



Douglas A. Ducey,  
Governor

# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

### October 2, 2020

### Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 8:02 a.m. on Friday, October 2, 2020, which was held virtually and telephonically due to the COVID-19 pandemic. All participants, including guests participated either telephonically or virtually. The Board met in executive session from 10:12 a.m. to 10:33 a.m.

#### BOARD MEMBERS:

- ^ Heather N. Hardy, RDH..... President and Licensed Hygienist Member
- Robert B. Taylor, DDS ..... Vice-President and Licensed Dentist 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
  
- Left the meeting at 11:49 a.m.
- \* Left the meeting at 2:49 p.m.
- ^ Left the meeting at 3:13 p.m.
- Absent

#### STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
- Kristina Gomez ..... Deputy Director
- Seth T. Hargraves, Esq..... Assistant Attorney General
- John W. Dovgan, DDS..... Chief Investigator
- Michael Raine, Esq ..... Assistant Attorney General, Independent Legal Advisor
- Sherrie Biggs..... Licensing Manager
- Lisa Schmelling ..... Chief Compliance Officer
- Nancy Elia..... Licensing Administrator
- Selena Acuna ..... Compliance Officer
- Susie Adams..... Program and Project Specialist
- Jill Barenbaum ..... Information Processing Specialist

**GUESTS PARTICIPATING AND/OR PRESENT:**

Nadia Chernyavaskaya, DDS.....Applicant  
Complainant.....Case no. 201900303  
Complainant.....Case no. 201900169  
Catherine Bui, DDS .....Respondent  
Susan McLellan, Esq. ....Respondent’s Attorney  
Manuel Bedoya, DDS .....Respondent  
Mark S. Hank, DDS .....Respondent  
Jeffrey J. Tonner, Esq. ....Respondents’ Attorney  
Complainant.....Case no. 201900196  
Leah Schachar, Esq.....Respondents’ Attorney  
Matthew D. Arnall, DDS .....Respondent  
Katherine M. Corcoran, Esq. ....Respondents’ Attorney  
Nishant Chauhan, DMD.....Dental Consultant  
Complainant.....Case no. 201900218 & 201900302  
Complainant (Spouse).....Case no. 201900218 & 201900302  
Complainant.....Case no. 201800189  
Erik M. Unger, DDS .....Respondent  
Pouria Owtad, DDS .....Respondent  
Harry Collins, Jr., DMD .....Respondent  
Complainant.....Case no. 201900128  
Nicholas P. Rolfe, DMD.....Respondent  
Dina Anagnopoulos, Esq. ....Respondent’s Attorney  
Complainant.....Case no. 201900185  
Fredrick M. Rotstein, DDS .....Respondent  
Julia N. Drabs, DMD .....Respondent  
Behzah Garagozloo, DDS.....Respondent

**OPEN SESSION**

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 8:02 a.m. by Heather N. Hardy. Roll call of the Board members was taken and a quorum was established. The following order of business was then considered.

**CALL TO THE PUBLIC**

No one present wished to address the Board.

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

Dr. Robert B. Taylor declared a conflict on agenda item V.D.2. 201900145; Sandstrom, Paul

Dr. John W. Dovgan, declared a conflict on agenda item V.D.3. 201900148-MP; Rolfe, Nicholas.

Dr. Lisa B. Bienstock declared a conflict on agenda item V.C.2. 201900169; Bui, Catherine.

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

Discussion and approval of the Open Session Minutes from the August 7, 2020 board meeting

A motion was made by Dr. Robert B. Taylor, seconded by Nick Goodman and passed 9 – 1 – 0 to approve the Open Session Minutes from the August 7, 2020 board meeting.

*Dr. Russell J. Morrow abstained.*

Discussion and approval of the Amended Open Session Minutes from the August 21, 2020 board meeting

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed unanimously to approve the Open Session Minutes from the August 21, 2020 board meeting.

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

Review of Investigation(s)

201800189-MP, 201800218 & 201900302; Unger, Erik M.

The Board called the matter to review and discuss, but due to scheduling conflicts tabled the matter for later in the day.

