Auditor General's report. Governor Ducey has mandated within the Executive Order that every rule be reviewed, its merit determined and a report completed prior to September 1, 2015.

**B. Review, discussion and possible action regarding the termination of complaint 201500066 against Happy Smiles Dental.**

The Internal Investigative Review Committee requests the Board to consider the termination of case no. 201500066 against Happy Smiles Dental.

Upon MOTION by Mr. Greer, second by Dr. Waite, the Board voted to TERMINATE complaint number 201500066 against Happy Smiles Dental. MOTION PASSED UNANIMOUSLY.

**C. Report from the mid-year AADB and AADA meeting held in Chicago April 26-27, 2015**

Director Hugunin reported at both the American Association of Dental Boards and American Association of Dental Administrators meetings there were many conversations regarding the potential ramifications of the Federal Trade Commission vs. the North Carolina Dental Board decision. There are many states who are being threatened with potential litigation as a result of the decision. The American Dental Association's legal counsel weighed in on this issue. They also reported about a case involving the Texas Dental Board, which is being sued by an organization representing some specialty groups who are not recognized as a specialty by the ADA. The primary theme of the AADB's meeting was related to the impaired practitioner. A speaker from the Drug Enforcement Agency shared the current trends related to controlled substances; it is a more significant problem with physicians than dentists. Dr. Waite was in attendance and is currently the Treasurer on the WREB Board. He was unanimously elected to serve as the Chair for the Western caucus. Dr. Waite stated that the meeting went well and was very productive.

**D. Review, discussion, and possible 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, Investigator, and Rule Writer**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the 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, Investigator, and Rule Writer. MOTION PASSED UNANIMOUSLY.

**E. Board Training – Stuart Goodman, Board Legislative Liaison.**

Mr. Stuart Goodman, the Board's Legislative Liaison, provided training for the Board.

**F. Review, discussion, and approval for the Executive Director to attend the Arizona Bar Association Administrative Law Session June 25, 2015 at the Arizona Biltmore**

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the attendance of the Executive Director at the Arizona Bar Association Administrative Law Session on June 25, 2015 at the Arizona Biltmore. MOTION PASSED UNANIMOUSLY.

- G. Review, discussion and possible action on implementation of SB 1282 relating to Expanded Function Dental Assistants, including but not limited to, presentation by the Dental Assisting National Board on training programs.

The Board was provided a copy of the recent legislation. Johnna Gueorguieva, a representative from the Dental Assisting National Board, was present to assist the Board in its discussion.

The exams that would meet the requirements of the new legislation are three certified restorative function dental assistant exams and one of the certified preventative function dental assistant for topical fluoride. The only component of the requirements that are not met by the exams are interim therapeutic restorations. It is a newer function and DANB does not currently test on that component. A discussion on how to address that through the education received in the CODA programs would be needed.

This is not a hands-on examination as DANB tests through written multiple choice. The Board would also need to discuss the requirements for the individuals to complete the education piece. In the Dental Practice Act, it states that education has to be completed from a program that is within a CODA institution. It can be dental, dental hygiene or dental assisting and there may need to be Board approval.

The Board asked if there were any schools within the state that currently teach to the level within the Dental Practice Act. Ms. Gueorguieva stated that she was not sure and a survey of the CODA programs would need to be done.

Mr. Kevin Earle, Executive Director of the Arizona Dental Association, was present and addressed the Board. There are three CODA approved programs within the state. There is one at Phoenix College, one at Rio Salado Community College and one at Pima Community College in Tucson. They are not currently teaching these functions. The goal is to develop the programs to be able to qualify to sit for the examination. If the schools understand what the testing would be, then the educational program can be designed. The educational program would need to be completed satisfactorily prior to testing. There is a process that the schools will have to go through to get the curriculum approved and they would like to move forward as quickly as possible.

The programs would be available for both dental assistants and dental hygienists because the Dental Practice Act states that anything that is within the scope of a dental assistant can be performed by a dental hygienist with equivalent training. The Board asked if the programs would assist the dental assistants and dental hygienists to take the clinical exam by WREB. If the Board determined that was the route it wanted to take, then yes. Research would need to be done with WREB to find out how it would work.

