



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING APRIL 12, 2019

#### **Board Members Present:**

Gregory A. Waite, DDS, President  
Russell J. Morrow, DDS  
John N. Harman IV, DDS  
Marilyn J. McClain, RDH  
Mr. Nick Goodman  
Mr. Charles E. Jackson  
Mr. Aditya Dynar

#### **Absent:**

Heather N. Hardy, RDH, Vice President  
Lisa B. Bienstock, DMD  
Robert B. Taylor, DDS

#### **Staff Present:**

Mr. Ryan Edmonson, Executive Director  
Kristina Gomez, Deputy Director  
Ms. Mary DeLaat Williams, Assistant Attorney General  
Ms. Miriam Thompson, Investigations Supervisor  
Ms. Sherrie Biggs, Licensure Manager  
Ms. Dee Woodard, Legal Administrator

#### **GENERAL BUSINESS**

##### **Agenda Item No. 1 – Call to Order, Introductions, and Roll Call**

Dr. Waite called the meeting to order at 8:00 AM.

Ms. Sherrie Biggs took roll call. Ms. Hardy, Dr. Bienstock, and Dr. Taylor were absent.

- A. Kristina Gomez, Deputy Director

Executive Director Ryan Edmonson introduced Ms. Kristina Gomez, Deputy Director to the Board.

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

Complainant DT was present and spoke about case no. 201800183 (Agenda Item 16A).  
Complainant KR was present and spoke about case no. 201800162-ED (Agenda Item 22B).  
Complainant JP was present and spoke about case no. 201800085 (Agenda Item 14A).

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**Agenda Item No. 3 – PRESIDENT’S REPORT – Dr. Gregory A. Waite**

- A. Review and discussion regarding required clinical examination components for licensure in Arizona.

Dr. Waite summarized his attendance at the Western Regional Examining Board (WREB) Leadership meeting in February 2019. He said the Board accepts most exams for licensure by credential in the state of Arizona. Dr. Waite stated the Board required periodontal clinical as part of the examination for Arizona, this was not optional. He explained that the Board should state specifically what is required as a part of the examination process. He said students currently are misinformed as to what the Board requires for the examination for licensure in the state of Arizona.

- B. Update on AADB mid-year meeting held March 9 and 10, 2019.

Dr. Waite summarized the March 9 and 10, 2019 AADB meeting, that he and Mr. Edmonson attended. He said a week prior to the meeting there was a conference call held with all of the chairs, and some of the Board members to remove the American Association of Dental Boards (AADB) President. Dr. Waite stated the meeting was contentious, and nothing was resolved. Dr. Waite said a few weeks after the AADB meeting the Board met and voted the Board President out of his position, the Vice President of the AADB was voted president. Dr. Waite indicated that there were discussions at the AADB meeting about marijuana, and many states have passed legislation for medical use.

Mr. Edmonson said this was his first time attending an AADB meeting. He stated the presentation from Arizona consultant Dr. John Dovgan was very informative.

**Agenda item No. 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.)

Director Edmonson stated Board staff would host a meet and greet reception for the Board Consultants and Sedation Evaluators on April 26, 2019. Director Edmonson informed the Board that the application and renewal process would change this year. He explained that board staff would not send out renewals via paper packets. Postcards would be mailed to licensees with information to renew online in a PDF fillable document, instead of paper packets. He stated there would be a payment portal for fees. This would take effect May 2019.

Mr. Edmonson gave the Board an update on Dental Therapy. He stated the Dental Therapy legislation passed during the 2018 Legislative session and become law in August 2018. Mr. Edmonson said the legislation is in statue. However, rule needed to be developed to determine what was required. Mr. Edmonson said there is currently a moratorium on rule writing.

- B. Legislative Update and Discussion – Board to receive an update regarding Arizona State Legislature bill, which includes SB 1086, HB 2118, HB 2463, HB 2113, HB 2058, HB 2569 and/or any other related legislation.

Mr. Edmonson informed the Board that they would receive an update of all health bills passed this year once legislative session ends.

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- C. Review, discussion and possible action regarding whether the scope of practice for a dental hygienist includes the application of silver diamine fluoride.

