



ARIZONA STATE BOARD OF DENTAL EXAMINERS

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

Telephone (602) 242-1492 • Fax (602) 242-1445

www.dentalboard.az.gov

MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING October 2, 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 4P, 13E, 9P, 16D, 16E, and 23B.

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. Arizona State Board of Dental Examiners FY 2014-2015 Annual Report – For information only

A.R.S. § 32-1210 requires the agency to complete a report. The report is available on the Board's website.

- C. Arizona State Board of Dental Examiners FY 2017 Budget – For information only

The Board's budget has been submitted and there were no significant increases requested.

- D. VACANT

- E. Dr. Christopher R. Reavis – Review, discussion and possible action of acceptance of Dr. Reavis' voluntary surrender

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

- F. Dr. Jack E. Wilson – Review, discussion and possible action on acceptance of Dr. Wilson's voluntary surrender.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to ACCEPT the voluntary surrender of Dr. Wilson's license. MOTION PASSED UNANIMOUSLY.

- G. VACANT

- H. 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 very detailed memo regarding approving the airway management course provided by Aaron Ketcher, CNP, CRNA. Mr. Ketcher was present to answer any questions by the Board.

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to APPROVE approving the airway management course Advanced Airway Management specific to Arizona Administrative Code R4-11-1304(B)(4)(c). MOTION PASSED UNANIMOUSLY.

- I. VACANT

- J. Board Training – Licensing process and procedures

Sherrie Biggs, Licensure Manager provided Board training on the licensing process and procedures.

- K. Review, discussion and possible action regarding coronal polishing by Dental Assistants

The Board discussed accepting coronal polishing certification from other states for Dental Assistants. Currently, Dental Assistants are required to take the DANB coronal polishing exam in order to become certified in Arizona, even if they are certified in another state. It is a difficult test to pass. If a Dental Assistant has taken the national DANB written coronal polishing exam, they do not have to retake it; however, a dentist has to sign off for the clinical portion. The clinical portion requires them to perform three pediatric and three adults polishing under the supervision of a dentist. Both the rules and the statutes would need to be changed. The Board directed staff to form a stakeholders committee to explore this further.

- L. Review, discussion and possible action on the request from Dr. Joseph Brett Mangum to approve an ethics course to be included on the Pre-Approved Continuing Education course list.

Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to APPROVE the request from Dr. Joseph Brett Mangum to include the ethics course on the Pre-Approved Continuing Education course list. MOTION PASSED UNANIMOUSLY

- M. VACANT

- N. Dr. James F. King – Review, discussion and possible action on acceptance of Dr. King's voluntary surrender

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to ACCEPT the voluntary surrender of Dr. King's license. Dr. Flowers and Dr. Hauer were ABSENT. MOTION PASSED.

- O. Review, discussion, and approval for the Executive Director to attend CLEAR Basic National Certified Investigator/Inspector Training (NCIT) program in Sacramento, CA October 17-23, 2015

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the Executive Director attendance at the CLEAR Basic National Certified Investigator/Inspector Training (NCIT) program in Sacramento, CA October 17-23, 2015.

- P. 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.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant KS was present and spoke about case no. 201500057 (Agenda Item 16B).
Complainant MB was present and spoke about case no. 201500106 (Agenda Item 16D).
Complainant TPN/NN was present and spoke about case no. 201500135 (Agenda Item 16K).
Complainant MG was present and spoke about case no. 201500105-ED (Agenda Item 23C).
Complainant TLB was present and spoke about case no. 201500124-ED (Agenda Item 23F).
Complainant LH was present and spoke about case no. 201500125-ED (Agenda Item 23G).
Complainant DC was present and spoke about case no. 201500136-ED (Agenda Item 23I).
Complainant BSC was present and spoke about case no. 201500154-ED (Agenda Item 23K).

Agenda Item No. 3 PRESIDENT'S REPORT

- A. VACANT

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

- A. Truman John Seiler IV, DMD – Failure to disclose on application an arrest for criminal damage in 2010

Dr. Seiler was present to answer questions from the Board. The Board questioned Dr. Seiler regarding his failure to disclose his arrest on his application. Dr. Seiler stated that he failed to disclose the arrest because he believed that the arrest was expunged and removed from his record.

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

Agenda Item No. 6 PERSONNEL ISSUES

- A. VACANT

Agenda Item No. 7 COMMITTEE REPORTS

- A. VACANT

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

- A. Dr. Ingo Guenther Mahn – Application tabled from the August 26, 2015 Board meeting requesting Dr. Mahn's personal appearance; Board approved exam, discipline on Wisconsin license.

