



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 December 4, 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. Carrie Smith, Assistant Attorney General
Ms. Terry Bialostosky, Investigations Supervisor
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.

Agenda Item No. 3 PRESIDENT'S REPORT

- A. Appointment of Board Members (one Dentist and one Dental Hygienist) to the Dental Hygiene Committee.

Dr. Robert Taylor and Ms. Heather Hardy were appointed to the Dental Hygiene Committee.
- B. Report from the American Association of Dental Boards (AADB) Annual Meeting, November 3-4, Washington, D.C.

Dr. Hauer reported one of the highlights of attending the American Association of Dental Boards Annual Meeting was networking. The State University of New York at Buffalo has implemented a new process for administering their state board examinations. This is an alternative method to taking a Board exam. The students take the examination using patients of record. The Board discussed if the dental schools in Arizona are practicing this method and if the students will receive credit as this has not been approved by the legislation. The Board decided to add it as a future agenda item.

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. Election of Board Officers

Dr. Hauer was nominated for Board President and Dr. Foster was nominated for Board Vice President.

Upon MOTION by Dr. Foster, second by Dr. Sorensen, the Board voted to ELECT Dr. Hauer President of the Board. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to ELECT Dr. Foster Vice-President of the Board. MOTION PASSED UNANIMOUSLY.

- C. Report from the American Association of Dental Administrators and Dental Boards Annual Meetings, November 3-4, 2015, Washington, D.C.

Dir. Hugunin provided a report from the American Association of Dental Administrators and Dental Boards Annual Meetings. The Federal Trade Commission's presentation was disappointing as they did not share any new information. During the American Association of Dental Administrators, one-half day was spent in round table discussion where each State provided an update regarding legislation and current issues. The second day was devoted to the discussion of implants, the standard of care, and litigation. Director Hugunin is officially the President of the AADA. There are some political challenges given the issues related to licensing. As President, she has an insider view and opportunities for growth and networking.

- D. Board Training – Investigative Procedures and Process

Elaine Hugunin, Executive Director and Terry Bialostosky, Investigations Supervisor provided training on the Investigative procedure and process.

- E. Review, discussion and possible action on Notice of Final Rulemaking and Economic Impact Statement for Articles 2 and 3 licensure Rules

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to APPROVE the changes to the Notice of Final Rulemaking and Economic Impact Statement for Articles 2 and 3 licensure rules. MOTION PASSED UNANIMOUSLY.

- F. Courtney Hope Ingram, RDH – Review, discussion and possible action regarding opening an investigation for failure to disclose 2006 shoplifting arrest on application

Ms. Ingram was present to answer questions from the Board.

The Board questioned Ms. Ingram regarding her failure to disclose the 2006 shoplifting arrest on her application. Ms. Ingram stated that she misunderstood the question. She was informed during her internship that she only had to disclose her guilty convictions. In this case, she was not found guilty. To her knowledge, she was in the clear and there wasn't anything that came back when she applied for her fingerprint clearance card. She did complete a diversion program and the charges were dropped with the courts. Ms. Ingram is currently licensed in Arizona.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to TAKE NO ACTION regarding opening an investigation for failure to disclose the 2006 shoplifting arrest on Ms. Courtney Ingram's application. MOTION PASSED UNANIMOUSLY.

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

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

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant MB was present and spoke about case no. 201500159 (Agenda Item 16C).
Complainant LRF was present and spoke about case no.201500129-ED (Agenda Item 23B).
Complainant PR was present and spoke about case no. 201500169 (Agenda Item 17A).
Complainant SL was present and spoke about case no. 201500163-ED (Agenda Item 23C).
Complainant RL was present and spoke about case no. 201500170-ED (Agenda Item 23D).
Complainant TH was present and spoke about case no. 201500186-ED (Agenda Item 23G).
Complainant ES was present and spoke about case no. 201500057 (Agenda Item 25A).
Complainant SG was present and spoke about case no. 201500193 (Agenda Item 16H).

Additional materials for agenda items 4G, 10A, 17A, 21B, 23D, 23I and 24A were provided in the Board's materials.

