



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING August 7, 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
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, additional information was provided in the Board folders for agenda items 4F and 5B, which were provided previously, 4H, 4I, 7Bii, 14A, 15A, and 15C. Please note that 15C was previously 25A. Additionally, the Board was made aware of the changes to the statutes, the numbers for unprofessional conduct have changed and a copy was provided in their folders.

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. Notice of final rulemaking for AAC Title 4, Chapter 11, Article 17 Rehearing and Review Rule – Economic, Small Business and Consumer Impact Statement and Title 4, Chapter 11

Upon MOTION by Dr. Waite, second by Ms. Hardy, the Board voted to ACCEPT the Notice of final rulemaking for AAC Title 4, Chapter 11, Article 17 Rehearing and Review Rule – Economic, Small Business and Consumer Impact Statement and Title 4, Chapter 11.
MOTION PASSED UNANIMOUSLY

- C. Board Training – Mary DeLaat Williams, Assistant Attorney General and Elaine Hugunin, Executive Director

Ms. Mary Williams, the Assistant Attorney General for the Board, and Elaine Hugunin, the Executive Director provided training for the Board.

- D. Review, discussion, and possible regarding approving the airway management course Advanced Airway Management – Aaron Ketcher, CNP, CRNA specific to Arizona Administrative Code R4-11-1304(B)(4)(c)

The Board was provided a memo regarding approving the airway management course provided by Aaron Ketcher, CNP, CRNA. Mr. Ketcher was present to answer any questions by the Board.

Mr. Ketcher would like to facilitate an airway management course for dentists who are applying for 1304 permits, which allows sedation in a dental office through a Certified Registered Nurse Anesthetists anesthesiologist. The slides provided to the Board include the information that would be covered in the course. Mr. Ketcher's main goal is not to provide continuing education; his goal is to obtain approval for the course for the 1304 permit application.

The Board stated it would not deliberate on how the content was delivered either online or in person. Mr. Ketcher stated he was comfortable providing the course either online or in person. The Board discussed that the information is applicable and easier to digest than an eight hour ACLS course.

The Board has approved courses in the past. Mr. Ketcher doesn't qualify for the Arizona Dental Association as he does not provide multiple courses and various presentations throughout the year. He does not provide continuing education but is willing to offer this course with his expertise in the area.

The Board discussed possibly looking at qualifying factors for a comparison in which to make a decision. The Board can table the discussion and ask Board staff to research more specifics regarding the course. The Board can approve this course even though it is not recognized as continuing education.

Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to TABLE approving the airway management course Advanced Airway Management and have Board staff research if the course is comparable to other approved airway management courses already offered. MOTION PASSED UNANIMOUSLY.

- E. Review, discussion and possible action regarding 2016 Board meeting dates.

BOARD MEETINGS:

February 5, 2016

April 1, 2016

June 3, 2016

August 5, 2016
October 7, 2016
December 2, 2016

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to APPROVE the 2016 Board Meeting dates. MOTION PASSED UNANIMOUSLY.

- F. Review, discussion, and possible action on implementation of SB 1282 relating to Expanded Function Dental Assistants (EFDA).

The Board received a memo from Ms. Chambers and Dir. Hugunin requesting the Board consider the training requirements, the criteria for Board approval of ethics training programs and examinations as outlined in communication. There are some issues that have not been resolved and the Board may choose to have Board staff research them further. There are members of the public who have signed in to address the agenda item and the Board should consider hearing their comments.

Mr. Kevin Earle was present to answer any questions.

Ms. Rita Perry, program director for Dental Assisting at Phoenix College, addressed the Board. There is no true definition of a dental assistant in Arizona in terms of certification, standard of education and training. There are assumptions made when expanding the function of dental assistants. One of those assumptions is that there has been some entry level dental assistant experience. The experience could be education or hours of experience. Another assumption is there is advanced training, certification, and an examination. These are some of the items that have been discussed. The element that needs more discussion in her opinion is the inclusion of any applicant for the EFDA already be a Certified Dental Assistant or Dental Hygienist. A Certified Dental Assistant requires a national certification by the Dental Assisting National Board and have worked as a Dental Assistant full time for two years. The Dental Assistant has been exposed to general dentistry and must pass an exam that consists of three components. The three components include radiation health and safety, infection control, and the general chair side; which includes emergency management, medical history and dialogue with patients. The infection control demonstrates a level of competency with regards to infection control and OSHA standards.

