



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](mailto:info@dentalboard.az.gov)  
W: <https://dentalboard.az.gov>

## OPEN SESSION MINUTES

### December 4, 2020 Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 8:08 a.m. on Friday, December 4, 2020 at the Board’s office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically due to the COVID-19 pandemic. The Board met in executive session during its consideration of agenda items V.C.1, V.E.1-6 and V.F.1-15 as stated herein.

#### 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
  - ⊕ Joined the meeting around 8:12 a.m.
  - ⌚+ Absent from 11:52 a.m. to 12:27 p.m.
  - ⌚# Absent from 12:10 p.m. to 1:03 p.m. and then from 2:05 p.m. to adjournment
- Board members in italics participated in-person*

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

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

*Staff members in italics participated in-person*

**GUESTS PARTICIPATING AND/OR PRESENT:**

- Sean Murphy, JD, Executive Director ..... Arizona Dental Association
- Michelle Valerie*..... Complainant’s Spouse
- Debra Catania* ..... Complainant’s Sister-in-law
- Jeffery J. Tonner, Esq. .... Attorney for Respondents
- James King.....Applicant
- Tracye Moore.....Applicant
- Wade Pilling.....Applicant
- Pejman Moghbeli.....Respondent
- Dina Anagnopoulos, Esq. .... Attorney for Respondent
- Leah Schachar, Esq. .... Attorney for Respondents
- Shawn Kinney*.....Respondent
- Jefferson Hayden, Esq.* ..... Attorney for Respondent
- Mital Patel, DDS.....Respondent
- Darrel Sims, DDS* ..... Respondent
- Robin Sums*..... Witness for Case No. 202000007
- Dawn Rivera* ..... Witness for Case No. 202000007
- Complainant..... Case No. 201900266
- Kimberly Mack, RDH.....Respondent
- Complainant*..... Case No. 202000014
- Matthew Phillips, DDS ..... Respondent
- Brian Colao, Esq. .... Attorney for Respondent
- Alicia King, DDS.....Respondent
- Susan McLellan, Esq. .... Attorney for Respondents
- Complainant..... Case No. 201900259
- Zoran Illic, DDS.....Respondent
- Jason Rice, DDS ..... Respondent
- Caleb Goodman, DDS ..... Respondent
- Complainant*..... Case No. 201900267
- Randall Nunley, DDS*..... Respondent
- Michelle Thompson, Esq.* ..... Attorney for Respondent
- Complainant..... Case No. 201900281
- Omaima Samain, DDS.....Respondent
- Jessica Robertson, DDS ..... Guest

*Guests in italics participated in-person*

**OPEN SESSION**

**I. CALL TO ORDER AND ROLL CALL**

President Hardy called the meeting to order at 8:08 a.m. Roll call of the Board members was taken and a quorum was established.

**II. CALL TO THE PUBLIC**

Sean Murphy asked the Board to consider agendizing a discussion at a future meeting relating to a presentation by the Arizona Dental Association regarding its ability to come up with a Continuing Education (“CE”) system that could be utilized by the Board at no cost. President Hardy instructed staff to agendize this topic at a future meeting for the Board’s consideration, review and discussion.

Michelle Valerie addressed the Board on behalf of patient AR regarding a case involving Dr. Unger, and stated her concerns relating to the Board's processes and the investigation.

Deborah Catania addressed the Board on behalf of patient AR regarding cases against Drs. Cooperman and Unger, and stated her concerns with the Board's processes and the investigations.

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

Dr. Morrow declared a conflict on agenda item number V.D.1. 201900266; Mack, Kimberly.

Dr. Herro declared a conflict on agenda item number V.C.6. 201900298; Patel, Mital.

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

**H. Formal Hearing Case(s)/Motion to Deem**

1. 201900331, 202000040, 202000070, 202000086 & 202000098; Botar, Andrea

AAG Hargraves participated on behalf of the State and AAG Raine participated to provide the Board with independent legal advice. The licensee was not present during the Board's consideration of this matter.

AAG Hargraves summarized that the Formal Hearing was scheduled for November 5, 2020 and that the licensee failed to respond to the Complaint and Notice of Hearing. AAG Hargraves asked the Board to vacate the Hearing, grant his Motion to Deem, and issue an Order revoking the license, with the proposed correction to a typographical error on page 6 to correctly reference the statutory citation of A.R.S. § 32-1263.01.

MOTION: Dr. Morrow moved for the Board to grant the State's Motion to Deem the allegations admitted.

SECOND: Vice-President Taylor

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Morrow moved for the Board to adopt the factual allegations and alleged violations as the Findings of Fact and Conclusions of Law and Order, and adopt the proposed Board Order for license revocation.

SECOND: Vice-President Taylor

*President Hardy – Aye*

*Vice-President Taylor – Aye*

*Dr. Bienstock – Aye*

*Ms. Burg – Aye*

*Mr. Dynar – Aye*

*Mr. Goodman – Aye*

*Dr. Harman – Aye*

*Dr. Herro – Aye*

*Ms. McClain – Aye*  
*Dr. Morrow – Aye*  
*Dr. Seaman – Aye*

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.  
MOTION PASSED.

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. Kim, Alexander Youngwhan

MOTION: Vice-President Taylor moved for the Board to grant licensure.

SECOND: Dr. Harman

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. King, James Frank

Dr. King and Attorney Jeffery Tonner participated in the virtual meeting during the Board’s consideration of this matter, made a statement and answered Board members’ questions.

Vice-President Taylor observed that Dr. King previously surrendered his Arizona license and questioned whether the terms and conditions of the prior Board Order have been satisfied. Mr. Tonner reported that Dr. King complied with the terms, and explained that he was previously licensed in 1991 and had no issues for ten years. He stated that in 2001, Dr. King was working for a company who closed their doors, and he did not update his contact information with the Board. Three patients filed complaints with the Board and subpoenas were sent to the old office address. As a result, Dr. King was sanctioned for issues relating to a lack of records. Mr. Tonner reported that Dr. King thereafter worked for the next thirteen years in Arizona and five years in Illinois with no other issues reported.

Board staff confirmed that Dr. King complied with his Board Order and that there was nothing outstanding. Mr. Goodman observed that Dr. King was previously sanctioned in Arizona for what Mr. Goodman explained was due to Dr. King’s failure to provide a forwarding address, has been practicing elsewhere for a number of years in good standing, and is returning to practice in Arizona.