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

- A. Kayla Lee Fitzsimmons, RDH – Disclosure – convicted for shoplifting in 2009

Ms. Fitzsimmons was present to answer questions by the Board. Ms. Fitzsimmons is not currently employed. She relocated from Minnesota.

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

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

- A. Dr. Scott Stewart Green – Board Approved Exam – NPDB lists three malpractice settlements, Discipline on NE license. Application was tabled from the October 2, 2015 Board Meeting.

Dr. Green was present to answer questions by the Board.

****EXECUTIVE SESSION****

Return To Open Session

The Board questioned Dr. Green regarding the discipline on his Nebraska license. Dr. Green stated he is not under probation in any other state and both his Nebraska license and DEA registration has been reinstated. The DEA did not take any action and the Nebraska Board ordered a monetary sanction. Dr. Green has agreed to be monitored in the confidential MATP program. He has been sober for eight years. He would like to practice in Arizona because his mother currently resides here and is getting older. He is also looking for a new start. Since his probation has ended, he has maintained his sobriety by having a good program with friends in the medical field. Dr. Green attends AA meetings and church on a regular basis. He currently has an offer to practice in Scottsdale. He would like to practice in a privately owned office.

Upon MOTION by Mr. Greer, second by Mr. Jackson, the Board voted to GRANT licensure to Dr. Green. Dr. Taylor, Ms. Crevier, Dr. Waite, Ms. McClain, Dr. Foster, and Dr. Hauer OPPOSED. MOTION FAILED.

Dr. Hauer MOTIONED to DENY licensure to Dr. Green.

The Board informed Dr. Green that if the Board voted to deny his license and the motion passed, he would not be able to reapply for five years. If Dr. Green withdrew his application, he could reapply at the next meeting. The Board discussed giving Dr. Green some time to think about it.

The Board discussed the grounds for denial given Dr. Green's history and his malpractice cases. The malpractice actions were not recent and the doctor's Nebraska license and DEA is not currently under suspension.

Dr. Green stated that he wanted to take some time to consider withdrawing his application for licensure.

If the Board votes to deny licensure to Dr. Green, he does have appeal rights.

Dr. Hauer WITHDREW his motion to deny Dr. Green a license.

Upon MOTION by Ms. Hardy, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Scott Green. Dr. Taylor, Ms. Crevier, Ms. McClain, Dr. Foster, and Dr. Hauer OPPOSED. MOTION PASSED.

- B. Dr. Gregory Laurence Van Hale – 1982 California Exam prior to a regional. NPDB lists one malpractice settlement over ten years ago.

Upon MOTION by Dr. Taylor, second by Dr. Foster, the Board voted to GRANT licensure to Dr. Van Hale. MOTION PASSED.UNANIMOUSLY

Agenda Item No. 7 COMMITTEE REPORTS

- A. Dental Hygiene Selection Committee – Heather N. Hardy, RDH
- i. Review, discussion and possible action regarding the appointment of one Dental Hygienist to the Dental Hygiene Committee.

- a. The Dental Hygiene Selection Committee recommends the reappointment of Susan J. Smedley, RDH

Upon MOTION by Ms. Hardy, second by Dr. Sorensen, the Board voted to REAPPOINT Susan J. Smedley, RDH to the Dental Hygiene Committee.
MOTION PASSED UNANIMOUSLY

- b. The Dental Hygiene Selection Committee recommends the Shawn E. Everingham, RDH as an alternate choice for the appointment to the Dental Hygiene Committee.

No action needed.

