MEETING OF THE ARIZONA
STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
AUGUST 4, 2017

Board Members Present:
Gregory A. Waite, DDS, President
Robert B. Taylor, DDS
Howard J. Sorensen, DDS
Darren L. Flowers, DMD
Heather N. Hardy, RDH
Marilyn J. McClain, RDH
Mr. Charles E. Jackson
Mr. Joshua Greer
Ms. Carole A. Crevier

Board Members Absent:
Robert H. Foster, DDS, Vice President
Lisa B. Bienstock, DMD

Staff Present:
Ms. Elaine Hugunin, Executive Director
Ms. Nancy Chambers, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Ms. Terry Bialostosky, Investigations Supervisor
Ms. Sherrie Biggs, Licensure Manager
Ms. Yubeka Riddick, 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. Waite called the meeting to order at 8:00 a.m.

Agenda Item No. 3 PRESIDENT’S REPORT – Dr. Gregory A. Waite

A. Western Regional Examining Board
   Dental Examiners Review Board report

   Dr. Waite reported The Dental Examiners Review Board meeting was held in June 2017, for
   The Western Regional Examining Board (WREB). He stated with the changes being made to
   the exam he wanted to give an overview to the Board. Dr. Waite stated the following are
required sections: operative, endodontics, and comprehensive treatment planning. Periodontal is part of the examination but the student can opt out of this portion of the examination if they choose to. He stated there is also an optional prosthodontic section which would include a separate fee assessed in addition to the regular examination fee.

Dr. Waite stated in the endodontic section of the examination students have been performing endodontic treatment on a natural mounted tooth. He stated there have been some issues arise over the years with this type of treatment. He stated currently a lot of the students are having a difficult time getting natural teeth. He stated some students were purchasing the teeth on line outside of the country. The decision was made to use a plastic tooth for the examination. Dr. Waite stated if the student fails the endodontic portion of the examination the student can request to retake that portion of the test, with no additional fee on the third day of the examination.

Dr. Waite stated WREB now offers the prosthodontic section of the examination. He stated this is a three-hour examination which will consist of an anterior maxillary central incisor for a crown, and a three-unit bridge; students have the options of choosing the material used in the procedures they perform.

Dr. Waite stated the comprehensive treatment planning written exam will remain the same, and will be graded at the WREB office by WREB examiners. He stated significant changes have been made to the WREB examination process which will begin in the upcoming 2018 WREB examining year.

Mr. Jackson asked why states do not require hands on testing of patients. Dr. Waite stated this was strictly up to each state as to which type of examination is accepted. He stated Arizona requires a patient based exam for licensure. Director Hugunin stated the ADA has some concerns regarding patient based examinations and the harm it may cause the patients. She stated the students are pushing for non-clinical examinations. Dr. Waite stated it is the Boards responsibility to show competency of every student applying for licensure. Dr. Waite stated the majority of the students pass the clinical examinations, there a few who do not pass the clinical examinations who are not ready who require more remediation prior to licensure. He stated students are allowed to take the examination three times and fail before they are required to obtain remediation in a dental school setting.

B. Appointment of Committee to review and recommend changes to A.A.C. R4-11-1101 and 1102 relating to advertising

Dr. Waite reported the following committee members were appointed to A.A.C. R4-11-1101 and 1102 relating to advertising committee:

| Endodontics     | Dr. Rob Roda
| Oral and Maxofacial Surgery | Dr. Skip Harris
| Orthodontics    | Dr. Alyssa Levin
| Pediatrics      | Dr. Tim Wilson
| Periodontics    | Dr. Brent Sanders
| Prosthodontist  | Dr. Frank Sallustio
| Dental Anesthesia | Dr. Cynthia Fukami
| Dental Public Health | Dr. Don Altman
| Dental Implants  | Dr. John Dovgan
| Oral Facial Pain | Dr. Mandep Vermani
| Arizona Dental Association | Mr. Kevin Earle
| Board Chairman  | Dr. Howard Sorensen
Additional materials for agenda items 4H, 4I, 4J, 13A, 13G and 14D were provided in the Board's materials.

A. Summary of current events that affect the Arizona State Board of Dental Examiners
   Executive Director Hugunin stated Dr. Foster and Dr. Bienstock were not in attendance at the August 4, 2017 Board Meeting.

B. Letter from Arizona Dental Association (AZDA) regarding anesthesia permit evaluation process
   Executive Director Hugunin stated the Board was given a copy of a letter from the Arizona Dental Association (AZDA) in which it raises concerns about the Board’s anesthesia permitting, specifically its process for assigning evaluators. She stated the letter was vague in terms of the specific incident; however, by accident the name was revealed to her. She stated she did speak with Ms. Riddick who is responsible for scheduling the permit evaluations. Evaluators are selected based on permit type and geographic location. In the correspondence the applicant referred to in the AZDA letter did pass the evaluation. Director Hugunin stated Board staff attempts to rectify situations in which the applicant believes there is a conflict. She stated it should be noted that each evaluator is informed that if they believe they cannot be objective conducting a specific evaluation to contact Ms. Riddick. Ms. Riddick has received calls from evaluators indicating they cannot complete the evaluation and Ms. Riddick reassigns the evaluation. Board staff does not receive many complaints alleging bias of competitors. Director Hugunin stated that an interesting example which was escalated to her was an applicant who complained that the evaluator was a competitor. Ms. Riddick obtained another evaluator and when told who it would be, the applicant said he would prefer the first evaluator who he had said was a competitor. Director Hugunin stated Board staff believes the anesthesia review process is above reproach. The Board directed Board staff to draft correspondence stating the Board had reviewed this correspondence and thank AZDA for its comments.

C. Dr. Scott Dee Wallin – Case no. 201300176/201400088-MP – Review, discussion and possible action to dismiss without prejudice.
   Director Hugunin stated the Board is in receipt of a memo from Board staff recommending the Board dismiss Case no. 201300176 and Case no. 201400088-MP without prejudice.
   
   Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to DISMISS Case No. 201300176 and Case no. 201400088-MP without prejudice. MOTION PASSED UNANIMOUSLY.

D. VACANT

E. Dr. Denis J. Froehlich – Review, discussion and possible action regarding information alleging practicing without a license and possible referral to law enforcement agency.
   Director Hugunin stated Board staff is recommending the Board consider referring Dr. Froehlich to the Attorney General’s Office or the Maricopa County Attorney’s for further investigation in accordance with AAC R4-11-1503(A)(3).
   
   Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to REFER Dr. Froehlich to the Attorney General’s and/or the Maricopa County Attorney’s Office for further investigation. MOTION PASSED UNANIMOUSLY.

F. Update on Monitored Aftercare Treatment Program (MATP) internal contract
Director Hugunin stated at a previous Board meeting she informed the Board that Board staff was working with the State Procurement Office (SPO) in developing a scope of work for assessments and monitoring. She stated after considerable work and further discussion with SPO and based on the facts that there was only one response which was Greenberg and Sucher, as well as the fact that the participants pay Dr. Sucher directly, it was determined that a SPO contract was not necessary. She stated Board staff was developing a contract for Greenberg and Sucher which was the process in place eight years ago. Director Hugunin stated this was for information only.

G. Review, discussion and possible action regarding 2018 Board meeting dates.

BOARD MEETINGS:
February 2, 2018
April 6, 2018
June 1, 2018
August 3, 2018
October 5, 2018
December 7, 2018

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to APPROVE the 2018 Board meeting dates. MOTION PASSED UNANIMOUSLY.

H. Dr. Vincent Arthur Martinez – Review, discussion and possible action regarding opening an investigation for non-compliance with Stipulated Rehabilitation Agreement and issuance of an Interim Order for Substance Abuse Evaluation and/or treatment, and possible summary suspension.

Director Hugunin apologized for sending the Board material late in the afternoon prior to the Board meeting; however, Board staff was working with Dr. Martinez to see if this could be resolved in a confidential manner. She stated as the material reflects, Dr. Martinez tested positive for cocaine which is a violation of his current Stipulated Rehabilitation Agreement. The Board has Dr. Sucher’s most recent evaluation which recommends that Dr. Martinez obtain a substance abuse evaluation and/or treatment as well as Dr. Martinez’ compliance history with the Board. Director Hugunin stated the Board was also provided with a counteroffer from Dr. Martinez. She stated Board staff and Dr. Sucher believed this situation is similar to Dr. Martinez’ last relapse. Director Hugunin stated Dr. Sucher reviewed Dr. Martinez’ counteroffer and will comment on the case and answer questions.

Dr. Sucher spoke to the Board via telephone. Dr. Sucher stated he has had a six-year relationship with Dr. Martinez and cocaine was his drug of choice. He stated Dr. Martinez was in private monitoring in late 2011 and 2012. Dr. Sucher stated on September 13, 2012, Dr. Martinez had a positive drug screen for cocaine and he was requested to complete a hair test which was never done. Dr. Sucher stated this terminated Dr. Martinez’s participation in private monitoring. Dr. Sucher stated Dr. Martinez was licensed in 2014 under a stipulated rehabilitation agreement. Dr. Sucher stated there have been a number of positive cocaine tests which have been dealt with. A positive test occurred in November 2014, and June 2015. Dr. Sucher stated he questioned Dr. Martinez regarding the June 2015 positive drug screen and he reported he had surgery on a finger and did not know what type of anesthesia was used. Dr. Martinez later reported to Dr. Sucher he had been given tetracaine-adrenaline cocaine- topical anesthetic. Dr. Sucher stated when he asked Dr. Martinez for records, he produced a letter from Banner Hospital which appeared to be a falsified document. Dr. Martinez had a positive hair test on June 26, 2015. He then presented for treatment to Betty Ford from July 7, 2015, through August 17, 2015, admitting to the relapse. Dr. Sucher stated in September 2015, Dr. Martinez sent him an e-mail admitting he had falsified the document.
Dr. Sucher stated on July 13, 2017, Dr. Martinez presented for a random drug test which was positive for cocaine. Dr. Sucher stated he received the results on late July 19, 2017, he was informed on July 20, 2017, and attempted to reach Dr. Martinez on July 20 and July 21, 2017. Dr. Sucher stated Dr. Martinez had submitted a vacation request to be gone the later part of July and that was the reason he was unsuccessful reaching Dr. Martinez during that time. Dr. Sucher stated on July 22, 2017, Dr. Martinez sent an email to him acknowledging the text messages he had sent to him and stated he was going to obtain a hair test on his own, the wrong form was used and the hair test was not taken. Dr. Sucher stated after many attempts at trying to reach Dr. Martinez, he spoke to him late in the day on July 31, 2017, and he had no medical reason for the positive test for cocaine. Dr. Sucher stated he questioned Dr. Martinez why he did not return any of his telephone calls. Dr. Martinez stated he was on vacation with his children and did not want to interrupt his vacation. Dr. Sucher stated he asked Dr. Martinez to provide receipts proving he was out of touch and unable to respond to any messages. Dr. Martinez did provide Dr. Sucher with a number of receipts, but the only receipt he provided indicating he was out of town was a receipt from July 22, 2017 from a hotel in Flagstaff, AZ. Dr. Sucher reported Dr. Heerboth reported to him on July 18, 2017, Dr. Martinez’s behavior at the relapse prevention group appeared to be noticeably upset, different, and worrisome to the group as well as Dr. Heerboth. Dr. Sucher stated this was significant. Dr. Sucher stated Dr. Martinez voiced his concerns regarding the July 13, 2017 test which he believed there was some type of mix up with the bottles at the collection site. Dr. Sucher stated typically when Dr. Martinez has been in these situations in the past he becomes evasive, unavailable and difficult to contact, and basically denies what is going on. Dr. Sucher stated he believes Dr. Martinez had a legitimately positive urine drug screen on July 13, 2017 indicating the use of cocaine. Dr. Sucher stated cocaine typically stays in the urine for 48 to 72 hours. Dr. Sucher stated he did receive a hair test from Dr. Martinez on August 1, 2017 and the result from that test was negative; the result does not negate the positive drug screen from July 13, 2017. Dr. Sucher stated it takes a significant amount of use to produce a positive hair drug test. Dr. Sucher stated it was his belief with his long standing history with Dr. Martinez he was not safe to practice dentistry until he was evaluated with a comprehensive evaluation including a medical polygraph to determine the extent of the relapse, and what, if any type of treatment would be recommended.

