



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

September 4, 2020 Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 8:03 a.m. on Friday, September 4, 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 during its consideration of agenda item numbers IV.C.1. and IV.A.1. 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
- Left the meeting at 11:48 a.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
- Sherrie Biggs..... Licensing Manager
- Miriam Thompson Chief Compliance Officer
- Nancy Elia..... Licensing Administrator
- Selena Acuna Legal Administrator
- Lisa Schmelling Administrative Assistant
- Susie Adams..... Program and Project Specialist
- Jill Barenbaum Information Processing Specialist

GUESTS PARTICIPATING AND/OR PRESENT:

- Jennifer Terese Ebner, DDS Respondent

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

Arman Nafisi, Esq.....	Respondent’s Attorney
David P. Griffith, DMD	Respondent
Ashley Miller, Practice Manager	Phoenix Oral Surgeons
Christopher Winterholler, DDS	Respondent
Brianna Jagelski, Esq.....	Respondent’s Attorney
Ryan T. Barney, DDS	Respondent
Susan McLellan, Esq.	Respondent’s Attorney
Ryan T. Barney	Respondent
Karly White, Esq.	Respondent’s Attorney
Complainant.....	Case Nos. 201900266, 201900305 & 201900267
Randall C. Nunley, DDS.....	Respondent
Michelle Thompson, Esq.	Respondent’s Attorney
Gopi Kapadia, DDS	Respondent
Kimberly Mack, RDH.....	Respondent
Complainant.....	Case No. 201900304
Jules Luke Mascarenhas	Anesthesia/Sedation Applicant
Gary Pickard, Director – Government & Industry Affairs	Pacific Dental Services
Christopher Love	Dental Student

OPEN SESSION

I. CALL TO ORDER AND ROLL CALL

President Hardy called the meeting to order at 8:03 a.m. Roll call of the Board members was taken and a quorum was established.

II. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

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

There were no conflicts of interest declared by any members of the Board during the virtual meeting.

IV. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

J. Review of Petition to Lift Practice Restriction for Board Order(s) and/or Consent Agreement(s)

1. 201800078; Dodaro, Charles A.

The Board observed that the Board’s Order was issued one year prior and restricted the licensee from prescribing scheduled II and III drugs. Board staff reported that a CSPMP query demonstrated that Dr. Dodaro has been compliant with this restriction.

MOTION: Vice-President Taylor moved for the Board to lift the Practice Restriction.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

The Board was informed that there were no remaining terms to monitor for compliance and considered terminating the Order in this case.

MOTION: Vice-President Taylor moved for the Board to terminate the Order in Case No. 201800078.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

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

1. 201900072; Brown III, Roy

The Board noted that a request for CE extension was submitted due to the canceling of the in-person course in light of the current health crisis. The Board considered granting the extension for four months and to allow the CEs to be completed virtually.

MOTION: Vice-President Taylor moved for the Board to grant the request for CE extension until January 1, 2021 and to permit the CEs to be completed virtually due to the current pandemic.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

H. Review of Executive Director Complaint Terminations and Subsequent Complainant Appeals – A.R.S. § 32-1263.03

1. 201800280; Ebner, Jennifer Terese

Dr. Ebner and Attorney Arman Nafisi participated in the virtual meeting during the Board's consideration of this matter, made a statement and answered Board members' questions. Mr. Nafisi requested the Board dismiss this matter for reasons set forth in their narrative response. Dr. Ebner informed the Board that the patient did not follow through with her offers for a refund, bleaching or a crown change free of charge, and that correspondences were sent to the patient via certified mail as well as email.