B. Expanded Function Dental Assistant Committee – Dr. Gregory A. Waite

- i. Review, discussion and possible action on recommendations from the Expanded Function Dental Assistant Committee regarding implementation of Arizona Revised Statutes § 32-1291.01 Expanded Function Dental Assistants; training and examination requirements; duties

Dr. Waite, the Committee Chair addressed the Board. For education and training the Committee recommends that the education/training must be completed at a CODA-accredited dental program, dental hygiene program or dental assisting program. The training program must include education in all five of the functions allowed by law and Dental Assisting National Board (DANB) will collect an annual attestation from the program directors. For the examinations, the Committee recommends bundling five DANB examinations, Restorative functions, temporaries, anatomy, morphology and physiology, radiation health and safety and coronal polishing. If the applicant is a dental hygienist, the radiation health and safety and the coronal polishing examinations would not be required. Another component of the examination is an endorsement from a licensed dentist attesting the applicant has been observed performing 20 place, contour and finish direct restorations and five place and cement prefabricated crowns. Deb Kappes, Committee Member and representing the Arizona Dental Hygiene Association asked the Board to consider changing the examination requirements for dental hygienists by eliminating the anatomy, morphology and physiology examination. Dental hygienists complete that coursework and are tested in their undergraduate program. Mr. Kevin Earle from the Arizona Dental Association encouraged the Board to accept the recommendations from the Committee. The Board asked for an explanation of ARS § 32-1291.01(C). Mr. Earle addressed the Board. In a remote location, when screening a patient, there may be soft decay which may be scooped out and a temporary therapeutic restoration may be placed with the goal of getting the patient out of immediate pain and referred to a dental home. It is commonly used in teledentistry situations where you have the dentist seeing what is going on with the patient. This situation is rare.

Upon MOTION by Mr. Greer, second by Dr. Sorensen, the Board voted to approve the education requirements recommendation from the Expanded Function Dental Assistant Committee regarding the implementation of ARS §32-1291.01. Dr. Taylor and Dr. Foster OPPOSED. MOTION PASSED.

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

- i. Review, discussion and possible action regarding the 2015 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental

Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:

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|------------------------------|-------------------------------|
| a. Renee Y. Agnew, RDH | j. Virginia L. Worman, RDH |
| b. Flor I. Diaz, RDH | k. Brenna K. Daniels, RDH |
| c. Brooke L. Elmore, RDH | l. Cathlene K. Farmer, RDH |
| d. Chanel L. Fowler, RDH | m. Shelley M. Hill, RDH |
| e. Ruth Ann Lash, RDH | n. Shawna B. Laub, RDH |
| f. Diana M. Monserratte, RDH | o. Samantha A. Lillis, RDH |
| g. Jennifer L. Quintana, RDH | p. Erika L. Meza, RDH |
| h. CaSandra L. Sullivan, RDH | q. Christine Le Sanaphay, RDH |
| i. Candace A. Turley, RDH | |

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to APPROVE the CE Audit responses for agenda items 7cia-q. MOTION PASSED UNANIMOUSLY

- ii. Review, discussion and possible action regarding the 2015 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental Hygiene Committee, the Board may consider opening an investigation based on the identified deficiencies of the CE Audit responses from the following:

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|---------------------------|------------------------------|
| a. Claudia L. Leyton, RDH | d. Jenna C. Powell, RDH |
| b. Hemely Paloma, RDH | e. Gay Carroll Robinson, RDH |
| c. Lorraine M. Doris, RDH | f. Roger P. Woolley, RDH |

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to OPEN an investigation based on the identified deficiencies of the CE Audit responses for Agenda Items 7Cii-a-f. MOTION PASSED UNANIMOUSLY

- iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the local Anesthesia and Nitrous Oxide coursework from Indiana University – Purdue University at Fort Wayne – Fort Wayne, IN – Course does not include three injections of the NP, GM, Mental, Long Buccal or any Nitrous Oxide Analgesia experiences.

Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to DENY recognition of the local Anesthesia and Nitrous Oxide coursework from Indiana University – Purdue University at Fort Wayne – Fort Wayne, IN. MOTION PASSED UNANIMOUSLY

- iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Indiana University, South Bend Division of Dental Education – South Bend, IN – Course does not include three injections of the NP, GP, Long Buccal or any Nitrous Oxide Analgesia experiences.