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

Chernyavaskaya, Nadia

The applicant was present to address the Board and answer questions. The applicant addressed the two complaints that she faced in another jurisdiction.

After discussion, a motion was made by Dr. Russell J. Morrow, seconded by Aditya Dynar and passed 9 – 1 to grant the applicant a dentist license.

*Dr. Robert B. Taylor voted against the motion.*

Review of Investigation(s) – Cases Recommended for a Letter of Concern

201900181; Cole, Edward

Neither the respondent, nor the complainant were present or represented by an attorney. After discussion, a motion was made by Dr. John N. Harman, IV, seconded by Aditya Dynar and passed unanimously to issue a letter of concern to the respondent to inform patients of occlusal issues before treatment and that the respondent cannot request payment of outstanding bills before releasing records.

201900303; Morrison, Nicole Jiwon

The respondent was not present, nor was she represented legal counsel. The complainant was present and provided the Board with her experience and treatment by the dentist and summarized her complaint and desired outcome.

After discussion, a motion was made by Dr. Russell J. Morrow, seconded by Dr. John N. Harman, IV and passed unanimously to dismiss the case and close the file.

Review of Investigation(s) – Cases Recommended for Offer of Non-Disciplinary Consent Agreements

201900130-MP; Hank, Mark

Due to technical difficulties, of the respondent, the Board tabled the matter for later in the day.

201900169; Bui, Catherine

The respondent was present with legal counsel, Susan McLellan. The complainant was present and provided the Board with her experience and treatment by the dentist and summarized her complaint

and desired outcome. Ms. McLellan described the procedures that were done by the respondent. Dr. John W. Dovgan summarized the matter before the Board.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Nick Goodman to offer a non-disciplinary consent agreement to include four hours of continuing education (“CE”) in the area of record keeping and four hours of CE in treatment and diagnosis planning. Dr. Taylor rescinded his motion, second by Nick Goodman to allow Dr. Bui to address the Board. A motion was made by Dr. Taylor, seconded by Dr. Russell J. Morrow to offer a non-disciplinary consent agreement to include four hours of continuing education (“CE”) in the area of record keeping and four hours of CE in treatment and diagnosis planning. Dr. Taylor changed his motion, seconded by Dr. Morrow and passed 8 – 1 – 1 to offer a non-disciplinary consent agreement to include three hours of continuing education (“CE”) in the area of record keeping and three hours of CE in treatment and diagnosis planning.

*Dr. Lisa B. Bienstock abstained.*  
*Aditya Dynar voted against the motion.*

201900254; Bedoya, Manuel

The respondent was present. The complainant was not present. Heather N. Hardy requested that the matter be discussed, due to the investigation against the incorrect dentist.

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to dismiss the case and close the file and direct staff to open a complaint against Dr. Rosales.

201900130-MP; Hank, Mark

The respondent was present with legal counsel, Jeffrey J. Tonner. Dr. Hank summarized the matter, the patient was not taken off his blood thinner medication and a couple teeth were removed and subsequently had to go to the hospital. Dr. Hank responded to several questions from the Board.

After discussion, a motion was made by Dr. Anthony Herro, seconded by Dr. Russell J. Morrow and passed to offer a disciplinary consent agreement to include six hours of continuing education (“CE”) in the area of medically compromised patient, four hours of CE in risk management and three hours of CE in record keeping, all to be completed in six months and all CE taken online due to the COVID-19 pandemic. The CE hours will be in addition to the triennial renewal education hours. The statute referenced for the matter is 32-1201.01.(14). The motion passed 9 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Nay  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Aditya Dynar, Esq – Aye  
Nick Goodman – Aye  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye

Russell J. Morrow, DDS – Aye

201900196; Grampp, Carter A.

The respondent was not present. Leah Schachar, legal counsel for the respondent was present. The complainant was present and summarized the matter stating that she sought treatment for veneer replacement. Dr. Grampp made incorrect veneers in April and May, made correct veneers in June, experience microleakage in number eight, needed a root canal to have veneers done and number seven fell off. Ms. Schachar summarized the matter, stating that the case was related to veneers placed on 7, 8, 9 and 10. Ms. Schachar described the treatment plan and responded to Board questions.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Lisa B. Bienstock and passed unanimously to offer a non-disciplinary consent agreement to include three hours of continuing education (“CE”) in the area of record keeping and four hours of CE in ethics, all to be completed in six months and all CE taken online due to the COVID-19 pandemic. The CE hours will be in addition to the triennial renewal education hours.