Mr. Jeffrey Tonner, attorney for Dr. Martinez, was present and addressed the Board. Mr. Tonner stated Dr. Sucher did not mention the negative test results from July 14, 2017. Mr. Tonner stated there was a possibility the test taken on July 13, 2017 was also negative and that was why Dr. Sucher ordered a hair test, which also came back negative. Mr. Tonner stated the negative result from the hair test should have ended everything. Mr. Tonner stated Dr. Martinez was not in communication with Dr. Sucher because he was granted permission to be on vacation and was not required to test or call during that time. Mr. Tonner provided the Board with a letter from Dr. Watkins which stated Dr. Martinez was on a houseboat in Lake Powell in Page, AZ.

Dr. Waite stated the reservation for Dr. Martinez started on July, 22, 2017. Dr. Waite stated the correspondence from Dr. Watkins stated Dr. Martinez was with him on the houseboat on July 20, 2017, which was not accurate. Dr. Sucher stated he knew Dr. Martinez was in Tucson on July 20, 2017, when he attempted to provide a hair test specimen. Dr. Waite stated the letter was not accurate, and Mr. Tonner stated he had witnesses who could prove Dr. Martinez was at Lake Powell on July 20, 2017.

Dr. Sucher stated on July 22, 2017, Dr. Martinez acknowledged receiving his messages, and his immediate action was to have a hair test, or to attempt to take a hair test. Dr. Sucher stated he had not spoken with Dr. Martinez, and neither had his office staff to inform Dr. Martinez for the purpose of their contact with him.
Dr. Waite stated the letter provided by Dr. Watkins was important, the fact that Dr. Martinez did not attempt to contact Dr. Sucher to know the importance of his call. Dr. Waite stated Dr. Martinez had ample time to contact Dr. Sucher, and the letter stating Dr. Martinez was with Dr. Watkins is not accurate. Dr. Waite stated the Board had a receipt from Dr. Martinez with a reservation for July 22, 2017.

Mr. Greer stated Dr. Martinez took the hair test on July 20, 2017 at 6:39 p.m. in Tucson, AZ.

Ms. Hardy stated regardless of Dr. Martinez’s vacation, the fact that there was a positive test and the likelihood of a false positive being almost zero percent chance, regardless of the negative test the next day, and the negative test in the hair, she stated it was concerning when cocaine was Dr. Martinez’s drug of choice for a potential impact on the dental community.

Upon MOTION by Ms. Hardy, second by Mr. Greer, the Board voted to OPEN an investigation for Dr. Martinez for the allegations of noncompliance with his stipulated rehabilitation agreement related to a relapse and possible drug use. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Hardy, second by Ms. McClain, the Board voted to ISSUE an Interim Board Order, for a substance abuse evaluation and a comprehensive evaluation to include a medical polygraph to be completed within 14 days of the Board Order. MOTION PASSED UNANIMOUSLY.

Ms. Williams, Assistant Attorney General, stated if the Board was going to accept Dr. Sucher’s opinion which was Dr. Martinez was not safe to practice, the Board would need to review the proposed Board Order for Summary Suspension.

Mr. Greer stated he wanted to add some facts to the Board Order. Mr. Greer stated he wanted to add to the Board Order Dr. Martinez provided a hair sample in Tucson, AZ on July 20, 2017 at 6:39 p.m. and Dr. Martinez had not been told by Dr. Sucher the purpose of his call. Dr. Martinez took a hair sample test without knowing the purpose of Dr. Sucher’s call. Dr. Martinez provided his attorney a letter from Dr. Watkins, not realizing the letter was incorrect. Dr. Martinez thought the letter was an alibi not realizing he was in Tucson, AZ on July 20, 2017, and the fact that Dr. Martinez’s reservation he provided as proof was not until July 22, 2017. The documentation provided to the Board showed a houseboat reservation for July 22, 2017. Mr. Greer stated he wanted to add the negative hair test result from August 1, 2017. Mr. Greer wanted to add it takes approximately two weeks for drugs to show up in the hair. August 1st, is more than two weeks from July 13th, but it doesn’t negate the positive urine. Dr. Sucher stated it merely says that Dr. Martinez hadn’t used enough over the prior three months to trigger a positive hair test. Mr. Greer stated he wanted to add repeating behavior to the Board Order, where Dr. Martinez created a letter to a medical professional. Dr. Taylor stated he wanted to add in the Board Order Dr. Martinez had access to a computer or his telephone on July 22, 2017. Dr. Sucher’s office received an email from Dr. Martinez, on July 22, 2017 acknowledging receipts of texts from Dr. Sucher. Ms. Hardy stated remove from the Board Order the results of the hair test which were not available to the Board. Dr. Waite stated the preapproval dated July 17, 2017 for Dr. Martinez’s vacation that he does not have to call in or show up for drug testing only. Mr. Greer stated he wanted the Board Order to reflect that on July 19, through July 21, 2017, Dr. Sucher’s office indicated they attempted to at least three times contact Dr. Martinez without response. Mr. Greer stated he wanted the Board Order to be more specific, on July 19, 2017 Dr. Sucher’s office contacted Dr. Martinez via text message at 8:34 a.m. without response. On July 20, 2017 at 7:42 a.m. without response, and again on July 21, 2017 at 10:13 a.m. without response.
Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to ACCEPT the interim Finding of Facts as written in the proposed Board Order and as MODIFIED during the Board meeting held on August 4, 2017. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to ACCEPT the interim conclusions of law as written as well as the finding of the emergency as written. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to APPROVE the modified Board Order to summarily suspend Dr. Martinez dental license until such time Dr. Martinez completes the comprehensive evaluation ordered and reviewed by the Board. MOTION PASSED UNANIMOUSLY.