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY recognition of the Local Anesthesia and Nitrous Oxide coursework from Indiana University, South Bend Division of Dental Education – South Bend, IN. MOTION PASSED UNANIMOUSLY

D. Continuing Education Audit for Dentists Committee – Dr. Robert H. Foster

- i. Review, discussion and possible action regarding the 2015 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audits for

Dentists Committee, the Board may consider approval of the CE Audit responses from the following:

- | | | | |
|----|-------------------------|----|----------------------------|
| a. | Dr. Nicholas P. Bebeau | j. | Dr. Collet R. Masillamoni |
| b. | Dr. Dallin R. Birch | k. | Dr. C. Christopher Murphy |
| c. | Dr. Leisa Lynn Bryan | l. | Dr. Michael J. Neary |
| d. | Dr. Jaffar M. Elahi | m. | Dr. Jesus V. Ortiz |
| e. | Dr. Richard R. Hoyner | n. | Dr. Christopher S. Payne |
| f. | Dr. Sue A. King | o. | Dr. Jonathan D. Richtsteig |
| g. | Dr. Michael P. Lazarski | p. | Dr. John Joseph Sesta |
| h. | Dr. Carlos A. Lopez | q. | Dr. Tracy B. Thomas |
| i. | Dr. Mark D. Maklin | r. | Dr. B. Austin Willcox |

Upon MOTION by Dr. Taylor, second by Ms. Hardy, the Board voted to APPROVE the Continuing Education Audit responses for agenda items 7Dia-r. MOTION PASSED UNANIMOUSLY

- ii. Review, discussion and possible action regarding the 2015 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider opening an investigation based on the identified deficiencies of the CE Audit responses from the following:

- | | | | |
|----|---------------------|----|---------------------|
| a. | Dr. Carla R. Lidner | b. | Dr. Kevin M. Harris |
|----|---------------------|----|---------------------|

Upon MOTION by Dr. Hauer, second by Dr. Taylor, the Board voted to OPEN an investigation based upon the identified deficiencies of the Continuing Education Audit responses for agenda items 7Diia and 7Diib. MOTION PASSED UNANIMOUSLY

FORMAL INTERVIEW

**Agenda Item No. 24A Case No. 201500106
Dr. Peter J. Lee**

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

On April 16, 2015, the Board received a complaint alleging Dr. Lee performed inadequate crowns which resulted in complications. At the October 2, 2015 Board meeting a non-disciplinary consent agreement was on the Board's Consent Agenda and was pulled for further discussion. The Board voted not to accept the proposed non-disciplinary consent agreement and voted to make it discipline with the same continuing education requirements with the addition of restitution. Board staff was instructed to offer Dr. Lee the disciplinary consent agreement or the option to appear for a Formal Interview before the Board. Dr. Lee has chosen to appear before the Board at today's meeting for a Formal Interview. He has been noticed that he may have committed unprofessional conduct in accordance with A.R.S. §32-1201.01(14), (24) and a violation of A.R.S. § 32-1264(A).

Dr. Waite was the lead Board Member.

Dr. Lee attended and graduated from New York University College of Dentistry in 2001. He completed a general practice residency in Queens, New York. At the initial visit, the patient requested veneers and Dr. Lee informed the patient that he would need veneers and/or crowns on teeth nos. 5 – 13 and 20-29. Dr. Lee created a treatment plan for either crowns or veneers as he was unable to determine which would fit best until a tooth was prepped. The patient was a severe bruxer, and in order to prevent fractures in the future; Dr. Lee did full coverage instead of partial coverage.

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Dr. Waite questioned Dr. Lee regarding the open margins on various teeth. Dr. Lee stated that not all of the teeth had open margins; however, some of the open margins are inconclusive based upon the x-rays. The angulation of an x-ray can show an open margin, while a different angulation can show there is no open margin on the same tooth. Dr. Lee stated that he typically takes preoperative and postoperative cementation x-rays the day the crown is delivered. He did not take postoperative cementation x-rays on this case. Moving forward, he stated that he will make sure to take preoperative and postoperative cementation x-rays.