*The Board took a break from 9:46 a.m. to 9:55 a.m.*

Roll Call

Heather N. Hardy, RDH – Present  
Robert B. Taylor, DDS – Present  
Lisa B. Bienstock, DMD – Present  
Morgan Burg – Absent  
Aditya Dynar, Esq – Absent  
Nick Goodman – Present  
John N. Harman, IV, DDS – Present  
Anthony Herro, DDS – Present  
Marilyn J. McClain, RDH – Present  
Russell J. Morrow, DDS – Present

201900201; Melstrom, Clark E.

Neither the respondent, nor the complainant were present or represented by an attorney.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. John N. Harman, IV and passed to offer a disciplinary consent agreement to include six hours of continuing education (“CE”) in the area of endodontics, six hours of endodontic complications and six hours of CE in implants, all to be completed in six months and all CE taken online due to the COVID-19 pandemic. The CE hours will be in addition to the triennial renewal education hours. The statute referenced for the matter is 32-1201.01.(14)(24). The motion passed 9 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Aditya Dynar, Esq – Abstained  
Nick Goodman – Aye

John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

Malpractice, Adverse Occurrence Report and/or Disciplinary Action  
201900325-AO; Arnall, Matthew

The respondent was present with legal counsel, Katherine M. Corcoran. Ms. Corcoran stated that the case was an adverse occurrence, report by Dr. Matthew Arnall pursuant to the statute, not a patient complaint. Dr. Michael J. Mansfield, Oral Surgeon, reviewed the case originally and determined no concerns with the care. The Board had a question regarding the IO access when it came before the Board. The IO access issue was sent for a second review done by Dr. Nishant Chauhan. Ms. Corcoran and Dr. Arnall responded to Board questions.

The Board discussed going into executive session to seek legal advice.

**EXECUTIVE SESSION**

A motion was made by Dr. Anthony Herro, seconded by Dr. Robert B. Taylor and passed unanimously to go into executive session at 10:12 a.m. to seek legal advice and discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) regarding a case.

After consideration in executive session, the Board reconvened in open session at 10:33 a.m.

**OPEN SESSION**

Roll Call

Heather N. Hardy, RDH – Present  
Robert B. Taylor, DDS – Present  
Lisa B. Bienstock, DMD – Present  
Morgan Burg – Absent  
Aditya Dynar, Esq – Absent  
Nick Goodman – Present  
John N. Harman, IV, DDS – Present  
Anthony Herro, DDS – Present  
Marilyn J. McClain, RDH – Absent  
Russell J. Morrow, DDS – Present

Malpractice, Adverse Occurrence Report and/or Disciplinary Action  
201900325-AO; Arnall, Matthew

Dr. Anthony Herro asked Dr. Nishant Chauhan, Arizona State Board of Dental Examiners Dental Consultant, to provide his background. Dr. Herro asked Dr. Chauhan for his interpretation of the case studies submitted in support of the IO vascular access in non-emergence settings. Dr. Chauhan summarized the articles that Dr. Matthew Arnall used in his response. Dr. Chauhan went on to explain his concerns regarding the case. Dr. Lisa B. Bienstock asked Dr. Chauhan how many cases he has done in his career. Dr. Chauhan responded to Dr. Bienstock and additional questions from the Board.

Dr. Arnall responded to a question from Dr. Taylor and other members. Dr. Arnall stated that none of the patients had any physical harm to them. Dr. Arnall was asked to explain how long he

had been practicing. Heather N. Hardy asked Dr. Arnall to respond to some of the statements made during the discussion. Dr. Arnall acknowledge something that he didn't put in his response, in his consent, it speaks directly to the kinds of situations that are unusual and there by necessity the practice of anesthesia there has to be the ability to make decisions for the best interest of the patient, which is reflected in his consent. Dr. Arnall read a statement from his consent agreement. Dr. Arnall summarized the adverse occurrence. Dr. Arnall stated that he followed the protocol exactly.