Dr. Mahn was present to address the Board. The Board questioned Dr. Mahn regarding the lack of response or explanation regarding the discipline on his Wisconsin license. Dr. Mahn stated that he believed the documents submitted were a sufficient explanation and that is why he did not provide a written response. The Board inquired as to what happened. Dr. Mahn stated the case involved a patient who was unable to wear a partial and he would not wear it. Dr. Mahn informed the patient that a bridge was a possibility but the prognosis was questionable. It would require excellent home care. There was a significant amount of documentation that determined the patient was not doing proper home care and eventually caused the upper tooth to fail. The alternative treatment was a partial which the patient adamantly refused to wear. In hindsight, Dr. Mahn stated that he would not perform treatment that he thought would not have a suitable outcome. The Wisconsin Board ordered six hours of continuing education and Dr. Mahn has not had any other issues with his license.

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

- B. Dr. Scott Stewart Green – Board approved exam – NPDB lists multiple malpractice settlements, discipline on Nebraska license

Board staff asked the Board to table this agenda item and asked for a comprehensive request for information to include asking Dr. Green to attend the next Board meeting

Upon MOTION by Taylor, second by Dr. Foster, the Board voted to TABLE Dr. Green's request for licensure and asked for a comprehensive request for information that included Dr. Green attending the December 4, 2015 Board meeting. MOTION PASSED UNANIMOUSLY

- C. Dr. Roy Creager Lusch – 1986 Oregon State Dental Exam prior to a regional

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

- D. Renee Suzanne Olsen, RDH – 1988 Oregon State Dental Hygiene Exam prior to a regional
Ms. Olsen was present to answer questions from the Board.

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

- E. Dr. Joel Simon Miller – 1984 California Dental Exam prior to a regional
Dr. Miller was present to answer questions from the Board.

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

- F. Dr. Nicholas Lamar Groneman – Board approved exam, discipline on Colorado license
Dr. Groneman was present to answer questions from the Board.

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

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

- A. VACANT

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

- A. Nina May Araj, RDH – 2014 California Dental Hygiene Exam

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

- B. Brittney R. Ellenberger, RDH – CDCA/NERB Dental Hygiene Exam

Ms. Ellenberger was present to answer questions by the Board.

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

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

- A. Dr. Corwin Jay Keltner – Review, discussion and possible action regarding Dr. Keltner's request to withdraw his renewal application

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to ACCEPT the withdrawal of Dr. Keltner's renewal application. MOTION PASSED UNANIMOUSLY

- B. VACANT

- C. VACANT

- D. Rebekah A. Chandler, RDH – Review, discussion and possible action regarding Ms. Chandler's non-compliance with license renewal requirements

A memo was provided to the Board in their folder regarding Ms. Chandler's non-compliance with licensing renewal requirements. When an application for renewal is received that is incomplete, a notice of deficiency is sent. A notice of deficiency was sent to Ms. Chandler because she failed to include her CPR card with her renewal application. The Administrative Code was updated in August to add the box on the Continuing Education affidavit to show the number of self-study activities completed. Board staff reviewed all of the licensees who had outstanding renewal applications and sent them a letter and a new Continuing Education affidavit on August 1, 2015. One of these letters was sent to Ms. Chandler. A Board meeting notice was sent to Ms. Chandler on September 11, 2015. Board staff attempted to communicate with Ms. Chandler via US mail, email and telephone. Ms. Chandler did not return Board staff's call and it has been impossible to contact her. She is now missing both her CPR card and the Continuing Education affidavit to complete her renewal application.

Ms. Chandler included a note on her application stating that she had to move quickly. She was aware that her CPR card was missing and indicated that she would send it the following week. The Board meeting notice was sent via certified mail and the post office left a message for her twice. It was never picked up. Correspondence Board staff has sent to her mailing address has not been returned. Letters were sent to Ms. Chandler both certified and via regular mail. An email was also sent to Ms. Chandler and it was not returned as undeliverable. The Board can either deny her renewal or grant her additional time. Board staff is unaware if she is working anywhere and completed a Google search and was unable to find anything. The consequence of denying Ms. Chandler's renewal application is that she will be unable to reapply for licensure for five years. She does have a right to appeal and if it is affirmed, she will have to wait five years before reapplying for licensure.