MOTION: Vice-President Taylor moved for the Board to deny the complainant's appeal of the Executive Director's termination.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

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

1. 201900140 & 201900163; Eskanos, Keith

Board staff reported that the licensee was contacted via email to inquire as to whether he planned to appeal the action and has not responded. Board members

observed that this matter involved allegations of patient abandonment due to office closure as well as a number of other issues that were raised during the course of the investigation. Board staff also confirmed that Dr. Eskanos has not paid the \$500 Civil Penalty. The Board considered proceeding to Formal Interview in this matter versus Formal Hearing for revocation based on the licensee's non-compliance. The Board also discussed increasing the Civil Penalty to \$2,000 as well as concerns regarding Dr. Eskanos' actions demonstrating that he is unregulatable.

MOTION: Dr. Morrow moved for the Board to refer this matter to the Office of Administrative Hearings for Formal Hearing to revoke the license and to increase the Civil Penalty to the amount of \$2,000 in Case Nos. 201900140 & 201900163.

SECOND: Vice-President Taylor

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

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

1. 201900123 & 201900125; Griffith, David P.

Dr. Griffith and Ashley Miller, Practice Manager, Phoenix Oral Surgeons, participated in the virtual meeting during the Board's consideration of this matter, made statements, and responded to Board members' questions. Dr. Griffith stated that he has practiced in Arizona for 40 years, and is thorough with his patient care. He stated that his findings were based on radiographs only, that no fees were collected and no treatment was performed. Dr. Griffith asked that the case be dismissed.

The Board reviewed and discussed the licensee's estimate for treatment and Dr. Griffith explained that he would have had further opportunity to determine what to send for pathology had they proceeded to surgery. The Board noted the complaint regarding anesthesia time and recognized that there are differences between surgical and anesthesia times.

MOTION: Vice-President Taylor moved for the Board to consolidate Case Nos. 201900123 & 201900125.

SECOND: Dr. Bienstock

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

The Board observed that there were no fees collected and that there was no evidence to support the allegation of overtreatment as no treatment was rendered.

MOTION: Dr. Morrow moved for dismissal.

SECOND: Vice-President Taylor

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

2. 201900091; Winterholler, Chris

Dr. Winterholler and Attorney Brianna Jagelski participated in the virtual meeting during the Board's consideration of this matter, made statements and answered Board members' questions. Ms. Jagelski stated her concerns regarding the recommendation for discipline and the licensee's due process rights. Dr. Winterholler reported that he has been practicing dentistry in Arizona for 23 years, and that he narrowed the focus of his practice in 2006 to implant reconstruction. Dr. Winterholler addressed the standard of care deviations identified by the investigator, and asked the Board to consider dismissal or to allow him an opportunity to discuss this matter further at a Formal Interview for the Board to gain more insight into his practice methods and techniques.

Executive Director Edmonson clarified that a copy of the proposed disciplinary Consent Agreement was not forwarded to the licensee's counsel as it is customary for the Board to first consider the recommendation prior to submitting it to the parties. He stated that in the event the Board elected to proceed with the recommendation, the licensee would have further opportunity to respond.

Chief Investigator Dr. Dovgan stated his concerns based on his review of the case, including the issue of TMD and questions regarding implant placement. Dr. Dovgan requested the postoperative imaging to review the implants. In response to Board members' questions, Dr. Winterholler explained that the patient was charged a flat rate of \$30,000 for the entire case and that the patient elected to terminate care prior to receiving the final dentures. In response to Vice-President Taylor's question regarding whether Dr. Winterholler attempted to contact the patient to rectify the situation, Ms. Jagelski informed the Board that the patient, in this case, filed a civil lawsuit against the licensee and he has not been permitted to contact the patient.

The Board discussed tabling this matter to request the licensee submit the postoperative images for Dr. Dovgan's review and return the case to the Board at a future meeting for further consideration. The Board also considered tabling this matter until the civil matter is concluded, and noted that such cases can take years to resolve.

MOTION: Vice-President Taylor moved for the Board to table this matter for further investigation and return to the Board after the investigator has had an opportunity to review the additional information and revise his report if necessary.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

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

3. 201900202; Barney, Ryan T.

Dr. Barney attended the virtual meeting, but did not participate in the Board's discussion of this matter.

