



Douglas A. Ducey,
Governor

Arizona State Board of Dental Examiners

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

July 16, 2019 Special Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 3:00 p.m. on Tuesday, July 16, 2019 at the Board’s office in Boardroom A, 1740 West Adams Street, Phoenix, Arizona 85007. The Board did meet in executive session.

BOARD MEMBERS:

- Heather N. Hardy, RDH..... President and Licensed Hygienist Member
- Lisa B. Bienstock, DMD..... Licensed Dentist Member
- Morgan Burg..... Business Entity Member
- Aditya Dynar, Esq..... Public Member
- Nick Goodman..... Public Member
- John N. Harman, IV, DDS..... Licensed Dentist Member
- Anthony Herro, DDS..... Licensed Dentist Member
- Marilyn J. McClain, RDH..... Licensed Hygienist Member
- Russell J. Morrow, DDS..... Licensed Dentist Member
- Leslie D. Seaman, DDS..... Licensed Dentist Member
- Robert B. Taylor, DDS..... Licensed Dentist Member
- Participated telephonically
- Absent

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
- Kristina Gomez..... Deputy Director
- Mary DeLaat Williams, Esq..... Assistant Attorney General
- John R. Tellier, Esq..... Section Chief Counsel
- Sherrie Biggs..... Licensing Manager
- Miriam Thompson, LLB, LEC..... Chief Compliance Officer
- Selena Acuna..... Legal Administrator
- Nancy Elia..... Licensing Administrator
- Lisa Schmelling..... Administrative Assistant

GUESTS PARTICIPATING AND/OR PRESENT:

- Pankaj R. Goyal..... Respondent
- Susan I. McLellan..... Attorney for Respondent for Case No. 201400099 and 201700101
- Dave Biscobing..... ABC15 Investigator

OPEN SESSION

The meeting was called to order at 3:00 p.m. by Heather N. Hardy, The following order of business was then considered:

CALL TO THE PUBLIC

Executive Director, Ryan Edmonson read a written statement from Emily Rajakovich, the Governor's director of boards and commissions which stated, "Dear members of the Arizona Board of Dental Examiners, I write today on behalf of the citizens of Arizona as you hold a special board meeting to consider Dr. Goyal's dental license. As a member of the Arizona Board of Dental Examiners, it is your responsibility to protect Arizonans from people who may deceived them in the practice of dentistry. Dr. Goyal has demonstrated through his actions and subsequent plea agreement to three felonies in a criminal case that there are questions whether patients can rely on his integrity as their healthcare provider. Today, I urge you to take emergency action to protect any potential unsuspecting patients and move forward with a summary suspension of his dental license."

PUBLIC COMMENT ON CASES

No public comments.

DECLARATION OF CONFLICTS OF INTEREST - A.R.S. § 38-503

No new conflicts were declared.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Tabled to August 2, 2019 Board meeting, due to lack of quorum.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Application(s) for Licensing of Dentist(s) – A.R.S. §§ 32-1237 – 32-1239

Goyal, Pankaj

A motion was not necessary since the applicant is not administratively complete. The applicant has not submitted missing documents that were requested of him by board staff. A deficiency letter was mailed to the applicant. The deadline for submitting the missing documents is August 2, 2019. If the applicant does not submit the requested documents, the application will be automatically withdrawn.

Review of Investigation(s)

201400099 and 201700101, Goyal, Pankaj R.

Board members discussed hiring outside counsel to represent the Board in case nos. 201400099 and 201700101, against Dr. Goyal.

A motion was made by Heather N. Hardy to go in to executive session for further discussion, seconded by Dr. Robert B. Taylor and passed unanimously to go in to executive session.