The Board questioned Dr. Lee regarding his relocation from Arizona. In November of 2014, Dr. Lee relocated to St. Louis, MO due to a medical injury that required he seek help from a carpal tunnel specialist. This required him to sell his practice in Arizona. After the medical injury was resolved, he moved and is now practicing in California. He has had a license in California since February 2007. Dr. Lee only diagnoses minor cases. If he feels a case is severe, he will refer the patient to a prosthodontist. The Board asked if Dr. Lee considered this case to be complex. He responded yes, due the symptoms presented by the patient. In the notes by the subsequent treating dentist, it states there were multiple areas of open margins and there is evidence that the majority of the teeth were grossly over prepared. As a result, the teeth were very susceptible to fracture and endodontic involvement and the restorations would need to be removed. Dr. Lee did not agree that the teeth were over prepared because the material used for the crowns does not provide a way to see underneath the metal.

The Board asked if Dr. Lee offered any restitution or financial assistance to the patient. Dr. Lee attempted to contact the patient by telephone and email. The patient did not respond to either attempt. In retrospect, Dr. Lee stated that he would do two things differently in a case such as this. The first would be to take preoperative and postoperative cementation x-rays. The second would have been to not take the case knowing he would be moving out of state two years after the delivery of the crowns. It is a complex case that involves long term care.

In his closing statement, Mr. Tonner stated Dr. Lee placed twenty-two restorations. When the patient had a problem with tooth no. 27, Dr. Lee took an x-ray and examined the area. He noted that there was no recurring decay. When the patient saw the subsequent treating dentist, he stated there were numerous problems with the case. Mr. Tonner had a Board certified radiologist review the x-rays who stated that you cannot tell the difference between a margin that has been left open and one that is open because of recurrent decay on a radiograph. Mr. Tonner also discussed the patient's prior drug history and how it affects the mouth which can cause severe bruxism. The patient was presented with a mouth guard by Dr. Lee and stated in his complaint that he wore it regularly. However, when he saw the subsequent treating dentist, the patient stated he did not wear the mouth guard at all. Dr. Lee was not provided an opportunity to correct the problems in this case. Since this is the first time Dr. Lee has had a complaint, Mr. Tonner asked the Board to order non-disciplinary continuing education in crown and bridge. Dr. Lee is willing to offer restitution to the patient. Once this case is adjudicated, Dr. Lee plans to voluntarily surrender his Arizona license.

The Board discussed the fact that three separate dentists evaluated the case and they all stated the restorations needed to be redone. Dr. Lee's notes in the record were not clear and there were steps that could have been taken to ensure the patient didn't have problems in the long term. The Board also discussed not being able to see the margins and the decay above it which indicates that there were open margins when the crowns were place.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to FIND unprofessional conduct based on A.R.S. §32-1201.01(14). Ms. Hardy, Ms. Crevier, Dr. Flowers, and Dr. Sorensen OPPOSED. MOTION PASSED.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to ORDER 12 hours of hands on continuing education in a dental school setting for crown and bridge to include diagnosis and treatment planning specifically to complex cases, restitution in the amount \$20,786.00. MOTION PASSED UNANIMOUSLY

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

**Case No. 201500057
Dr. Christine Kopsky**

For the record, Dr. Flowers is recused.

Dr. Christine Kopsky was sworn in by the court reporter. Susan McLellan, attorney for Dr. Kopsky, was present.

On February 23, 2015, the Board received a complaint alleging inadequate informed consent, inadequate orthodontics and complications during or after treatment. At the October 2, 2015 Board Meeting, a non-disciplinary consent agreement was on the Board's Consent Agenda and pulled for further discussion. The Board voted to not accept the proposed non-disciplinary Consent Agreement and voted to make it discipline with the same continuing education requirements with the addition of restitution to the patient. Board staff was instructed to offer Dr. Kopsky the disciplinary Consent Agreement or an option to appear for a Formal Interview before the full Board. Dr. Kopsky has chosen to appear before the Board at today's meeting for a Formal Interview. She has been noticed that she may have committed unprofessional conduct in accordance with A.R.S. §31-1201.01(14), (24) and a violation of ARS § 32-1264(A).