The Board does not have the statutory authority to require dental assistants to be certified. As an educational institution accredited by the Commission on Dental Accreditation (CODA), it could be required of each applicant. There are only three CODA approved programs in Arizona. Ms. Perry and Ms. Hunter will be working together to implement the program and can require the CDA as an entrance requirement. The Board can always attach provision on another bill for the next legislative session. There may be other programs that may go through the onerous process of accreditation and Mr. Earle respectfully requested that those programs are accredited and have higher standards. To get the program moving, there has to be trust in the academic programs.

There are quite a few issues that need to be resolved. The only two states that requires WREB for Expanded Function Dental Assistants are Oregon and Washington.

It might be appropriate to convene a committee. If the Board desires to make certification a requirement for Expanded Function Dental Assistants, it would need to appear the legislature to amend the statute.

The recommendations presented to the Board include completing a CODA accredited dental hygiene program; the education must include all five of the components as outlined in the statutes, the examination from DANB which include all five components, and having an

attestation by the program director of the CODA schools which includes the program director's and instructors contact information, and the program must be in good standing with CODA. It will be done on an annual basis by DANB to ensure the programs are meeting the requirements for the five courses. CODA does not accredit EFDA programs. A dental assistant that is certified and has completed the EFDA requirements cannot do a coronal polish without taking a separate exam.

The Board inquired as to the length of time it would take to get the educational component up and running in the Maricopa County Community Colleges. Ms. Hunter stated it could be at least a nine month process, if not more as they currently do not have people on staff that could teach to the recommended requirements. The instructors would potentially be a supervising dentist or a dentist that would teach for Rio Salado College. When teaching a clinical competency, it is typically done in a lab or pre-clinic, this is when the dentist would be verified. The internship would be working on live patients most likely in a private dental office supervised by the dentist.

The Board discussed tabling the implementation of EFDA and convening a stakeholder's meeting.

Upon MOTION by Mr. Greer, second by Dr. Waite, the Board voted to TABLE the implementation of SB 1282 relating to Expanded Function Dental Assistants so that Board staff can form a Stakeholder Committee to evaluate the implementation of SB1282. MOTION PASSED UNANIMOUSLY.

G. Review, discussion and possible action regarding the mailing/delivery of Board Materials

Due to the State's new security policy, the method of delivering the Board materials was changed to certified mail with return receipt. Board staff is currently researching other methods for the delivery of Board materials. The State security policy requires the information be sent securely; however, if the Board believes this is not feasible it should discuss the reasons and vote.

The Board discussed using a different delivery service.

Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to have the Board Materials delivered by FedEx. MOTION WITHDRAWN

Using FedEx or UPS would still require a signature. The Board discussed returning to regular mail since it never posed a problem with any of the Board members receiving the materials in a timely manner.

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to SEND Board materials via regular mail as it is still secured. MOTION PASSED UNANIMOUSLY.

H. A.T. Still University of Health Sciences dba Arizona School of Health Sciences – Review, discussion and possible action on A.T. Still University of Health Sciences dba Arizona School of Health Sciences' request for Board recognition as a charitable organization for the purposes of Arizona Administrative Code R4-11-1209(A)(4)(f).

A.T. Still gives charitable events and would like to give out continuing education credit for licensee who volunteer at the events. As a result, they are asking for recognition as a charitable organization and they have provided the information on their 501(c)(3) status.

The licensee will receive continuing education credits for treating and seeing patients and it would be considered under the category of self-study. The dentist can only have 24 credit

hours under this category. The sponsor of the event would provide the licensee with a certificate for the continuing education. Previously, the Arizona Dental Association would sponsor the event, now A.T. Still would like to sponsor their own events and give out the continuing education.

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to RECOGNIZE A.T. Still University of Health Sciences dba Arizona School of Health Sciences as a charitable organization for the purposes of Arizona Administrative Code R4-11-1209(A)(4)(f). 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. 32 complaints were terminated through the Executive Termination process, 17 can still be appealed and seven have been appealed.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant MD was present and spoke about case no. 201500043 (Agenda Item 16D).
Complainant FV was present and spoke about case no. 201500055 (Agenda Item 16E).
Complainant CV was present and spoke about case no. 201500104 (Agenda Item 17D).
Complainant PP was present and spoke about case no. 201500036-ED (Agenda Item 23A).
Complainant KLC was present and spoke about case no. 201500095-ED (Agenda Item 23E).
Complainant DNS was present and spoke about case no. 201500097 (Agenda Item 23F).