The Board discussed tabling the agenda item until the December Board meeting and granting her an extension. The Board asked Board staff if they had made every attempt to contact Ms. Chandler and Board staff stated they have spent a considerable amount of time trying to track down Ms. Chandler. The Board can renew Ms. Chandler's license and open an investigation for non-compliance, give her additional time, deny her renewal application or allow her to withdraw her application. Ms. Chandler was not present to make the request to withdraw her application.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to DENY Ms. Chandler's license renewal for failing to comply with renewal requirements for failing to submitting her CPR card and the continuing education affidavit based upon R4-11.1209-A4 and R4-11-1204.5. Mr. Greer, Ms. McClain, and Dr. Hauer OPPOSED. MOTION PASSED.

- E. Dr. Martin E. Maxon – Review, discussion and possible action regarding Dr. Maxon's non-compliance with license renewal requirements

At the August 7, 2015 Board Meeting, the Board tabled this item as it does not have the authority to grant two extensions to complete the required continuing education hours. Dr. Maxon was notified of this action. Subsequent to that time, he submitted the required continuing education. It's on the agenda to approve the renewal of his licensure.

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to APPROVE the licensure renewal requirements of Dr. Maxon. MOTION PASSED UNANIMOUSLY.

- F. Dr. Mark R. Morin – disciplinary action in Michigan

The Board is in receipt of Dr. Morin's application for renewal in which he discloses action taken in Michigan. Dr. Morin has complied with the Consent Order and the Board may consider approving his licensure renewal at this time.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to APPROVE Dr. Morin's license renewal. Dr. Foster OPPOSED. MOTION PASSED.

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

- A. Administrative Appeals

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

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 case has been briefed and is under advisement.

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

The oral argument has been set for October 28, 2015.

Agenda Item No. 13 ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201400032-C/201500175
Dr. Vincent Arthur Martinez**

Ms. Jennifer Perkins from the Solicitor General's office was present.

The Board needed to discuss whether or not Dr. Martinez complied with the Interim Order to be evaluated, the summary suspension, the reinstatement of Dr. Martinez' license and vacating the referral to Formal Hearing. Dr. Sucher was present to address Dr. Martinez' compliance with the order to be evaluated. Ms. Williams was also present to address the Board.

Dr. Martinez relapsed in early June of 2015. He initially denied his relapse and the Board ordered that he be evaluated and comply with any recommendations. Dr. Sucher stated that Dr. Martinez presented to the Betty Ford Center on July 12, 2015 for the evaluation. Shortly after that evaluation, Dr. Martinez contacted both Dr. Sucher and Board staff to inform them of his location. Betty Ford recommended treatment for the relapse and Dr. Martinez underwent treatment from July 12 until August 17, 2015. He did complete treatment with staff approval, both with Betty Ford's approved and evaluation center and an approved treatment center for medical and health professionals. Dr. Sucher met with Dr. Martinez immediately after he was discharged. At that time, Dr. Martinez entered into the private version of the Monitored Aftercare Treatment Program and has fully complied with that program. All of his drug screens have been negative and he has participated in all elements of the program. Dr. Sucher met with Dr. Martinez the day prior to the Board meeting for follow up. Dr. Martinez is doing fine, is compliant and Dr. Sucher believes he is safe to return to the practice of dentistry with a five-year agreement to participate in the Monitored Aftercare Treatment Program, should the Board decide to reinstate his license.

The Board questioned Dr. Sucher regarding the necessity of the polygraph. Dr. Sucher stated that the polygraph was unnecessary because Dr. Martinez admitted to relapsing. Dr. Sucher believed Dr. Martinez was thorough and truthful. Dr. Martinez has a sponsor e. A sponsor is someone identified in the AA program to serve as a guide through the steps and someone you can talk to one-on-one.

Dr. Martinez addressed the Board. He apologized for his reluctance in his denial and for trying to avoid the fact that he had relapsed. With the help of Betty Ford he is in a great program of recovery. He was informed to attend ninety meeting in ninety days and has been going to two to three meetings daily. He has attended over one hundred and forty-seven meetings since leaving Betty Ford.

Ms. Williams is in support of the Board vacating the Summary Suspension and reinstating Dr. Martinez' license. He has complied with the Interim Order and based upon Dr. Sucher's testimony, the Board's concerns that resulted in the Summary Suspension and Interim Order have been resolved. Dr. Martinez did get the required treatment and both Betty Ford and Dr. Sucher deem him safe to practice subject to monitoring.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to FIND that Dr. Martinez has complied with the Interim Order as a result of that finding, the Board moved to VACATE the summary suspension and reinstate Dr. Martinez' license and VACATE the motion to forward to a formal hearing. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13E Case No. 201300103
Dr. Jack I. Lipton**

At the February 4, 2015 Board meeting a proposed consent agreement was presented but not approved as it was non disciplinary. The Board voted to proceed to the Office of Administrative Hearings. Subsequent to this meeting, Ms. Williams and Board staff conducted a settlement meeting with Dr. Lipton's attorney, Mandi Karvis, at the request of Dr. Lipton. As a result the Board has a proposed disciplinary agreement for consideration.