After discussion, a motion was made by Dr. Anthony Herro, seconded by Dr. Robert B. Taylor and passed to offer a disciplinary consent agreement to include three hours of continuing education ("CE") in the area of record keeping, four hours of record keeping and eight hours of CE in anesthesia hands-on practice starting IVs and the maintenance of running a case, all to be completed in twelve months. The CE hours will be in additional to the triennial renewal education hours. The statute referenced for the matter is 32-1201.01. The motion passed 9 – 0 by the following roll call vote:

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

*Aditya Dynar left the meeting at 11:49 a.m.*

#### Roll Call

Heather N. Hardy, RDH – Present  
Robert B. Taylor, DDS – Present  
Lisa B. Bienstock, DMD – Present  
Morgan Burg – Present  
Aditya Dynar, Esq – Absent  
Nick Goodman – Present  
John N. Harman, IV, DDS – Present  
Anthony Herro, DDS – Present  
Marilyn J. McClain, RDH – Absent  
Russell J. Morrow, DDS – Present

#### Review of Investigation(s)

201800189-MP, 201800218 & 201900302; Unger, Erik M.

The respondent was present with legal counsel, Jeffrey J. Tonner. The complainant and his wife were present. The complainant summarized the history of the case and the treatment he received. The patient stated his current health condition and showed the Board pictures of his mouth. The patient's wife made comments regarding Dr. Unger and requested compensation. She wants the doctor's license to be revoked.

Mr. Tonner made a statement and Dr. Unger responded to Board questions. Mr. Tonner stated that there is a civil lawsuit pending. Mr. Tonner stated that there is just not enough to see in the beginning and believe the case should be dismissed. Dr. Unger stated that he does all his initial examination and goes into medical history. Dr. Unger explained the treatment provided to the patient.

Board staff reminded the Board that this case was brought, because the Board voted the case to a hearing, the respondent was unresponsive through the investigation. There was a motion to proceed to a hearing to revoke for failure to respond and submit records pursuant to the subpoena. The investigation is complete, that is why it is back on the agenda. Dr. Russell J. Morrow asked why Dr. Unger did not respond to the Board. Dr. Unger stated that he moved to Minnesota and his mail was not appropriately transferred and Mr. Tonner got involved to help respond. Mr. Tonner stated that the \$500.00 fine for late records was paid. There is another case involving his non-compliance with a subpoena that the Board order out to go to formal hearing.

Seth T. Hargraves, Assistant Attorney General explained that there are three separate cases before the Board that were previously voted to hearing for different issues of non-responsiveness, but the Board decided to continue the investigation of the care issues. Only the care issues are back before the Board now. Mr. Tonner stated that there were four cases before the Board pending; three cases are on the agenda for dentistry. Case number 201900033 was sent out to the Office of Administrative Hearings for non-compliance issue. Dr. Anthony Herro and Dr. Russell J. Morrow rescinded their earlier motion for dismissal.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed to rescind case numbers 201800189-MP, 201800218 and 2201900302 sent the Office of Administrative Hearing. The motion passed 8 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Nay  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

A motion was made by Heather N. Hardy and seconded by Robert B. Taylor to dismiss case numbers 201800189-MP, 201800218 and 2201900302 and close the file. The motion passed 8 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Nay  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye



Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

Dr. John N. Harman, IV directed staff to put the fourth case on a future agenda for consideration of resending, case number 201900033.

*The Board took a break from 12:35 p.m. to 12:45 p.m.*

#### Roll Call

Heather N. Hardy, RDH – Present  
Robert B. Taylor, DDS – Present  
Lisa B. Bienstock, DMD – Absent  
Morgan Burg – Present  
Nick Goodman – Absent  
John N. Harman, IV, DDS – Present  
Anthony Herro, DDS – Present  
Marilyn J. McClain, RDH – Absent  
Russell J. Morrow, DDS – Present

*Dr. Lisa B. Bienstock was back in the meeting at 12:47 p.m.*

#### 201900315; Samain, Omaima

The respondent was not present. Jeffrey J. Tonner, legal counsel for the respondent was present. The complainant was not present. Mr. Tonner summarized the matter and asked for the Board to dismiss the case. The board dental investigator, Dr. John W. Dovgan had questions for Mr. Tonner. Mr. Tonner responded to Dr. Dovgan and responded to additional Board questions.