Agenda Item No. 3 PRESIDENT'S REPORT

- A. Appointment of Dental Hygiene Selection Committee Members

Dr. Hauer appointed Ms. Heather Hardy, RDH, Ms. Joyce Flieger, RDH, and Carolyn Long, RDH to the Dental Hygiene Selection Committee.

- B. Dental Exam Review Board Report

Dr. Hauer attended the DERB meeting and provided a report to the Board.

The Dental Exam Review Board is working on the provisional acceptance of patients by x-ray over the internet for 2016. X-rays will be submitted ahead of time to determine if the decay qualifies on an x-ray. This does not mean the patient is finally accepted as there are other conditions necessary for the exam.

The American Dental Association has put together a task force on licensure due to complaints by the candidates. The candidate expressed concerns of the ethical treatment of patients used during the exam. The ADA issued an interim report on the findings. Expanding the options for restorations for a candidate was also discussed. In the new proposal, a candidate would be allowed to do two posterior composite components. There would also be other options for both direct and indirect fillings.

Agenda Item No. 7 COMMITTEE REPORTS

A. 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. Barbara N. Romero, RDH grant extension until December 31, 2015

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to GRANT the continuing education extension request for Barbara Romero until December 31, 2015. MOTION PASSED UNANIMOUSLY

- b. Lauren L. Broderick, RDH deny request, no extenuating circumstances

Ms. Broderick has completed her continuing education and has renewed her license. There is no action needed by the Board.

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

- a. Kalamazoo Valley Community College-Kalamazoo, MI
b. Southwestern College-Continuing Education Course, National City, CA
c. Fortis College-Continuing Education Course, Phoenix, AZ
d. Henderson Community College-Henderson, KY

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework for agenda items 7Aiiia – d. 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. Sheridan College-Sheridan, WY – Course does not include three injections of the Nasopalatine injection or three administrations of nitrous oxide.
b. Missouri College-Brentwood, MO – Course does not have three administrations of nitrous oxide

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY the Local Anesthesia and Nitrous Oxide coursework for agenda items 7Aiiia-b. MOTION PASSED UNANIMOUSLY

B. Dental Committee – Dr. Robert H. Foster, DDS

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

- a. Dr. Thomas A. Holm-Andersen – Grant extension until September 30, 2015
b. Dr. Petr Kadera – Grant extension until September 30, 2015
c. Dr. Brian K. Kniff – Grant extension until September 30, 2015
d. Dr. Jinah Lee – Grant extension until September 30, 2015
e. Dr. Richard T. Mangum – Grant extension until September 30, 2015
f. Dr. Todd A. McHaney – Grant extension until September 30, 2015

- g. Dr. Jesse Robert McGuire Jr. – Grant extension until September 30, 2015
- h. Dr. Jeffrey W. Mix – Grant extension until September 30, 2015
- i. Dr. Gus G. Nopoulos – Grant extension until December 30, 2015
- j. Dr. Christina L. Pace – Grant extension until October 30, 2015
- k. Dr. Edgar G. Valderrama – Grant extension until October 30, 2015
- l. Dr. Kevin-Hyung Seok Choi – Deny, no extenuating circumstances
- m. Dr. Armen Mirzayan – Deny, no extenuating circumstances

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to GRANT the continuing education extension request for agenda items 7Bia-k. MOTION PASSED UNANIMOUSLY

Upon MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to DENY the continuing education extension requests for agenda items 7Bil and 7Bim. MOTION PASSED UNANIMOUSLY

- ii. The Board will review, discuss and take action on the following applications for renewals requesting an extension for Continuing Dental Education:
 - a. Dr. Martin E. Maxon – The Continuing Education Audit for Dentist Committee is recommending the request for an extension be denied.

Dr. Maxon was present and addressed the Board. Dr. Maxon requested a continuing education extension, due to health reasons. As a result of those health issues, he has not been able to complete his continuing education. He had a kidney transplant on February 6. As a result, his medication prevents him from being in crowded places. He is requesting a few extra months to complete his continuing education requirements.