Pursuant to A.R.S. § 38-431.03(A)(2) and/or (3) as indicated on the Board's Agenda. The executive session is not open to the public

A motion was made by Robert B. Taylor to lift the, “Interim Order Staying Case Nos. 201400099 and 201700101 and Interim Voluntary Agreement Not to Practice,” seconded by Russell J. Morrow. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Dr. Pankaj Goyal stated, “I do want to apologize to this board for betraying the trust and confidence of the dental profession and of the dental board. I’m truly sorry and regret how it has reflected to this board and my family. It is difficult for me to express to the full effect of my shame with my conduct. While there is no excuse for any of what I did, I am asking that you allow me the opportunity to explain my conduct in an interview with you, the dental board members. Thank you.” Dr. Goyal’s attorney, Susan I. McLellan, made a statement after apologizing to the board for the position the board members and staff are in. Attorney Susan I. McLellan asked the board members to consider three requests:

1. Lift the stay for the, “Interim Order on case nos. 201400099 and 201700101 and Interim Voluntary Agreement Not to Practice.”
2. Requested the board members to come to a resolution on cases and stated she submitted a request for negotiations for a resolution.
3. Requested the board to allow a Formal Interview so that Dr. Pankaj Goyal could speak to the members and provide an explanation for the incidents and will allow the members to ask Dr. Pankaj Goyal questions.

Attorney Susan I. McLellan ended by stating she would like the board members to reconsider the options because Dr. Pankaj Goyal needs to provide income for his family.

A motion was made by Robert B. Taylor for the staff recommendations to add an additional allegation in case nos. 201400099 and 201700101 based on the felony convictions in criminal case no. CR2018-134514-001, seconded by Russell J. Morrow. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

The results of the investigation in case nos. 201400099 and 201700101; Goyal Pankaj R. were discussed by the board members with all of the board members in agreement that they need to protect the public and stated that because of the continued fraud and deceit Dr. Pankaj Goyal has demonstrated; he is a threat to the public and seems to be unregulatable and is willing to go any lengths to obtain a license without proper

education. Dr. Pankaj Goyal has been selfish with his actions and that shows he does not care for the public's safety. The following additional allegations were added to the felony convictions in the criminal case no. CR2018-134514-001:

1. A.R.S. § 32-1201.01(6), "Procuring or attempting to procure a certificate of the national board of dental examiners or a license to practice dentistry or dental hygiene by fraud or misrepresentation or by knowingly taking advantage of the mistake of another."
2. A.R.S. § 32-1201.01(12), "Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of dentistry."

A motion was made by Aditya Dynar and seconded by Marilyn McClain. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Board members discussed that the job of the Dental Board is to protect the public and their safety is priority. Board also stated that Dr. Pankaj Goyal had many opportunities to come forth and admit he lied and he did not admit that he submitted false documents. Dr. Pankaj Goyal's obtained his license and permit fraudulently. Since Dr. Pankaj Goyal has repeatedly lied to the board. Based on the forgoing Interim Findings of Fact and Interim Conclusion of Law, the Board finds that the public health, safety and welfare imperatively require emergency action, pending proceedings for revocation or other action. A.R.S. §§ 32-1263.02(D) and 41-1092.11(B). Based on the foregoing Interim Findings of Fact and Interim Conclusion of Law, it has been ordered that the respondent's license to practice dentistry in the State of Arizona, License No. D07043, is summarily suspended.

A motion was made by Aditya Dynar and seconded by Marilyn McClain. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Board members adopted what was discussed for the following Interim Findings of Facts:

1. The Board has the authority for the regulation and control of the practice of dentistry in the State of Arizona.
2. Respondent is the holder of License No. D07043, issued on August 7, 2006 for the practice of dentistry in the State of Arizona.

