



**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 5, 2014**

**Board Members Present:**

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

**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. Susie Adams, Legal Assistant  
Ms. Yubeka Riddick, Legal Administrator

**NOTICE:**

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

**GENERAL BUSINESS**

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

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

For the record, Dr. Darren Flowers will be late. Also for the record, there is additional information for agenda items 4F, 14A, 23A, and 13A provided in Board members folders.

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

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

Dr. Hauer appointed Heather Hardy, RDH and Dr. Robert Taylor to the Dental Hygiene Committee.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 2**

**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. Review, discussion and possible action regarding State Board Participation on Accreditations Site Visits for Phoenix College

The Commission of Dental Accreditation asked if the Board wanted to submit two names for participation in a site search for Phoenix College. The purpose would be to answer questions in the community. There was no action taken.

- C. Board Officer Elections

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

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

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

- D. Arizona Administrative Code (AAC), Title 4, Chapter 11, Article 17 Rehearing or Review

- i. Review, discussion and possible action regarding staff recommendations for revisions to AAC, Title 4, Chapter 11, Article 17 Rehearing or Review

Upon MOTION by Dr. Woods, second by Ms. Crevier, the Board voted to ACCEPT the staff recommended changes to Arizona Administrative Code, Title 4, Chapter 11, Article 17 Rehearing or Review. MOTION PASSED UNANIMOUSLY

- ii. Review, discussion and possible action regarding opening a docket for proposed revisions to AAC, Title 4, Chapter 11, Article 17 Rehearing or Review

Upon MOTION by Dr. Woods, second by Mr. Greer, the Board voted to OPEN a docket for the proposed revisions to Arizona Administrative Code, Title 4, Chapter 11, Article 17 Rehearing or Review. MOTION PASSED UNANIMOUSLY

- E. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and the Board President or designee to attend the mid-year AADB meeting

These meetings are very beneficial to network with other Boards to find out what are the current best practices. The Board was requested to approve the attendance of the Executive Director and the Board President or designee.

Upon MOTION by Dr. Taylor, second by Dr. Sorensen, the Board voted to APPROVE the Executive Director to attend the mid-year AADB and AADA meetings and the Board President or designee to attend the mid-year AADB meeting.

- F. Review and discussion regarding the Executive Director Complaint Terminations.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 3**

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.

Dir. Hugunin stated there have been 19 Executive Director Terminations since the last Board meeting. Six have been appealed. Seven can still be appealed.

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

Complainant LH was present and spoke about case no. 201400182 (Agenda Item 15B).  
Complainant GPS was present and spoke about case no. 201400142 (Agenda Item 16A).  
Complainant WH was present and spoke about case no. 201400214 (Agenda Item 17C).  
Complainant MP was present and spoke about case no. 201400159 (Agenda Item 16D).  
Complainant HL was present and spoke about case no. 201400222 (Agenda Item 17D).  
Complainant RS was present and spoke about case no. 201400147 (Agenda Item 24A).

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

- A. Dr. Kevin James Kwiecien – Board approved exam, allegedly practicing dentistry in Arizona without a license.

Dr. Kwiecien was invited to attend the Board meeting and he was not present. This was tabled from the October 10, 2014 Board Meeting. Allegedly Dr. Kwiecien was practicing dentistry in Arizona without a license. He was informed that he should come before the Board.

Dr. Woods moved to DENY licensure to Dr. Kwiecien on the basis of the allegation of practicing dentistry in Arizona without a license, second by Dr. Foster. There was some documentation that corroborated this allegation and it was requested that he appear before the Board and he was not here to respond. The Board did not vote on this motion.

Under section 32.1232 (c)(2), which states the Board has grounds to deny an application for a license if the applicant while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this chapter.

Board staff spoke with Dr. Kwiecien and informed him that he was to appear before the Board. He acknowledged to Board staff that he understood he was to attend the December 5<sup>th</sup> Board meeting.

The Board discussed the fact that Dr. Kwiecien is licensed in other states as well as being on faculty at Spear Education. Denying a license is pretty severe. If he is denied a license, Dr. Kwiecien would not be able to reapply for five years. Tabling the application for two months to give Dr. Kwiecien another opportunity to appear before the Board was also discussed.