Ms. McLellan addressed the Board. At the October 2, 2015 board meeting, this case was briefly discussed. It appeared to Ms. McLellan that the Board members reviewed Dr. Kelly's photographs taken in March to determine that the interproximal reduction in this case was overzealous. Ms. McLellan stated the case should be reviewed from the beginning. This case was not completed because the patient was still in treatment. The patient as well as the patient's stepfather admitted that she had not been wearing her aligners since her last appointment with Dr. Kopsky in January. The patient also stated that her teeth had been shifting. Due to these factors, the assumption cannot be made that the space seen in the photographs were due to interproximal reduction.

Dr. Sorensen was the lead Board member.

Dr. Kopsky studied dentistry at Creighton University in Omaha, Nebraska where she graduated in 1990. She does not do traditional orthodontics in her practice. She just does Invisalign. She had completed over 50 cases in her career and on average completes one to two per month. There is additional education required to be certified by Invisalign. Dr. Kopsky completed certification for Invisalign in 2002. The patient was in treatment for approximately eight months. It is common to do refinement for Invisalign for 60 to 70 percent of cases. In this case, the patient had ten aligners and the final aligner was being delivered December 30, 2014. The patient was informed that she would be evaluated and a retainer would be ordered. The retainer would have been pre-prescribed by Invisalign. In the records, it states the patient would be evaluated in two weeks to see if she was happy before ordering the retainer. At this time, the patient discussed with Dr. Kopsky her concerns about the spacing and wanted to know if it would close further. The treatment recommendation with Invisalign in 60 to 70 percent of cases is to do reduction interproximally to allow for either rotation or tooth movement. In those prescribed cases, Invisalign would have provided a recommendation or prescription that indicated the tooth and the size of the interproximal reduction. The interproximal reduction would have been done with tools provided by Invisalign.

The Board questioned Dr. Kopsky about why the patient became noncompliant. The patient became very unhappy because it was taking a while to get the refinement aligners back from Invisalign. Dr. Kopsky informed the patient to continue wearing the number ten aligner until the refinement prescription was received. The interproximal reduction was done in stages to smooth the margins. When doing the first interproximal reduction, Dr. Kopsky noticed that she was getting close to the subgingival and it would possibly cause irritation to the tissue. She did the amount that was recommended and at the second appointment, she did not do any further recommendations for interproximal reduction. Dr. Kopsky assessed along the way and did additional Interproximal Reduction as recommended. Dr. Kopsky

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wanted to proceed with refinement after delivering the number ten aligner, but was waiting to get the prescription back from Invisalign before proceeding.

The Board asked Dr. Kopsky if she submitted for payment to the insurance company. She stated that she did not submit payment for the orthodontics. The patient paid \$500.00 towards Invisalign. There was no other payment made for Invisalign.

In her closing statement, Ms. McLellan stated because the case is still in progress, it is impossible to assess if Dr. Kopsky was overzealous in doing the interproximal reduction on this patient. Dr. Kopsky was willing to try to work with the patient and her family. They decided to leave before the treatment was completed. Dr. Kopsky treated the patient according to the prescription by Invisalign. This does not rise to the level of discipline.

The Board discussed the responsibility of the patient to wear the aligners until the refinement prescription is received from Invisalign. They also discussed the amount of enamel that was removed. According to the Invisalign website, there is .25mm of removal of enamel. In this case, there is over two to three millimeters of enamel removed with no contours. There was inappropriate reduction that is irreversible.

Board staff reported priors.

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to FIND unprofessional conduct based upon A.R.S. 32-1201.01(14) and ARS 32-1201.01(24). Ms. McClain and Ms. Crevier OPPOSED. Dr. Flowers RECUSED. MOTION PASSED.

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board ORDERED 6 hours of continuing education in interproximal reduction in orthodontics and 3 hours of record keeping and restitution to the patient of \$500.00. Dr. Sorensen AMENDED his motion to remove the three hours of record keeping and Dr. Taylor seconded. Dr. Flowers RECUSED. MOTION PASSED.