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

Executive Session

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

Upon MOTION by Dr. Foster, second by Ms. McClain, the Board voted to TABLE the recommendation from the Dentist Committee to deny Dr. Maxon's request for an extension. MOTION PASSED UNANIMOUSLY

The reason the Board is tabling the agenda item is because the Board does not have the authority to grant a second extension. By tabling it, it is not being decided today; however, it will have to be decided in two months. The Board has to act on Dr. Maxon's renewal application from a year ago and it is not currently on the agenda for that to take place. It will be placed on the October Board agenda. The doctor is currently practicing.

Agenda Item No. 6 PERSONNEL ISSUES

- A. VACANT

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

- A. VACANT

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

A. VACANT

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

A. VACANT

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

A. VACANT

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

A. VACANT

CONSENT AGENDA

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

Cases pulled from the Consent Agenda:

Agenda Item No. 15B Case No. 201500034	Dr. Michael D. Margolis
Agenda Item No. 16A Case No. 201500006	Dr. Ghassan Sheikh Sroujeh
Agenda Item No. 16B Case No. 201500024	Dr. Navid Zamani
Agenda Item No. 16C Case no. 201500032	Dr. Richard L. Saran
Agenda Item No. 16D Case No. 201500043	Dr. Christine M. Kopsky
Agenda Item No. 16E Case No. 201500055	Dr. Eric P. Wendelschafer
Agenda Item No. 17B Case No. 201500090	Eyra Karina Vazquez, RDH
Agenda Item No. 17D Case No. 201500104	Dr. Minseok Kang
Agenda Item No. 17E Case No. 201500110	Dr. Edward V. Kuch
Agenda Item No. 17F Case No. 201500118	Dr. Peter A. Spanganberg
Agenda Item No. 18B Case No. 201500072	Dr. Isaac B. Howard
Agenda Item No. 20C	Dr. Leslie I. Davis

Cases ADJUDICATED:

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

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to IMPOSE the Disciplinary Continuing Education Consent Agreements on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201500010	Dr. Tzuyu Meng	
C.	201500015	Dr. Tzuyu Meng	

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
F.	201500067	Dr. Chad F. Fine	6 hours of crown and bridge
G.	201500074	Dr. Saba Heday	4 hours of risk management
H.	201500079-MP	Dr. David D. Woon	6 hours of record keeping
I.	201500087	Dr. Matthew J. Cavendish	3 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. Sorensen, 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
A.	201500051	Dr. Brian Q. Truong	Issue a Letter of Concern stating: "Dr. Truong should ensure complete documentation of all procedures including any adjustments made to prosthesis."
C.	201500105	Dr. Brett W. Barlow	Issue a Letter of Concern stating: "Dr. Barlow should inform the patient of any event related to the informed consent that occurs during treatment."
G.	201500121	Dr. Terrence Teh-Hung Yu	Issue a Letter of Concern stating: "Dr. Yu should be familiar with the rules and regulations of the Dental Practice Act."

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

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

Item No.	Case No.	Licensee	Action
A.	201500018	Dr. David Haaslo	Terminate – per patient letter
C.	201500076	Dr. Ghassan Sheikh Sroujeh	Terminate – per patient letter
D.	201500084	Dr. Sathish Bhadra Chari	Terminate – per patient letter
E.	201500085	Dr. Christopher Thomas Spillers	Terminate – per patient letter
F.	201500127	Dr. Robert G. Baird	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 Ms. Crevier, the Board voted to ACCEPT the recommendation to take no action on the following cases. MOTION PASSED UNANIMOUSLY

Agenda Item No. 20A

Dr. Elwynn C. Caffall

Malpractice report. Took no action.

Agenda Item No. 20B

Dr. Kris A. Volcheck

Malpractice report. Took no action.

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

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

- A. Dr. James P. Davis – Dental Consultant
- B. Dr. Michael I. Domingo – Dental Consultant

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

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

Agenda Item No. 22A June 5, 2015 – Board Meeting Minutes

Agenda Item No. 22B June 5, 2015 – Executive Session Meeting Minutes

END OF CONSENT AGENDA

FORMAL INTERVIEW

Agenda Item No. 24A

Case No. 201500020

Dr. Enrique A. Santiago

On January 20, 2015, the Board received a complaint alleging Dr. Santiago placed an inadequate bridge that resulted in complications. Dr. Santiago had agreed to a non-disciplinary consent agreement requiring six hours of continuing education in crown and bridge and six hours of continuing education in diagnosis and treatment planning. This consent agreement was placed on the June 5, 2015 consent agenda and was pulled for discussion. The board voted to offer Dr. Santiago a disciplinary consent agreement or a formal interview before the full board. Dr. Santiago chose to appear before the full board for a formal interview.