MOTION: Vice-President Taylor moved for the Board to grant licensure.

SECOND: Mr. Goodman

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

3. Moore, Tracye A.

Ms. Moore participated in the virtual meeting during the Board’s consideration of this matter, made a statement and answered Board members’ questions. She stated that she has been living in Arizona for eight years and teaches at Northern

Arizona University, she applied for a license in order to participate in an upcoming event, and that she is currently licensed in three other states.

MOTION: Vice-President Taylor moved for the Board to grant licensure.

SECOND: Ms. McClain

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

4. Pilling, Wade Young

Dr. Pilling participated in the virtual meeting during the Board's consideration of this matter, made a statement and answered Board members' questions. Dr. Pilling reported that he periodically travels to Arizona to teach under his temporary license, which he stated is due to expire and led to his application for full licensure. The Board observed that Dr. Pilling was issued a Letter of Concern and assessed a fine by the Idaho Board relating to his advertising practices in 2007. Dr. Pilling reported that he complied with the Idaho Board's requirements, that the Letter of Concern was considered non-disciplinary, that he has a residence in Arizona where he resides when he comes here to teach and that he may potentially want to practice in Arizona in the future.

The Board discussed that a temporary license expires after two years, and allows the dentist to volunteer on fourteen occasions during that period of time. Board staff reported that Dr. Pilling's temporary license expired on October 9, 2020. The Board also discussed the qualifications for the universal recognition of licensure pathway.

MOTION: Dr. Morrow moved for the Board to grant licensure.

SECOND: Dr. Herro

VOTE: 10-aye, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

*Vice-President Taylor voted against the motion.*

B. Review of Investigation(s) – Case(s) Recommended for Dismissal

1. 201900222; Jenista, James

Attorney Jeffery Tonner participated in the virtual meeting during the Board's consideration of this matter on behalf of Dr. Jenista and was available for Board members' questions. Mr. Tonner confirmed, for the Board, that another dentist did the work in this case.

MOTION: Vice-President Taylor moved for the Board to dismiss the case.

SECOND: Mr. Dynar

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

2. 201900230; Moghbeli, Pejman

Dr. Moghbeli and Attorney Dina Anagnopoulos participated virtually during the Board's consideration of this matter. Ms. Anagnopoulos stated that the case does not rise to the level of a Letter of Concern, that there is no reliable evidence to demonstrate that the restoration placed by Dr. Moghbeli was at the bone level and requested dismissal of the investigation. Dr. Dovgan agreed that a subsequent x-ray showed that the restoration was not placed at the bone level.

MOTION: Vice-President Taylor moved for the Board to dismiss the case.

SECOND: Dr. Harman

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

3. 201900234; Kirch, Justin

MOTION: Dr. Morrow moved for the Board to issue a Letter of Concern for lack of recordkeeping.

SECOND: Vice-President Taylor

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

4. 201900288; Spanganberg, Peter

Attorney Leah Schachar participated in the virtual meeting during the Board's consideration of this matter on behalf of Dr. Spanganberg, made a statement and answered Board members' questions. She stated that the consultant's report addressed issues with the restorative care and treatment, which was not provided by Dr. Spanganberg in this case and asked that the Board dismiss the investigation.

The Board observed that Dr. Spanganberg was not the provider who did the prosthetic, and discussed initiating a case against Dr. Church.

MOTION: Vice-President Taylor moved for the Board to dismiss the case and direct Board staff to initiate a case against Dr. Church who did the prosthetic.

SECOND: Dr. Herro

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

5. 201900291; Kinney, Shawn

Dr. Kinney and Attorney Jefferson Hayden were present during the Board's consideration of this matter, made statements and answered Board members' questions. Mr. Hayden stated that the consultant found Dr. Kinney met the standard of care in this case, with the exception of written informed consent. Mr. Hayden reported that Dr. Kinney was not in direct control of all administrative issues with the practice, but has since implemented changes and created a standard written informed consent for all procedures and surgeries. He asked the Board to dismiss the case without a Letter of Concern.

Dr. Morrow commented that whether or not the licensee was responsible for administrative matters in the practice, he was responsible for the consent form

as the patient's provider. Dr. Kinney stated that he accepts responsibility for the concerns relating to the consent form, and assured the Board that he does include written informed consent in all notes. Dr. Herro recognized that the concern raised in this case was an administrative issue that has since been corrected and that the licensee reported that he did obtain verbal consent at every appointment. Dr. Herro recognized that Dr. Kinney has implemented changes in his practice with regard to informed consent and spoke in support of dismissing the investigation. President Hardy agreed with Dr. Herro's comments and noted that the physician documented in the chart that verbal consent was obtained.

MOTION: Dr. Herro moved for dismissal.

SECOND: Vice-President Taylor

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

6. 201900298; Patel, Mital

Dr. Patel and Attorney Jeffery Tonner participated virtually during the Board's consideration of this matter, made statements and answered Board members' questions. Mr. Tonner addressed the issues raised by the complainant and explained that Dr. Patel offered to see the patient when a sinus perforation was reported two days later, but the patient declined and elected to be seen elsewhere. Dr. Dovgan questioned the licensee regarding how he checks to determine whether the sinus was perforated during a procedure. Dr. Patel explained that he normally waits for signs such as noises through breathing and monitors the patient. He stated that he did not have an opportunity to further evaluate as the patient did not return for the planned 24-hour checkup, declined his offers to be seen in the office and elected to seek care elsewhere. Dr. Patel stated that he has patients blow after extractions to see if there was any motion or movement, that this was done for the current case and that he discharged the patient with no concerns. Dr. Dovgan noted that this was not documented in the chart notes.

Dr. Bienstock questioned whether this was a common occurrence and if the perforation could have occurred after the patient was discharged. Dr. Dovgan explained that sinus perforation occurs 8-10% of the time and that most heal up on their own if given the proper precautions. Dr. Bienstock commented that she found the postoperative treatment to have been excellent, noting that the licensee was available and wanted the patient to return for further work up and treatment.

MOTION: Dr. Bienstock moved for dismissal.