I. Dr. Jeffrey D. Schmelter – Case No. 201700148 – Review, discussion and possible action including issuance of an interim order for a substance abuse evaluation.

Director Hugunin contacted Dr. Sucher via telephone. Dr. Taylor is RECUSED.

Director Hugunin stated the Board was in receipt of a memo from Board staff documenting the sequence of events related to Dr. Schmelter. Board staff is recommending per Dr. Sucher's evaluation that the Board consider issuing an interim order to require Dr. Schmelter to undergo a comprehensive evaluation at a Board-approved evaluation center to determine the true extent of his alcohol use disorder. Director Hugunin stated in the late afternoon the day prior before the Board meeting, Board staff received a letter of representation from Mr. Tonner with additional information including another evaluation of Dr. Schmelter which Director Hugunin forwarded to the Board. Dr. Sucher reviewed the additional material and commented on the case and answered questions.

Dr. Sucher addressed the Board via conference call, he stated he reviewed the Myyag chart (inaudible), and a report and an assessment conducted by Rex Smyly, licensed independent substance abuse counselor. He stated he also reviewed a Peth test result collected on July 28, 2017. Dr. Sucher stated he met with Dr. Schmelter on June 14, 2017. The referral to Dr. Sucher resulted from Dr. Schmelter reporting to the Arizona State Board of Dental Examiners that on February 19, 2017, Dr. Schmelter received a driving while under the influence (DUI) traffic violation, as well as a prior history of a DUI on December 18, 2010. Dr. Sucher stated both DUI’s has a blood alcohol greater than .15. He stated the DUI from 2017 involved a breathalyser result of .147, the preliminary breath test was .165. Dr. Sucher stated when he met with Dr. Schmelter, he reported he had not had any alcohol since February 19, 2017. Dr. Sucher stated Dr. Sucher did not have collectable hair or fingernails for samples and this was the reason for the Peth test which can detect six or more standard drinks in the prior three to four week period. Dr. Sucher stated Dr. Schmelter reported he had consumed one to three drinks in the month prior to their consultation. Dr. Sucher stated he informed Dr. Schmelter if that was the only amount of alcohol he had consumed it would not reach the threshold for a positive test. Dr. Sucher stated a Peth test was conducted on June 14, 2017 and the result was a 105, with a cut off of twenty; he stated was significantly over the minimum necessary of six drinks to produce a positive test. Dr. Sucher stated he felt it was deceptive and not truthful and as a result negated the history provided by Dr. Schmelter. Dr. Sucher stated he initially felt Dr. Schmelter met the criteria for mild alcohol use disorder, which would require participation in the abuse track and abstinence for a two-year period. Dr. Sucher stated based on the new information it was clear to him Dr. Schmelter needed more of an evaluation to truly determine the extent of his actual drinking. Dr. Sucher stated Dr. Schmelter admitted to Mr. Smyly he was drinking three to five beers per occasion. Dr. Sucher stated this information was clearly different than the information Dr. Schmelter had given to him when they met on June 14, 2017. Dr. Sucher stated five or more drinks per day in an
adult male would be considered binge or heavy drinking. Dr. Sucher stated in both of Mr. Smyly’s reports he diagnosed Dr. Schmelter with substance disorder-mild.

Mr. Jeffrey Tonner, attorney for Dr. Schmelter, was present and addressed the Board. Mr. Tonner stated there was a gross mischaracterization by Dr. Sucher. Mr. Tonner stated there have not been two DUI’s for Dr. Schmelter. There was one DUI and one arrest. Mr. Tonner stated the arrest occurred six months ago and Dr. Schmelter had not been charged. Mr. Tonner stated there was a legal error in the memo provided to the Board which states Dr. Schmelter did not notify the Board of the arrest. Mr. Tonner stated statute states a doctor must notify the Board when the doctor has been charged with a crime, doctors do not have to notify the Board when they have been arrested. Mr. Tonner stated there have been no charges in this case; therefore there are no reporting requirements from Dr. Schmelter.

Mr. Rex Smyly was present and addressed the Board. Mr. Smyly stated he does not hold a license as a clinical psychologist, but has a degree as a psychologist. He stated he also has a masters degree in counseling psychology, bachelors in counseling psychology and two minors in liberal arts and premedical sciences. Mr. Smyly stated in the past he and Dr. Sucher had shared patients who were involved in the physician’s impaired program. He stated he highly respects Dr. Sucher’s work and his skills. Mr. Smyly stated he did not dispute anything Dr. Sucher stated. Mr. Smyly stated he is not a medical doctor. He stated he is licensed and an independent substance abuse counselor. He stated his specialty was specifically addictions and substance abuse. Mr. Smyly stated he was currently contracted with Yavapai County Adult Superior Court, where he serves on the drug court and the DUI court, family court and tribal court as a consultant and evaluator. Mr. Smyly stated he has been in his profession for 19 years. Mr. Smyly stated he reviewed Dr. Sucher’s report, he stated he found the report to be very thorough and he agreed with 99 percent of the report. Mr. Smyly stated upon Dr. Sucher’s recommendation he completed a second evaluation on Dr. Schmelter. He stated he conducted an in home evaluation, where he could see Dr. Schmelter’s living environment. He stated he interviewed several people who worked with Dr. Schmelter to see how they viewed Dr. Schmelter professionally. Mr. Smyly stated he interviewed two office managers, the director of operations, Dr. Schmelter’s supervisor who is the clinical supervisor, and two office assistants. Mr. Smyly stated he asked each person a series of five questions, unanimously, everyone interviewed stated Dr. Schmelter had no concerns and had never seen him show up to work impaired or under the influence. Mr. Smyly asked everyone he interviewed to rate Dr. Schmelter’s performance professionally, all of them gave him an excellent performance rating. Mr. Smyly questioned his co-workers if they were aware of his current status with the Dental Board and they stated yes they were aware. Mr. Smyly stated he interviewed Dr. Schmelter’s fiancé who denied she had ever seen any blackouts occur, and denied seeing any symptoms of withdrawal. Mr. Smyly stated Dr. Schmelter’s fiancé denied any type of domestic violence was occurring in the household and she stated he was able to maintain and provide financial security for the household. Mr. Smyly stated he found Dr. Schmelter’s household to be safe, secure, stable and without disarray. Mr. Smyly stated he diagnosed Dr. Schmelter with substance abuse disorder-mild. Mr. Smyly stated he highly recommended Dr. Schmelter follow up with substance abuse education, including alcohol with an emphasis on bioscience, social, and legal ramifications and the consequences of continued use, random urinalysis, as well as supportive psychotherapeutic counseling. Mr. Smyly stated he recommend quarterly reviews of compliance for a time frame of six months to one year. Mr. Smyly stated he understood he is not an approved evaluator; however, he would like to be and he has conducted numerous evaluations for the courts for nineteen years.