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to issue a letter of concern regarding the respondent's need to document the teeth number and material issued in treatment notes.

#### 201900321; Owtad, Pouria

The respondent was present with legal counsel, Susan McLellan. The complainant was not present. Ms. McLellan stated that the patient had not had a cleaning in ten years and refused some of the x-rays returning later for an emergency exam. The patient became physical with Dr. Pouria Owtad.

After discussion, a motion was made by Dr. Russell J. Morrow, seconded by Dr. John N. Harman, IV and passed unanimously to dismiss the case and close the file.

#### Review of Investigation(s) – Case Recommended for Offer of Disciplinary Consent Agreements 201900128; Collins Jr., Harry E.

The respondent was present with legal counsel, Jeffrey J. Tonner. The complainant was not present. Mr. Tonner summarized the matter by stating the patient was a sixty-year-old woman with a usual existing bridge from three to twelve, four, five, six and eight were pontics, quadruple abutment nine, ten, eleven and twelve. Dr. Robert B. Taylor had concerns with the numerous places of open margins and believes that is why the bridge failed. Dr. Collins stated that he took films before the bridge was cemented; everything was good and checked the margins carefully. Dr. John

W. Dovgan had follow up questions for Dr. Collins. The person who bought the practice did not keep complete patient records.

After discussion, a motion was made by Dr. John N. Harman IV, seconded by Dr. Robert B. Taylor and passed to offer a disciplinary consent agreement to include six hours of continuing education (“CE”) in the area of crown and bridge, restitution to the patient of thirty percent of \$3,436.00 and restitution to the insurance of thirty percent of \$2,500, all to be completed in six months and CE taken online due to the COVID-19 pandemic. The CE hours will be in addition to the triennial renewal education hours. The statute referenced for the matter is 32-1201.01.(14). The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Aye  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

201900145; Sandstrom, Paul

Neither the respondent, nor the complainant were present or represented by an attorney. Heather N. Hardy summarized the matter. The Board made comments regarding the case.

After discussion, a motion was made by Dr. Anthony Herro, seconded by Dr. John N. Harman, IV and passed to offer, accept the proposed disciplinary consent agreement. The motion passed 8 – 0 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Aye  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

*Dr. Robert B. Taylor had a conflict.*

201900145-MP; Rolfe, Nicholas

The respondent was present with legal counsel, Dina Anagnopoulos. The complainant was not present. Due to technical difficulties, of the respondent, the Board tabled the matter for later in the day.

201900128; Collins Jr., Harry E.

The complainant asked if she could speak regarding the matter since she was having technical difficulties. Mr. Jeffrey J. Tonner agreed to allow the complainant to speak before the Board. She made a brief statement.

201900145-MP; Rolfe, Nicholas

The respondent was present with legal counsel, Dina Anagnopoulos. The complainant was not present. Ms. Anagnopoulos made a brief statement regarding the matter. The dental consultant stated that Dr. Rolfe misdiagnosis the tooth with the infection and the post op pain does not necessarily signify an infection. The patient had been complaining of pain that was increasing since her root canal a month prior. Dr. Rolfe stated that he felt so bad about what happened that he was willing to do anything to help her. A civil lawsuit came later. The matter was resolved. The Board had several follow up questions for the respondent.

After discussion, a motion was made by Dr. John N. Harman, IV and seconded by Marilyn J. McClain to dismiss the case and close the file. The motion passed 7 – 2 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Nay  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Aye  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Nay

201900149-MP; Jackson, Roger

The matter was table for later in the day to allow either the respondent or complainant to join the call.