Ms. Williams addressed the Board by stating she supports the disciplinary consent agreement. It resolves the issues in this case. It would be a better use of the Board's resources to resolve the case this way rather than proceeding to a formal hearing. She asked the Board to consider approving the disciplinary consent agreement.

The Board asked if the patient was paid restitution. According to Ms. Karvis, DDL did make restitution to the patient; however, she was unsure of the amount.

The Board discussed if the number of continuing education hours presented in the Consent Agreement were adequate. Ms. Williams advised that if any changes were to be made to the Consent Agreement, the case would need to proceed to the Office of Administrative Hearings. It was a negotiated settlement that was agreed upon. Dr. Lipton is currently practicing part time as an associate dentist and Ms. Karvis is unaware of the number of implant cases being done at his current practice. The implants placed by Dr. Lipton in this case allowed for up to a 20 degree diversion. He had planned to wait and see if the implants could be utilized after a period of time. The patient did not return to DDL Dental until after Dr. Lipton ended his employment with DDL Dental.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to IMPOSE the disciplinary consent agreement for 6 hours of continuing education in implant placement and three hours in record keeping. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 13B Case No. 201500020
Dr. Enrique Santiago**

At the August 7, 2015 Board meeting the Board conducted a Formal Interview with Dr. Santiago. Based on this, the Board has a proposed Board Order for consideration and approval. Dr. Santiago's legal counsel is here to answer questions, if necessary.

Mr. Tonner was present to answer questions from the Board.

Upon MOTION by Dr. Sorensen, second by Dr. Waite, the Board voted to IMPOSE the Board Order from the August 7, 2015 Formal Interview. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 13C Case No. 201500072
Dr. Isaac B. Howard**

At the August 7, 2015 Board meeting, a motion was made to pull case no. 201500072 from the consent agenda and was remanded for additional investigation. The case was on the agenda for termination per patient letter. Based upon additional review, the Internal Investigative Review Committee is recommending the Board approve a non-disciplinary consent agreement for six hours of continuing education in the treatment planning and placement of resin restorations.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to IMPOSE a non-disciplinary Consent Agreement for six hours of continuing education in the treatment planning and placement of resin restoration. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13D Case No. 201500090
Eyra Karina Vazquez, RDH**

At the August 7, 2015 Board meeting, this case was tabled as the licensee obtained legal counsel the day before the Board meeting. The Board was provided additional information subsequent to the meeting provided by Ms. Vazquez' legal counsel. The Internal Investigative Review Committee recommends the Board issue a non-disciplinary Letter of Concern stating "Ms. Vazquez should completely and thoroughly document each patient encounter."

Ms. Vazquez' attorney was present to answer questions as necessary.

Upon MOTION by Ms. Crevier, second by Ms. Hardy, the Board voted to ISSUE a Letter of Concern stating "Ms. Vazquez should completely and thoroughly document each patient encounter." MOTION PASSED UNANIMOUSLY

CONSENT AGENDA

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

Cases pulled from the Consent Agenda:

Agenda Item No. 16A Case No. 201500047	Dr. Franklin D. Hulme
Agenda Item No. 16B Case No. 201500057	Dr. Christine M. Kopsky
Agenda Item No. 16D Case No. 201500106	Dr. Peter J. Lee
Agenda Item No. 16F Case No. 201500112	Dr. Pierre R. Martin
Agenda Item No. 16J Case No. 201500132	Dr. Sibera T. Brannon
Agenda Item No. 17B Case No. 201500132	Dr. Arthur H. Chall

Cases ADJUDICATED:

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

Item No.	Case No.	Licensee	Action
A.	VACANT		

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

Upon MOTION by Mr. Greer, second by Ms. Crevier, 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
C.	201500078	Dr. Paul Bayat	3 hours of record keeping
E.	201500108	Dr. Golbarg Pourkhomami	6 hours in crown and bridge
G.	201500113	Dr. Jessica C. Watkins	6 hours in the area of restoration of endodontically treated teeth including a component of documentation of the periodontal status of teeth being treated
H.	201500114	Dr. Mark L. Sampang	6 hours in crown and bridge
I.	201500120	Dr. Wayne O. Baldon	6 hours in crown and bridge
K.	201500135	Dr. Maggie T. Lam	3 hours of record keeping and 4 hours of risk management

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

Upon a MOTION by Mr. Greer, second by Ms. Hardy, 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.	201500069	Dr. Kurt David Wallin	Issue a Letter of Concern stating: "Dr. Wallin should ensure the post-surgical x-rays show all anatomical features of the mandible."
C.	201500145	Dr. Trent Wilsey Smallwood	Issue a Letter of Concern stating: "Dr. Smallwood should remove all Invisalign nubs at the end of treatment."
D.	201500147	Dr. Shawn M. Fuller	Issue a Letter of Concern stating: "Dr. Fuller should complete a diagnostic wax-up and TMJ evaluation prior to a full mouth rehabilitation."