The Board tabled the discussion so that Ms. Biggs could check to see if Dr. Kwiecien had contacted her to inform her that he would not be able to attend the meeting.

TABLED

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 4**

Ms. Biggs returned and stated that Dr. Kwiecien had not contacted her regarding his attendance at the Board Meeting.

Dr. Woods moved to DENY licensure to Dr. Kwiecien on the basis of the allegation of practicing dentistry in Arizona without a license, second by Dr. Taylor. Ms. Hardy, Dr. Flowers, Mr. Jackson, Mr. Greer, Ms. McClain, and Dr. Sorensen OPPOSED. MOTION FAILED

Upon MOTION by Mr. Greer, second by Ms. Hardy, the Board voted to REQUEST comprehensive information due to the allegation and disclosure on his application and appear before the Board at the February 6, 2015 Board Meeting. Board staff will attempt to obtain the billing records. Dr. Woods, Dr. Taylor, Dr. Foster OPPOSED. MOTION PASSED.

- B. Dr. James Michael Kelly – Board approved exam, Pennsylvania disciplinary action. Colorado allowed Dr. Kelly to surrender in lieu of disciplinary action.

Dr. Kelly was present to address the Board and answer any questions.

Dr. Kelly had action taken against him in November 1995 and it was concluded January 1999. He is currently in recovery and has been since his sobriety date of June 4, 2003. He is voluntarily monitored through the Physician's Health Program of the Foundation of the Pennsylvania Medical Society. Through the program, Dr. Kelly is monitored randomly on a regular basis. Once his first five year commitment was complete, he voluntarily signed up for an additional five years and it continues until June 25, 2019. He plans to continue with the Physician's Health Program for the remainder of his career.

For the record, Board staff verified with the Physician's Health Program and they substantiated the information on Dr. Kelly's application.

The Board questioned Dr. Kelly. The Physician's Health Program will report to the Pennsylvania Board if there are violations. The Physician's Health Program also agreed to continue monitoring Dr. Kelly even if he moved to another state.

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

**\*Executive Session\***

**\*\*RETURN TO OPEN SESSION\*\***

Dr. Kelly would like to move Arizona to be closer to his family in the surrounding states. In addition, his employer for the last 18 years will be retiring and Dr. Kelly has no desire to purchase the practice.

For the record Dr. Darren Flowers is now present.

Dr. Kelly was asked if there was a reason he needed his license before February. He stated that he had interviewed with a doctor yesterday and was offered a position beginning in January or February here in Arizona.

Dr. Kelly followed through under the terms of his agreement in Pennsylvania while he was there. He is not obligated to continue to be monitored by Physician Health Program in Pennsylvania. These actions show that he is doing this by his own choice, not just for

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 5**

keeping his license. As a result, he will put systems in place in Arizona to support his continued monitoring.

Dr. Kelly stated that he looked intensively to see if there was a program like the Physician Health Program here in Arizona and he was unable to find one. After speaking with Ms. Biggs, she informed Dr. Kelly of a program here in Arizona. He would be more than willing and very grateful to be a part of that program as well as continuing with the 12 Step Program here in Arizona.

Dr. Woods moved to TABLE Dr. Kelly's request for licensure to obtain more comprehensive information until the February meeting, second by Dr. Taylor. Ms. Hardy, Ms. Crevier, Dr. Flowers, Mr. Jackson, Mr. Greer, Ms. McClain, and Dr. Hauer OPPOSED. MOTION FAILED

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure to Dr. James Michael Kelly. Dr. Foster, Dr. Taylor, and Dr. Woods OPPOSED. MOTION PASSED.

C. Dr. Carl Edward Branyan – 1963 Michigan State exam prior to a regional

Dr. Branyan was present to address the Board. Dr. Branyan graduated from University of Michigan and is currently licensed in Michigan. He spent 27 years in the Navy as a dentist and retired in 1990. Since retiring, he has worked in the Michigan prison system. He has lived in Arizona since 2009 and worked with Indian Health Services in Tucson. It is a Federally funded program, therefore his Michigan license was sufficient. However, upon renewal of his DEA license, he was informed that he would need an Arizona license to continue practicing and to renew his DEA license. While performing his job duties, he writes prescriptions for narcotics and this is one of the reasons he is applying for licensure. The other reason is because there is a need for dental services for the underserved population. He intends to volunteer at St. Elizabeth's in Tucson and needs an Arizona license to practice outside of a Federal facility.