Mr. Greer asked Mr. Smyly if he performed a polygraph on Dr. Schmelter. Mr. Smyly stated he did not. Mr. Greer asked Mr. Smyly if he had concerns about Dr. Schmelter’s under-reporting of his drinking. Mr. Smyly stated yes he did, and he also addressed his concerns in his report. Dr. Smyly stated he asked Dr. Schmelter to take a liver panel exam which he did.
Mr. Smyly stated he believed Dr. Schmelter has not dealt with trauma and life stressors, but it does not impair his ability to practice safe dentistry. Mr. Greer asked Mr. Smyly in his opinion, Dr. Schmelter’s use of alcohol does not affect his ability to practice dentistry. Mr. Smyly said yes, not at this time, he had no evidence that it did.

Mr. Jackson asked Mr. Smyly why Dr. Schmelter was not able to provide hair and nail samples for testing. Mr. Smyly stated Dr. Schmelter did not have any hair, and he stated his nails were trimmed for hygienic reasons.

Ms. McClain asked Mr. Smyly if Dr. Schmelter were to go into rehab would this affect the business and their ability to provide dentistry to the public. Mr. Smyly stated it would not, the office was adequately staffed.

Mr. Greer asked Dr. Sucher if he had an opinion whether Dr. Schmelter’s use of alcohol affects his ability to practice his profession and what was his opinion was based on. Dr. Sucher stated when someone has alcohol use disorder, depending on the level of severity it may affect their ability to safely practice. Dr. Sucher stated based upon the discrepancy, and history of positive tests, he felt it was important to make certain that the level of Dr. Schmelter’s alcohol use disorder was not moderate or severe. Dr. Sucher stated based on the information he had and presented to the Board, he couldn’t tell what Dr. Schmelter’s level of abuse was without a more comprehensive evaluation to give the Board a proper diagnosis.

Dr. Schmelter was present to answer questions from the Board.

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

**EXECUTIVE SESSION**

**RETURN TO OPEN SESSION**

Upon Motion by Mr. Greer, second by Ms. McClain, the Board voted to ISSUE a interim Board Order for Dr. Schmelter to undergo a comprehensive evaluation at a Board approved center to determine the extent of Dr. Schmelter’s alcohol disorder, to include a medical polygraph. Dr. Taylor was RECUSED. Dr. Waite OPPOSED. MOTION PASSED.

J. 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 4.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant TC was present and spoke about case no. 201700065 (Agenda Item 14D)
Complainant KS was present and spoke about case no. 201700070 (Agenda Item 13F)
Complainant MM was present and spoke about case no. 201700030-ED (Agenda Item 20B)
Complainant EB was present and spoke about case no. 201700047-ED (Agenda Item 20E)
Complainant AM was present and spoke about case no. 201700058-ED (Agenda Item 20F)
Complainants LS & MS were present and spoke about case no. 201700064-ED (Agenda Item 20G)
Complainant FR was present and spoke about case no. 201700041 (Agenda Item 21A)

Agenda Item No. 5 ASSISTANT ATTORNEY GENERAL’S REPORT – Mary DeLaat Williams, Assistant Attorney General

A. Administrative Appeals

i. Dr. Sathish Bhadra Chari v. ASBDE (Case No. 201500190) (Maricopa County Superior Court Case LC2017-000082) – Status update

Ms. Williams reported the Court denied Dr. Chari’s request to stay the practice restriction that the Board ordered. The Court did grant Dr. Chari’s request to supplement the administrative record. Ms. Williams stated she strongly opposed the request but she lost on that issue. Ms. Williams stated she did not know if the case would proceed any further now that the judge had made the ruling on the practice restriction. She stated it is now up to Dr. Chari to file a brief in this matter if he would like to proceed.

ii. 2017 Legislative Update Memorandum – Review, discussion and possible action

Ms. Williams reported Director Hugunin distributed a memo to the Board regarding the new laws that have taken effect. Director Hugunin stated Board staff does not have a definitive process regarding fee waivers.

Agenda Item No. 6 PERSONNEL ISSUES

A. VACANT

Agenda Item No. 7 COMMITTEE REPORTS

A. Continuing Education Audit of Dentists Committee – Dr. Robert Foster

i. Upon recommendation of the Continuing Education Audit for Dentists Committee, the Board may consider the following continuing education extension request recommendations:

a. Dr. Ray Nguyen-Grant extension until September 30, 2017
b. Dr. Eron Charles Aldridge- Grant extension until September 30, 2017
c. Dr. Victor M. Israel- Grant extension until September 30, 2017
d. Dr. Shanti Das Shanti- Grant extension until September 30, 2017
e. Dr. Lori Karen Anderson- Grant extension until September 30, 2017
f. Dr. Dan M. Gafni.-Grant extension until September 30, 2017
g. Dr. Edward W. Hine-Grant extension until September 30, 2017
h. Dr. Regina Elizabeth Cobb-Grant extension until September 30, 2017
i. Dr. Jeffrey G. Wellman- Grant extension until September 30, 2017
j. Dr. Dustin Dwight Karren- Grant extension until September 30, 2017
k. Dr. Edward B. Ahn- Grant extension until September 30, 2017
l. Dr. Rick M. Smith- Grant extension until September 30, 2017
m. Dr. Madhavi Potluri- Grant extension until September 30, 2017
n. Dr. Dana A. Weinreich- Grant extension until September 30, 2017
o. Dr. Massoud Eftekhar- Grant extension until September 30, 2017
p. Dr. Christopher Sasan Athari- Grant extension until September 30, 2017
q. Dr. Rick E. Martin- Grant extension until September 30, 2017
r. Dr. Sandy Cassandra Rodney- Grant extension until December 30, 2017
s. Dr. Martin E. Maxon- Grant extension until December 30, 2017

t. Dr. Robert John Balcar- Grant extension until December 30, 2017

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to GRANT continuing education extensions for 7Ai-a through 7Ai-s. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to GRANT continuing education extension for 7Ai-t. Mr. Jackson was RECUSED. MOTION PASSED.

B. Dental Hygiene Committee – Heather N. Hardy, RDH

i. Upon recommendation of the Dental Hygiene Committee, the Board may consider the following continuing education extension request recommendations:

a. Jaimy M. Dent, RDH- Grant extension to September 30, 2017
b. Jaimie Lee Howerton, RDH- Grant extension to September 30, 2017
c. Donna L. Beach, RDH- Grant extension to September 30, 2017
d. Alejandra Gonzalez, RDH- Grant extension to September 30, 2017
e. Sherry M. Wilde, RDH- Grant extension to September 30, 2017
f. Mary Gerarda Luterback, RDH- Grant extension to September 30, 2017
g. Jolyn D. Uhrinyak, RDH- Grant extension to October 30, 2017
h. Linae Stoner, RDH- Grant extension to December 30, 2017
i. Marisol Bonilla, RDH- Grant extension to December 30, 2017

Upon MOTION by Ms. Hardy, second by Mr. Greer, the Board voted to GRANT continuing education extensions for 7Bi-a through 7Bi-i. MOTION PASSED UNANIMOUSLY.

ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the following Local Anesthesia and Nitrous Oxide coursework:

a. William Rainey Harper College- Palatine, IL

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE William Rainey Harper College as local anesthesia and nitrous oxide coursework. MOTION PASSED UNANIMOUSLY.

iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying request for recognition of the following Local Anesthesia and Nitrous Oxide coursework:

a. Pensacola State College, Pensacola, FL – Course does not include any administrations of nitrous oxide

b. Lakeland Community College, Kirkland, OH – Course does not include three injections of the NP & GP injection, or any administrations of nitrous oxide

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY 7.Biii-a and 7.Biii-b request for recognition in local anesthesia and nitrous oxide coursework. MOTION PASSED UNANIMOUSLY.

C. 2016 Dental Hygiene Continuing Education Audit – Review, discussion and possible action regarding the 2016 Dental Hygiene Continuing Education Audit responses.
i. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit response from the following:

   a. Elaine C. Mamola, RDH

      Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to APPROVE the continuing education audit response from Ms. Mamola. MOTION PASSED UNANIMOUSLY.

D. WREB Hygiene Exam Board Report - Marilyn McClain, RDH

Ms. McClain reported the WREB Hygiene Exam Board met and discussed Arizona being a member state for the Commission on Dental Competency Assessments (CDCA). She stated there are 41 states currently accepting WREB. She stated WREB will offer local anesthetic written only exams to the states that do not require clinical exams for 2018. Ms. McClain stated WREB was continuing the pre-candidate webinars, which she stated help a lot.

Agenda Item No. 8 REQUEST FOR ACTION ON LICENSURE
The Board will review, discuss and take action on the following applications.

A. Dr. John Baljit Ludu – Discipline on WA license, Disclosure of Malpractice Actions

   Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to GRANT licensure to Dr. Ludu. MOTION PASSED UNANIMOUSLY.

B. Dr. Anthony Scianni – Discipline on NJ license, Disclosure of Malpractice Actions

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

   Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to GRANT licensure to Dr. Scianni. MOTION PASSED UNANIMOUSLY.

C. Amber Johnell Huehne, RDH – Cited for use of false identification

   Ms. Huehne was present to answer any questions from the Board.

   Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to GRANT licensure to Ms. Huehne. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 9 REQUEST FOR ACTION ON APPLICATION (S) FOR RENEWAL OF LICENSE
The Board will review, discuss and take action on the following renewal applications:

A. Dr. Meelin D. Chin Kit-Wells – Review, discussion and possible action regarding Ms. Kit-Wells non-compliance with license renewal requirements.

   Ms. Chambers addressed the Board. She stated Dr. Chin Kit-Wells submitted an application for renewal; the renewal was missing the cardiopulmonary resuscitation (CPR) card. She stated Board staff sent a deficiency notice, but did not hear from Dr. Kit-Wells. Ms. Chambers stated Board staff attempted to contact Dr. Kit-Wells via telephone, email, and written correspondence. She stated on June 2, 2017 Board staff called the practice where Dr. Kit-Wells was last known to have practiced. Board staff was informed that Dr. Kit-Wells had moved to New York. Ms. Chambers stated Board staff was unable to locate Dr. Kit-Wells.

   Upon MOTION by Dr. Taylor, second by Dr. Sorensen, the Board voted to CLOSE the renewal application file for Dr. Kit-Wells. MOTION PASSED UNANIMOUSLY.
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B. Sarah G. Morones, RDH – Licensee request to withdraw renewal application

Director Hugunin stated the Board was in receipt of a memo detailing Ms. Morones’ history with the Board. She stated Ms. Morones requested to withdraw her application for licensure renewal.

Upon MOTION Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE Ms. Morones request to withdraw her application for licensure. MOTION PASSED UNANIMOUSLY.