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

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

Item No.	Case No.	Licensee	Action
A.	201500167	Dr. Clayton Wainwright	Terminate – per patient letter
B.	201500182	Dr. Aseel N. Peters	Terminate – per patient letter
C.	201500218	Dr. James F. King	Terminate – per patient letter

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

Item No.	Case No.	Licensee	Comments
A.	Vacant		

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

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

Agenda Item No. 20A

Dr. Ronald H. Watkins
Malpractice report. Took no action.

Agenda Item No. 20B

VACANT

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

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

A. Dr. Scott W. Morrison – Dental Consultant

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

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

Agenda Item No. 22A July 15, 2015 – Board Meeting Minutes
Agenda Item No. 22B August 7, 2015 – Board Meeting Minutes
Agenda Item No. 22C August 7, 2015 – Executive Session Meeting Minutes
Agenda Item No. 22D August 26, 2015 – Board Meeting Minutes

END OF CONSENT AGENDA

FORMAL INTERVIEW

**Agenda Item No. 24A Case No. 201500155
Dr. Michael R. Thompson**

For the record Dr. Hauer and Dr. Flowers are recused.

Dr. Thompson was sworn in by the court reporter.

Mr. Greer is the lead Board Member.

Dr. Thompson was sent a proposed non-disciplinary consent agreement for failure to respond to a subpoena, which is Board staff's procedure. Over the last fiscal year there have been 58 civil penalties and to date no one has refused to sign the agreement. Dr. Thompson chose to appear for a Formal Interview rather than sign the agreement as he believes he has complied with the "spirit of the law". Contrary to Dr. Thompson's written communication that this is unprofessional conduct, it is not if the consent agreement is signed. Board staff does not waive this nor does it waive the failure to report an address change unless it is staff error. Dr. Thompson has been advised that he may have committed unprofessional conduct under A.R.S. § 32-1201 (23), the Board should be cognizant of setting a dangerous precedent if it waives the penalty.

Dr. Thompson addressed the Board. The case was opened for failing to comply with a Board subpoena. The findings of facts stated that Dr. Thompson failed to comply with the subpoena by failing to provide all of the subpoenaed documents. Upon receipt of the subpoena, Dr. Thompson believed he reviewed and submitted all of the records for the patient. Due to an oversight on his part, he did not include the patient's medical history. Dr. Thompson was made aware of the clerical error four months later when he received a letter from the Board. Within hours of receiving the certified letter, he hand delivered the health history to the Board. Dr. Thompson asked that the Board dismiss the case and not impose discipline against his license for the oversight.

Dr. Thompson explained the office procedure when a subpoena from the Board is received. He stated that he reviews the chart, goes over it with his office manager, and ensures that everything is properly dated and printed from the computer as his office is paperless. Once everything is printed, it would be determined if the records could be sent via US Mail or another avenue based upon the time. Dr. Thompson understands that it is his responsibility to respond to the subpoena. He received the subpoena dated February 18, 2015 on February 23, 2015. The records were due to the Board on March 3, 2015, 14 days after the receipt of the subpoena. The records were provided to the Board on March 19, 2015. Due to compelling circumstances in his office manager's health, Dr. Thompson did not know when the records were mailed out. To his knowledge, all of the records were sent for the patient. Four months later an additional twelve pages were provided to the Board. There were duplicates in those twelve pages

The Board discussed that this does not rise to the level of unprofessional conduct. It appears that it was an oversight by Dr. Thompson.

Upon MOTION by Mr. Greer, second by Mr. Jackson, the Board voted to IMPOSE a non-disciplinary civil penalty in the amount of \$500.00 pursuant to A.R.S. 32-1208. Dr. Taylor and Dr. Hauer RECUSED. MOTION PASSED.

**Agenda Item No. 16A Case No. 201500047
Dr. Franklin D. Hulme**

This case was pulled by a member of the Board.

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to IMPOSE the Non-Disciplinary Consent Agreement for 6 hours of record keeping. Dr. Sorensen RECUSED. MOTION PASSED.