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

D. Dr. Robert Tomas Cadalso Jr. – 1982 California State Exam prior to a regional

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

E. Dr. Lisa Irish Deese – 2010 Florida State Exam prior to a regional

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

F. Lorraine Mary Sack, RDH 2006 Indiana State Exam prior to a regional

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

**Agenda Item No. 7 COMMITTEE REPORTS**

A. Dental Hygiene Selection Committee – Marilyn J. McClain, RDH

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 6**

Review, discussion and possible action regarding the appointment of two Dental Hygienists to the Dental Hygiene Committee:

- i. The Dental Hygiene Selection Committee recommends the appointment of Peggi J. Rohner, RDH

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to APPOINT Peggi J. Rohner, RDH to the Dental Hygiene Committee. MOTION PASSED UNANIMOUSLY.

- ii. The Dental Hygiene Selection Committee recommends the reappointment of April Lynette Pohlman, RDH

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to REAPPOINT April Lynette Pohlman, RDH to the Dental Hygiene Committee. MOTION PASSED UNANIMOUSLY.

- iii. The Dental Hygiene Selection Committee recommends Deborah S. Kappes, RDH as an alternate choice for the appointment to the Dental Hygiene Committee

No action taken.

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

- i. Review, discussion, and possible action regarding the 2014 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:

- |                             |                            |
|-----------------------------|----------------------------|
| a. Raquel A. Rojas, RDH     | h. Michele King, RDH       |
| b. Jeanne M. Bohman, RDH    | i. Denise Clelland, RDH    |
| c. Amy Goodman, RDH         | j. Vonda Jo Kopfmann, RDH  |
| d. Laurie A. Kramer, RDH    | k. Cynthia Lee Matte, RDH  |
| e. Kimberly L. Gomez, RDH   | l. Kelly D. Peck, RDH      |
| f. Suzanne M. Sanchez, RDH  | m. Robert A. Ellender, RDH |
| g. Michelle Lynn Smith, RDH | n. Heather D. Rogers, RDH  |

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to APPROVE the CE audit responses for agenda item 7Bia – 7Bin. MOTION PASSED UNANIMOUSLY.

- ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Pima Medical Institute-Albuquerque, NM.

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from Pima Medical Institute – Albuquerque, NM. MOTION PASSED UNANIMOUSLY.

- iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Santa Rosa Junior College – Santa Rosa, CA

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from Santa Rosa Junior College – Santa Rosa, CA. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 7**

- iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from State Fair Community College – Sedalia, MO – Course does not include at least three experiences of the MSA, ASA injections or at least three experiences of nitrous oxide analgesia.

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY recognition of the Local Anesthesia and Nitrous Oxide coursework from State Fair Community College – Sedalia, MO. MOTION PASSED UNANIMOUSLY.

- v. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Kirkwood Community College – Cedar Rapids, IA – Course does not include at least three experiences of nitrous oxide analgesia.

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to DENY the recognition of the Local Anesthesia and Nitrous Oxide coursework from Kirkwood Community College – Cedar Rapids, IA. MOTION PASSED UNANIMOUSLY.

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

Review, discussion and possible action regarding the 2014 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval of the CE Audit responses from the following:

- |                              |                               |
|------------------------------|-------------------------------|
| a. Dr. Bradley P. Western    | h. Dr. Cory G. Wooff          |
| b. Dr. Sumir P. Mathur       | i. Dr. Virginia Alix Phillips |
| c. Dr. Marvin D. Goldenstein | j. Dr. John Joseph Septer     |
| d. Dr. Eunice Jungmin Hong   | k. Dr. Monika A. Barakat      |
| e. Dr. Sameet S. Koppikar    | l. Dr. Dale R. Hallberg       |
| f. Dr. Richard J. Calabrese  | m. Dr. Lucius N. Butler, IV   |
| g. Dr. Gregory William Olson | n. Dr. Victor L. Nitu         |

Upon MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to APPROVE the CE Audit responses for Agenda Items 7Ca – 7Cn. MOTION PASSED UNANIMOUSLY.