Dr. Waite is the lead Board member.

Dr. Santiago graduated from the School of Dentistry at the University of Puerto Rico in 1979. This case is regarding almost a full arch rehabilitation along a long span ten unit bridge. During his tenure as a professor he taught the students to take full study models, complete diagnostic work-ups and wax up prior

to starting a case. Dr. Santiago stated that prior to starting the case, he did not document completing a periodontal evaluation and a complete exam. There was no mention of any periodontal condition by the subsequent treating dentist. Dr. Santiago did not take any study models. He did take a bite registration; however, it was not notated. He did not complete a diagnostic work up prior to starting the case.

Dr. Waite asked Dr. Santiago to explain a surgical extraction. Dr. Santiago described the procedure for completing a surgical extraction and stated that he did not complete one on the patient. He extracted tooth no. 9 due to a midlevel fracture with elevated forceps. The patient was billed for a surgical extraction. Mr. Tonner explained that Dr. Santiago did not do billing while employed at Western Dental. Dr. Santiago was not aware that it was billed for a surgical extraction.

On March 20, 2014, the bridge was delivered and cemented. On June 11, 2014, the bridge was removed. Dr. Santiago took post-cementation x-rays and noticed there was an open margin on tooth no. 13. He promised the patient the bridge would be redone after the patient attended a wedding. The patient returned after the wedding with an abscess on tooth no. 12. At that time, a root canal was performed, the bridge was sectioned and the left side was replaced.

Dr. Waite questioned Dr. Santiago regarding the open margins and decay seen on the x-rays for tooth nos. 6, 10, 12, and 13 after the cementation of the bridge and a periapical lesion abutment on tooth no. 7. In the x-rays by the subsequent dentist, there was a huge defect in the distal of tooth no. 6 six months after cementation. The subsequent dentist noted extensive decay to the point where the tooth is unrestorable and needed to be extracted. Dr. Santiago stated he had never seen decay progress that rapidly. Dr. Waite indicated that all of the decay could not have been removed and six months later the tooth is unrestorable due to decay. The bitewing x-rays did not show any open margins. However, it is true you can take a different angle and not see an open margin. There are x-rays that show open margins.

Dr. Santiago was questioned by other Board members. Dr. Santiago stated he has no excuse for not documenting the periodontal exam, the diagnosis, or bite registration. The patient came into the office with an existing bridge that was fractured at one of the abutments. Upon removal of the old bridge, he became aware of the fractured tooth which needed to be extracted. The bridge had to be replaced. Dr. Santiago stated he tried to balance and center the occlusion. Dr. Santiago was not aware if the patient had any evidence of abrasion or impression in their teeth. A root canal was done on tooth no. 12 by another dentist. Dr. Santiago stated that the bridge was not loose at the time of the root canal. The reason the new bridge was not completed was due to an abscess. Dr. Santiago's standard procedure when checking that all of the decay is removed is to use a high speed drill when the dentins are not stained or soft. If they are stained or soft, he uses a slow speed with a rounded bur.

Dr. Santiago was unaware if the patient was awarded restitution or repaid any fees by Western Dental. He ended his employment with Western Dental in August of 2014. Upon receipt of the Board complaint, he attempted to contact the patient to see if he could assist in any way. The patient paid \$2,400.00 and Western Dental wrote off \$5,300.00 for a total amount of \$7,666.00. The difference was covered by insurance.

Upon MOTION by Dr. Waite, second by Mr. Greer the Board voted to FIND a violation of unprofessional conduct pursuant to A.R.S. §32-1201.01(14) the basis for the motion is that the bridge was inadequate. There were open margins, remaining decay, and the entire case was a failure. MOTION PASSED UNANIMOUSLY

Staff reported priors.

Upon MOTION by Dr. Waite, second by Dr. Sorensen, the Board voted to IMPOSE 18 hours of continuing education in full mouth reconstruction course to include diagnosis and treatment planning, diagnostic work up of long span bridge, impression taking, bite registration to be completed in 6 months. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 13 ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201500021
Dr. Gary D. Oreskovich**

Ms. McLellan, attorney for Dr. Oreskovich was present to answer any questions.

This case was on the June 5, 2015 Consent Agenda for a Letter of Concern. It was remanded to inquire if Dr. Oreskovich would enter into a non-disciplinary consent agreement for 6 hours of continuing education in operative treatment planning of placing posterior restorations. Dr. Oreskovich has agreed to enter into a non-disciplinary consent agreement.