201900185; Hirpara, Piyush

The respondent was present with legal counsel, Susan McLellan. The patient was present and provided a summary of the matter. The patient stated her current oral health condition and the doctor’s negligence. She now has to have dentures for the rest of her life. Ms. McLellan stated that the complaint the patient filed was only regarding bridge eleven to fourteen. Ms. McLellan stated that Dr. Hirpara admits after his review of the case, that he saw the issues and could have done things better with the bridge. Dr. Hirpara made a statement about wanting to help the patient out with what she wanted because of her limited finance and should not have agreed with the patient to do the bridge.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed unanimously to offer a non-disciplinary consent agreement to include six hours of continuing education (“CE”) in the area of crown and bridge and four hours of record keeping, all to be completed in six months and all CE taken online due to the COVID-19 pandemic.

201900149-MP; Jackson, Roger

Neither the respondent, nor the complainant were present or represented by an attorney. Dr. John W. Dovgan referred to a CBCT scan of the particular implant and his concerns. Dr. Robert B. Taylor had the same concern.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Anthony Herro and passed to offer a disciplinary consent agreement as stated, with the findings and conclusions set forth in the proposed document. The motion passed 8 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Absent  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

201900194; Condie, Shandy S.

Neither the respondent, nor the complainant were present or represented by an attorney.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. John N. Harman, IV and passed to offer a disciplinary consent agreement as stated, with the findings and conclusions set forth in the proposed document, in addition to six hours of continuing education (“CE”) in the area of oral surgery. The CE hours will be in addition to the triennial renewal education hours. The motion passed 8 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Absent  
John N. Harman, IV, DDS – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

201900217; Rotstein, Fredrick M.

The respondent was present. The complainant was not present. Dr. Rotstein summarized the case by stating that the complainant received a \$800.00 refund nine or ten months ago. The complainant contacted the Board to have the case withdrawn since the patient received a refund.

After discussion, a motion was made by Dr. Russell J. Morrow and seconded by Dr. Robert B. Taylor and passed 8 – 0 – 1 to dismiss the case and close the file.

*Nick Goodman abstained.*

201900281; Samain, Omaima

The respondent was not present. Jeffrey J. Tonner, legal counsel for the respondent was present. Mr. Tonner asked for the matter to be tabled. The patient mentioned two subsequent doctors. The consultant reference the subsequent doctors' information in the report. The report and summary was sent to Mr. Tonner in June but he never received the follow up records from the subsequent doctors. Mr. Tonner does not have the records at this point. Mr. Tonner thanked Ryan P. Edmonson for working this out.

A motion was made by Dr. Russell J. Morrow, seconded by Dr. Lisa B. Bienstock and passed unanimously to table the matter until the attorney and doctor have an opportunity to view the records.

201900307; Moss, Mark

Neither the respondent, nor the complainant were present or represented by an attorney. Heather N. Hardy summarized the matter and stated that the dental consultant did not find supporting evidence against the doctor.

After discussion, a motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor, and passed unanimously to dismiss the case and close the file.

Dr. Taylor instructed staff to open and investigate the case against Alta Sky in regards to fraudulent bill.

Review of Request(s) for Extension(s) and/or Online Continuing Education Course(s)

201900159; Chang, Doug/DC Dental

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed unanimously to grant the respondent's request due to the COVID-19 pandemic and allow for the respondent to complete the required continuing education online an additional four months to complete it.

Response/Non-response to Offered Consent Agreement(s)

201900102; Garagozloo, Behzah

The respondent was present with legal counsel, Leah Schachar. Due to technical difficulties, of the respondent, the Board tabled the matter for later in the day.

*Dr. John N. Harman, IV left the meeting at 2:49.*

202000034; Drabs, Julia

The respondent was present with legal counsel, Susan McLellan. Dr. Lisa B. Bienstock read the letter from Ms. McLellan regarding their request for a letter of concern. Dr. Drabs made mistakes, however, she has discontinued seeing patients under the age of six. Ms. McLellan has stated that Dr. Drabs has already taken continuing education courses as well.

A motion was made by Dr. Lisa B. Bienstock, seconded by Dr. Robert B. Taylor and passed unanimously to rescind the offer of the consent agreement and issue a letter of concern.