The Board asked if DANB had experience in other states where a complaint was filed, who would be responsible if there was discipline. Ms. Gueorguieva answered it would be something she would have to look into and bring before the Board.

The responsibility would be on the dentist as it is only a certificate that is being issued and not a license. The license holder would have to take full responsibility for what happens. In a clinic setting, where there is a high volume and numerous dentists, which doctor is responsible? It was discussed it would be the person who did the preparation.

The Board agreed these are some of the questions that need to be answered as there are existing questions where you have multiple doctors or when a business entity owns a practice or practices through teledentistry. Dir. Hugunin stated all of the details would have to be worked out regarding approving the exam so that the educational programs can move forward as well.

DANB would help by providing any information the Board would need such as access to other state's information. The Board would need to decide how to handle courses taken in other states. DANB has a matrix of qualifications that are issued in other states. The information provided by DANB can be distributed to the Board to assist in defining these key elements as the Board moves forward. Mr. Earle discussed meeting with the Directors of the three programs in Arizona and Ms. Gueorguieva to collectively provide some suggestions for a pathway for some substantial recommendations perhaps prior to the next Board meeting.

- H. Review, discussion and possible approval for the Executive Director and Board President to attend the Annual Meeting of the American Association of Dental Boards November 3-4, 2015, Washington, D.C. and for the Executive Director to attend the AADA meeting

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the Executive Director and Board President's attendance at the Annual Meeting of the American Association of Dental Boards, November 3-4, 2015. MOTION PASSED UNANIMOUSLY

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

The list of each complaint terminated was in the additional information as stated under Agenda Item 1. 18 complaints were terminated through the Executive Termination process, 10 can still be appealed and two have been appealed.

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

Complainant DS was present and spoke about case no. 201300153 (Agenda Item 13A).  
Complainant AM was present and spoke about case no. 201400311 (Agenda Item 16A).  
Complainant AT was present and spoke about case no. 201500016 (Agenda Item 16F).  
Complainant AV was present and spoke about case no. 201400303-ED (Agenda Item 23A).  
Complainant RLM was present and spoke about case no. 201500027-ED (Agenda Item 23C).  
Complainant RLZ was present and spoke about case no. 201500073 (Agenda Item 17E)

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

- A. Matthew David Mercer, RDH – disclosure of misdemeanor convictions in 2009

Mr. Mercer was present to address any questions from the Board.

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

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

- A. Dr. Ronald Clyde Shrum – Board approved exam, disclosure of Missouri disciplinary action
- Dr. Shrum was present to address the Board. Dr. Shrum relocated from Missouri and would like to practice on a part-time basis. The Board requested additional information regarding the discipline on his Missouri license. Dr. Shrum stated that the discipline was due to a lack of continuing education hours that was rectified by taking twice as many hours required.
- Upon MOTION by Dr. Waite, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Shrum. MOTION PASSED UNANIMOUSLY.
- B. Dr. Eugene Jung Kim – Board approved exam, previously licensed in Arizona with disciplinary action
- Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Kim. MOTION PASSED UNANIMOUSLY.
- C. Margaret Ann Spencer, RDH – 1989 Indiana State Exam prior to a regional
- Ms. Spencer was present to address questions by the Board.
- Upon MOTION by Mr. Greer, second by Crevier, the Board voted to GRANT licensure to Ms. Spencer. MOTION PASSED UNANIMOUSLY.

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

- A. Dr. Gang Li – 2015 CRDTS
- Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Li. MOTION PASSED UNANIMOUSLY.
- B. Dr. Joshua Kent Nagao – 2015 CDCA/NERB
- Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to GRANT licensure to Dr. Nagao. MOTION PASSED UNANIMOUSLY.
- C. Dr. Jennifer Loren Martin – 2015 CDCA/NERB
- Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to GRANT licensure to Dr. Martin. MOTION PASSED UNANIMOUSLY.
- D. Dr. Brian Josef Martin – 2015 CDCA/NERB – Disclosure of misdemeanor conviction for possession of paraphernalia and possession of controlled substance in June 2006
- Dr. Martin was present to answer questions from the Board.
- Upon MOTION by Dr. Waite, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Martin. MOTION PASSED UNANIMOUSLY.