President Hardy stated that she observed that the complaint in this case related to the patient's belief that the tongue trauma was a result of Dr. Barney's treatment. President Hardy stated that it was unclear whether the tongue trauma occurred during or after surgery and spoke in support of dismissal. Vice-President Taylor agreed with the President's comments and stated that it is not uncommon for a patient to experience trauma to the tongue that may have been caused by inadvertently biting the tongue when it is numb.

MOTION: Vice-President Taylor moved for dismissal.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

2. 201900186; Tee, Daniel

Attorney Susan McLellan participated in the virtual meeting during the Board's consideration of this matter on behalf of Dr. Tee, made a statement and answered Board members' questions. Ms. McLellan stated that the Board's consultant found Dr. Tee met the standard of care in this case and identified documentation concerns. She stated that Dr. Tee acknowledged that the charting in this case was not his customary recordkeeping and submitted to the Board sample charts prior to the incident in question to demonstrate that his records meet the standard of care. Ms. McLellan asked the Board to consider dismissal or issue a Letter of Concern.

The Board discussed the difficulty in determining whether the tongue trauma occurred during or post treatment.

MOTION: Vice-President Taylor moved for dismissal.

SECOND: President Hardy

Dr. Morrow stated his concerns regarding the lack of documentation in this case, and spoke in support of requiring CE in medical recordkeeping or risk management rather than dismissal.

President Hardy – Aye

Vice-President Taylor – Aye

Dr. Bienstock – Aye

Dr. Harman – Aye

Dr. Herro – Aye

Dr. Morrow – Nay

Dr. Seaman – Aye

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

MOTION PASSED.

3. 201900202; Barney, Ryan T.

After proceeding with and resolving agenda item number E.2., the Board returned to this item for further discussion and consideration.

MOTION: President Hardy moved for the Board to rescind its prior action to dismiss this case.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

The Board clarified that the complaint in this case was in regard to allegations that the immediate denture was not an adequate fit, and discussed the care provided by Dr. Barney. The Board recognized that it is common for an immediate denture to have fitting issues and noted that the case involved a geriatric patient who had most of his teeth his whole life. The Board further noted that the investigator identified minor concerns regarding hypertension and the anesthetic used.

MOTION: Dr. Morrow moved for dismissal.

SECOND: President Hardy

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

1. 201900144-MP; Hunter, Kendra

Attorney Karly White participated in the virtual meeting during the Board's consideration of this matter, made a statement and responded to Board members' questions. Ms. White stated that Dr. Hunter acknowledged that the records in this case were less than perfect and is not her standard charting. She asked the Board to consider issuing a Letter of Concern to resolve this matter.

The Board discussed whether the licensee has voluntarily completed CE in recordkeeping to rectify the concerns raised in this case and noted that some of the documentation concerns were attributed to other providers. The Board observed that the complaint alleged inadequate operative dentistry and concerns were raised regarding inadequate recordkeeping. Dr. Morrow spoke in support of a non-disciplinary consent agreement for 3 CE hours in recordkeeping.

MOTION: Dr. Morrow moved for the Board to offer the licensee a Non-Disciplinary Consent Agreement to complete 3 CE hours in recordkeeping. If declined, the licensee shall be invited to appear before the Board for a Formal Interview.

SECOND: Vice-President Taylor

President Hardy spoke in support of issuing a Letter of Concern. Vice-President Taylor spoke for the motion, noting that the licensee has not taken it upon herself to obtain further education in recordkeeping to remediate the Board's concerns.

President Hardy – Nay

Vice-President Taylor – Aye

Dr. Bienstock – Aye

Dr. Harman – Aye

Dr. Herro – Aye

Dr. Morrow – Aye

Dr. Seaman – Aye

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

MOTION PASSED.

The Board took a break from 9:49 a.m. to 10:00 a.m.

Upon returning to session, roll call of the Board members was taken and a quorum was again established.