Mr. Kevin Earle, Executive Director, Arizona Dental Association (ADA) was present and addressed the Board. He said there appears to be some confusion in the profession regarding the interpretation of exactly how and when a dental hygienist can apply silver diamine fluoride. He said there is some belief that in past years the board opined under Ms. Hugunin's tenor that this was an application of fluoride. Mr. Earle stated it is important to get some clarity on the issue. He believed that Affiliated Practice Hygienists have been relying on the interpretation. Mr. Earle could not find any record of it, and believed the interpretation is incorrect. He stated silver diamine fluoride is definitive dental treatment, and requires a diagnosis, a reimbursable treatment under the AHCCCS program. Mr. Earle said some discussions, and guidance given was not addressed clearly in statute. He indicated that the ADA did not want anyone to get into any trouble by using improper delegation of procedures. The ADA was interested in what the Board had to say regarding this matter.

Dr. Waite said he agreed with Mr. Earle that this was not a typical fluoride application. He did not recall the Board ever discussing or giving an opinion. Dr. Waite said in the past board staff may have given an opinion, but that generally does not occur. However, the Board did not give an opinion on this matter.

Ms. Mary Williams, Assistant Attorney General, said there was a statute that addressed silver diamine fluoride for dental hygienists. She explained that the Board should direct staff to write a substantive policy statement, given that a change to state statute could be timely.

The Board directed staff to draft a Substantive Policy Statement on silver diamine fluoride to be discussed at the June 7, 2019 board meeting. Staff should also pursue a statutory and rule change.

Ms. Carrie Gauntt, was present and addressed the Board. She discussed the silver diamine fluoride coincides with an Interim Therapeutic Restoration (ITR) and Expanded Functions for Dental Assistants (EFDA). She understood an ITR was separate from silver diamine fluoride. However, this is currently done in combination with ITR procedures, which is where the confusion was coming from.

- D. Review and discussion regarding the reclassification of a vacant full-time employee position to hire an investigator.

Mr. Edmonson explained that there are currently 9 full-time board staff employees, and one vacant position. Dr. Sam Palmer, Investigator for the Board will retire December 2019. Mr. Edmonson said board staff is exploring the possibility of hiring a part-time investigator, expanding the roles of the consultants or hiring more than one investigator on contract. Mr. Edmonson asked the Board for opinions regarding filling the vacant position.

Mr. Dynar stated he was in favor of hiring an investigator, and was in favor of hiring the position part-time or full-time. Dr. Waite stated he agreed with Mr. Dynar. Mr. Edmonson said his preference would be to hire the investigator with the primary function of conducting investigations of board complaints. He said the Investigator could be hired based upon current need, either on a part-time or quarter-time basis.

The Board directed staff to move forward and begin looking into hiring an investigator.

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Mr. Jackson stated it was crucial to ensure there is continuity and coordination with the information provided to the Board. The information should be received in the same form and fashion upon review.

Mr. Edmonson stated it was a good idea to hire an investigator while Dr. Palmer was still working for the Board.

- E. 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.

For information only.

**Agenda Item No. 5 – ASSISTANT ATTORNEY GENERAL’S REPORT – Mary DeLaat Williams, AAG**

- A. Administrative Appeals

None to report.

**Agenda Item No. 6 – PERSONNEL ISSUES**

- A. VACANT

**Agenda Item No. 7 – COMMITTEE REPORTS**

- A. VACANT

***ACTION ON LICENSING***

**Agenda Item No. 8 – REQUEST FOR ACTION ON LICENSURE**

- A. Sara Grace Morones, RDH –Disclosure of felony conviction for two counts of the sale of narcotic drugs in 2012 and disciplinary action on previous license.

Upon MOTION by Dr. Waite, second by Mr. Jackson, the Board voted to enter EXECUTIVE SESSION to obtain legal advice and to review confidential information. MOTION PASSED UNANIMOUSLY.

**The Board entered into EXECUTIVE SESSION at: 8:46 AM and returned to OPEN SESSION at: 8:54 AM.**

Ms. Morones was present and addressed the Board. She discussed taking accountability for her actions and was able to see where she had gone wrong. She had turned her life around and did not intend to make the same mistakes again. Ms. Morones thanked the Board for the opportunity to prove herself.

Upon MOTION by Mr. Dynar, second by Dr. Harmon, the Board vote to GRANT licensure to Ms. Morones. MOTION PASSED UNANIMOUSLY.

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- B. Dr. Aram Y. Agadjanian – Request by Applicant to withdraw his license application.

Ms. Elizabeth Campbell, Assistant Attorney General was present to provide legal advice to the Board.

Ms. Williams summarized the Board's denial of Dr. Agadjanian's license application. She stated Dr. Agadjanian appealed the denial. She said the appeal would be heard at the Office of Administration (OAH). Ms. Williams explained to the Board that Dr. Agadjanian asked to withdraw his license application.

