



Douglas A. Ducey,
Governor

Arizona State Board of Dental Examiners

“Caring for the Public’s Dental
Health and Professional Standards”

1740 West Adams Street, Suite 2470
Phoenix, Arizona 85007
P: 602.242.1492
E: info@dentalboard.az.gov
W: www.dentalboard.az.gov

OPEN SESSION MINUTES

October 1, 2021 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a board meeting at the Board’s office, in Boardroom B, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically due to the COVID-19 pandemic. The Board did not meet in executive session.

BOARD MEMBERS

	<i>Anthony Herro, DDS</i>	President and Licensed Dentist Member
	<i>Lisa B. Bienstock, DMD</i>	Vice-President and Licensed Dentist Member
X	Morgan B. Burg	Business Entity Member
	<i>Edward H. Christensen, DDS</i>	Licensed Dentist Member
	<i>Aditya Dynar</i>	Public Member
X	Tamer El-Gendy	Licensed Dentist Member
	<i>Nick Goodman</i>	Public Member
X	Marilyn J. McClain, RDH	Licensed Hygienist Member
	<i>Russell Jeffrey Morrow, DDS</i>	Licensed Dentist Member
	Vicki B. Penna, RDH	Licensed Hygienist Member
X	Leslie D. Seaman, DDS	Licensed Dentist Member
X	Absent	
	<i>Board members in italics participated in-person</i>	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

	<i>Ryan P. Edmonson</i>	Executive Director
	<i>Kristina C. Gomez</i>	Deputy Director
	<i>Marc Harris, Esq</i>	Assistant Attorney General
	John W. Dovgan, DDS	Chief Investigator
	<i>Sherrie Biggs</i>	Assistant Deputy Director
	<i>Lisa Schmelling</i>	Chief Compliance Officer
	<i>Selena Acuna</i>	Compliance Officer
	<i>Yazmin Bustamante</i>	Executive Assistant

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Regina Cobb State Representative and Executive Director, Arizona Dental Association

<i>Madalina C. Cutajar, RDH</i>	Applicant
<i>Ryan B. Gibson, DMD</i>	Applicant
<i>Roy P. Theriot, DDS</i>	Applicant
<i>Enoch W. Wiesner, DMD</i>	Applicant
<i>Day Reed</i>	Respondent
<i>Stephen D. Brown</i>	Respondent
<i>Frederick Cummings, Esq.</i>	Attorney for Respondent
<i>Sara M. Vizcarra</i>	Respondent
<i>Susan McLellan, Esq.</i>	Attorney for Respondent

Guests in italics participated in-person

I. CALL TO ORDER AND ROLL CALL

Dr. Hardy called the Board's meeting to order at 8:01 a.m. Roll call of the Board members was taken and a quorum was established.

II. INTRODUCTIONS OF NEW BOARD STAFF AND WELCOME TO/FROM REGINA COBB, NEW EXECUTIVE DIRECTOR OF THE ARIZONA DENTAL ASSOCIATION

The Board welcomed Dr. Cobb and thanked her for her continuous work. Mr. Edmonson introduced new board staff.

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

Dr. Bienstock declared a conflict of interest for agenda item no. VI.A.4.

Dr. Morrow declared a conflict of interest for agenda item nos. VI.B.2. and VI.C.1.

IV. CALL TO THE PUBLIC

No individuals addressed the Board.

III. INVESTIGATIVE COMMITTEE

The Board reviewed the list of proposed candidates and alternates. Mr. Edmonson provided a summary of the committee's role which would include making recommendations for the Board to review, modify and/or approve as deemed appropriate. As part of the discussion, the Board considered whether or not to have at least one board member serve in the Investigative Committee.

Motion: Dr. Morrow moved to adopt the recommendation for the proposed 11 members to serve on the Investigative Committee and directed board staff to offer them the assignment. If they choose to decline; invite the proposed alternates.

Second: Mr. Goodman

Vote: 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Mr. Dynar voted against the motion.

The Board further discussed electing an Investigative Subcommittee Chairperson.

Motion: Dr. Morrow moved to invite Dr. Sommerhalter to be the Investigative Subcommittee Chairperson.