D. Review of Investigation(s) – Cases Recommended for Formal Interview

1. 201900267; Nunley, Randall C.

Complainant RT participated in the virtual meeting during the Board's consideration of this matter and made a statement. Dr. Nunley and Attorney Michelle Thompson also participated in the virtual meeting, made statements, and answered Board members' questions. RT stated her concerns regarding due process in this case, the care she received from Dr. Nunley, billing issues, and documentation relative to what she believed were inaccurate entries in her chart. Ms. Thompson stated that this was not a disciplinary matter that warranted a Formal Interview, that the Board's reviewer did not appear to have been provided with the documentation they submitted for review, and addressed the issues raised in this case. Ms. Thompson asked the Board to consider dismissal or the issuance of a non-disciplinary sanction to resolve this matter.

In response to RT's concerns regarding due process, the Board clarified that RT is not a party in this case, that this proceeding was between the Board and the licensee, and that RT was not entitled to the investigative file pursuant to A.R.S. § 32-1264.02. The Board also recognized that RT did not have the option of legal representation by representing herself before the Board and determined that there was no lack of due process in this matter.

Dr. Dovgan summarized, for the Board, the concerns raised in this complex case relating to sedation, informed consent, implant placement, lack of documentation of lower implant planning and difficulty deciphering the financial records to address possible billing issues. Dr. Nunley reported that he believed that this was not a failed implant procedure, that RT's implant was stable, that she was only mildly sedated and assured the Board that he documented in the records that RT was coherent and responsive. The Board observed that Dr. Dovgan recommended proceeding to Formal Interview due to the complexity of the case. President Hardy spoke in support of proceeding to Formal Interview in this matter.

MOTION: Vice-President Taylor moved for the Board to proceed to Formal Interview in this matter.

SECOND: President Hardy

President Hardy – Aye

Vice-President Taylor – Aye

Dr. Bienstock – Aye

Dr. Harman – did not vote
Dr. Herro – Aye
Dr. Morrow – Aye
Dr. Seaman – Aye

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

Dr. Harman was virtually present, but did not vote.

Executive Director Edmonson requested the complainant update her contact information with the Board as staff had been unable to reach her.

C. Review of Investigation(s) – Cases Recommended for Dismissal

2. 201900305; Kapadia, Gopi A.

Dr. Kapadia and Complainant RT participated in the virtual meeting during the Board's consideration of this matter and made statements. RT stated that she did not know who had her records and assumed Dr. Kapadia was in possession of them since she acquired the practice. RT stated she was not informed that the practice was being sold and that she did not consent to have her records be given to an individual she did not know. RT reported that Dr. Kapadia failed to respond to her two HIPAA requests. Dr. Kapadia informed the Board that she had not met or seen the complainant and that she acquired Encanto Family Dental Care in May of 2019. In response to Vice-President Taylor's questions, Dr. Kapadia reported that her office had provided RT with her records on multiple occasions and that RT has not presented to the office since she acquired the practice.

MOTION: Vice-President Taylor moved for dismissal.

SECOND: Dr. Morrow

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

1. 201900266; Mack, Kimberly

Complainant RT participated in the virtual meeting during the Board's consideration of this matter and made a statement. Ms. Mack also participated in the virtual meeting, made a statement and responded to Board members' questions. RT stated her concerns regarding the inability for her to respond after Ms. Mack's statement, billing issues and the length of time it took the office to provide her records. Ms. Mack referred the Board to her correspondence dated November 18, 2019, confirmed that she was previously part owner of the practice and that she is part owner of other dental offices located in Arizona.

The Board considered proceeding to Formal Interview in this matter to gain more insight into the financials of the office and discussed the appropriate parties to appear before the Board. The Board also discussed having this matter agendaized for the same meeting as the matter involving Dr. Nunley.

