



## **ARIZONA STATE BOARD OF DENTAL EXAMINERS**

1740 West Adams Street, Suite 2470 • Phoenix, Arizona 85007

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

[www.dentalboard.az.gov](http://www.dentalboard.az.gov)

### **MISSION STATEMENT**

To provide professional, courteous service and information to the dental professional and the general public through the examination, licensure, complaint adjudication and enforcement process; to protect the health, safety and welfare of Arizona citizens through a fair and impartial system.

## **A G E N D A**

### **AMENDED**

**BOARD OF DENTAL EXAMINERS MEETING**

**FEBRUARY 1, 2019 AT 8:00 AM**

**1740 WEST ADAMS STREET, BOARDROOM B**

**PHOENIX, ARIZONA 85007**

The Board President reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03 (A) (3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on any agenda item.

The Board usually allows 3 minutes per person for public comment on any agenda item; however, depending on the issue presented, the Board President has the discretion to expand that time. Cases will be called in order as indicated on the sign-in sheet.

### **GENERAL BUSINESS**

#### **1. CALL TO ORDER, INTRODUCTIONS AND ROLL CALL**

A. Ryan Edmonson, Executive Director

#### **2. PUBLIC COMMENT ON CASES**

#### **3. PRESIDENT'S REPORT – Dr. Gregory A. Waite**

A. Appointment of Board Members to the Dental Hygiene Committee – Dr. Robert Taylor and Ms. Heather Hardy, RDH.

#### **4. ADMINISTRATIVE ITEMS**

A. Summary of current events that affect the Arizona State Board of Dental Examiners  
(This is the time for the Board President or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.)

B. Current Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2019 session:

i. HB 2118: unauthorized practice; health professions

C. Smile Direct – Review, discussion and possible action regarding services provided by Smile Direct.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS  
FEBRUARY 1, 2019  
BOARD MEETING AGENDA  
PAGE 2**

- D. Board Training
  - i. Mary DeLaat Williams, Assistant Attorney General
  - ii. Miriam Thompson, Investigations Supervisor and Dr. Sam Palmer – Overview of Investigative process.
- E. Review, discussion and possible action regarding continuing education audits
- F. Update on rule making for licensing and regulation of dental therapists.
- G. Review, discussion and possible action on Board rules regarding anesthesia and sedation.
  - i. Review, discussion and possible action on letter from Piping Industry Progress and Education Trust Fund (P.I.P.E.) regarding inspection and regulation of facilities that provide anesthesia and sedation in Arizona.
- H. Approval for Board President and Executive Director to attend the American Association of Dental Boards (AADB) mid-year meeting March 9 and March 10, 2019, to be held in Chicago, IL.
- I. Review, discussion and possible action regarding delegation of authority to the Executive Director:
  - a. Authority to enter into stipulation agreements for substance abuse/misuse treatment, rehabilitation and monitoring per A.R.S. §32-1207
  - b. Authority to initiate and conduct complaint investigations per A.R.S. §32-1263.03(A) and (C)
  - c. Authority to terminate complaints per A.R.S. §32-1263.03
- J. Review and discussion regarding Executive Order 2019-01.
- K. Review, discussion and possible action regarding Kool Smiles as it relates to case no. 201700266-AO
- L. Council on Licensure, Enforcement and Regulation (CLEAR) – Review, discussion and possible action regarding the approval of Board's staff attendance at the CLEAR National Certified Investigator and Inspector Training to be held in Phoenix, Arizona on March 25, 2019 to March 27, 2019.
- M. Council on Licensure, Enforcement and Regulation (CLEAR) – Review, discussion and possible action regarding the approval of Board members' training with the CLEAR On-Demand Board Member Training: Introduction to Regulatory Governance, pursuant to A.R.S. §32-3218.
- N. 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.

**5. ASSISTANT ATTORNEY GENERAL'S REPORT – Mary DeLaat Williams, AAG**

- A. Administrative Appeals

**6. PERSONNEL ISSUES**

- A. Nancy Chambers – Former Deputy Director – Retired from state service

**7. COMMITTEE REPORTS**

- A. Dental Hygiene Selection Committee – Heather N. Hardy, RDH.