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

**A. Dr. Lini Cai – 2009 SRTA**

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

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to GRANT licensure to Dr. Lini Cai. MOTION PASSED UNANIMOUSLY.

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

**Agenda Item No. 13A Case No. 201400021  
Mr. Daniel A. Ramirez, RDH**

The Board forwarded the case against Daniel Ramirez, a licensed hygienist, to a formal hearing based on a felony conviction. In accordance with the statute, a complaint and notice of hearing was issued to Mr. Ramirez. It was mailed by certified mail to his address of record. It was returned as unable to forward.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 8**

The Board also sent the notice via regular mail as another precaution. The regular mail was not returned. As Ms. Williams cited in her motion, under Arizona case law, it then presumes to have been delivered. Mr. Ramirez has been properly served with the complaint and notice of hearing and did not respond within the 25 days as is required by statute. Under ARS 32.1263.01(G), Ms. Williams ask that the Board grant the motion to deem first and then move on to the adjudication of the case.

Upon MOTION by Dr. Woods, second by Dr. Foster, the Board voted to DEEM the allegations admitted. MOTION PASSED UNANIMOUSLY.

Ms. William asked the Board to adopt the allegations 1-3 of the complaint as the finding of facts, adopt charges 1 and 2 as the conclusions of law and the order of revocation of Mr. Ramirez' license.

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to ADOPT the allegations 1 – 3 of the complaint as the Findings of Fact, ADOPT charges 1 – 2 as the Conclusions of Law and ordered the REVOCATION of Mr. Ramirez's license. MOTION PASSED UNANIMOUSLY.

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

**Agenda Item No. 14A Case Nos. 201300291/201400004  
Dr. Rosalyn D. Keith**

Marshall Hunt, attorney for Dr. Keith, was present to address the Board.

In October, the Board accepted the recommendation of the Administrative Law Judge to revoke Dr. Keith's license for failure to comply with two consent agreements that she had entered into with the Board in December 2013. The nature of the consent agreement was that Dr. Keith agreed to make restitution, penalty payments and participate in continuing education. Dr. Keith did participate in some continuing education and made some partial restitution payments but failed to fully do so, due to extenuating health circumstances.

Mr. Hunt recognizes that revocation is a penalty authorized by statute for noncompliance with a consent agreement. Arizona case law also recognizes that even penalties within the permissible range may be considered excessive or disproportionate to the offense in light of the relevant circumstances.

In this case given that the penalties were financial in nature and Dr. Keith did make an attempt to comply, but was unable due to the relevant circumstances of her health condition, Dr. Keith asks that the Board, rehear or reconsider those penalties unduly excessive and consider a lesser penalty such as probation, or suspension.

The Administrative Law Judge made his decision in part based on a finding that Dr. Keith was not regulatable, based on Dr. Keith's history before the Board. Mr. Hunt argued that Dr. Keith's history before the Board represents a strong commitment to being regulatable and to comply with the Board's orders and her agreements. Dr. Keith has participated and completed many proceedings before the Board, and the fact that she failed to do so only in the most recent two is representative of the extenuating circumstances regarding her health rather than her commitment to the dental profession and the Board's orders.

Ms. Williams addressed the Board on behalf of the State. A response was filed to Dr. Keith's motion for rehearing. The Board needs to view Dr. Keith's recent noncompliance with two consent agreements, which she entered into voluntarily. They were not orders unilaterally ordered by the Board. At the time she entered into the second consent agreement, she knew she couldn't comply and hadn't complied with the first consent agreement but agreed anyway. She was on probation at the time from a previous case, when she did not comply as argued in Ms. Williams' response. The Board cannot ignore Dr. Keith's history. She is not regulatable. The Board has given Dr. Keith many opportunities over the years to

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
 MINUTES OF THE BOARD MEETING  
 DECEMBER 5, 2014  
 PAGE 9**

demonstrate that she is worthy of holding a dental license which is a privilege and not a right. Dr. Keith continuously does not comply with Board Orders and subpoenas. The Board has tried lesser sanctions over the years and it has not worked. Ms. Williams argued that revocation is completely within the Board's discretion and not excessive or arbitrary and capricious and asked that the Board deny the petition for rehearing.