SECOND: Dr. Morrow

VOTE: 10-aye, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

Vice-President Taylor proposed directing staff to research whether Dr. Patel collected payment for the lower denture and return to the Board at a future meeting. The Board discussed rescinding its motion for dismissal in order to further investigate. Mr. Tonner proposed allowing the licensee to respond to the

Vice-President's concerns in lieu of further investigation into payment for the lower denture.

MOTION: Vice-President Taylor moved for the Board to rescind the dismissal and question the licensee.

SECOND: Dr. Morrow

VOTE: 10-aye, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

Dr. Patel explained that they made the upper and lower dentures for the patient, which required pre-authorization, and that the payment was collected at the start of treatment, but the patient elected to seek care elsewhere before receiving the lower denture that had already been made. Dr. Patel reported that he contacted the insurance company and issued a full refund in order for the patient to get the dentures made elsewhere.

MOTION: Vice-President Taylor moved for dismissal.

SECOND: Dr. Morrow

VOTE: 10-aye, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

*Dr. Herro declared a conflict and did not participate in this matter.*

7. 202000007; Sims, Darrell

Dr. Sims was present during the Board's consideration of this matter along with his staff member, Dawn Rivera, made statements and answered Board members' questions. Dr. Sims addressed the issues raised in this case stating that the patient presented with a referral for extraction of tooth #17 and that informed consent was obtained from the patient for the procedure performed.

In response to the Vice-President's line of questioning, Dr. Sims reported that the initial referral was for extraction of wisdom teeth and that a second referral came days later. Ms. Rivera clarified that the initial referral was handwritten by a staff member based on what was reported by the patient when she called the office. She stated that after the incision was made and they discovered that tooth #17 had already been extracted, they called the patient's dentist to question what was going on and subsequently received a fax from the dentist indicating that teeth #1 and #32 needed extraction. Dr. Morrow questioned whether an x-ray was obtained prior to making an incision to extract tooth #17. Dr. Sims stated that the patient presented with an adequate radiograph and that he had no questions regarding its authenticity, which showed that tooth #17 was present.

Dr. Morrow stated his concerns regarding the treatment provided in this case and that non-disciplinary CE in risk management is warranted. He also noted that the prescription for narcotics did not include the number of tablets. President Hardy questioned whether CE in recordkeeping should also be required. The Board noted that risk management courses often cover recordkeeping as well.



MOTION: Dr. Morrow moved for the Board to offer a non-disciplinary Consent Agreement for CE requiring completion of 4 hours in risk management within six months and in addition to the CE hours required for license renewal. If the licensee declines, invite to appear before the Board for a Formal Interview.

SECOND: President Hardy

The Board discussed whether a panoramic x-ray should have been performed prior to the procedure in light of the referral to extract wisdom teeth. Dr. Herro stated his concerns relating to the licensee's failure to confirm with the referring dentist prior to incision. Dr. Sims stated that panoramic x-rays do not always depict the true definition of the impaction. He stated that the patient's radiograph showed tooth #17 was still intact and that he did not see where he was at fault in this case.

Dr. Herro stated his concerns regarding the removal of a partial boney tooth using a radiograph was incomplete. Vice-President Taylor stated his concerns regarding the licensee proceeding with incision based on the patient's request and without first confirming with the referring dentist. Dr. Bienstock commented that while not every extraction requires panoramic imaging, an updated radiograph is required to diagnose something as partial boney. Mr. Goodman spoke against the motion and stated that this case rises to more than a non-disciplinary Consent Agreement for CE.

VOTE: 10-aye, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

*Mr. Goodman voted against the motion.*

D. Review of Investigation(s) – Case(s) tabled from September 4, 2020 board meeting for further clarification/investigation

1. 201900266; Mack, Kimberly

Ms. Mack and Complainant RT were present during the Board's consideration of this matter, made statements and answered Board members' questions. RT asked the Board to clarify its process for declaring a conflict of interest and where she could find information on penalties for perjury. She stated that the records in the Board's possession are not accurate or complete, that she did not believe the Board was fulfilling its mission and that the public was not being served.

Ms. Mack stated that RT's actions are defamatory and without merit, and that she made false claims to the Board while under oath. She stated that much of the complainant's concerns relate to a \$5,000 payment to the office that was inadvertently entered on RT's daughter's ledger and assured the Board that the accounts were appropriately adjusted once this was discovered. Dr. Mack reported that the practice underwent two separate in-depth audits by insurance companies as well as the Board's consultant with no discrepancies identified in the ledgers.

In response to President Hardy’s request for the AAG to address RT’s questions, AAG Hargraves clarified that he cannot provide the public with legal advice and that a Board member can declare a conflict at any time that they are aware a conflict exists. He added that pursuant to statute, the contents of the Board’s investigation are confidential and that there is no provision in statute to allow for the Board to turn over records to the complainant.

The Board noted that this matter was previously tabled in order for Dr. Dovgan and his staff to review the billing records from the practice. Dr. Dovgan reported that there was billing information in multiple charts, some illegible and impossible to follow, but that he was able to get all of the pieces together and determined that there were no findings of fraud or any improprieties. In response to the Vice-President’s questioning, Dr. Mack confirmed that she never provided any service on this patient or her family.

Vice-President Taylor observed that there is no evidence to support that the licensee ever looked at this patient or worked on her and he spoke in favor of dismissing the investigation.

MOTION: Vice-President Taylor moved for dismissal.

SECOND: Mr. Goodman

VOTE: 10-aye, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

*Dr. Morrow declared a conflict and did not participate in this matter.*

*The Board took a break from 10:13 a.m. to 10:25 a.m. and upon return a roll call confirmed a quorum of members.*

E. Review of Investigation(s) – Case(s) Recommended for Issuance/Offer of Non-Disciplinary Consent Agreements for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 201900170; Zoumbaris, Brooke
2. 201900213; Zoumbaris, Brooke
3. 201900232; Zoumbaris, Brooke
4. 201900245; Zoumbaris, Brooke
5. 201900268; Zoumbaris, Brooke
6. 202000014; Zoumbaris, Brooke

The Board considered and discussed cases 1-6 in conjunction with Agenda Item No. V.C.1. involving Dr. Zoumbaris.

MOTION: President Hardy moved for the Board to consolidate the cases in items 1-6 as well as Agenda Item No. V.C.1.