Second: Ms. Penna

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Application(s) for Licensing of Dentist(s) or Hygienist(s) – A.R.S. § 32-1231 et seq. and 32-1281 et. seq. respectively

1. Cutajar, Madalina C., RDH

Ms. Cutajar was available during the Board's consideration of the matter.

Motion: Mr. Goodman moved to accept the application

Second: Dr. Bienstock

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

2. Gibson, Ryan B., DMD

Dr. Gibson was available during the Board's consideration of the matter and answered the Board's questions.

Motion: Dr. Morrow moved to grant Dr. Gibson licensure.

Second: Dr. Bienstock

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

3. Theriot, Roy P., DDS

Dr. Theriot was available to answer the Board's questions in regards to this matter.

Motion: Ms. Penna moved to grant licensure.

Second: Dr. Herro

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

4. Wiesner, Enoch W., DMD

Dr. Wiesner addressed the Board to thank board staff for their assistance.

Motion: Dr. Morrow moved to grant licensure.

Second: Dr. Christensen

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Bienstock was recused and did not participate in this matter.

B. Review of Investigation(s) – Case(s) Recommended for a Letter of Concern

1. 202000142; Day, Reed

Dr. Day was available to answer questions during the Board's consideration of this matter.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

2. 202000157; Brown, Stephen D.

Dr. Brown was available during the Board's consideration of the matter. Mr. Cummings addressed the Board and requested that the Board dismiss the case.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Morrow was recused and did not participate in this matter.

C. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 202000120; Vizcarra, Sara M.

Dr. Vizcarra was available during the Board's consideration of this matter. Ms. McLellan addressed the Board in representation of Dr. Vizcarra. Ms. McLellan further stated that the treatment from 2007 to 2014 was outside of the 4 year statute of limitations and that a detailed explanation for treatment was submitted. Ms. McLellan further stated that the complaint was filed due to an alleged billing error; however the patient was sent to collections and the money that was owed by the patient was forgiven in exchange for a release of all claims and withdrawal of the complaint. Ms. McLellan also provided the Board with copies of x-rays that relate to crown 30 and subsequently requested that the case be dismissed.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Morrow was recused and did not participate in this matter.

2. 202000126; Nelson, Amanda Ashley

Mr. Edmonson stated that Dr. Nelson requested to be present at the meeting but was not able to attend. The Board had questions for the respondent and agreed to table the case to a future meeting.

Motion: Dr. Morrow moved to table the consideration of the case to a future meeting.

Second: Mr. Dynar

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

D. Executive Director Complaint Terminations – A.R.S. § 32-1263.03

- | | |
|---------------|-------------------|
| 1. 202000073; | 6. 202000130; |
| 2. 202000091; | 7. 202000131; |
| 3. 202000092; | 8. 202000139; |
| 4. 202000100; | 9. 202000140; and |
| 5. 202000113; | 10. 202000144. |

Motion: Dr. Herro moved to accept the Executive Director’s recommendation to terminate the complaints.

Second: Mr. Dynar

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

VII. COVID-19 SAFETY PROTOCOLS

Mr. Edmonson referenced Senate Bill 1824 for COVID-19 vaccine passport prohibitions in Arizona.

VIII. EXECUTIVE DIRECTOR’S REPORT

A. Budget Update

Mr. Edmonson provided an update on the agency budget and the effort to have other Board’s contribute to cover technology update expenses for a shared boardroom.

IX. SUMMARY OF CURRENT EVENTS

Dr. Herro recognized Dr. Peter Spanganberg, a former dentist who passed away recently for the. In addition, Mr. Edmonson informed the Board of a recent news report pertaining to the Arizona State Board of Massage Therapy and respectfully reminded the Board of their role to protect the public.

X. DISCUSSION REGARDING FUTURE MEETINGS AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

The Board directed board staff to continue to agendize Investigative Committee and COVID-19 Safety Protocols for future meetings.

XI. NEXT BOARD MEETING DATE

A. November 5, 2021

XII. ADJOURNMENT

Motion: Mr Dynar moved to adjourn the meeting at 9:21 a.m.

Second: Mr. Goodman

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.