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

- A. Vacant

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

- A. Discussion on U.S. Supreme Court decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to TABLE the discussion on U.S. Supreme Court decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission until the August 7, 2015 Board meeting. MOTION PASSED UNANIMOUSLY.

- B. Administrative Appeals

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

The Board is awaiting a decision from the court. It has been under consideration since January 26<sup>th</sup>.

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

Dr. Wassef's attorney has filed his opening brief. Ms. Williams is currently working on the Board's answering brief.

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

Dr. Keith has until July to file her opening brief or the case will be dismissed.

**Agenda Item No. 6 PERSONNEL ISSUES**

- A. VACANT

**Agenda Item No. 7 COMMITTEE REPORTS**

- A. VACANT

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

- A. VACANT

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

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

Ms. Williams, legal counsel for the Board, addressed the Board.

This case had a formal interview and then Dr. Harding's Petition to Rehear or Review was granted. Upon the second review, there were allegations added and the Board investigator reviewed the matter again. Dr. Harding elected to have the case sent to a Formal Hearing at the Office of Administrative Hearings rather than another formal interview. In lieu of proceeding to the Formal Hearing, Mr. Tonner and Ms.

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Williams presented a non-disciplinary consent agreement to the Board for continuing education. This is based upon the evidence gathered through the investigative process during both reviews of the case.

The consent agreement will adequately resolve the matter. In the majority of the cases that were reviewed, Dr. Harding did not actually do the treatment. The Board has been presented with the record from the matter as well as the case. The Board can accept, reject or modify the agreement.

Mr. Tonner was present to answer any questions.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to ACCEPT the proposed non-disciplinary consent agreement.

The Board discussed whether continuing education that has to do with the treatment and selection of materials for the patient population would be appropriate. Ms. Crevier proposed amending the motion to include 12 hours of continuing education in the diagnosis and treatment planning in the selection of the patient population he was treating.

For the record, Dr. Harding sold his practice and is no longer in practice. It would still be appropriate as Dr. Harding still has a dental license.

The proposed amendment by Ms. Crevier was not accepted by the maker of the motion. Based upon what was presented at the prior case, some members of the Board were not as concerned about the material used. Dr. Palmer reviewed the case and found that Dr. Harding did not place any of the restorations in the last two cases. The materials used were placed by other practitioners. Dr. Harding owned the practice, but the other practitioners could decide which materials they wanted to use. Dr. Harding did see some patients for exams; however, he did not do any of the restorative work. He was probably listed as a provider for claim forms because he was the owner of the practices. Dr. Palmer stated that Dr. Harding did not do a majority of the restorations upon further review.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to ACCEPT the proposed non-disciplinary consent agreement. Dr. Taylor, Ms. Crevier, Dr. Flowers, Mr. Jackson, Ms. McClain, Dr. Foster, and Dr. Hauer OPPOSED. MOTION FAILED.

Mr. Tonner addressed the Board. He did not think it was appropriate for the Board to change the agreement presented without the agreement of Dr. Harding.

Mr. Christopher Munns, on behalf of the State, stated Dr. Harding would have to agree to any modifications. At this time, the Board can propose and offer the modified agreement to Dr. Harding. The Board confirmed with Dr. Palmer that there is a continuing education course that covers selection of dental materials. The agreement would still be non-disciplinary. The Board asked Dr. Harding and Mr. Tonner if they would accept the modified non-disciplinary consent agreement. Mr. Tonner replied that they would let the Board know in the future.

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to AMEND the proposed non-disciplinary consent agreement to include 12 hours of continuing education in the diagnosis and treatment in the selection of materials for the patient population that was being treated. Mr. Greer and Dr. Waite OPPOSED. MOTION PASSED.