SECOND: Vice-President Taylor

During discussion and prior to the vote, the Board discussed tabling the matter and whether to consolidate the cases until such time that the Board has had an

opportunity to discuss these matters in more detail. For this reason, the President and Vice-President withdrew their motion to consolidate the cases.

The Board noted that the consultant recommended CE in six of the cases and a Letter of Concern for another. Dr. Bienstock questioned whether these matters rise to the level of disciplinary action when taken together versus individual non-disciplinary sanctions. Executive Director Edmonson informed the Board that the matters were agendized individually as each case is taken on its own merit and were investigated separately.

Complainant KW participated in the meeting during the Board's consideration of these matters and made a statement regarding item number 6. KW stated that she trusted the licensee to help her and instead has caused her pain and anxiety, that her bite is still not fixed and that she hoped the Board recognized that each case reflects the number of patients affected by the licensee's conduct.

Vice-President Taylor observed that the cases involved complaints from patients relating to root canals, crown and bridge, fillings, open margins and damage to adjacent teeth. He proposed that the Board consolidate the cases and issue one final sanction. Dr. Morrow agreed and stated that based on his review of the patients' x-rays, there were discrepancies within the licensee's chart notes when compared to the imaging and spoke in favor of inviting Dr. Zoumbaris to appear before the Board for a Formal Interview to discuss all of the cases. Vice-President Taylor stated his concerns regarding the licensee's ability to continue practicing until the cases are resolved as well as concerns for potential patient harm going forward and spoke in support of suspending the license while these matters are pending final adjudication by the Board.

MOTION: Mr. Goodman moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Bienstock

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

*The Board entered into Executive Session at 10:48 a.m.*

*The Board returned to Open Session at 11:14 a.m.*

*No legal action was taken by the Board during Executive Session.*

Mr. Goodman spoke in favor of proceeding with a summary suspension of the license in order to protect the public's welfare and safety. Dr. Herro spoke in favor of inviting the licensee to appear before the Board for a Formal Interview. Mr. Dynar agreed with Dr. Herro's comments and stated that he was concerned regarding the extent of issues raised regarding Dr. Zoumbaris' practice. Dr. Morrow reiterated his support for inviting the licensee for a Formal Interview and holding a special meeting to expedite the process in light of the Board members' concerns. Dr. Morrow commented that while the cases taken individually may not rise to discipline – taken together it appears that they do constitute grounds for disciplinary action.

MOTION: Dr. Morrow moved for the Board to consolidate the cases in items 1-6 as well as Agenda Item No. V.C.1.

SECOND: Vice-President Taylor

VOTE: 10-aye, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

*Mr. Goodman voted against the motion.*

MOTION: Dr. Morrow moved for the Board to invite Dr. Zoumbaris to appear before the Board for a Formal Interview and to hold a special meeting on an expedited basis.

SECOND: Dr. Herro

*President Hardy – Aye*

*Vice-President Taylor – Nay*

*Dr. Bienstock – Aye*

*Ms. Burg – Aye*

*Mr. Dynar – Aye*

*Mr. Goodman – Nay*

*Dr. Harman – Aye*

*Dr. Herro – Aye*

*Ms. McClain – Absent for the vote*

*Dr. Morrow – Aye*

*Dr. Seaman – Aye*

VOTE: 8-aye, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

7. 201900047; Phillips, Matthew

Dr. Phillips and Attorney Brian Colao participated virtually during the Board's consideration of this matter, made a statement and answered Board members' questions. Mr. Colao stated that the consultant's report indicated that the licensee followed the standard of care and that no actual patient harm was identified.

The Board observed that the recommended CE hours covered the subject matter of recordkeeping and risk management, and recognized that the risk management course incorporates recordkeeping. Vice-President Taylor spoke in favor of offering the non-disciplinary Consent Agreement with CE in risk management only. Dr. Dovgan clarified for the Board that not all CT scans required radiological interpretations.

MOTION: Vice-President Taylor moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring the completion of 4 hours in risk management. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. If not accepted, the licensee shall be invited to appear before the Board for a Formal Interview.

SECOND: Mr. Dynar

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

8. 201900204; King, Alicia

Dr. King and Attorney Susan McLellan participated during the Board's consideration of this matter, made statements and answered Board members' questions. Ms. McLellan addressed the concerns raised in this case relating to tooth #21 and the lack of treatment options offered to the patient. She stated that the records show that the licensee did discuss treatment options with the patient and that she performed more of a fill on the root surface of the tooth. Ms. McLellan stated the licensee met the standard of care in this matter and asked that the case be dismissed. Dr. King explained the circumstances of this case for the Board and stated she has been more diligent about including more detail of patient discussion regarding treatment options in the charts. She stated that she offered the patient in this case the option of replacing the crown, but the patient deferred this recommendation due to financial setbacks.

Vice-President Taylor stated that in hindsight, the treatment should have been more aggressive. Dr. King agreed and stated that she would have urged the crown replacement more in hindsight and explained that at the time, she thought she was doing the patient a service by removing the decay that was present and replacing the crown in the future as a more ideal treatment option.

MOTION: Vice-President Taylor moved for the Board to issue a non-disciplinary Letter of Concern for the licensee to be more in tune with diagnosis and treatment.

SECOND: Dr. Harman

VOTE: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

9. 201900219; Tee, Daniel

Attorney Susan McLellan participated virtually on behalf of Dr. Tee during the Board's consideration of this matter, made a statement and answered Board members' questions. Ms. McLellan addressed the concerns raised by the consultant, stated that the treatment occurred over two years ago and that the patient still has both implants and crown restorations.

Vice-President Taylor stated his concerns regarding the licensee proceeding to implant without first cleaning everything up and allowing the patient to dictate the care. Ms. McLellan reported that the patient declined general dental care and was only focused on implants, and that the lack of dental cleaning did not adversely impact the implants over the period of time that they have been in place. Dr. Herro commented that placing an implant in this type of active periodontal disease is below the standard of care. The Board discussed that the whole patient treatment should be taken into account and that treatment options should be based on the whole treatment. Dr. Herro stated that the patient's two implants sitting in an area that may not have been the best money or time spent on their treatment. Vice-President Taylor stated that the case may have been

more monetary driven and that dentists are required to treat the whole patient, not just one area.