Agenda Item No. 26 – Members of the Public

Dr. Ronald Peterson was present and addressed the Board regarding clarification for restricted permits in treating patients in charitable clinics for free by dentists not licensed in the state of Arizona as part of dental continuing education course. Live patient training for dentists is highly restricted in the United States due to licensing laws.

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. 201500144	Dr. Satish I. Hiremath
Agenda Item No. 15D Case No. 201500162-MP	Dr. Adrian E. Pulkrabek
Agenda Item No. 16B Case No. 201500139-MP	Dr. Robert D. Sundberg
Agenda Item No. 16C Case No. 201500159	Dr. Saba Heday
Agenda Item No. 17A Case No. 201500169	Dr. Jordan Thomas Pond
Agenda Item No. 23G Case No. 201500186-ED	Dr. Walter J. Denham

Cases ADJUDICATED:

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

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

Item No.	Case No.	Licensee	Action
A.	201500141	Dr. James W. Duncan	
C.	201500160-MP	Dr. Robert O. Caseldine	
E.	201500176	Dr. Ralph L. Juriansz	

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

Upon MOTION by Dr. Foster, second by Ms. Hardy, the Board voted to IMPOSE the Non-Disciplinary Continuing Education Consent Agreements on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Action
A.	201500109	Dr. Vishtasb Broumand	6 hours of implant placement and 3 hours of record keeping
D.	201500178	Dr. Andrew T. Brown	6 hours of record keeping
E.	201500181	Dr. Blake R. Adams	6 hours of record keeping
F.	201500183-MP	Dr. Rodger S. Sears	3 hours of record keeping
G.	201500187	Dr. Robert C. Bingham	3 hours of record keeping
H.	201500193	Dr. Sophon Heng	6 hours in the area of diagnosis and treatment planning of build ups.
I.	201500213	Dr. Clark E. Melstrom	6 hours in record keeping

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

Upon a MOTION by Dr. Foster, second by Ms. Crevier, 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
B.	201500171	Dr. Hedayat B. Harsini	Issue a Letter of Concern stating: "Dr. Harsini should complete a periodontal examination and periodontal chart prior to any extensive treatment."
C.	201500172	Dr. Mark S. Hank	Issue a Letter of Concern stating: "Dr. Hank should evaluate the form and fit of the temporaries fabricated by assistants."
D.	201500185	Dr. Richard E. Feldhake	Issue a Letter of Concern stating: "Dr. Feldhake should have periodontal charting completed prior to any restorative procedures and that fragments of existing

			restorations should not be left in the tissue.”
E.	201500195	Dr. John Josep Sesta	Issue a Letter of Concern stating “Dr. Sesta should review the x-rays taken at each appointment and discuss any findings with the patient.”
F.	201500207	Dr. Omaima S. Samain	Issue a Letter of Concern stating “Dr. Samain should follow all the appropriate steps in the fabrication of a denture and document the shade and the mold in the record.”
G.	201500222	Dr. Troy D. Stansberry	Issue a Letter of Concern stating “Dr. Stansberry should complete a periodontal chart prior to restorative treatment and check all temporaries abricated by his assistant and conirm all margins are closed and sealed.”

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

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

Item No.	Case No.	Licensee	Action
A.	201500216	Dr. Mark A. Espinoza	Terminate – per patient letter
B.	201500238	Dr. Frank L. Didea II	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

A. 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 Consultants. MOTION PASSED UNANIMOUSLY

A. Dr. Russell W. Cyphers – Dental Consultant

B. Dr. Matthew R. Wall – Anesthesia Evaluator

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

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

Agenda Item No. 22A October 2, 2015 – Board Meeting Minutes

Agenda Item 23 – REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS – CONSENT AGENDA

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

Item No.	Case No.	Licensee	Comments
A.	201500126-ED	Dr. Brooke A. Zoumbaris	
B.	201500129-ED	Dr. Michael LaCorte	
C.	201500163-ED	Dr. Michael J. Hilgers	
D.	201500170-ED	Dr. Mark C. Peck	
E.	201500179-ED	Dr. Alan P. Kawakami	
F.	201500180-ED	Dr. Jenny V. Wang	
H.	201500200-ED	Dr. Jeremy D. Skinner	
I.	201500212-ED	Dr. Ryan S. Wallin	

END OF CONSENT AGENDA

**Agenda Item No. 15D Case No. 201500162-MP
Dr. Adrian E. Pulkrabek**

This case was pulled by a member of the Board and the public. Ms. McLellan, attorney for Dr. Pulkrabek, was present.