**FORMAL INTERVIEW
Agenda Item No. 25A**

**Case No. 201500024
Dr. Navid Zamani**

Dr. Zamani and his attorney, Jeffrey Tonner, were present to address the Board.

The court reporter swore in Dr. Zamani.

The Board received a complaint on January 20, 2015 alleging inadequate informed consent, inadequate implants, patient abandonment, complications during or after treatment and conscious sedation without a permit. The case was reviewed by an outside dental consultant and the Internal Investigative Review Committee recommended the Board consider a non-disciplinary consent agreement at the August 7, 2015 Board meeting. The Board voted to modify the agreement to disciplinary and if Dr. Zamani did not agree, he would be invited to a formal interview before the full Board. Dr. Zamani elected to appear before the full Board. Dr. Zamani has been advised he may have committed unprofessional conduct under ARS 32.1201.01 (14) and (24) and a violation of ARS 32-1264 (A).

Dr. Sorensen is the lead Board Member.

Dr. Zamani left the practice to move to California in the middle of the case. He knew he was moving to California towards the end of September. There was a sign at the front desk informing patients that Dr. Zamani's last day was September 19, 2013. Dr. Zamani saw the patient continuously post-operatively until after he left the practice. Before leaving, he made sure to introduce the patient to the practice owner to ensure she was comfortable. Dr. Zamani wanted the transition to be smooth and make sure that the patient did not encounter any issues. Dr. Zamani's treatment plan for RG was an upper retained denture and not an all on four. Dr. Zamani stated that he has done quite a few of these in his practice. He has also done quite a few extraction cases with immediate placements.

Dr. Zamani described his typical course of action when a patient presents in his office with a treatment plan like RG. A consultation is done with the patient where the pros and cons of the treatment are discussed. Dr. Zamani will determine how long the patient has been without dentures and the quality of the bone and proceeds to send them for a CT scan. Based upon the CT scan, a guided appliance is made and scanned so that implants can be designed. Once that is completed, models are made and diagnostic impressions are reviewed and a wax try-in is made. The patient's medical history and any conditions are also reviewed to ensure the patient is cleared for surgery by their physician.

Dr. Zamani attended Tufts University and graduated in 1995. During that time, students weren't allowed to place implants, so everything he has learned about placing implants has been post graduate, which included hands-on courses. Dr. Zamani does not currently hold a 1303 permit in Arizona. The level of sedation that he gives to his patients does not require a permit. He does hold a conscious sedation permit in California, where he practices. The complication that Dr. Zamani encountered during RG's surgery was poor bone quality in the maxilla. The quality of bone in the lower was pretty good and there were no issues. There were three implants in the top that Dr. Zamani wanted to make sure were Osseo integrated before loading. The patient reported tingles in her lip on the lower left side. This was the only complication according to Dr. Zamani. The quality of bone on the top was very, very poor and other bone could not be regenerated. Dr. Zamani had to place the implants RG desired in order for her to function. RG was very anxious and phobic. Dr. Zamani did all he could to calm her down and get her relaxed so that he could assist her.

The Board questioned Dr. Zamani regarding his procedures in having a patient sign consent forms after taking sedation medication. Dr. Zamani stated that he provides the patient with all of the consent forms to review and sign at home. They then return the forms at the time of surgery. Dr. Zamani completed two consultations with RG due to her high level of anxiety. Dr. Zamani typically requires a panoramic x-ray and CT scans prior to the procedure. He documented that he informed RG of this need twice and she did not want to go anywhere else to have them done. Dr. Zamani stated that in this case, he did deviate from

his typical standard of care. The patient is still wearing both dentures and she was very happy. Dr. Zamani attached the dentures and snap on to tooth no. 11 so the other three implants could Osseo integrate. RG returned the next day and asked Dr. Zamani to remove the locators from tooth no. 11. RG lost the furthest distal implant on the left side. When Dr. Zamani left, tooth no. 11 still had the attachment. RG was a chronic smoker and Dr. Zamani observed her smoking on numerous occasions. The Board asked Dr. Zamani if he has ever refused a patient based upon all of the information he presented. He responded that implant patients are not refused because they smoke. Smoking has a high chance of failure and it is discussed with the risks and benefits with all patients. It is ultimately up to the patient.

In closing, it was not the ideal case and Mr. Tonner believes that Dr. Zamani would not do a case like this again. However, he had the patient's best intent at heart. He did two consultations and tried to make it work. Dr. Zamani documented where the implants were going to be place and when he placed them he did it in the best possible position. When he left, RG was still functioning and would have been functioning better had the zest attachment still been in place. Mr. Tonner asked the Board to consider dismissing the case with non-disciplinary continuing education considering Dr. Zamani's motives in this case was to help the patient.