Mr. Greer was the lead Board member for the petition to rehear. The sole basis for the appeal is excessive penalty. In reviewing the facts that have been recounted, one fact that Dr. Keith does not raise is that on October 14, 2009, the Board ordered a revocation of Dr. Keith's license and then stayed the revocation for five years, which put Dr. Keith on probation. During probation, Dr. Keith entered into the November 1, 2013 consent agreement, requiring restitution within 30 days. In December, after Dr. Keith had not complied with the first order of restitution, she entered into the second consent agreement. It is undisputed that Dr. Keith did not comply with the two consent agreements. Based upon prior history, the Administrative Law Judge's recommendation that Dr. Keith is not regulatable cannot be overlooked by the Board. The punishment is clearly within range. In October 2009, that is exactly what the Board told her it was going to do if she did not change.

Upon MOTION by Mr. Greer, second by Mr. Jackson, the Board voted to DENY the Petition for Rehearing or Review. 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:**

- |   |                                |
|---|--------------------------------|
| <b>Agenda Item No. 16A Case No. 201400142</b> | <b>Dr. Keith H. Eskanos</b>    |
| <b>Agenda Item No. 16B Case No. 201400149</b> | <b>Dr. Omaima S. Samain</b>    |
| <b>Agenda Item No. 16G Case No. 201400183</b> | <b>Dr. Enrique A. Santiago</b> |
| <b>Agenda Item No. 16H Case No. 201400185</b> | <b>Dr. Percy B. Twine</b>      |
| <b>Agenda Item No. 18A Case No. 201400199</b> | <b>Dr. Robert John Balcar</b>  |
| <b>Agenda Item No. 20B</b>                    | <b>Dr. Yakov S. Khaydatov</b>  |

**Cases ADJUDICATED:**

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

Upon MOTION by Mr. Greer, second by Ms. Crevier, 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.	201400143	Dr. Donna Ann Ash	
B.	201400182	Dr. Daniel M. Tee	

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

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 10**

Item No.	Case No.	Licensee	Action
C.	201400154	Dr. Maria A. Fuentes	6 hours in the area of diagnosis and treatment planning of high risk pediatric patients
D.	201400159	Dr. Robert V. Noone	3 hours of record keeping
E.	201400180	Dr. Robert W. Ruge	4 hours of risk management
F.	201400181	Dr. Justin J. Philipp	3 hours in the area of crown and bridge and 4 hours in the area of risk management

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

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

Item No.	Case No.	Licensee	Action
A.	201400178	Dr. Mehrdad Mehranfar	Issue a Letter of Concern stating: "Dr. Mehranfar should document telephonic conversations confirming treatment recommendations."
B.	201400205	Dr. Jesse R. DeBaker	Issue a Letter of Concern stating: "Dr. DeBaker should document the discussion with the patient of the proposed treatment and obtain informed consent prior to treatment."
C.	201400214	Dr. David T. Sung	Issue a Letter of Concern stating: "Dr. Sung should make sure to provide and document informed consent to ensure the patient understands the need for treatment."
D.	201400222	Dr. Kenneth H. Davis	Issue a Letter of Concern stating: "Dr. Davis should ensure his records are clear, concise and understandable."
E.	201400229	Dr. B. Austin Willcox	Issue a Letter of Concern stating: "Prior to treatment Dr. Willcox should document endodontic testing to confirm the pulpal diagnosis and periodontal probings for the tooth to be treated."

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

Upon a MOTION by Dr. Foster, 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
B.	201400209	Dr. Bonjung Jane Koo	Terminate – per patient letter

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
 MINUTES OF THE BOARD MEETING  
 DECEMBER 5, 2014  
 PAGE 11**

C.	201400220	Dr. Jason Paul Acuff	Terminate – per patient letter
----	-----------	----------------------	--------------------------------

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

Item No.	Case No.	Licensee	Comments
A.	VACANT		

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

Upon a MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to ACCEPT the recommendation to take no action on the following cases. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 20A**

**Dr. Jupneesh Singh**  
 Malpractice report. Took no action.

**Agenda Item No. 20C**

**Dr. Garth W. Holyoak**  
 Malpractice Report. Took no action

**Agenda Item No. 20D**

**Dr. Nicholas J. Coles**  
 Adverse Occurrence Report. Took no action

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

A. VACANT

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

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

**Agenda Item No. 22A October 10, 2014 – Board Meeting Minutes**

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

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

A. Administrative Appeals

i. Dr. Nishith S. Shah v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Status Update

The Board prevailed in the Court of Appeals.

ii. Dr. Jack I. Lipton v. ASBDE (Cases No. 201000254 & 201100259) (Maricopa County Superior Court Case LC2011 000713) – Status Update

This case is still before the Court of Appeals we are awaiting a decision from the judge.