Response/Non-response to Offered Consent Agreement(s)

201900102; Garagozloo, Behzah

The respondent was present with legal counsel, Leah Schachar. Ms. Schachar stated that Dr. Garagozloo does not have issue with the non-disciplinary consent agreement but wanted the modification that were proposed as outlined in the letter to the Board. The deviation from the standard of care is related to issues with documentation.

After discussion, a motion was made by Dr. Robert B. Taylor and seconded by Dr. Russell J. Morrow to accept the offered disciplinary consent agreement and accept the amendments proposed. The motion passed 8 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye  
Morgan Burg – Aye  
Nick Goodman – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

201900102; Barrett, Clayton Collins

The respondent was not present. Leah Schachar, legal counsel for the respondent was present. Ms. Schachar does not take issue with the consent agreement or continued education hours. He would like to see the amendments outlined in the letter.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Heather N. Hardy and passed unanimously to accept the offered non-disciplinary consent agreement and accept the amendments proposed.

201900116; Tehrani, Modjeh Anvari

The respondent was present with legal counsel, Robert Kethcart. This matter was on the agenda on the August 7, 2020 meeting and the Board offered a disciplinary consent agreement. After the meeting, they discovered important information had not been provided to the Board before the August 7 meeting. A copy of Dr. Anvari's response to the report and summary was not provided to the Board, which was submitted in October 2019. A copy of her response was included in the September 4 letter. Mr. Kethcart stated that Dr. Anvari appreciates what the Board had to say about the case and Dr. Anvari is working on improving her documentation, documenting her discussions with patients. She appreciate she should have not delivered the crown on thirteen and taking steps that does not happen in the future.

After discussion, a motion was made by Dr. Robert B. Taylor and seconded by Dr. Russell J. Morrow to accept the offered disciplinary consent agreement and accept the amendments proposed in tabs B and C with no restitution since money was not paid out. The motion passed 8 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye  
Robert B. Taylor, DDS – Aye  
Lisa B. Bienstock, DMD – Aye

Morgan Burg – Aye  
Nick Goodman – Aye  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye

### **CONSENT AGENDA**

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed unanimously to approve the consent agenda, agenda items (VI.)(A.)(1 – 7) and agenda item (VI.)(B.)(1).

*Heather N. Hardy left the meeting at 3:13 p.m.*  
*Dr. Lisa B. Bienstock left the meeting at 3:13 p.m.*

### **Roll Call**

Robert B. Taylor, DDS – Present  
Morgan Burg – Present  
Aditya Dynar, Esq – Present  
Nick Goodman – Present  
John N. Harman, IV, DDS – Present  
Anthony Herro, DDS – Present  
Marilyn J. McClain, RDH – Present  
Russell J. Morrow, DDS – Present

### **PROVISIONAL LICENSING**

The Board discussed Governor Ducey’s Executive Order 2020-17, continuity of work, where the Executive Order permits the Board discretion related to provisional licensing and subsequent license suspensions 20 days after the in-person testing centers reopen, or the examinations otherwise become available. Sherrie Biggs responded to questions from the Board, stating that all provisional licensees have been contacted.

A motion was made by Dr. Robert B. Taylor, seconded by Nick Goodman and passed unanimously that provisional licensees have twenty days to pass their exam from the date of the meeting, October 2, 2020 or their license will be suspended and suspend the licensee who failed right now.

### **EXECUTIVE DIRECTOR’S REPORT**

The Board Executive Director provided an update of the Board’s budget and licensing and compliance statistics.

### **CALL TO THE PUBLIC**

Sean Murphy, Executive Director with the Arizona Dental Association made a statement regarding the Board’s financial situation and the fund sweep that took place.

### **SUMMARY OF CURRENT EVENTS**

No discussion was made.

### **DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

No discussion was made.

**NEXT BOARD MEETING DATE**

Friday, October 30, 2020 (*special meeting – rules*)

Friday, December 4, 2020 (*regular scheduled meeting*)

**ADJOURNMENT**

A motion was made by Dr. Robert B. Taylor, seconded by Anthony Herro and passed unanimously to adjourn the Board meeting at 3:46 p.m.