3. On October 9, 2013, Respondent obtained a permit from the Board to administer general anesthesia ("1301 Permit"). To demonstrate that he qualified for a 1301 Permit, Respondent represented on his application for the 1301 Permit that he attended a dental anesthesia residency program at MetroHealth Medical Center ("MetroHealth") in Cleveland, Ohio and submitted a copy of a "Certificate of Achievement" purportedly from MetroHealth (the "MetroHealth Certificate") as proof of successful completion of a 24-month residency training program in 2001. Respondent also submitted a letter purporting to be from Col. Musaret [sic] Zuberi certifying that Respondent "completed a Dental Anesthesia Residency program at Metrohealth [sic] Medical Center, Cleveland Ohio. This was a two year hospital based anesthesia program sponsored by the U.S [sic] Air Force which was completed in June 2001."
4. The Board renewed Respondent's 1301 Permit on May 16, 2018.
5. In 2014 and 2017, the Board initiated investigations against Respondent based on separate complaints alleging that Respondent falsified his credentials regarding his dental anesthesia residency training. Both of the investigations were initially terminated by the Board's former Executive Director based on insufficient evidence. On July 16, 2018, the Board voted to reopen both the 2014 and 2017 investigations.
6. The 2014 complaint included a copy of a "Case Western School of Dental Medicine Certificate of Achievement" (the "Case Western Certificate") purporting to acknowledge that Respondent successfully completed the dental anesthesia residency program at MetroHealth Medical Center in 2001. The 2014 complaint alleged that Respondent presented the Case Western Certificate to obtain employment and that the certificate was falsified. The 2014 complaint included information confirming that Respondent did not participate in the MetroHealth dental anesthesia residency program and the Case Western Certificate was forged. (Respondent did not present the Case Western Certificate to the Board in connection with his application for a 1301 Permit.)
7. In response to the 2014 complaint, Respondent maintained that he did complete a dental anesthesia residency program with the U.S. Air Force and that he was told that the program was affiliated with MetroHealth Medical Center in Cleveland, Ohio.
8. During the 2014 Board investigation, Respondent submitted a copy of a notarized statement from CMSgt Kandi H. Hughes from the Department of the Air Force verifying that Respondent completed a two-year anesthesia training program at Wright Patterson Air Force Base Medical Center, from June 1999 to June 2001.
9. During the 2017 Board investigation, the Board received a copy of an email dated May 10, 2017 from Kandi Hughes stating that in 2014 Respondent showed her some transcripts and told her that he completed a two-year anesthesia training program at Wright Patterson Air Force Base Medical Center, that upon further review Respondent's statements could not be verified, and there is no record of such training or documentation in Respondent's credentialing file in the medical unit.
10. Respondent also submitted a May 20, 2014 letter from his former commanding officer in the Air Force, Joseph Alvarez, D.D.S. Dr. Alvarez stated that he had knowledge that Respondent underwent and completed a dental anesthesia residency program from 1998 to 2001.
11. In August 2018, in response to a subpoena issued by the Board, Dr. Alvarez submitted a letter regarding his previous letter in support of Respondent. Dr. Alvarez stated that Respondent took many continuing education courses while in the Air Force; Respondent convinced him that he studied and successfully completed an anesthesia residency and his information was based on discussions between Respondent and himself. Dr. Alvarez states that Respondent deceived him with this information for 20 years and he has no evidence to back Respondent's claims.
12. Dr. Alvarez informed the Board's Chief Investigator during a telephonic interview that Respondent instructed him what to write in his May 20, 2014 letter.
13. The 2017 Board complaint included copies of emails from Respondent's former supervisor, Colonel Mussaret Zuberi, M.D. who stated that he never saw any training records or transcripts

from Respondent pertaining to dental anesthesia and that he had no independent knowledge of Respondent completing a dental anesthesia residency program.

14. As part of the Board's subsequent investigation of the 2014 and 2017 complaints, the Board's Chief Investigator contacted Dr. Laith Al-Mashni, the Program Director of the MetroHealth GPR Residency to inquire whether Respondent ever participated in a dental anesthesia residency at MetroHealth. Dr. Al-Mashni responded that there was no record of Respondent participating in a dental anesthesia residency program at MetroHealth.

15. The Board's Chief Investigator also verified that the Case Western Certificate was not a true and accurate representation of a certificate issued by the Case Western School of Dental Medicine.

16. Respondent's response to the 2017 Board investigation included copies of his military performance reports purporting to confirm the significant hours of anesthesia education and training obtained by him.

17. Throughout the Board's investigations, Respondent maintained that he never knowingly or intentionally made false statements about his credentials, education or training relative to his 1301 permit.

18. On July 16, 2018, Respondent was indicted by the Arizona Grand Jury and charged with one count of Fraudulent Schemes and Artifices and two counts of Forgery relative to presenting false documentation to the Board in order to obtain a 1301 Permit. On May 2, 2019, Respondent pleaded guilty to three counts of Criminal Possession of a Forgery Device, class 6 undesignated felonies. Respondent was sentenced on June 17, 2019.

19. The basis for the felony convictions is Respondent's presentation of falsified documentation to the Board to obtain his 1301 Permit, specifically, the MetroHealth Certificate and the letter purportedly from Mussaret Zuberi.