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

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 12**

The Board brief is due January 2, 2015. We are in the process of working on it.

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

Dr. Wassef filed a judicial review action appealing his last order with the Board. He has asked the judge to grant him a stay. An objection was filed and we are awaiting the court's decision.

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

**Agenda Item No. 23A Case No. 201400157-ED Dr. Troy Jones**

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

**Agenda Item No. 23B Case No. 201400161-ED Dr. Steven G. Reitan**

Upon MOTION by Dr. Woods, second by Dr. Foster, the Board voted APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 23C Case No. 201400175-ED Dr. Lori Karen Anderson**

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

**Agenda Item No. 23D Case No. 201400192-ED Dr. Paul J. Kelly**

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

**Agenda Item No. 23E Case No. 201400196-ED Dr. Brent R. Stanley**

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

**Agenda Item No. 23F Case No. 201400219-ED Dr. Ashkan Eskandari**

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

**FORMAL INTERVIEW**

**Agenda Item No. 24A Case No. 201400147  
Dr. Ian Ikhyun Cho**

Dr. Cho and his attorney, Michele Thompson, were present. Dr. Cho was sworn in by the court reporter.

On June 13, 2014, the Board received a complaint against Dr. Cho alleging inadequate implants, inadequate crown and bridge and failure to consult. The case was referred to an outside dental consultant and placed on the October 10, 2014 Board Meeting Consent Agenda for a non-disciplinary consent agreement. The Board voted to offer Dr. Cho a disciplinary consent agreement or a formal interview. Dr. Cho has elected to appear for a formal interview. He and his counsel have been advised that his conduct in this case may constitute unprofessional conduct under ARS §32-1201.21(n)(x) and a violation of ARS 32-1264A.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 13**

Ms. Thompson addressed the Board. Dr. Cho has submitted his response. The patient was a friend of Dr. Cho's then hygienist. She came in upon a referral by a prior general dentist who recommended implants but did not do implant work. In August 2010, the patient had a comprehensive exam and full mouth x-rays only four months prior to seeing Dr. Cho. The patient first saw Dr. Cho in January 2011. The patient brought those films, the full mouth x-ray films in with her and came to Dr. Cho expressly for the sole purpose of having implants on teeth nos. 19 and 20. The treatment plan had been done by the prior provider.

Dr. Cho's customary practice is to perform a comprehensive exam and take full mouth x-rays on all new patients. But this patient had just had x-rays four months earlier. He erroneously assumed that the exam was normal and there would be no caries. His focus was really on teeth #19 and 20. Because of this he did not complete an exam and he did not take full mouth x-rays.

Dr. Cho admitted he did not take a panoramic or CT scan. He now recognizes that he should have done so. However, in the report and summary by the dental consultant, the dental implants were adequate and are fully integrated. There was no harm and there was no deviation from the standard of care with respect to the implants themselves.

With respect to the failure to diagnose caries on #14 and 15, when Dr. Cho first reviewed the patient's x-rays that she came in with, his focus was on 19 and 20. He understood there was an exam four months earlier. He did take bitewings in September of 2012. He did not see those films and he does not know why he did not see the films. If Dr. Cho had seen the bitewings, he would have noticed the obvious caries on teeth #14 and 15 as it is pretty obvious they are there.

Dr. Cho has changed his practice. He now does full mouth x-rays and a comprehensive exam on all patients even if the patient may have just had them, either the day before or a year before. He is now taking a panoramic x-ray with each patient prior to implants. Dr. Cho has also implemented a system to ensure he sees all x-rays that are taken in his office, by initialing x-rays. His staff knows whether he has seen them or not, so that what happened with this patient does not happen again.