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to IMPOSE the non-disciplinary consent agreement for 6 hours of continuing education in operative treatment planning of placing posterior restoration. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 15B Case No. 201500034
Dr. Michael D. Margolis**

This case was pulled by a member of the Board.

David Williams, attorney for Dr. Margolis, was present to address any questions.

The Board discussed restricting Dr. Margolis' practice until he completed continuing education in oral surgery and adding continuing education in the area of oral sedation. One of the outside consultant's chief complaints was in regard to the sedation of the patient. Board staff confirmed that Dr. Margolis does possess a 1303 permit. The Board also discussed adding probation for two years with monitoring by Affiliated Monitors, Inc. Dr. Margolis has had seven previous violations, three censures, and has been placed on probation on three prior instances. Dr. Margolis' scope of practice was also restricted in the past. A board member stated Dr. Margolis should take the P.R.O.B.E. ethics course as a result of the past violations.

The amount of restitution was determined by including the cost of all of the procedure and then subtracting the procedures not addressed in the findings of facts, such as x-rays, all cleanings, study models, etc. The amount of restitution was determined to be \$7,000.00.

Upon MOTION by Dr. Hauer, second by Dr. Waite, the Board voted to MODIFY the consent agreement by IMPOSING a \$2,000.00 Administrative Penalty, \$7,0000.00 restitution, 12 hours of continuing education for surgical treatment of bony defects, 4 hours in risk management, and ADDING 12 hours in oral sedation, practice restrictions in oral surgery and oral sedation until the completion of continuing education, PROBATION for 2 years with monitoring by Affiliated Monitoring for two years, and the P.R.O.B.E. ethics course. If he declines, Dr. Margolis will be invited for a formal interview. Dr. Taylor RECUSED. MOTION PASSED

**Agenda Item No. 16A Case No. 201500006
Dr. Ghassan Sheikh Sroujeh**

This case was pulled by a member of the Board.

Ms. McLellan, attorney for Dr. Sroujeh, was present.

This case was pulled to change the wording to include "education in the placement of implants related to the removal of prosthodontics". This is the recommended continuing education. If Dr. Sroujeh accepts, it does not need to return to the Board as everything else remains the same.

Upon MOTION by Dr. Flowers, second by Dr. Hauer, the Board voted to MODIFY the Consent Agreement to 6 hours of continuing education in the placement of implants related to the removal of prosthodontics. If Dr. Sroujeh accepts the modification, it does not need to come back to the Board. If he does not accept the modification, he will be invited for a formal interview before the board. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 16B Case No. 201500024
 Dr. Navid Zamani**

This case was pulled by a member of the Board.

Mr. Tonner, Dr. Zamani's attorney, was present.

Dr. Zamani placed implants without taking x-rays. Mr. Tonner stated an FMX was done and the patient was told that a CT scan or a panoramic x-ray was necessary. The patient told Dr. Zamani they could not afford additional x-rays and Dr. Zamani then placed the implants.

The Board discussed taking disciplinary action and increasing the number of continuing education hours to 12 because the lack of proper x-rays led to severe results. A Board member asked if Dr. Zamani had any previous action against his license that would warrant a rise to disciplinary action. Implants are difficult to remove once they are placed. A work up should be completed prior to placing an implant and the patient is still wearing the prosthesis. This was not a well-planned restoration. The records were incomplete and the implants were not placed appropriately. Dr. Zamani used adequate software that demonstrated the implants were adequately placed in bone.

Upon MOTION by Dr. Foster, second by Ms. Crevier, the Board voted to MODIFY the consent agreement from non-disciplinary to disciplinary and increase the hours of continuing education from 6 hours to 12 hours. If Dr. Zamani declines the offer, he will be invited for a formal interview. Ms. Hardy, Mr. Jackson, Mr. Greer, Ms. McClain, and Dr. Sorensen OPPOSED. MOTION PASSED

**Agenda Item No. 16C Case No. 201500032
 Dr. Richard L. Saran**

This case was pulled by a member of the Board.

Dr. Saran written statement said the existing teeth would not support crowns and he placed the crowns any way. Then the crowns failed based upon poor margins, no refund was offered to the patient and then crown lengthening was suggested by the periodontist. When they couldn't be saved, four new crowns were done. The work was inadequate and egregious. The Board discussed making the consent agreement disciplinary and increasing the continuing education hours to twelve. The Board was unable to determine if the patient paid for the crown lengthening and additional crowns.