ACTION ON CASES

Agenda Item No. 10 ACTION ON PREVIOUS ACTION

A. Dr. Kelly B. Wettstein – Case No. 201300256 – Review, discussion, and possible action on Affiliated Monitors Inc. Audit Reports

Director Hugunin stated the Board was given the reports from Affiliated Monitors for Dr. Wettstein which is required in accordance with the Board Order which had been mirrored with Colorado. Director Hugunin stated this was for information only.

Agenda Item No. 11A PETITION TO REHEAR

A. VACANT

CONSENT AGENDA

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

Cases pulled from the Consent Agenda:

Agenda Item No. 13E Case No. 201700056 Dr. Jeffrey S. Lysdale
Agenda Item No. 13F Case No. 201700070 Dr. Robert A. Jones
Agenda Item No. 17D Renewal Application Dr. Edward E. Dove
Agenda Item No. 20E Case No. 201700047-ED Dr. Erica N. Bigos
Agenda Item No. 20F Case No. 201700058-ED Dr. Paul C. Alexander
Agenda Item No. 20G Case No. 201700064-ED Dr. Helen Bishara

Cases ADJUDICATED:

Agenda Item No. 12 CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS

CONSENT AGENDA

<table>
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<tr>
<th>Item No.</th>
<th>Case No.</th>
<th>Licensee</th>
<th>Comments</th>
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<tbody>
<tr>
<td>A.</td>
<td>VACANT</td>
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Agenda Item No. 13 CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS

CONSENT AGENDA

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to ISSUE a Non-Disciplinary Continuing Education Consent Agreement the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.
### Agenda Item No. 14  CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN

**CONSENT AGENDA – Roll Call Vote is not required**

The Board will review and vote to take action on the following case(s). Letters of Concern are advisory letters to notify the licensee that, while the evidence does not warrant disciplinary action, the Board believes that the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in the Board action against the practitioner’s license. A Letter of Concern is not a disciplinary action, but is a public record.

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

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<tr>
<th>Item No.</th>
<th>Case No.</th>
<th>Licensee</th>
<th>Comments</th>
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<tbody>
<tr>
<td>A.</td>
<td>201700023</td>
<td>Dr. Michael C. Anderson</td>
<td>3 hours of CE in record keeping</td>
</tr>
<tr>
<td>B.</td>
<td>201700043</td>
<td>Dr. James M. Ransdell</td>
<td>3 hours of CE in record keeping</td>
</tr>
<tr>
<td>C.</td>
<td>201700051</td>
<td>Dr. Stanley J. Farnum</td>
<td>3 hours of CE in record keeping</td>
</tr>
<tr>
<td>D.</td>
<td>201700053</td>
<td>Dr. Matthew S. Goldring</td>
<td>3 hours of CE in crown and bridge</td>
</tr>
<tr>
<td>G.</td>
<td>201700076</td>
<td>Dr. David S. Ung</td>
<td>3 hours of CE in record keeping</td>
</tr>
<tr>
<td>H.</td>
<td>201700089-MP</td>
<td>Dr. Phillip L. Cooke</td>
<td>3 hours of CE in endodontics 4 hours of CE in risk management</td>
</tr>
</tbody>
</table>

### Agenda Item No. 15  CASES RECOMMENDED FOR TERMINATION

**CONSENT AGENDA**

<table>
<thead>
<tr>
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<tr>
<td>A.</td>
<td>VACANT</td>
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### Agenda Item No. 16  CASES RECOMMENDED FOR DISMISSAL

**CONSENT AGENDA**

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to DISMISS the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201700063</td>
<td>Dr. Ryan S. Wallin</td>
<td>Terminate per patient</td>
</tr>
<tr>
<td>B.</td>
<td>201700074</td>
<td>Dr. Daniel A. Przygocki</td>
<td>Terminate per patient</td>
</tr>
<tr>
<td>C.</td>
<td>201700086</td>
<td>Dr. Olivia P. Chow</td>
<td>Terminate per patient</td>
</tr>
<tr>
<td>D.</td>
<td>201700099</td>
<td>Dr. Neal Warren Karlin</td>
<td>Terminate per patient</td>
</tr>
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**Agenda Item No. 17 MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE**

**CONSENT AGENDA**

A. Dr. Rebecca L. Griffiths – Malpractice Report Recommendation – Took No Action

B. Dr. Joel A. Shumway – Malpractice Report Recommendation – Took No Action

C. Dr. David Z. Barget – Malpractice Report Recommendation – Took No Action

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to ACCEPT the recommendation to take no action on agenda items 17A – 17C. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 18 APPROVAL OF CONSULTANTS AND EXAMINERS**

**CONSENT AGENDA**

A. Michael Adam Feinberg, DDS, MS – Dental Consultant

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to APPOINT Dr. Feinberg as a dental consultant for the Arizona State Board of Dental Examiners. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 19 APPROVAL OF MINUTES**

**CONSENT AGENDA**

A. June 2, 2017 – Board Meeting Minutes

B. June 21, 2017 – Board Meeting Minutes

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the June 2, 2017, and the June 21, 2017 Board Meeting Minutes. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 20 REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

**CONSENT AGENDA**

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to APPROVE the Executive Director’s Terminations on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

<table>
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<tr>
<th>Item No.</th>
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<tbody>
<tr>
<td>A.</td>
<td>201700017-ED</td>
<td>Dr. David T. Chiang</td>
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<tbody>
<tr>
<td>B.</td>
<td>201700030-ED</td>
<td>Dr. Nathan W. Smith</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>201700037-ED</td>
<td>Dr. Victor E. Trujillo</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>201700038-ED</td>
<td>Dr. Terry D. Peterson</td>
<td></td>
</tr>
<tr>
<td>H.</td>
<td>201700080-ED</td>
<td>Dr. Bradley X. DeMark</td>
<td></td>
</tr>
<tr>
<td>I.</td>
<td>201700081-ED</td>
<td>Dr. Richard R. Salb</td>
<td></td>
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***END OF CONSENT AGENDA***

Agenda Item No. 21. FORMAL INTERVIEW CASES

<table>
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<tr>
<th>Item No.</th>
<th>Case No.</th>
<th>Licensee</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201700041</td>
<td>Dr. Stephen K. Gabrielsen</td>
<td>Refer to Formal Hearing per Respondent’s request</td>
</tr>
</tbody>
</table>