**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. 16D Case No. 201500009</b>	<b>Dr. Richard L. Saran</b>
<b>Agenda Item No. 16E Case No. 201500012-MP</b>	<b>Dr. Pankaj R. Goyal</b>
<b>Agenda Item No. 16G Case No. 201500020</b>	<b>Dr. Enrique A. Santiago</b>
<b>Agenda Item No. 16H Case No. 201500038</b>	<b>Dr. Jaleh Keyhani</b>
<b>Agenda Item No. 17A Case No. 201500021</b>	<b>Dr. Gary Oreskovich</b>

**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 Agreements on the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201500023	Dr. Barry J. Uldrikson	
B.	201500025	Dr. Kristine P. Thomas	

**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.	201400311	Dr. David A. Foreman	4 hours of risk management
B.	201400312	Dr. Paul D. Whitney	3 hours of record keeping
C.	201400313	Dr. Gary A. Smith	4 hours of risk management
F.	201500016	Dr. Jerry L. Sullivan	6 hours of record keeping
I.	201500039	Dr. Andrew T. Kunstman	6 hours of record keeping
J.	201500050	Dr. Paul Alan Varda	6 hours of record keeping

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

Upon a MOTION by Dr. Foster, 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
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B.	201500028	Dr. Omaima S. Samain	Issue a Letter of Concern stating: "Dr. Samain should ensure the x-rays for a new patient are of sufficient quantity and quality to do an adequate and thorough diagnosis."
C.	201500035	Dr. James B. Rohen	Issue a Letter of Concern stating: "Dr. Rohen should examine a patient, document the reason for the prescription and only write prescriptions appropriate for dental treatment."
D.	201500048	Dr. Brian D. Birtcher	Issue a Letter of Concern stating: "Dr. Birtcher should document periodontal probing scores on all patients and update the health history on a regular basis."
E.	201500073	Dr. Ali H. Nia	Issue a Letter of Concern stating: "Dr. Nia should adequately document informed consent for the treatment in the patient's record."
F.	201500098	Dr. Michael W. Golding	Issue a Letter of Concern stating: "Dr. Golding should confine his prescribing of medications for conditions related to dentistry."

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

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

Item No.	Case No.	Licensee	Action
A.	201500022	Dr. Robert B. Goldenberg	Terminate – per patient letter
B.	201500026	Dr. Osama I. Abadi	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 Dr. Foster, second by Dr. Taylor, the Board voted to ACCEPT the recommendation to take no action on the following cases. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 20A**

**Dr. Lawlay Naeimasa Azizi**  
 Malpractice report. Took no action.

**Agenda Item No. 20B**

**Dr. David S. Hancock**  
 Malpractice report. Took no action.

**Agenda Item No. 20C**

**Dr. Omer K. Red**

Malpractice report. Took no action.

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

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to APPROVE the following Consultant. MOTION PASSED UNANIMOUSLY

A. Laurie A. Buckles, RDH – Dental Hygiene Consultant

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

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

**Agenda Item No. 22A April 10, 2015 – Board Meeting Minutes**

**Agenda Item No. 22B April 10, 2015 – Executive Session Meeting Minutes**

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

**Agenda Item No. 13B Case No. 201400227  
Dr. Salvatore F. Perna**

Mr. Tonner, attorney for Dr. Perna, was present to address the Board.

At the Formal Interview held at the April Board Meeting, the Board found unprofessional conduct relating to inadequate implants and complications during or after treatment. The Board recommended a variety of sanctions. Dr. Perna currently works for others and believes that one of the sanctions ordered would result in his termination. Mr. Tonner proposed some changes. Dr. Perna would enter into a disciplinary consent agreement permanently restricting him from placing implants, if the Board agreed to drop all of the sanctions with the exception of the six hours of continuing education in record keeping.

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\*\***

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to ENTER into an appropriate consent agreement, whereby the doctor would receive a permanent restriction on placing implants in lieu of dropping the conditions that are stated in the proposed Board Order for probation, monitoring and continuing education, and include 6 hours of record keeping. If accepted by Dr. Perna, the order does not need to be returned to the Board for approval. Dr. Taylor, Ms. Crevier, OPPOSED. MOTION PASSED.

**Agenda Item No. 13C Case No. 201400250  
Dr. Michael Wassef**

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to ACCEPT the proposed Board Order. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13A Case No. 201400256  
Dr. Minseok Kang**

Mr. Tonner, attorney for Dr. Kang, was present to address the Board.