- i. Review, discussion and possible action regarding candidates for one Dental Hygienist Committee member from Southern Arizona.
  - a. The Dental Hygiene Selection Committee recommends the appointment of Lynn L. Radler, RDH to the Dental Hygiene Committee.
  - b. The Dental Hygiene Selection Committee recommends Shawn E. Everingham, RDH as an alternate choice for appointment to the Dental Hygiene Committee.

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

- i. Review, discussion and possible action regarding the 2018 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. Trisha Ann Comish, RDH
  - b. Jessica Kline, RDH
  - c. Candace L. Martindale, RDH
  - d. Lorrie A. Sutter, RDH
  - e. Jody A. Beauchemin, RDH

- C. Continuing Education Audit for Dentists Committee – Dr. John N. Harman, IV

- i. Review, discussion and possible action regarding the 2018 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. Ronald J. McInnes
  - b. Dr. Antonietta Cortese Waybright
  - c. Dr. Vikash Suresh Hulyar

***ACTION ON LICENSING***

**8. REQUEST FOR ACTION ON LICENSURE**

The Board will review, discuss and take action on the following applications:

- A. Trisha Ann Intintoli, RDH – Disclosure of misdemeanor shoplifting convictions in 2003 and 2006.
- B. Brandey Ann Martinez, RDH – Disclosure of misdemeanor conviction for shoplifting in 2009.

C. Dr. Justin Blain Higbee – Disclosure of discipline on Oregon license.

**9. REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE**

**Roll Call Vote is required**

The Board will review, discuss and take action on the following renewal applications:

A. VACANT

**10. ACTION ON CASES - Roll Call Vote is required**

The Board will review and vote to take action on the following case(s):

Item No.	Case No.	Licensee	Recommendation
A.	201800174	Dr. Thomas A. Endicott	Review, discussion and possible action on proceeding with investigation.

**ACTION ON CASES – 9:00 AM**

**11. FORMAL HEARING – Roll Call Vote is required**

The Board may vote to go into Executive Session to review and discuss confidential records and/or obtain legal advice from the Board's attorney on any of the following agenda items, pursuant to A.R.S. §32-431.03(A)(2) & (3).

The Board will review the Recommended Decision of the Administrative Law Judge. After review and consideration the Board may take action on the recommended decision of the Administrative Law Judge.

Item No.	Case No.	Licensee	Comments
A.	201600123 201700164	Dr. Michael Margolis	Review, discussion and possible action regarding the ALJ decision.

**ACTION ON CASES – 9:00 AM**

The Board president reserves the right to change the order of items on the agenda, except for public hearing set for a specific time. The Board may vote to go into Executive Session 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 on agenda items 12A and 12B, pursuant to A.R.S. §38-431.03(A)(2).

**12. ACTION ON PREVIOUS ACTION – Roll Call Vote is required**

The Board will review, discuss and may vote to take action on the previous action for the following case(s):

Item No.	Case No.	Licensee	Comments
A.	201000301	Dr. Brent Tyler Robison	Review, discussion, and possible action on Affiliated Monitors Inc. Audit Reports
B.	201300256	Dr. Kelly B. Wettstein	Review, discussion, and possible action on Affiliated Monitors Inc. Audit Reports

**13. PETITION TO REHEAR – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the Petition(s) for Rehearing for the following case(s). If GRANTED, the Board may remand for rehearing at an Investigative Interview or an immediate rehearing and determination.

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**CONSENT AGENDA – 9:00 AM**

**The Consent Agenda items may be considered for approval as a single action unless a Board member or any other interested party wishes to remove an item for discussion.**

The Board may vote to go into Executive Session 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 on agenda items 16C – 22F, pursuant to A.R.S. §38-431.03(A)(2).

**14. CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS**

**CONSENT AGENDA – Roll Call Vote *is required***

The Board will review, discuss and may vote to take action on the Consent Agreements for the following case(s):

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**15. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS**

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

The Board will review and vote to take action on the following case(s). While the evidence does not warrant disciplinary action, the Board believes that the licensee should modify or eliminate certain practices through Continuing Education and that continuation of the activities that led to the information being submitted to the Board may result in the Board action against the practitioner's license.

