



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

### June 12, 2020

### Special Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 12:34 p.m. on Friday, June 12, 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 1:13 p.m. to 1:41 p.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
  
- \* Absent

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

- Ryan P. Edmonson..... Executive Director
- Kristina Gomez ..... Deputy Director
- Seth T. Hargraves, Esq..... Assistant Attorney General
- Carrie Smith, Esq..... Assistant Attorney General
- John W. Dovgan, DDS..... Chief Investigator
- Sherrie Biggs..... Licensing Manager
- Miriam Thompson, LLB, LEC ..... Chief Compliance Officer
- Selena Acuna ..... Legal Administrator
- Lisa Schmelling ..... Administrative Assistant

#### GUESTS PARTICIPATING AND/OR PRESENT:

- Ehsan Pourshirazi, DDS..... Respondent
- Mark D. Chester, Esq..... Respondent’s Attorney

## **OPEN SESSION**

The meeting was called to order at 12:34 p.m. by Nick Goodman. The following order of business was then considered.

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

### **Review of Investigation**

#### **201900282-AO; Pourshirazi, Ehsan**

Nick Goodman identified the procedures for the matter and requested that the parties identify themselves. The respondent was present with legal counsel, Mark D. Chester. The Board was represented by Seth T. Hargraves. Carrie Smith was present to provide the Board independent legal advice. And, although not a party to the complaint, the complainant was also present to listen and observe.

Mr. Hargraves summarized the case and the Board's previous action at its June 5, 2020 meeting to summarily suspend the respondent's license pending a hearing before the Office of Administrative Hearings. Mr. Chester thanked the Board for holding a meeting to address his client's concerns. He stated that Dr. Ehsan Pourshirazi did not receive proper notice of the June 5 board meeting and explained why. Mr. Chester stated that his client would agree to enter into a consent agreement to include not performing any general anesthesia and place the matter on a Board's future meeting agenda. Based on his conversation with Mr. Chester, Mr. Hargraves stated that while not presented by Mr. Chester during his opportunity to address the Board that he and his client also believed that emergent action wasn't warranted since there appeared to be significant opportunities to be on previous board agendas, but were not. Mr. Hargraves requested that the Board consider rescinding its prior motion and agree to enter into a consent agreement.

The Board was concerned that the requested consent agreement would include Dr. Pourshirazi not performing any general anesthesia, especially since he does not have any training or hold any permit to perform any type of anesthesia. The Board stated that Dr. Pourshirazi is essentially agreeing to not do something that he already cannot do since he does not hold any type of anesthesia or sedation permit. The Board asked for clarification from Board staff regarding the respondent's statements that he was not properly noticed of the board meeting. Staff detailed how they believed that the respondent was properly notified, including the respondent's failure to properly notify the Board of his address change.

## **EXECUTIVE SESSION**

A motion was made by Aditya Dynar, seconded by Marilyn J. McClain and passed unanimously to go into executive session at 1:13 p.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding item 201900282-AO; Pourshirazi, Ehsan.

After consideration in executive session, the Board reconvened in open session at 1:41 p.m.

## **OPEN SESSION**

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

### **Review of Investigation**

#### **201900282-AO; Pourshirazi, Ehsan**

The Board discussed requesting the respondent to appear before the Board for a formal interview.

A motion was made by Dr. Russell J. Morrow and seconded by Marilyn J. McClain to rescind the Board's motion from the June 5, 2020 board meeting to summarily suspend the respondent's license, vacate the hearing and remand the matter back to the Board for a formal interview pending the receipt of an interim consent agreement prohibiting him from performing any procedures that require the respondent to hold an anesthesia/sedation permit. The motion passed 5 – 1 by the following the roll call vote:

Aditya Dynar, Esq – Aye  
Nick Goodman – Nay  
Anthony Herro, DDS – Aye  
Marilyn J. McClain, RDH – Aye  
Russell J. Morrow, DDS – Aye  
Leslie D. Seaman, DDS – Aye

The Board discussed holding another special meeting to address this matter, but ultimately decided that the matter can be placed on the Board's regular scheduled August 7, 2020 board meeting.

#### **ADJOURNMENT**

A motion was made by Aditya Dynar, seconded by Dr. Russell J. Morrow and passed unanimously to adjourn the Board meeting at 1:55 p.m.