MOTION: Vice-President Taylor moved for the Board to offer a non-disciplinary Consent Agreement for CE requiring completion of 6 hours in treatment planning, 3 hours in periodontal and 4 hours in risk management, to be completed within six months and the CE hours are in addition to the hours required for license renewal. If the licensee declines, invite to appear before the Board for a Formal Interview.

SECOND: Dr. Herro

VOTE: 10-aye, 0-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

*Mr. Goodman abstained from the vote.*

10. 201900255; Arnce, Harvey

The Board discussed the concerns raised in this case, including miscommunication and lack of recordkeeping. Dr. Bienstock spoke in favor of offering the non-disciplinary Consent Agreement for CE. Vice-President Taylor noted that the recommendation included CE in recordkeeping and risk management, and pointed out that the risk management course covers recordkeeping.

*Dr. Morrow left the meeting and was absent from 11:52 a.m. to 12:27 p.m.*

MOTION: Dr. Bienstock moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring completion of 4 hours in risk management, in addition to the hours required for license renewal and shall be completed within six months. If not accepted, the licensee shall be invited to appear before the Board for a Formal Interview.

SECOND: Vice-President Taylor.

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

11. 201900259; Ilic, Zoran

Dr. Ilic and Attorney Susan McLellan participated virtually during the Board's consideration of this matter and made a statement. Complainant CC was also present to observe the proceedings. Ms. McLellan addressed the consultant's concerns regarding failure to maintain records and failure to forward records, stated that the complaint was originally filed against the company and the licensee did not receive those requests, they submitted additional records in response to the consultant's initial findings and believe that the case should be dismissed.

Dr. Dovgan clarified that the consultant remained concerned regarding the recordkeeping even after receiving the additional information provided in response to the initial findings. Vice-President Taylor observed that tooth #2 was not cemented onto the structure of the tooth and fell off five days later. He noted

that the standard of care requires that the tooth crown be placed on natural tooth structure and not just on cement or a composite. Dr. Herro commented that based on his review of the chart, he did not see a recordkeeping issue in this case.

MOTION: Vice-President Taylor moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring completion of 6 hours of CE in crown and bridge within six months and in addition to the hours required for license renewal. If the licensee declines, invite to appear before the Board for a Formal Interview.

SECOND: Dr. Herro

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

*Morgan Burg left the meeting and was absent from 12:10 p.m. to 1:03 p.m.*

12. 201900306; Rice, Jason

Dr. Rice and Attorney Susan McLellan participated virtually during the Board's consideration of this matter and made a statement. Ms. McLellan addressed the issues raised in this case by the consultant and stated that long term success of this type of bridge depends on the patient's compliance with the treatment. She stated that the patient was given treatment options and was properly treated, but was non-compliant in that she failed to return for the night guard that was needed.

Dr. Herro questioned the licensee regarding the fact that the only posterior tooth in the upper right quadrant was endodontically treated and then attached to the longstanding bridge. Dr. Rice explained that he could not recall if he discussed the long-term ramifications with the patient, that he believed there was adequate support for the bridge and he felt that the long-term prognosis was good given the use of a night guard.

MOTION: Dr. Herro moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring completion of 6 hours in crown and bridge and 4 hours in risk management, to be completed within six months and in addition to the CE hours required for license renewal. If the licensee declines, invite to appear before the Board for a Formal Interview.

SECOND: Vice-President Taylor

VOTE: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

13. 201900332-MP; Kariotoglou, Rigas

Dr. Herro observed the concerns raised by the consultant, agreed with the recommendation to offer a non-disciplinary Consent Agreement for CE and suggested adding 3 hours of CE in crown and bridge.

MOTION: Dr. Herro moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring the completion of 3 hours of CE in endodontics, 3 hours in crown and bridge, and 4 hours in risk management. The CE hours shall

be in addition to the hours required for license renewal and shall be completed within six months. If not accepted, the licensee shall be invited to appear before the Board for a Formal Interview.

SECOND: Vice-President Taylor

VOTE: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

*The Board took a break from 12:20 p.m. to 12:27 p.m. and upon return a roll call confirmed a quorum of members.*

F. Review of Investigation(s) – Cases Recommended for Offers of Disciplinary Consent Agreements

1. 202000138; Ireland, Barbara
2. 202000141; Ireland, Barbara
3. 202000143; Ireland, Barbara
4. 202000145; Ireland, Barbara
5. 202000146; Ireland, Barbara
6. 202000148; Ireland, Barbara
7. 202000150; Ireland, Barbara
8. 202000151; Ireland, Barbara
9. 202000166; Ireland, Barbara
10. 202000173; Ireland, Barbara
11. 202000179; Ireland, Barbara
12. 202000182; Ireland, Barbara
13. 202000191; Ireland, Barbara
14. 202000198; Ireland, Barbara
15. 202000202; Ireland, Barbara

MOTION: President Hardy moved for the Board to consolidate the cases in item numbers 1-15.

SECOND: Vice-President Taylor

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board observed that Dr. Ireland closed her practice, collected fees from several patients for work that was not provided and declared bankruptcy. Dr. Dovgan reported that he contacted all the patients involved in the fifteen cases, that there was no intention he could see that the licensee planned to reopen her practice, and that he was concerned with the licensee's collection of payments. He stated that patients were not aware that Dr. Ireland had declared bankruptcy and that he contacted the bankruptcy attorney to add the patients' names to their list. Dr. Dovgan also reported that Dr. Ireland informed him that she had full intentions of coming back and opening a practice somewhere and he asked the Board to take this information into consideration when making a determination on these matters.

Mr. Dynar stated his concerns regarding the cases and questioned whether the Board should order restitution to the patients in light of the bankruptcy case. Dr.



Morrow considered issuing a disciplinary sanction requiring restitution and if the licensee failed to comply, revoke the license. Vice-President Taylor proposed inviting Dr. Ireland to appear before the Board for a Formal Interview to discuss these matters further. Dr. Harman proposed revoking the license.

MOTION: Vice-President Taylor moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Mr. Dynar

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

*The Board entered into Executive Session at 12:37 p.m.*

*The Board returned to Open Session at 12:53 p.m.*

*No legal action was taken by the Board during Executive Session.*

President Hardy spoke in favor of referring the cases to the Office of Administrative Hearings for a Formal Hearing to revoke the license.