CASES PULLED FROM CONSENT AGENDA

Agenda Item No. 13E Case No. 201700056  
Dr. Jeffrey S. Lysdale

This case was pulled by Mr. Jackson. Dr. Palmer stated in this case there were actually two separate records that did not correlate with each other. Dr. Palmer stated Dr. Lysdale could have elaborated more in the records. Mr. Greer stated he understood the records were difficult to understand. He asked Dr. Palmer if all of the records were in the file. Dr. Palmer stated the two separate records submitted did not match up together. Dr. Waite stated the records were there but were inconsistent.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to APPROVE Case no. 20170056 for a non-disciplinary consent agreement. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 13F Case No. 201700070  
Dr. Robert A. Jones

This cased was pulled by Dr. Waite to RECUSE. The case was also pulled by Mr. Greer. He stated after reviewing the patient records there was no evidence of informed consent. Mr. Greer stated after reviewing Dr. Jones records there was no evidence Dr. Jones informed the patient the root canal had not been completed. Mr. Greer stated Dr. Jones’ records were very sparse. Mr. Greer stated he wanted to add three hours of record keeping to the non-disciplinary consent agreement.

Dr. Jones was present and addressed the Board. Mr. Greer questioned Dr. Jones and asked if he informed the patient that the root canal was incomplete. Dr. Jones stated yes he had informed the patient on three separate occasions. Dr. Jones stated the patient was asymptomatic on all three visits when the patient presented for treatment. He stated he placed a temporary crown on the tooth and prescribed antibiotics for the patient. Dr. Jones stated he did not communicate effectively to inform the patient the root canal had not been completed. Mr. Greer asked Dr. Jones if he would accept three hours of record keeping. Dr. Jones said he would accept the amended consent agreement.

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to AMEND the non-disciplinary consent agreement and add three hours of record keeping. Dr. Jones accepts the additional three hours of record keeping. Ms. Hardy, Mr. Jackson OPPOSED. MOTION PASSED.
Agenda Item No. 17D  Licensure Renewal
Dr. Edward E. Dove

Director Hugunin stated Dr. Dove submitted a licensure renewal; however, there was discipline in another state against Dr. Dove. Director Hugunin stated the Board could take no action, or request Board staff to open an investigation.

This case was pulled by Dr. Waite. Dr. Waite was concerned whether or not Dr. Dove had a sedation permit in Arizona with the discipline from California. Director Hugunin stated Dr. Dove currently has a license in the state of Arizona, and was granted his license in 1999.

Upon MOTION by Ms. Crevier, second by Mr. Greer, the Board voted to take no action on Dr. Dove’s licensure renewal. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 20E  Case No. 201700047-ED
Dr. Erica N. Bigos

This case was pulled Dr. Flowers to RECUSE.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to APPROVE the executive director’s termination of Case no. 201700047-ED. MOTION PASSED UNANIMOUSLY.

Mr. Greer stated that the informed consent is on page 148 of the patient records. Mr. Greer stated the records were very good records, and very easy to follow; however he was concerned because there was no informed consent on the work performed. Ms. Hardy stated a tooth was found with an abscess which would require a root canal. Mr. Greer referred to page 113 of the patient records which indicated that tooth number 3 was prepped as the patient wanted to get as much work done as possible under intravenous sedation. He stated the patient was paying for services fully out of pocket. Dr. Bigos stated in the patient records if tooth no. three was not done the patient would have woken up and been upset. Dr. Bigos stated she did not want to be regretful and have to go back and do the tooth later. Mr. Greer stated this made him uncomfortable for Dr. Bigos to make that decision when the patient specifically complained she did not give informed consent to the doctor to perform services on tooth no. 3. Mr. Greer stated the patient stated in public comment on cases she did not give informed consent to Dr. Bigos. Dr. Waite stated there was nothing done to the tooth due to an abscess on the tooth. Dr. Taylor questioned why tooth no. 3 was prepped with a temporary crown. Dr. Palmer stated the patient was given informed consent in the treatment notes on page 110, the patient agreed and was ready to move forward with the treatment. Ms. Hardy stated there was no record of tooth number 3 in the treatment notes. Ms. Hardy stated tooth number 3 needed endodontic service performed.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to VACATE the executive director’s termination of Case No. 201700047-ED. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to REJECT the executive director’s termination of Case No. 201700047-ED. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to OFFER Dr. Bigos a non-disciplinary consent agreement for four hours of risk management. If Dr. Bigos does not accept the consent agreement she will be invited for a Formal Interview, if she does not accept the invitation to Formal Interview she will receive a referral for a Formal Hearing. Ms. McClain OPPOSED. MOTION PASSED.

Agenda Item No. 20F  Case No. 201700058-ED
Dr. Paul C. Alexander

This case was pulled by Mr. Greer in error.
Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to APPROVE the executive director’s termination of Case no. 201700058-ED. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 20G Case No. 201700064-ED
Dr. Helen Bishara

The case was pulled by Dr. Flowers to RECUSE.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to APPROVE the executive director’s termination of Case no. 201700064-ED. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 21A Case No. 201700041
Dr. Stephen K. Gabrielsen

Director Hugunin stated this case was originally set to be a Formal Interview at the August 4, 2017 Board meeting; however, Dr. Gabrielsen had declined the Formal Interview and requested the case be referred to a Formal Hearing at the Office of Administrative Hearings.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to REFER Case no. 201700041 pursuant to Dr. Gabrielsen’s request. MOTION PASSED UNANIMOUSLY.

CALL TO THE PUBLIC

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. The Board shall not discuss or take action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. §38-431.01(H).

22. MEMBERS OF THE PUBLIC

23. FUTURE AGENDA ITEMS

24. NEXT MEETING DATE – October 6, 2017

25. ADJOURNMENT

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

Dr. Waite adjourned the meeting at 11:45 am.

Elaine Hugunin, Executive Director