Ms. Thompson is requesting non-disciplinary continuing education and that the Board approve the non-disciplinary consent agreement that he was initially offered. This was an isolated case which prompted Dr. Cho to forego his usual practice.

Dr. Sorensen was the lead Board member. He questioned Dr. Cho about his conduct that may constitute unprofessional conduct under ARS §32-1201.21(n)(x) and a violation of ARS §32-1264A.

When a new patient comes in, Dr. Cho always takes full mouth x-rays and completes a comprehensive exam including soft tissue, periodontal charting, oral cancer screening, occlusion, TMJ and a full mouth exam. This case was just one deviation and an unusual case.

Dr. Cho was asked the difference between a limited and a comprehensive exam. The only difference between a limited and comprehensive exam is the number of x-rays taken by Dr. Cho. For a comprehensive exam, he takes 18 x-rays of the full mouth. For a limited exam, Dr. Cho only takes four bitewings. This case was not a limited exam. It was a consultation, in which he does not charge anything. With a limited or comprehensive exam, the appropriate fee is charged.

When preparing a patient for implantology, Dr. Cho normally takes a panoramic x-ray and periapical x-rays. He conducts an intraoral exam as well. He will then sit down with the patient and explain all of the procedures from the beginning of the surgical procedure, the waiting period and restorations, and crowns and abutments. It begins with a panoramic x-ray.

The Board questioned Dr. Cho about this patient. Dr. Cho admitted that he did not look at the radiographs. He completed a clinical exam and reviewed the x-rays from the previous dentist. He also

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 14**

took several PA's to see the area. Dr. Cho is responsible for every radiograph that is taken in his office; however, he did not view the radiographs in this case. Dr. Cho realized there were some inefficiency in his office and he has learned from this experience. He offered to do the implants several times at no charge.

Dr. Cho had 21 separate appointments and five periodontal maintenance appointments with this patient. He stated that while treating teeth #19 and 20, he was not aware of what was going on with teeth #14 and 15. At the end of this treatment, he was going to ask the patient to take a full mouth x-rays as well as a full comprehensive exam, which he does with all of his patients every three years.

In her closing statement, Ms. Thompson stated that Dr. Cho has been practicing for 13 years and has never had a complaint against him. He feels that this is an isolated case and his action can be remediated without disciplinary action.

The Board discussed if Dr. Cho's actions rose to the level of unprofessional conduct. There was admittance on the part of Dr. Cho that x-rays were not reviewed and there was a poor work up. It is unprofessional conduct to not look within 21 times of seeing the patient for periodontal maintenance. The Board discussed making the patient whole. It was stated that disciplinary or non-disciplinary continuing education does not make the patient whole. Dr. Cho stated that he has not refunded the patient's money.

Although this was an isolated case, there may have been unprofessional conduct and a patient lost other teeth. The Board process has worked well in that Dr. Cho has implemented changes in his practice to ensure that it does not happen again. It was discussed to have Dr. Cho complete continuing education in diagnosis and treatment planning in a dental school setting and possibly further continuing education in risk management. The records were thought to be well done and legible.

Non-disciplinary continuing education would help remedy the situation and it will change the way Dr. Cho practices in the future.

Upon MOTION by Dr. Sorensen, second by Ms. Crevier, the Board voted to IMPOSE non-disciplinary continuing education with six hours in diagnosis and treatment planning of implants and 3 hours of record keeping to be completed in six months. Dr. Woods, Dr. Taylor, Mr. Greer, Ms. McClain, and Dr. Foster OPPOSED. MOTION PASSED.

**Agenda Item No. 16A            Case No. 201400142  
   Dr. Keith Eskanos**

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

Upon MOTION by Ms. Hardy, second by Dr. Foster, the Board voted to IMPOSE the Non-Disciplinary Continuing Education Consent Agreement. Mr. Jackson RECUSED. MOTION PASSED.

**Agenda Item No. 16B            Case No. 201400149  
   Dr. Omaima S. Samain**

This case was pulled by a member of the public. Mr. Tonner, attorney for Dr. Samain, addressed the Board. Dr. Samain has taken and completed 4 hours of risk management with Dr. Tonner in October and he asked that the Board accept that.