Upon MOTION by Dr. Waite, second by Dr. Taylor, the Board voted to IMPOSE the disciplinary Consent Agreement. Mr. Jackson RECUSED. MOTION PASSED.

**Agenda Item No. 17A Case No. 201500169
Dr. Jordan Thomas Pond**

This case was pulled by a member of the Board and the public. Ms. Corcoran, attorney for Dr. Pond, was present.

Upon MOTION by Dr. Sorensen, second by Ms. Crevier, the Board voted to ISSUE a Letter of Concern stating "Dr. Pond should evaluate the preparation, margins and occlusions of crowns he is cementing even though he did not complete the preparation." Mr. Greer RECUSED. MOTION PASSED.

**Agenda Item No. 23G Case No. 201500186-ED
Dr. Walter J. Denham**

This case was pulled by a member of the Board.

Upon further review of the case, the Board discussed rejecting the Executive Director's termination and directing Board staff to offer Dr. Denham a non-disciplinary consent agreement for 6 hours of continuing education in endodontics and 3 hours in crown and bridge to be completed within six months.

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Board staff received communication on December 3, 2015 from Mr. Tonner, attorney for Dr. Santiago, stating that Dr. Santiago wishes to withdraw his Petition to Rehear or Review and that he accepts the Board's October 2, 2015 Board Order.

Agenda Item No. 13 ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201500034
Dr. Michael D. Margolis**

Upon MOTION by Dr. Sorensen, second by Mr. Greer, the Board voted to ACCEPT the proposed Board Order from the October 2, 2015 Formal Interview. Dr. Taylor RECUSED. MOTION PASSED.

**Agenda Item No. 13B Case No. 201500155
Dr. Michael R. Thompson**

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to ACCEPT the proposed Board Order from the Formal Interview held at the October 2, 2015 Board Meeting. Dr. Flowers and Dr. Hauer RECUSED. MOTION PASSED.

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

- A. Whitney Rae Buschkoetter, RDH – 2015 CRDTS

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

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

- A. VACANT

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

- A. VACANT

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 Court of Appeals affirmed the Board's Order. Dr. Robison can still file a petition to review with the Arizona Supreme Court.

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

The case has been briefed and is under advisement. Dr. Wassef has filed an appeal with the Court of Appeals and has requested a stay. The court did grant Dr. Wassef a temporary stay until the parties briefed the issues. Ms. Williams filed the Board's opposition to the stay on December 3, 2015.

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

The oral argument was held on December 2, 2015 and we are now awaiting the decision from the judge.

Agenda Item No. 6 PERSONNEL ISSUES

- A. Yubeka Riddick – Promotion to Programs and Projects Specialist
- B. Review, discussion and possible action regarding the Executive Director's performance evaluation and salary.
- C. Review, discussion and possible action regarding the Deputy Director's performance evaluation

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to ENTER into Executive Session pursuant to A.R.S. §38-431.03(A)(1) to discuss agenda items 6B and 6C.

****EXECUTIVE SESSION****

Return to Open Session

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to INCREASE the Executive Director's salary by 1.3%. MOTION PASSED UNANIMOUSLY

Agenda Item No. 28 – Future Agenda Items

- A. Live patient training
- B. Buffalo Model

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

Agenda Item No. 30 – Adjournment

Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to ADJOURN the Board meeting. MOTION PASSED UNANIMOUSLY.

Dr. Hauer adjourned the meeting at 12:30 PM.

Minutes APPROVED at the February 5, 2016 Board Meeting.

Elaine Hugunin, Executive Director