Upon MOTION by Dr. Foster, second by Dr. Sorensen, the Board voted to AMEND the consent agreement from non-disciplinary to disciplinary and increase the hours of continuing education from 6 hours to 12 hours in crown and bridge. If Dr. Saran declines the offer, he will be invited for a formal interview. Dr. Waite RECUSED. MOTION PASSED.

**Agenda Item No. 16D Case No. 201500043
 Dr. Christine M. Kopsky**

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

Ms. McLellan, attorney for Dr. Kopsky, was present to address the Board.

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

A lingual frenectomy is within the scope of practice in dentistry.

Upon MOTION by Ms. Hardy, second by Dr. Foster, the Board voted to ISSUE a Letter of Concern stating "Dr. Kang should ensure appropriate communication between the front office and himself." MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17E Case No. 201500110
 Dr. Edward V. Kuch**

This case was pulled by a Board member.

Mr. Tonner, Dr. Kuch's attorney, was present and addressed the Board.

Mr. Tonner passed around a handout for the Board to review. The traditional method for dentures is a five-step process. Dr. Kuch does his dentures differently, which was the basis for the letter of concern. Dr. Kuch takes a preliminary impression at the beginning of treatment. He goes right to the wax rim and then takes his final impression at the very end at the final try-in. His reasons for doing it this way is so that the final impression is more detailed and it is no different than a hard reline on a denture. His records are consistent with this, but not with the traditional method. Mr. Tonner requested that the Board dismiss the case.

The Board questioned if Dr. Kuch had written down his procedure. Mr. Tonner stated that it was recorded as a typical wash on upper and lower and the wash equates to an impression.

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to DISMISS case no. 201500110 against Dr. Edward V. Kuch. Dr. Taylor OPPOSED. MOTION PASSED.

**Agenda Item No. 17F Case No. 201500118
 Dr. Peter A. Spanganberg**

This case was pulled by a member of the Board.

The Board discussed changing the wording of the Letter of Concern.

Upon MOTION by Dr. Flowers, second by Ms. McClain, the Board voted to MODIFY the Letter of Concern to say "Dr. Spanganberg should have standards in place to ensure that the treatment planned is the treatment performed." Dr. Sorensen RECUSED. MOTION PASSED.

**Agenda Item No. 18B Case No. 201500072
 Dr. Isaac B. Howard**

This case was pulled by a Board member.

In reviewing the case, there were numerous issues with the treatment rendered by Dr. Howard. There were four restorations that were done and all four of them failed. There was recurrent and undiagnosed decay. The Board discussed not taking action because the patient was satisfied. The purpose of the Board is to make sure that the public is protected and to provide clinical competency. Eight restorations were done, five of which failed and there were multiple undiagnosed decay. The Board has an obligation to investigate. The public was not protected by the treatment provided by Dr. Howard.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to REMAND the case for further investigation. Mr. Greer, Ms. McClain OPPOSED. MOTION PASSED.

Agenda Item No. 20C Dr. Leslie I. Davis

This case was pulled by a member of the Board.

Upon MOTION by Dr. Foster, second by Dr. Sorensen, the Board voted to TAKE NO ACTION on the medical malpractice case against Dr. Davis. Ms. Hardy RECUSED. MOTION PASSED.

Agenda Item No. 14 PETITION TO REHEAR

**Agenda Item No. 14A Case No. 201400265
 Dr. Neda E. Delavari**

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

Dr. Flowers was the lead Board member.

The four grounds for a Petition to Rehear are 1) irregularities of the proceedings of the Board 2) excessive penalties 3) the finding of facts or decision is arbitrary, capricious, or an abuse of discretion and 4) the finding of facts or decision is not justified by the evidence or is contrary to law.

Finding of Fact number two states that there was no signed treatment plan. There was a signed treatment plan in the records as well as unsigned treatment plans. Finding of Fact number five states the crown delivery date of October 24, when the crown was delivered on October 23. The other three finding of facts are supported by the material provided in the case file.

Upon MOTION by Dr. Flowers, second by Dr. Sorensen, the Board voted to GRANT an immediate rehearing for the limited purpose of changing the finding of facts to reflect the record.