MOTION: President Hardy moved for the Board to refer these matters to the Office of Administrative Hearings for a Formal Hearing for license revocation.

SECOND: Vice-President Taylor

The Board discussed the possibility of other patients who have paid the licensee for services they never received and how the Board would address future complaints if the license is revoked. AAG Hargraves reported that at this time, the Board can only act on the matters agendaized for today's meeting. Board staff confirmed that the Consumer Fraud Division of the Attorney General's Office is aware of these matters. Dr. Herro thanked Dr. Dovgan and stated his appreciation to him for his time and efforts put into these particular cases and for going above and beyond advocating for the patients involved.

*President Hardy – Aye*

*Vice-President Taylor – Aye*

*Dr. Bienstock – Aye*

*Ms. Burg – Absent*

*Mr. Dynar – Aye*

*Mr. Goodman – Absent for the vote*

*Dr. Harman – Aye*

*Dr. Herro – Aye*

*Ms. McClain – Aye*

*Dr. Morrow – Aye*

*Dr. Seaman – Aye*

VOTE: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

16. 201900216; Hawke, Robert

MOTION: President Hardy moved for the Board to table this item.

SECOND: Dr. Bienstock

VOTE: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.  
MOTION PASSED.

17. 201900238; Goodman, Caleb

Dr. Goodman participated virtually during the Board's consideration of this matter, stated that he is seeking legal counsel and asked the Board to table this matter to its next meeting. The Board observed that the complaint in this case was filed in October of 2019. President Hardy stated that the licensee has had adequate time to prepare and have legal representation. The Board elected to proceed in this matter. Dr. Goodman questioned at what point he would have the ability to request a Formal Interview. President Hardy explained the Board's process and that staff is available to further assist the licensee if he had additional questions following today's proceedings.

Vice-President Taylor observed that the licensee proceeded with teeth extraction in patient on warfarin without first obtaining an INR, and stated that he found this matter rises to the level of discipline.

MOTION: Vice-President Taylor moved for the Board to offer a disciplinary Consent Agreement for CE, requiring completion of 6 hours of CE in oral surgery and complications within six months, in addition to the hours required for license renewal, and to direct Board staff to come up with the figures to include restitution. If the licensee declines, he shall be invited to appear before the Board for a Formal Interview.

SECOND: Dr. Herro

*President Hardy – Aye*  
*Vice-President Taylor – Aye*  
*Dr. Bienstock – Aye*  
*Ms. Burg – Aye*  
*Mr. Dynar – Aye*  
*Mr. Goodman – Absent for the vote*  
*Dr. Harman – Aye*  
*Dr. Herro – Aye*  
*Ms. McClain – Aye*  
*Dr. Morrow – Aye*  
*Dr. Seaman – Aye*

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.

18. 201900267; Nunley, Randall

Dr. Nunley and Attorney Michelle Thompson were present during the Board's consideration of this matter, made statements and answered Board members' questions. Complainant RT was also present and made a statement.

RT stated her concerns regarding a case that was considered by the Board previously and pointed out that the licensee in that case referred to her and her

husband by name on the record in open session. After receiving instruction to focus her comments on the current case involving Dr. Nunley, RT stated that she was never contacted by the consultant to discuss the case and that she wanted to be treated fairly by the process. She stated that the procedure was not done correctly, that she has additional records that are not in the Board's possession and reiterated that she wished to have had an opportunity to discuss the case with the consultant.

President Hardy pointed out that the Board and its staff do their best to enforce the Board's policy on referring to patients by initials only. Dr. Dovgan clarified that patients are not always contacted to discuss the case during the course of the investigation and that he had reviewed more than enough information in order to make a complete and accurate analysis of the case.

Ms. Thompson addressed the two concerns raised in the consultant's supplemental report relating to sedation and implant placement, stated that Dr. Nunley exercised reasonable clinical judgment in his care and treatment of the patient based on his years of experience in implant placement, and that the patient never returned to complete the planned treatment. Dr. Nunley stated that the complaint initially involved money and was not about his treatment or care. He pointed out that the patient's subsequent provider noted that RT's implants were fully integrated, stated that he has since sold that practice and is in the process of selling a couple others.

Dr. Dovgan questioned Dr. Nunley regarding the sedation concerns raised in this case and how he monitored the patient during the procedure. Dr. Nunley explained that he located the prescription after realizing that it was not previously included in the records submitted to the Board which indicated that the patient was prescribed #5 Valium 5mg tablets for her anxiety with written instructions. He stated that the patient required an additional dose at the time of surgery. Dr. Dovgan stated his concerns regarding the administration of more than two doses and more than the maximum recommended dose at one time, which would require a 1303 permit. Dr. Nunley reported that he did not expect the Valium to be a debilitating medication for the patient and that he did not plan on vital function therapy since he did not consider it sedation. Dr. Dovgan commented that the standard of care for minimal sedation required monitoring. Dr. Dovgan clarified that since receiving the additional information, the only remaining concerns related to monitoring of sedation and recordkeeping.

MOTION: Dr. Morrow moved for the Board to issue a non-disciplinary Letter of Concern for recordkeeping and monitoring of sedation.

SECOND: President Hardy

*President Hardy – Aye*

*Vice-President Taylor – Nay*

*Dr. Bienstock – Aye*

*Ms. Burg – Aye*

*Mr. Dynar – Absent for the vote*

*Mr. Goodman – Aye*

*Dr. Harman – Aye*  
*Dr. Herro – Aye*  
*Ms. McClain – Aye*  
*Dr. Morrow – Aye*  
*Dr. Seaman – Aye*

VOTE: 9-aye, 1-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.

19. 201900281; Samaim, Omaima

Dr. Samaim and Attorney Jeffery Tonner participated virtually during the Board's consideration of this matter, made statements and answered Board members' questions. Complainant MS also participated in this matter, made a statement and answered Board members' questions. Mr. Tonner addressed the concerns raised in this case relating to inadequate diagnosis, inadequate crown and bridge due to lack of retention and the comment that the work performed potentially decreased the lifespan of the patient's teeth. MS stated that she attempted to settle this matter with the licensee when she presented to her office, and stated that Dr. Samaim was rude and condescending. MS asked for restitution and that the licensee be required to obtain further education.