Mr. Tonner proposed changing Finding of Facts numbers 4 and 5. Finding of Fact number 4 should include what happened after the situation and not during. Mr. Tonner provided the Board a letter which was included in the Boards materials. Finding of Fact number 5 stated treatment was provided for dates that were incorrect. Mr. Tonner requested that the Board modify Finding of Facts number 4 and strike Finding of Facts number 5.

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

**Executive Session**

**\*\*Return to Open Meeting\*\***

Dr. Palmer addressed the Board regarding Finding of Fact number 4. In the Formal Interview, a Board member stated that because the photographs were two dimensional, decay wouldn't necessarily show in the x-rays. For Finding of Fact number 5, in the records provided by the doctor, the computer notes have a date and on the other side the notes will show "date created." The outside dental consultant looked at the incorrect dates. The notes are consistent with the treatment during that period. Finding of Fact number 5 should be removed.

The Board discussed not accepting the change to Finding of Fact number 4. Dr. Kang agreed Finding of Fact number 4 is correct.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to MODIFY the proposed Board Order by STRIKING Finding of Fact number 5 and otherwise approve the order. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13A Case No. 201400265  
Dr. Neda E. Delavari**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to ACCEPT the proposed Board Order. MOTION PASSED UNANIMOUSLY.

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

**Agenda Item No. 14A Vacant**

**Agenda Item No. 16D Case No. 201500009  
Dr. Richard L. Saran**

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

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to IMPOSE the non-disciplinary consent agreement. Dr. Waite RECUSED. MOTION PASSED.

**Agenda Item No. 16E Case No. 201500012-MP  
Dr. Pankaj R. Goyal**

This case was pulled by a Board member.

Based upon the report and summary some of the actions taken by Dr. Goyal were inappropriate not within the standard of care. The Board discussed if Dr. Goyal's actions rose to the level of unprofessional conduct which should result in a disciplinary consent agreement. Dr. Goyal did not have legal representation.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to REJECT the non-disciplinary consent agreement and OFFER the licensee a disciplinary consent agreement. If Dr. Goyal refuses the disciplinary consent agreement, then he will be invited to attend a formal interview before the Board.  
MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16G            Case No. 2015000020  
   Dr. Enrique A. Santiago**

This case was pulled by a Board member. Mr. Jeffrey Tonner, attorney for Dr. Santiago, was present to address the Board if necessary.

Mr. Tonner declined to address the Board.

This case was pulled due to multiple issues such as the delivery of the bridge, decay, restorations and some teeth that were not restorable. The extent of the decay shown on the x-rays would not have happened within a few months. The multiple issues present within the case would cause it to rise to the level of unprofessional conduct and should be disciplinary rather than non-disciplinary action.

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. If the disciplinary consent agreement is refused, then Dr. Santiago will be invited to attend a formal interview before the Board.  
MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16H            Case No. 2015000038  
   Dr. Jaleh Keyhani**

This case was pulled by a Board member.

Ms. Corcoran, attorney for Dr. Keyhani, was present to address the Board.

The Board was concerned about the actions of Dr. Keyhani. Dr. Keyhani stated the bone grafting failed on tooth #14 due to radiolucency's on teeth nos. 12 and 13. The Board could not find radiolucency's on teeth nos. 12 and 13. The consultant that reviewed the case did not notice anything. The other concern of the Board was that in the middle of treatment, Dr. Keyhani made decisions that should have involved the referring general dentist who had done the treatment plan. There was no indication that tooth nos. 12 and 13 should have been extracted. Dr. Keyhani should not have done the extractions without consulting the treating dentist who was going to have to do the treatment plan and restorations. There should have been more communication between Dr. Keyhani and the general dentist.

The Board discussed continuing education in that risk management should be in diagnosis and treatment planning. Risk management is informed consent. The Board was unclear if the patient signed or agreed to anything as she was sedated. This case warrants more than just risk management.