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**16. CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN**

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

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

Item No.	Case No.	Licensee	Comments
A.	VACANT		
B.	VACANT		
C.	201800145	Dr. Shahab Ardalan	"Dr. Ardalan should be more conscientious in adhering to infectious disease control procedures

**17. CASES RECOMMENDED FOR TERMINATION**

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

The Board will review and may vote to take action on the following case(s).

Item No.	Case No.	Licensee	Comments
A.	201800158	Dr. Kamran Jafari	Terminate per patient
B.	201800159	Dr. Jarom Alan Stradling	Terminate per patient

**18. CASES RECOMMENDED FOR DISMISSAL**

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

The Board will review and may vote to take action on the following case(s).

Item No.	Case No.	Licensee	Comments
A.	201800116	Dr. Yolanda M. Hernandez	
B.	201800117	Dr. Marissa P. Mandap	

**19. MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE**

**CONSENT AGENDA – Roll Vote is required if case is pulled**

The Board will consider the facts and allegations and may vote to take the action indicated.

A. VACANT

**20. APPROVAL OF CONSULTANTS AND EXAMINERS  
 CONSENT AGENDA**

A. Dr. Brian R. Schneider – Dental Consultant

**21. APPROVAL OF MINUTES  
 CONSENT AGENDA**

A. November 20, 2018 – Board Meeting Minutes

B. VACANT

C. December 7, 2018 – Executive Session Minutes

**22. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

The Board will review, discuss and vote to take action on the following appealed case(s):

Item No.	Case No.	Licensee	Comments
A.	201800092-ED	Dr. Caesar C. Butura	Recommendation to affirm ED-Termination
B.	201800103-ED	Dr. Matthew E. Ford	Recommendation to affirm ED-Termination
C.	201800108-ED	Dr. Dallin Jay Williams	Recommendation to affirm ED-Termination
D.	201800112-ED	Dr. Justin J. Philipp	Recommendation to affirm ED-Termination
E.	201800114-ED	Dr. Nam Le Nguyen	Recommendation to affirm ED-Termination
F.	201800143-ED	Dr. Kris Koorosh Iganian	Recommendation to affirm ED-Termination

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

**FORMAL INTERVIEWS – 9:30 AM**

**23. FORMAL INTERVIEW CASES – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the following cases and may impose discipline, dismiss, issue a letter of concern, terminate, table for further investigation, postpone, and/or forward for further administrative review.

The Board may vote to go into Executive Session 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 on agenda items 23A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201800090	Dr. Carol L. Ford	

**FORMAL INTERVIEWS – 10:00 AM**

**24. FORMAL INTERVIEW CASES – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the following cases and may impose discipline, dismiss, issue a letter of concern, terminate, table for further investigation, postpone, and/or forward for further administrative review.

The Board may vote to go into Executive Session 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 on agenda items 24A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201700260	Dr. David E. Spring	

**FORMAL INTERVIEWS – 10:30 AM**

**25. FORMAL INTERVIEW CASES – Roll Call Vote is required**

The Board will review, discuss and vote to take action on the following cases and may impose discipline, dismiss, issue a letter of concern, terminate, table for further investigation, postpone, and/or forward for further administrative review.

The Board may vote to go into Executive Session 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 on agenda items 25A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201800078	Dr. Charles A. Dodaro	

**FORMAL INTERVIEWS – 11:00 AM**

**26. FORMAL INTERVIEW CASES – Roll Call Vote is required**

The Board will review, discuss and vote to take action on the following cases and may impose discipline, dismiss, issue a letter of concern, terminate, table for further investigation, postpone, and/or forward for further administrative review.

The Board may vote to go into Executive Session 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 on agenda items 26A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201800056	Dr. Jeffrey R. Spillers	

**CALL TO THE PUBLIC**

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

**27. MEMBERS OF THE PUBLIC**

**28. FUTURE AGENDA ITEMS**

**29. NEXT MEETING DATE – APRIL 12, 2019**

**30. ADJOURNMENT**

In accordance with Title II of the Americans with Disabilities Act (ADA), this Board does not discriminate on the basis of disability in admission to and participation in Board Meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Miriam Thompson at (602) 542-4450. Requests should be made as early as possible to allow time to arrange the accommodation. This Notice and Agenda may be made available in an alternative form.