Dr. Morrow noted that anytime a tooth is cut, it loses structure depending on how aggressive it is. The Board discussed that the crowns appeared to have been over-prepped, compromising the teeth for crowns. The Board also noted that the consultant commented that the teeth were compromised as well. Drs. Herro and Morrow commented that the case did not rise to the level of disciplinary action.

MOTION: Dr. Herro moved for the Board to offer a non-disciplinary Consent Agreement for CE, requiring completion of 6 hours of CE in crown and bridge within six months and in addition to the hours required for license renewal. If the licensee declines, invite to appear before the Board for a Formal Interview.

SECOND: Dr. Morrow

President Hardy questioned whether reimbursement or restitution to the patient was warranted. Dr. Samaim, Mr. Tonner and the patient all confirmed that no refund was issued to the patient. Dr. Morrow noted that all crowns were redone. Mr. Tonner stated that the patient had all redone since she switched to porcelain and that the licensee was open to voluntarily reimbursing the patient if the case was resolved with a non-disciplinary sanction. The Board observed that a similar resolution was reached in a prior case with a different licensee represented by Mr. Tonner. Dr. Morrow agreed with the proposal to have the licensee voluntarily reimburse the patient and resolving the case with a non-disciplinary Letter of Concern in light of the licensee's commitment to make the patient whole.

VOTE: 9-aye, 2-nay, 0-abstain, 0-recuse, 0-absent.  
MOTION PASSED.

*Vice-President Taylor and Dr. Bienstock voted against the motion.*

*The Board took a break from 2:05 p.m. to 2:15 p.m. and upon return a roll call confirmed a quorum of members.*

*Morgan Burg left the meeting.*

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

1. 201900196; Grampp, Carter

Attorney Leah Schachar was present on behalf of Dr. Grampp during the Board's consideration of this matter and asked the Board to modify the Findings of Fact as well as the requirement for CE in ethics. She stated that the x-rays provided were not diagnostic, the consultant noted there was no way to know the cause of the veneers to fall off and that the licensee acted reasonable and ethical in his treatment of the patient.

MOTION: Vice-President Taylor moved for the Board to grant counsel's request for modifications and amend the Consent Agreement by removing paragraphs 7 and 9 from the Findings of Facts as well as the requirement for CE in ethics and re-offer the Consent Agreement.

SECOND: Dr. Herro

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. 201900169; Bui, Catherine

Attorney Susan McLellan participated virtually on behalf of Dr. Bui during the Board's consideration of this matter and made a statement asking the Board to modify the Consent Agreement to conform to the facts of the case. She stated that they do not dispute the recommendation for CE in diagnosis and treatment planning, and that the recordkeeping CE was not warranted as the licensee did document treatment options.

MOTION: Vice-President Taylor moved for the Board to grant counsel's request for the modification and amend the Consent Agreement by modifying Findings of Fact paragraph #7 as well as removing the requirement for 3 hours of CE in recordkeeping and re-offer the Consent Agreement.

SECOND: Dr. Morrow

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

I. Review of Investigation(s)

1. 201900042; Bala, Krishnan

Vice-President Taylor stated his concerns regarding the licensee's unprofessional behavior towards the consultant in this case and that action was warranted to address the licensee's disregard for the Board and staff. Vice-President Taylor spoke in favor of issuing a Letter of Concern and requiring the licensee to offer an apology to the consultant.

Dr. Bienstock questioned whether the Board should consider re-evaluating its investigation procedures for the parties to communicate electronically to protect the Board's consultants. Executive Director Edmonson explained that a common issue raised by the parties is that they feel they are not being heard in the process and that he implemented this new step of having the consultants contact individuals telephonically to discuss the case. He stated that the same process is utilized by other boards, that this should not be a common occurrence and questioned whether the licensee's behavior constituted a statutory violation. Dr. Bienstock suggested having the parties correspond via written interrogatories or offer the two options to the consultants.

Dr. Dovgan commented that in his 25 years' experience in investigations, having the ability to discuss the case with the parties eliminates a substantial amount of time and effort spent on the cases waiting for back and forth correspondences. He stated that the Executive Director did an excellent job incorporating this step into the Board's investigation process. AAG Hargraves confirmed that the Board had the authority to issue a non-disciplinary Letter of Concern in this matter to express to the licensee its concerns relating to his reaction to the consultant. He stated that he did not believe the Board had the authority or ability to enforce the requirement for the licensee to issue an apology to the consultant.

MOTION: Vice-President Taylor moved for the Board to issue a Letter of Concern for unprofessional verbal abuse of the Board's consultant during the course of the investigation.

SECOND: Dr. Morrow

Dr. Harman noted the consultant's comments regarding the root canal post and crown and whether this concern should be incorporated into the motion. Dr. Herro agreed and stated that if a Letter of Concern were to be issued, it should reference the clinical aspect of this case as well. Dr. Bienstock spoke against the motion and stated that this was hopefully a one-off as people are not their best selves these days due to the circumstances surrounding COVID-19. Ms. McClain questioned whether a Letter of Concern was warranted.

VOTE: 6-aye, 4-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

*President Hardy, Dr. Bienstock, Mr. Dynar and Ms. McClain voted against the motion.*

J. Review of Executive Director Complaint Terminations and Subsequent Complainant Appeal(s) – A.R.S. § 32-1263.03

1. 202000003; Dindal, Mark

Attorney Susan McLellan participated virtually during the Board's consideration of this matter and made a statement pointing out that the consultant found no deviation from the standard of care in relation to the extraction, the case was previously terminated by the Executive Director and the complainant filed an

appeal with no basis. She asked the Board to uphold the Executive Director’s action in this case.

MOTION: Dr. Harman moved for the Board to uphold the Executive Director’s complaint termination in this matter.

SECOND: Vice-President Taylor

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

K. Review Compliance/Non-compliance with Consent Agreement/Board Order

1. 201500190; Chari, Satish Bhadra

Attorney Jeffery Tonner participated virtually during the Board’s consideration of this matter and made a statement. He reported that the proposed Consent Agreement modified the previous Order requiring 36 CE hours to allow the licensee to satisfy this requirement via online courses and restricts Dr. Chari from practicing dentistry until he petitions the Board and receives permission to do so.