Ms. Corcoran addressed the Board. Ms. Corcoran stated the implants placed were fully integrated with a fully functional bridge and as a result this should not rise to the level of discipline. The patient previously had root canals which failed. The general dentist originally wanted to do a root canal and bridge. The patient contacted Dr. Keyhani for an implant consultation. If the Board wanted to add continuing education to the non-disciplinary consent, Ms. Corcoran stated that Dr. Keyhani would not have a problem with that.

Dr. Keyhani stated that she had a blanket discussion with the patient regarding tooth nos. 12 and 13. When tooth #14 failed, there were additional findings that Dr. Keyhani felt warranted extraction or redo, which she offered to the patient and the patient refused.

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The Board discussed adding 6 hours of continuing education in diagnosis and treatment planning to the non-disciplinary consent agreement. Dr. Palmer stated that diagnosis and treatment planning is broad. He suggested that the Board be more specific to the case.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to ADD 6 hours of diagnosis and treatment planning in oral surgery to the non-disciplinary consent agreement. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17A            Case No. 2015000021  
   Dr. Gary D. Oreskovich**

Dr. Oreskovich's attorney, Susan McLellan, was present to address the Board if necessary.

This case was on the agenda for a non-disciplinary Letter of Concern and was pulled by a Board member.

The Board recommended a non-disciplinary consent agreement for six hours of operative treatment planning of placing posterior restorations.

Ms. McLellan addressed the Board. A prior treating dentist placed some of the restorations in this case, while Dr. Oreskovich placed others. The decay seen in some of the teeth were not treatment planned. A look at the patient's history shows she is a heavy smoker, a sleep eater, and does not follow instructions. This contributes to some of her problems. From August 2011 to June 2014 the patient was instructed to return for a recall appointment on seven different occasions. She returned once. The patient refused the recommendation for a night guard. Based on this, Ms. McLellan believes that a Letter of Concern is appropriate. In hindsight, Dr. Oreskovich agrees that he should have been stronger in discussions with the patient about certain risks. The patient signed a lengthy informed consent that talks about the risks. Dr. Oreskovich offered to redo the treatment the patient felt was done incorrectly. He also offered to refund the patient \$3657.00. In response, the patient demanded \$15,000 and stated if she didn't receive the \$15,000 she would take Dr. Oreskovich to court. A check was sent to the patient for \$3657.00 with no strings attached and Ms. McLellan was informed the check had been cashed. Dr. Oreskovich took a CNA continuing education course in risk management in January of 2015. This served as a reminder to Dr. Oreskovich that he needs to emphasize the risks and outcomes to patients, which can be achieved through a letter of concern.

The Board reviewed an x-ray of tooth #12 which showed radiolucency under the restoration which was placed less than thirty days prior to the x-ray being taken. The report and summary addressed the amount of decay that was left. The allegation was inadequate operative dentistry. The x-ray shows radiolucency and the Board was unable to determine if it was decay. The letter of concern as stated does not address the amount of decay. This is the reason a non-disciplinary consent agreement was recommended.

Upon MOTION by Dr. Waite, second by Ms. Crevier the Board voted to OFFER Dr. Oreskovich a non-disciplinary consent agreement for 6 hours of operative treatment planning of placing posterior restorations. Dr. Taylor, Mr. Jackson, Dr. Foster OPPOSED. MOTION PASSED.

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

**Agenda Item No. 23A    Case No. 201400303-ED                            Dr. Neal L. Jones**

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

**Agenda Item No. 23B    Case No. 201500013-ED                            Dr. George P. Spine, III**

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

**Agenda Item No. 23C Case No. 201500027-ED**

**Dr. James M. Ransdell**

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

**Agenda Item No. 23D Case No. 201500037-ED**

**Dr. Michael G. Greenberg**

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

**FORMAL INTERVIEW**

**Agenda Item No. 24A VACANT**

**Agenda Item No. 27 – Next Meeting Date – August 7, 2015**

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

**Agenda Item No. 26 – Future Agenda Items**

The Board added addressing non-compliant business entities to future agenda items.

**Agenda Item No. 28 – Adjournment**

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

Dr. Hauer adjourned the meeting at 10:45 AM.

Minutes APPROVED at the August 7, 2015 Board Meeting.

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**Elaine Hugunin, Executive Director**