Mr. Tonner addressed the Board. There were three motions outlined in the Petition to Rehear. The first motion referred to the patient's first office visit with Dr. Chase where he states the tooth is fine after taking an x-ray. Seven weeks later, the patient returns to his office and bitewings were taken that show an open margin. Mr. Tonner stated he believes the crown came off and was re-cemented between the patient's first and second visit to Dr. Chase. Dr. Chase did not notate in his records a significant amount of cement left in the patient's mouth, nor did he remove it. The second motion was in reference to why Dr. Chase's office visit does not exonerate Dr. Delavari when he stated that the tooth was fine. The third motion referred to the finding of unprofessional conduct by Dr. Delavari; she has never appeared before the Board and does not have any priors. Traditionally, the Board usually recommends non-disciplinary action the first time.

There were no post-cementation x-rays taken and as a result there is no proof of what transpired after Dr. Delavari cemented the crowns. The patient requested a consultation and a second opinion from Dr. Chase. During the consultation and second opinion, one periapical x-ray was taken. Angulation, as discussed previously, can make a difference. Dr. Chase did not note that he checked for open margins. On the x-ray taken by Dr. Chase, it does not show cement, however the Board can use that to determine if the crown was functional. The doctor's written narrative does not support the clinical notes.

The patient notes in her complaint that Dr. Delavari offered a refund. However, Dr. Delavari stated that because it is not her office, she was unable to refund the patient's money. There was no decay found in the tooth. The crown can be repaired.

The Board discussed issuing either a Letter of Concern or proposing a non-disciplinary consent agreement as this is Dr. Delavari's first complaint.

Dr. Sorensen removed his second.

Upon MOTION by Dr. Flowers, second by Dr. Foster, the Board voted to GRANT the Petition to Rehear for the limited purpose of changing two of the Findings of Facts to accurately reflect the record. Dr. Taylor, Ms. Hardy, Mr. Jackson, Mr. Greer, Ms. McClain, Dr. Sorensen, and Dr. Hauer OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Sorensen, second by Dr. Foster, the Board voted to GRANT a Petition to Rehear based upon excessive penalties. Ms. Crevier, Dr. Flowers, Dr. Waite, Ms. McClain, Dr. Foster OPPOSED. MOTION PASSED.

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to IMPOSE a non-disciplinary consent agreement for three hours of continuing education in the area of crown and bridge and three hours of record keeping to be completed within twelve months. If Dr. Delavari accepts, it does not have to come back before the Board. Dr. Taylor, Dr. Flowers, Dr. Waite, and Ms. McClain, OPPOSED. MOTION PASSED.

Agenda Item 23 REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

Agenda Item No. 23A Case No. 201500036-ED Dr. Corwin D. Martin

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

Agenda Item No. 23B Case No. 201500061-ED Dr. Jessica L. Villalobos

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

Agenda Item No. 23C Case No. 201500070-ED Dr. Nam Le Nguyen

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

Agenda Item No. 23D Case No. 201500088-ED Dr. Mark K. McAlister

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

Agenda Item No. 23E Case No. 201500095-ED Dr. Johnny Lee Smith

The Board discussed whether the prescribing of antibiotics was beyond the scope of dentistry. It is not beyond the scope of practice if the dentist is attempting to rule out a broken tooth or a sinus infection. Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to APPROVE the Executive Director Termination. Ms. Hardy RECUSED, MOTION PASSED

Agenda Item No. 23F Case No. 201500097-ED Dr. Lee W. Harding

The doctor that the complaint is against did not provide the treatment. The treatment where he did see the patient was over six years old.

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

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

- A. Legal advice on A.R.S. § § 32-1232(B), 32-1284(A), and 32-1297(A) requiring applicants for licensure to obtain fingerprint clearance cards.
Pursuant to A.R.S. §38-431.03 (A) (3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on this agenda item.

Executive Session

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

- 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 is currently at the Court of Appeals under advisement.

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

Dr. Wassef's is still being briefed and the reply brief from Dr. Wassef's attorney is due in the next few weeks.

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

The Board's brief is due on August 28th.

Agenda Item No. 27 – Next Meeting Date – October 2, 2015

Agenda Item No. 25 – Members of the Public

Agenda Item No. 26 – Future Agenda Items

Agenda Item No. 28 – Adjournment

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

Dr. Hauer adjourned the meeting at 12:57 PM.

Minutes APPROVED at the October 2, 2015 Board Meeting.

Elaine Hugunin, Executive Director