20. On July 16, 2018, Respondent underwent a polygraph examination and denied having anything to do with any fraudulent certificates or forged signatures. Respondent has since admitted that the MetroHealth Certificate and letter purportedly from Col. Zuberi were falsified.

21. In a personal statement submitted to the Board on May 13, 2019, Respondent admitted that he never attended a formal residency program and when he applied for the 1301 Permit he knew he did not meet the "technical" requirements for the permit so he submitted the fake MetroHealth Certificate and Col. Zuberi letter as proof of his anesthesia training. Respondent admitted that he also falsified his military performance reports he submitted to the Board in connection with the 2017 investigation by inflating the type and hours of training he had completed. Respondent stated that because he felt he had acquired the necessary anesthesia training through the military, the Board's approval was a formality. Respondent also admitted to using the fake Case Western Certificate to sit for a national certification examination (in an effort to secure employment).

22. Based on the totality of fraud and deceit associated with obtaining and maintaining his 1301 Permit, the Board finds that Respondent is a danger to the public health, safety or welfare and emergency action is required. The Board finds that Respondent's conduct demonstrates a conscious and intentional disregard for the applicable laws and regulations and poses imminent harm to the public. Respondent's conduct undermines the public's confidence in the dental profession and the Board's authority to regulate the dental profession for the purpose of protecting the public health and safety.

The Board further finds that Respondent is non-regulatable. His belief that the Board's approval of his 1301 Permit was just a formality shows he is willing to go to any lengths to put in practice something he feels he has the right to do even if he has not legally obtained the authority to do it. This raises a concern that Respondent could resume sedating patients if allowed to keep practicing or engage in other unethical conduct. By obtaining a 1301 Permit through fraudulent means in 2013 and continuing to practice dentistry utilizing that 1301 Permit, Respondent has put himself and his own interests above those of the public and the Board.

Heather N. Hardy moved and seconded by Robert B. Taylor. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Board members discussed the Interim Findings of Fact and conclusion of Law and found that there is an imminent danger to the public and have found the following:

1. A.R.S. § 32-1201.01(6), “Procuring or attempting to procure a certificate of the national board of dental examiners or a license to practice dentistry or dental hygiene by fraud or misrepresentation or by knowingly taking advantage of the mistake of another.”
2. A.R.S. § 32-1201.01(12), “Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of dentistry.”
3. A.R.S. §§ 32-1263.02(D) and 41-1092.11(B), “The safety and welfare imperatively require emergency action, pending proceedings for revocation or other action.

Heather N. Hardy moved and seconded by Nick Goodman. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Board members discussed making a motion to summarily suspend Dr. Pankaj Goyal’s license based on the Interim Findings of Fact.

Heather N. Hardy moved and seconded by Nick Goodman. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye

Anthony Herro, DDS – Aye

Board members made a motion on hiring outside counsel to represent the Board in case nos. 201400099 and 201700101.

Nick Goodman moved and seconded by Robert B. Taylor. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

Board members took a break for 1 minute.

REVIEW OF BOARD MEETING PROCESS

Executive Director, Ryan P. Edmonson explained the current process for two, “calls to the public,” and how it can be important to the complainant to be heard no matter how their case is finally adjudicated. Heather N. Hardy stated, “The board members will amend the process to allow for the complainants to address the Board during specific agenda item, specifically I would say that we would amend the agenda item and how it will give the complainant the option that they can talk at the call to the public if they don’t want to wait for their agenda item or they will have a chance for their agenda item.”

Heather N. Hardy moved and seconded by Robert B. Taylor. The motion passed unanimously 9 – 9 by the following roll call vote:

Robert B. Taylor, DDS – Aye
Heather N. Hardy, RDH – Aye
Morgan Burg – Aye
Marilyn J. McClain, RDH – Aye
John M. Harmon, IV, DDS – Aye
Russell J. Morrow, DDS – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
Anthony Herro, DDS – Aye

NEXT BOARD MEETING DATE

Friday, August 2, 2019

BOARD MEMBER TRAINING

Robert B. Taylor asked about Assistant Attorney General, Mary DeLaat Williams’ training and when it will take place. May have a special meeting for Mary DeLaat William’s training. Executive Director stated he will send out an email requesting dates and times that will be acceptable for board members to meet.

AJOURNMENT

Robert B. Taylor moved and seconded by Nick Goodman. The motion passed unanimously.