The Board discussed poor patient selection by Dr. Zamani as well as not insisting on the CT scan and the panoramic x-ray due to the time frame. This did not rise to the level of unprofessional conduct.

Upon MOTION BY Dr. Sorensen, second by Mr. Jackson, the Board voted to ORDER six hours of non-disciplinary continuing education in the area of the placement of implants and four hours of risk management. MOTION WITHDRAWN

Upon discussion the Board noted that there was a deviation in Dr. Zamani's typical protocol by allowing the patient to dictate the treatment when she refused to get a CT scan and a panoramic x-ray prior to the start of the procedure.

Upon MOTION by Dr. Sorensen, second by Mr. Jackson, the Board voted to ISSUE a Letter of Concern stating "Dr. Zamani should not allow the patient to dictate treatment that deviates from the doctor's protocol." Dr. Waite, Ms. McClain and Dr. Foster OPPOSED. MOTION PASSED.

**Agenda Item No. 26A Case No. 201500034
Dr. Michael D. Margolis**

For the record Dr. Taylor is RECUSED.

Mr. David Williams, attorney for Dr. Margolis, was present. Dr. Margolis was present and sworn in by the court reporter.

The Board received a complaint on January 26, 2015 alleging inappropriate prescribing of medication, failure to report an adverse occurrence, failure to inform adverse results, overdose of a sedative or hypnotic, complications during or after treatment, inadequate oral surgery, and altering records. The case was reviewed by an outside dental consultant and the Internal Investigative Review Committee recommended the Board consider a disciplinary consent agreement at the August 7, 2015 Board Meeting. The Board voted to amend the agreement by adding additional sanctions and if Dr. Margolis did not agree, he would be invited to a formal interview before the Board. Dr. Margolis elected to appear before the full Board. Dr. Margolis has been advised that he may have committed unprofessional conduct under A.R.S. § 32.1201.01 (14) (15) (16) and (24) and a violation of A.R.S. § 32-1264A, A.A.C. R4-11 1303 (E) and (G), and A.A.C. R4 1304 and 1305.

In Dr. Margolis' opening statement he stated that he agreed with the outside dental consultant that everything that happens in his office is his responsibility. Dr. Margolis informed SE and her companion both orally and in written form not to take narcotics after the surgery. He did inform them that SE could

take Tylenol and provided packages of over the counter Tylenol. After the procedure, Dr. Margolis believed that SE's companion was giving her the over the counter Tylenol and not the narcotic. SE was constantly being monitored. She was hooked up to a heart monitor and Dr. Margolis and his staff were in and out of the operatory. SE's companion was in the room when the heart monitor indicated there may be a problem. Dr. Margolis and his staff were there within seconds. SE was awake and stabilized prior to the arrival of the paramedics. Dr. Margolis told SE that he would pay for the hospital fees due to the incident. Dr. Margolis stated that he did fail to report the incident due to human oversight and a myriad of personal issues taking place during this time.

Dr. Foster is the lead Board Member.

Dr. Margolis graduated from The University of Texas at San Antonio Dental School. He has been practicing dentistry in Arizona for 30 years. Dr. Margolis began using the Cavitat machine in 2000 and was trained by the inventor, Mr. Robert Jones, on its use in an office setting. The Cavitat is an ultra sound machine that is FDA approved for diagnostic purposes that does require maintenance.

SE presented with multiple complaints of pain from previous extractions. Dr. Margolis reviewed her health history, took a 3D Cone Beam x-ray, full series of x-rays, periodontal probing, palpation of multiple areas of her mouth and charted all of her findings. These tools along with the Cavitat machine determined a diagnosis of Neuralgia Induced Cavitation Osteonecrosis. Dr. Margolis stated that he performed biopsies on the area to determine if there was necrosis. The DNA reports provided were a result of the biopsies. They were bacterial cultures. The DNA reports have a disclaimer that states "this information above should not be used to diagnose or treat health problems or disease." Dr. Margolis stated that he was aware of this disclaimer. Dr. Margolis completed one histological biopsy on SE.

The Board questioned Dr. Margolis on his use of the Cavitat machine versus a CT scan. The Cavitat can tell the dentist if the bone is solid. It is not the same on a CT scan. Dr. Margolis provides a disclaimer on his consent forms that are provided to every surgical patient. He informs them that he does not promise any improvement in their health or make any claims. The informed consent forms were given to SE and her companion in both June and December and were reviewed with her by Dr. Margolis and his staff both pre and post-surgery. Dr. Margolis was working with SE's dentist in Minnesota who would continue treatment after Dr. Margolis placed the bone to support dentures in the future.