Upon MOTION by Dr. Sorensen, second by Ms. Hardy, the Board voted to ACCEPT the 4 hours of risk management completed by Dr. Samain and IMPOSE the non-disciplinary continuing education consent agreement. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 15**

**Agenda Item No. 16G            Case No. 201400183  
   Dr. Enrique A. Santiago**

This case was pulled by a member of the public. Mr. Tonner, attorney for Dr. Santiago, addressed the Board. Dr. Santiago has taken and completed 3 hours of record keeping with Dr. Tonner in October and he asked that the Board accept that.

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to ACCEPT the 3 hours of record keeping completed by Dr. Santiago and IMPOSE the non-disciplinary continuing education consent agreement. Dr. Foster OPPOSED. MOTION PASSED.

**Agenda Item No. 20B            Case No. 201400200  
   Dr. Yakov S. Khaydatov**

This case was pulled by a Board Member and the public.

The Board discussed opening an investigation for a misdiagnosis for prescription where the patient ended up in the hospital.

Ms. McLellan, attorney for Dr. Khaydatov, was present to answer questions from the Board. Dr. Khaydatov was an associate dentist. The practice was using new software which would flag medical alerts. The patient presented for a prophylaxis and was not pre-medicated. Dr. Khaydatov checked the computer. An allergy to penicillin alert came up. Dr. Khaydatov gave the patient Keflex. The patient reported he felt strange and nervous. The patient informed Dr. Khaydatov that he was allergic to Keflex. The patient experienced itching and nervousness which are not typical symptoms of a penicillin allergy.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to OPEN an investigation against Dr. Khaydatov. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 18A            Case No. 201400199  
   Dr. Robert John Balcar**

This case was pulled by a member of the Board.

Upon MOTION by Dr. Foster, second by Mr. Greer the Board voted APPROVE the termination of case number 201400199 against Dr. Robert John Balcar. Mr. Jackson RECUSED. MOTION PASSED.

**Agenda Item No. 16H            Case No. 201400185  
   Dr. Percy B. Twine**

This case was pulled by a Board Member.

The Board discussed adding continuing education in diagnostic and treatment planning. The patient was referred for tooth #19 and the doctor treated a tooth that was not diagnosed

Dr. Palmer stated that generally a course in endodontics includes diagnosis and treatment planning and not just the actual endodontics. Risk management would be a separate course.

All of the informed consents were for tooth #19. It appears that the wrong tooth was treated and then the mistake was covered up.

Upon MOTION by Dr. Sorensen, second by Dr. Taylor, the Board voted to ADD 4 hours of continuing education in risk management to the non-disciplinary consent agreement. If the doctor doesn't agree, Board staff is instructed to invite him for a formal interview. MOTION PASSED UNANIMOUSLY.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
DECEMBER 5, 2014  
PAGE 16**

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

A. VACANT

**Agenda Item No. 6 PERSONNEL ISSUES**

- A. Review, discussion and possible action regarding the Executive Director's performance evaluation and salary.
- B. Review, discussion and possible action regarding the Deputy Director's performance evaluation and salary.

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to ENTER into Executive Session for the purpose of discussion or consideration of employment assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public office, appointee or employee of a public body. MOTION PASSED UNANIMOUSLY.

**\*\*Executive Session\*\***

**RETURN TO OPEN MEETING**

The Board expressed appreciation of Staff and commended Dir. Hugunin and Ms. Chambers on the Executive Team accomplishments made in the past year.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted a 4% INCREASE to both Dir. Hugunin and Ms. Chambers. MOTION PASSED UNANIMOUSLY.

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

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. 25 – Members of the Public**

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

**Agenda Item No. 27 – Next Meeting Date – February 6, 2015**

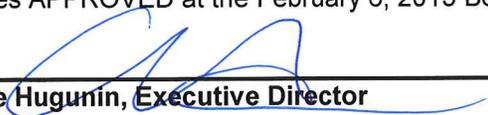
**Agenda Item No. 28 – Adjournment**

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

Dr. Hauer adjourned the meeting at 10:30AM.

Minutes APPROVED at the February 6, 2015 Board Meeting.

---

  
Elaine Hugunin, Executive Director