Ms. Campbell explained that the Board could choose to accept Dr. Agadjanian request to withdraw his license application and the appeal would not proceed. Ms. Campbell stated licensure denials are reported to the National Practitioner's Data Bank as a matter of public record.

Dr. Waite said if the Board denied Dr. Agadjanian's application there would be a 5 year waiting period before he could apply for licensure again.

Upon MOTION by Mr. Jackson, second by Mr. Dynar, the Board voted to APPROVE Dr. Agadjanian's request to withdraw his license application. Ms. McClain, Dr. Harmon, Dr. Morrow, Mr. Goodman, and Dr. Waite OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Harmon, second by Mr. Goodman, the Board voted to DENY Dr. Agadjanian's request to withdraw his license application and proceed to the Office Administrative Hearings for the licensure appeal process. Mr. Jackson, and Mr. Dynar OPPOSED. MOTION PASSED.

- C. Dr. Robert I. Strain – Disclosure of malpractice actions

Dr. Strain was present to answer questions from the Board.

Upon MOTION by Dr. Harmon, second by Mr. Dynar, the Board voted to GRANT licensure to Dr. Strain. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 9 – REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE**

- A. VACANT

**Agenda Item No. 10 – ACTION ON CASES**

- A. VACANT

***ACTION ON CASES – 9:00 AM***

**Agenda Item No. 11 – FORMAL HEARING**

- A. VACANT

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**Agenda Item No. 12 ACTION ON PREVIOUS ACTION**

**Agenda Item No. 12A                      Case No. 201000301                      Dr. Brent Tyler Robison**

Ms. Williams explained that the reports are for information. She said the Board did not need to take any action unless they see a discrepancy in the audit reports.

Dr. Waite said the audit reports for Dr. Robison are to be reviewed on a periodic basis.

**Agenda Item No. 12B.                      Case No. 201700262                      Dr. Michael Wassef**

Ms. Williams stated Dr. Wassef's license had been revoked.

Dr. Waite said the case was before the Board to dismiss the case without prejudice. He explained that should Dr. Wassef reapply for his license in the future, this case could be re-heard by the Board.

Upon MOTION by Mr. Dynar, second by Dr. Morrow, the Board voted to DISMISS Case No. 201700262 without prejudice. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 12C                      Case No. 201700266-AO                      Dr. Aaron LeGrand Roberts  
    Case No. 201800046  
    Case No. 201800047**

Dr. Waite stated this was for informational purposes only.

**Agenda Item No. 12D                      Case No. 201800005                      Dr. Lori Karen Anderson**

Ms. Miriam Thompson, Chief Investigations Supervisor, explained that she contacted Dr. Anderson to find out why Dr. Anderson did not complete the continuing education during the specified time in the consent agreement. Ms. Thompson indicated that Dr. Anderson requested an extension for the continuing education. Ms. Thompson informed Dr. Anderson the case would be heard before the Board would make a decision. Ms. Thompson said Dr. Anderson submitted a certification of completion for continuing education. However, the continuing education was not pre-approved as stipulated in the consent agreement.

The Board asked Dr. Palmer if he would have approved the continuing education Dr. Anderson submitted. Dr. Palmer said that Dr. Anderson was order to take continuing education in crown and bridge, instead, she took continuing education in fixed prosthodontics.

Mr. Edmonson explained that there was a violation of the consent agreement. He said the Board could administer a civil penalty in this case for non-compliance with a consent agreement.

Dr. Waite stated Dr. Anderson had a signed consent agreement with the Board and did not follow the guidelines.

Upon MOTION by Dr. Waite, second by Mr. Goodman, the Board voted to OPEN an investigation for non-compliance with a Board Consent Agreement, for failure to complete the continuing education within 6 months, and offer a Consent Agreement with a Civil Penalty of \$2,000.00, and 3 hours of pre-approved crown and bridge continuing education with 3 months to complete. MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 12E**

**Case No. 201800026**

**Dr. Sibera T. Brannon**

Ms. Thompson summarized Dr. Brannon's failure to complete the continuing education specified in the signed consent agreement within the allotted timeframe.

Upon MOTION by Mr. Goodman, second by Dr. Harmon, the Board voted to OPEN an investigation for non-compliance with a Board Consent Agreement, for failure to complete the continuing education within 6 months, and offer a Consent Agreement with a Civil Penalty of \$2,000.00, and 6 hours of pre-approved record keeping with 3 months to complete. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 12F**

**Case No. 201700112-ED**

**Dr. Justin J. Philipp**

Mr. Jeffrey Tonner, attorney for Dr. Philipp was present to answer questions from the Board.