The maintenance for the machine is done by the inventor's son. Dr. Margolis stated that he was unaware if there are any other companies that have similar equipment that does ultra sound.

In closing, Mr. Williams believes that the main issues that is a cause for concern is the failure to report the adverse occurrence. Dr. Margolis does not dispute that there was an adverse occurrence and he should have reported it. The adverse occurrence was due to a miscommunication between Dr. Margolis and SE's caregiver. Dr. Margolis fully informed the patient not to take a narcotic and one was taken in contradiction to those orders. Dr. Margolis was three feet away from the patient at all times and she was continuously monitored.

The Board discussed the large quantities of bone being removed without a proper diagnosis. There was one biopsy done and a significant amount of bone that was removed without justification. They were unable to delineate if the records were altered.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to FIND a violation of A.R.S. §32-1201.01 (14), A.A.C. R4-11-1304 (G), and A.A.C. R411-1305 based upon the lack of supervision in the office that led to the patient receiving an overdose of narcotic and having to be taken to the hospital. Mr. Jackson OPPOSED. Dr. Taylor RECUSED. MOTION PASSED.

The Board requested priors.

Board staff reported priors.

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

Agenda Item No. 23J Case No. 201500146-ED Dr. Jennifer A. Mohr

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

Agenda Item No. 23K Case No. 201500154-ED Dr. Omaina S. Samain

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

**Agenda Item No. 16J Case No. 201500132
Dr. Sibera T. Brannon**

This case was pulled by a member of the Board.

The Board discussed increasing the number of continuing education hours from six to twelve in implants. The motion was amended to keep the continuing education hours at six and include hands-on.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to MODIFY the consent agreement to six hours of hands on continuing education in implant placement. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16D Case No. 201500106
Dr. Peter J. Lee**

This case was pulled by a member of the Board.

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

Mr. Tonner was provided a consent agreement for his client's signature. Mr. Tonner made changes and submitted those changes to Board staff on Wednesday. Board staff sent an email to Mr. Tonner informing him the case was going to be pulled from the consent agenda at the October 2, 2015 Board meeting as the Internal Investigative Review Committee could not convene prior to the meeting. Mr. Tonner misunderstood this to mean that the case would not be heard until the December 4, 2015 meeting.

The case was pulled from the Consent Agenda by a Board Member to discuss the proposed changes by Mr. Tonner as well as some concerns regarding the case.

The Board discussed modifying the consent agreement to discipline as a majority of the crowns done by Dr. Lee had open margins. Dr. Lee disagreed with the subsequent treating general dentist in that there were only two or three crowns with open margins. Based upon the x-rays reviewed, there were gross margins on a majority of the crowns placed. The crowns were originally seated in 2013, two years later the crowns should still be in good shape. Dr. Lee stated in the modified consent agreement that he typically takes post-op cement x-rays during the next recall appointment. This is below the standard of care. Dr. Lee should know if there are open margins once the crown is seated. Mr. Tonner requested three hours of continuing education in crown and bridge and deleting the continuing education in risk management. The Board was provided with updated information from Dr. Paul Marischen which stated that the clinical outcome of the extensive crown restorations by Dr. Lee was exceedingly poor. The patient paid \$25,000.00 for services rendered. These were virgin teeth that did not have fillings and Dr. Lee did full crowns.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to OFFER Dr. Lee a disciplinary consent agreement to include 12 hours in continuing education in hands on crown and bridge to be

completed in a dental school setting and \$25,000 restitution to the patient. If Dr. Lee chooses not to accept the consent agreement, he will be invited for a formal interview. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16B Case No. 201500057
Dr. Christine M. Kopsky**

This case was pulled by a member of the Board.

The Board discussed modifying the consent agreement to discipline as the case was egregious and rose to the level of unprofessional conduct. They also discussed ordering restitution to the patient. Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to MODIFY the consent agreement to discipline with six hours of continuing education in orthodontics in interproximal reduction and restitution to be determined by Board staff. If Dr. Kopsky declines, she will be invited for a formal interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 27 – Members of the Public

Agenda Item No. 28 – Future Agenda Items

Agenda Item No. 29 – Next Meeting Date – December 4, 2015

Agenda Item No. 30 – Adjournment

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

Dr. Hauer adjourned the meeting at 12:50 PM.

Minutes APPROVED at the December 4, 2015 Board Meeting.

Elaine Hugunin, Executive Director