Executive Director Edmonson informed the Board that the parties met and negotiated the proposed Consent Agreement that the licensee has signed and has been presented to the Board for consideration and possible acceptance.

MOTION: Vice-President Taylor moved for the Board to accept the proposed Consent Agreement in this matter.

SECOND: Dr. Morrow

*President Hardy – Aye*

*Vice-President Taylor – Aye*

*Dr. Bienstock – Aye*

*Ms. Burg – Absent*

*Mr. Dynar – Aye*

*Mr. Goodman – Aye*

*Dr. Harman – Aye*

*Dr. Herro – Aye*

*Ms. McClain – Aye*

*Dr. Morrow – Aye*

*Dr. Seaman – Aye*

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VI. **CONSENT AGENDA**

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

1. 201900209;
2. 201900210;
3. 201900310;
4. 201900313; and
5. 202000009.

B. Termination of Board Order(s)/Consent Agreement(s)

1. 201900087; Mehanna, Sally Gabbour
2. 201900153; Heng, Sophon

MOTION: Vice-President Taylor moved for the Board to accept the Consent Agreement in items A and B.

SECOND: Mr. Dynar

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

**VII. WESTERN REGIONAL EXAMINING BOARD (“WREB”)**

- A. Board to review and discuss WREB’s Hygiene Exam Review Board’s Executive Summary.
- B. Board to review and discuss WREB’s 2021 Examination Options.  
Executive Director Edmonson reported that the Board’s office received an executive summary from WREB for the Dental Exam Review Board as well and it will be provided, to the Board, for discussion at the Board’s January 2021 meeting.

**VIII. COMMISSION ON DENTAL COMPETENCY ASSESSMENTS (“CDCA”)**

Executive Director Edmonson asked the Board members to inform staff if they wished to attend the upcoming CDCA virtual conference. Vice-President Taylor encouraged members to attend the meeting which he stated will cover a lot of information that is pertinent to all dental boards.

**IX. AMERICAN ACADEMY OF PEDIATRIC DENTISTRY (“AAPD”)**

Dr. Harman commented that fluoride did not appear to be addressed until page fifteen of the document and that SDF was not referenced as a restorative option, and he suggested the information be included to better inform the public. Dr. Bienstock stated that she would relay Dr. Harman’s comments to the AAPD.

**X. COMMISSION ON DENTAL ACCREDITATION (“CODA”)**

Executive Director Edmonson informed the Board that it was invited by the National Commission on Recognition of Dental Specialties and Certifying Boards to provide public comment on the Application for Specialty National Certifying Board Recognition of the American Dental Board of Oral Medicine. He stated that the Board members had the option to comment on their own or collectively as a Board.

**XI. BOARD ELECTIONS – A.R.S. § 32-1205**

- A. Nomination and Election of Board President

President Hardy thanked the Board members for electing her to serve as the Board’s President for the prior year. Dr. Morrow stated his appreciation for President Hardy’s and Vice-President Taylor’s leadership and stated that he is so proud to have a hygienist serving as the Board’s President. Dr. Bienstock spoke in favor of President Hardy retaining her role as Board President.



MOTION: Dr. Bienstock nominated President Hardy to serve as the Board's President.

SECOND: Dr. Morrow

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

B. Nomination and Election of Board Vice-President

President Hardy thanked Vice-President Taylor and stated her appreciation for his service as the Board's Vice-President. She reported that Vice-President Taylor was not running for reappointment. Vice-President Taylor stated that it has been a pleasure and honor to work with the Board and staff, stated that the last eight years have been very special and that he could not ask for a better staff. He recognized the Executive Director and the progress made since July of 2019. Board members thanked Vice-President Taylor for his service on the Board and stated that he will be greatly missed.

MOTION: Vice-President Taylor nominated Dr. Herro to serve as the Board's Vice-President.

SECOND: Dr. Bienstock

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

- A. Discussion and approval of the Open Session Minutes from the September 4, 2020 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the September 4, 2020 board meeting.
- C. Discussion and approval of the Open Session Minutes from the October 2, 2020 board meeting.
- D. Discussion and approval of the Executive Session Minutes from the October 2, 2020 board meeting.
- E. Discussion and approval of the Open Session Minutes from the October 30, 2020 special board meeting.

MOTION: Vice-President Taylor moved for the Board to approve the minutes in items A-E.

SECOND: Mr. Dynar

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

**XII. EXECUTIVE DIRECTOR'S REPORT**

A. Budget Update

Executive Director Edmonson updated the Board regarding the Agency's budget. He reported that he had been in discussions regarding the budget being far lower than it should for the Agency's operations when compared to other boards, and that the Agency will be looking into obtaining a larger appropriation in the next

legislative session in order to conduct investigations properly to protect the public with the most efficiency and expedience as possible. Deputy Director Gomez also updated the Board regarding the budget, reporting that there are outstanding payments that were not reflected in the budget projections submitted to the Board, and that staff has been working overtime to help with licensing and compliance.

**B. Agency Operations**

**1. Potential 2021 Monthly Board Meeting Dates:**

- a. January 29, 2021;
- b. March 5, 2021;
- c. April 2, 2021;
- d. May 7, 2021;
- e. June 11, 2021;
- f. August 6, 2021;
- g. September 10, 2021;
- h. October 1, 2021;
- i. November 5, 2021; and
- j. December 3, 2021.

Executive Director Edmonson reported that the list of potential dates was generated based on the Board's 2020 meeting dates. He asked Board members to report any scheduling conflicts to ensure a quorum of members. Mr. Dynar reported that he is conflicted on some dates due to his appointment to the Arizona Board of Psychologist Examiners.

**MOTION:** President Hardy moved for the Board to approve the 2021 monthly Board meeting dates.

**SECOND:** Dr. Herro

**VOTE:** 9-aye, 0-nay, 1-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

*Vice-President Taylor abstained.*

**XII. SUMMARY OF CURRENT EVENTS**

Executive Director Edmonson reported that the Agency is currently looking for additional consultants for case reviews and updated the Board regarding where members can locate their credentials for future meetings.

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

No items were discussed.

**XV. NEXT BOARD MEETING DATE**

- A. January 29, 2021

**XVI. ADJOURNMENT**

**MOTION:** Vice-President Taylor moved for adjournment at 3:07 p.m.

SECOND: President Hardy

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.