Upon MOTION by Dr. Harmon, second by Dr. Morrow, the Board voted to APPROVE the Executive Director's Termination of Case No. 201700112-ED. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13 – PETITION TO REHEAR**

A. VACANT

**CONSENT AGENDA – 9:00 AM**

**Agenda Item No. 14 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS  
CONSENT AGENDA**

Case was pulled by a Board Member.

**Agenda Item No. 15 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING  
EDUCATION CONSENT AGREEMENTS  
CONSENT AGENDA**

Upon MOTION by Mr. Dynar, second by Ms. McClain, the Board voted to APPROVE Agenda Item 15A. a Non-Disciplinary Consent Agreement. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
A.	201800096	Dr. Hugh T. Keefe	3 hours of CE in infectious disease control. \$500.00 civil penalty for failure to comply with a subpoena.

**Agenda Item No. 16 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN  
CONSENT AGENDA**

This case was pulled by a Board Member.

**Agenda item No. 17 – CASES RECOMMENDED FOR TERMINATION  
CONSENT AGENDA**

Upon MOTION by Mr. Dynar, second by Mr. Jackson, the Board voted to APPROVE Agenda items 17A – 17E cases terminated per patient. MOTION PASSED UNANIMOUSLY.

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Item No.	Case No.	Licensee	Comments
A.	201800153	Dr. Hao Anh Le	Terminate Per Patient
B.	201800171	Dr. Christopher Sasan Athari	Terminate Per Patient
C.	201800207	Dr. Bich-Ngoc T. Tran	Terminate Per Patient
D.	201800212	Dr. Smita V. Palejwala	Terminate Per Patient
E.	201800223	Dr. Micah D. Rolfe	Terminate Per Patient

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

**Agenda Item No. 18A VACANT**

**Agenda Item No. 19 – MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND  
DISCIPLINARY ACTION IN ANOTHER STATE  
CONSENT AGENDA**

- A. Dr. Danny Salem – Malpractice Report Recommendation – Took No Action
- B. Dr. Chris S. Ha – Malpractice Report Recommendation – Took No Action
- C. Dr. Robert M. Mirabelli – Malpractice Report Recommendation – Took No Action
- D. Dr. David A. Benson – Malpractice Report Recommendation – Took No Action

Upon MOTION by Mr. Dynar, second by Ms. McClain, the Board voted to TAKE NO ACTION on agenda items 19A – 19D. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 20 – APPROVAL OF CONSULTANTS AND EXAMINERS  
CONSENT AGENDA**

- A. Dr. Jerome S. Holbrook – Anesthesia Evaluator
- B. Dr. Kevin T. Axx – Dental Consultant
- C. Dr. Jeremy Ray Boanander – Anesthesia Evaluator
- D. Dr. Reed Harland Day – Dental Consultant

Upon MOTION by Mr. Dynar, second by Ms. McClain, the Board voted to APPROVE agenda items 20A – 20D as dental consultants and anesthesia evaluators. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 21 – APPROVAL OF MINUTES  
CONSENT AGENDA**

- A. December 7, 2018 – Board Meeting Minutes

Upon MOTION by Mr. Dynar, second by Mr. Jackson, the Board voted to APPROVE the December 7, 2018 board meeting minutes. MOTION PASSED UNANIMOUSLY.



**Agenda Item No. 22 – REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

- |    |                       |                        |
|----|-----------------------|------------------------|
| A. | Case No. 201800136-ED | Dr. Michael Margolis   |
| B. | Case No. 201800162-ED | Dr. Kevin M. Harris    |
| C. | Case No. 201800165-ED | Dr. Samip Ashvin Patel |

Upon MOTION by Mr. Jackson, second by Mr. Dynar, the Board voted to APPROVE the Executive Director's Terminations of Agenda Items 22A – 22C. MOTION PASSED UNANIMOUSLY.

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

*FORMAL INTERVIEWS – 9:30 AM*

**Agenda Item No. 23 – FORMAL INTERVIEW**

**Agenda Item No. 23A VACANT**

**Cases Pulled From Consent Agenda**

**Agenda Item No. 14A. Case No. 201800085 Dr. Michael James Stoor**

The case was pulled by Dr. Waite. He indicated that the treatment performed by Dr. Stoor had to be completely redone within the first year of treatment. Dr. Waite said this case rose to the level of unprofessional conduct. Dr. Stoor's practice should be restricted in the area of endodontics and crown and bridge until completion of continuing education is completed. Dr. Waite made the recommendation for 24 hours of hands on training in a dental school setting for endodontics, 24 hours of hands on training in a dental school setting for crown and bridge, 6 hours of record keeping, and restitution in the amount of \$18,350.00.

Upon MOTION by Dr. Waite, second by Mr. Jackson, the Board voted to MODIFY the Disciplinary consent agreement to be restricted in the area of endodontics and crown and bridge until completion of continuing education is completed, 24 hours of hands on training in endodontics in a dental school setting, 24 hours of crown and bridge, hands on training in a dental school setting, 6 hours of record keeping, restitution in the amount of \$18,350.00, with 6 months to complete the continuing education. If Dr. Stoor does not accept the consent agreement, he will be invited for a formal interview or a formal hearing. Dr. Morrow OPPOSED. MOTION PASSED.

The Board directed staff to open an investigation against Dr. Jack G. Wright, the orthodontist in this case.

Dr. Waite said the treatment was done in 2016. He stated July 11, 2017 the patient presented to Dr. Jack Wright. He said Dr. Wright placed brackets on the patient while decay was visible on the x-rays. Dr. Waite indicated that four months after Dr. Wright placed the brackets on the patient he was asked to remove the work by consultants who stated the work had to be redone.

Upon MOTION by Dr. Waite, second by Dr. Morrow, the board voted to OPEN an investigation on Dr. Jack Wright. MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 15B. Case No. 201800141 Dr. Bryan J. Shanahan**

The case was pulled by Ms. McClain to RECUSE.

Upon MOTION by Mr. Dynar, second by Mr. Goodman, the Board voted to APPROVE the Non-Disciplinary Consent Agreement for Agenda Item No. 15B. MOTION PASSED. Ms. McClain RECUSED.

**Agenda Item No. 16A. Case No. 201800183 Dr. David C. Halls**

Dr. Waite stated agenda item 16A was not pulled from the consent agenda, this was stated into the record incorrectly.

Mr. Tonner, Attorney for Dr. Halls was present and addressed the Board. He explained Dr. Halls pre-sedation process with his staff who have a complete understanding on why he performs his examination the way he does. Mr. Tonner described the implemented changes in Dr. Halls's office. Dr. Halls has an assistant who informs the female patients prior to the examination of the complete pre-sedation examination before it occurs with an audible and visual explanation.

Dr. Halls was present and addressed the Board. He stated he conducted the pre-sedation exams differently than his partner did and did not take the time to educate his assistants on the process he was trained to perform during pre-sedation examinations. Dr. Halls understands now his assistants were reading into his intentions, and by not addressing his procedure with his assistants, lead to a lot of gossip he was not aware of. Dr. Halls stated it was his fault for not instructing his assistants. He said that was the way he was trained by the Oral Surgeon who trained him. He stated once he had the training with his staff and explained why he performs the pre-sedation examination the way he does, it was completely different in the office. Staff now understands he is trying to ensure patient safety.

Upon MOTION by Mr. Jackson, second by Mr. Dynar, the Board vote to APPROVE the letter of concern for Case No. 201800183 stating "Dr. Halls should have better communication with the patient as to what to expect during a pre-sedation evaluation." Mr. Goodman ABSTAINED. MOTION PASSED.

**Agenda Item No. 24 – MEMBERS OF THE PUBLIC**

Ms. Carrie Gauntt was present and addressed the Board. She listened to the audio from the February 1, 2019 board meeting and had some concerns. She said a Board member made comments regarding final impressions and indicated that as long as the dentists checks the assistant's final impressions, it is allowed. Ms. Gauntt said there was some confusion for scanning for final impressions. Ms. Gauntt stated Article 7 specifically states final impressions can not be taken by dental assistants. She stated there needed to be clearer laws. She asked the Board to discuss this topic at a future Board meeting to allow further discussion on this matter.

**Agenda Item No. 25 – FUTURE AGENDA ITEMS**

1. Anonymous Board Complaints and Investigations
2. Article 7 – clarification of regarding final impressions
3. Review, discussion and possible action regarding required clinical examination components for licensure in Arizona
4. Self Orthodontic treatment, dentists and business entities will be discussed at the August 2, 2019 Board meeting.

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**Agenda Item No. 26 – NEXT MEETING DATE – JUNE 7, 2019**

**Agenda Item No. 27 – ADJOURNMENT**

Upon MOTION by Mr. Dynar, second by Ms. McClain, the Board voted to ADJORN the Board meeting at 10:23 AM.



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Ryan Edmonson, Executive Director

DRAFT