MOTION: Dr. Morrow moved for the Board to obtain additional information in this case and invite the former owners of the practice to appear before the Board for a Formal Interview to clarify the documentation regarding the billing processes.
SECOND: Vice-President Taylor

Executive Director Edmonson clarified that the practice is currently owned by Dr. Kapadia who had no relation to the issues between RT and the previous owners of the practice. The Board discussed inviting Ms. Mack for a Formal Interview to clarify the financial audit submitted to the Board that was difficult to decipher as well as her involvement in the billing practices.

Motion failed for lack of a vote.

MOTION: President Hardy 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. Morrow
VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

The Board entered into Executive Session at 11:29 a.m.
The Board Returned to Open Session at 11:47 a.m.
No legal action was taken by the Board during Executive Session.

The Board took a break from 11:48 a.m. to 12:00 p.m.

Upon returning to session, roll call of the Board members was taken and a quorum was again established.

Dr. Seaman departed from the meeting at 11:48 a.m.

MOTION: Dr. Morrow moved for the Board to table this matter to its next meeting to further investigate the financial audit.
SECOND: Vice-President Taylor

*President Hardy – Aye
Vice-President Taylor – Aye
Dr. Bienstock – Aye
Dr. Harman – Aye
Dr. Herro – Aye
Dr. Morrow – Aye*

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.
MOTION PASSED.

D. Review of Investigation(s) – Cases Recommended for Formal Interview

1. 201900267; Nunley, Randall C.

The Board discussed recalling this matter based on decisions of the previous two cases.

MOTION: Dr. Morrow moved for the Board to reopen this matter for discussion.

SECOND: Vice-President Taylor

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

MOTION: Dr. Morrow moved for the Board to rescind its previous action to invite the licensee for a Formal Interview and continue the investigation to obtain clarification regarding the financial records.

SECOND: Vice-President Taylor

President Hardy – Aye

Vice-President Taylor – Aye

Dr. Bienstock – Aye

Dr. Herro – Aye

Dr. Harman – Aye

Dr. Morrow – Aye

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

MOTION PASSED.

B. Review of Investigation(s)

1. 201900304; Cipriano, Thomas J.

Complainant AW participated in the virtual meeting during the Board's consideration of this matter and made a statement. Attorney Susan McLellan participated in the virtual meeting on behalf of Dr. Cipriano, made a statement and answered Board members' questions. AW stated her concerns regarding the care she received by Dr. Cipriano and records issues and she reported that she required further follow up treatment following her care with this provider. Ms. McLellan stated that AW was referred to Dr. Cipriano by her general dentist for treatment of the root canal on tooth 15. She addressed the two concerns raised by the Board's reviewer, stated that informed consent was obtained and documented, and that the licensee acknowledged that he should have taken his own periapical x-ray to gain a complete view of the tooth and surrounding areas. She asked the Board to consider dismissal or issuance of a non-disciplinary Letter of Concern.

The Board noted that Dr. Cipriano refunded the patient the endodontic fee and that the licensee acknowledged that the x-ray was not suitable for pre-diagnosis. Dr. Morrow clarified that the standard of care does not require an endodontist to place a temporary crown, but rather, to perform the root canal, seal it up and return the patient to the general dentist. Dr. Morrow spoke in support of dismissal in that he found the licensee met the standard of care in this case.

MOTION: Dr. Morrow moved for dismissal.

SECOND: Dr. Harman

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

A. Review of Application(s) for Issuance of a Sedation Permit – A.A.C. R4-11-1302

1. Mascarenhas, Jules Luke

Dr. Mascarenhas participated in the virtual meeting during the Board's consideration of this matter, made a statement and responded to Board members' questions. Dr. Mascarenhas asked the Board to accept his teaching of the courses that are required to be completed in order to qualify for a sedation permit in the State of Arizona in lieu of requiring him to complete the course.

The Board clarified that licensure and permit requirements are set out in statute and rule by which the Board is bound. The Board observed that Dr. Mascarenhas held a limited permit to teach at the University of Tennessee and that the permit was not to be used in private practice. Board staff confirmed that Dr. Mascarenhas' Tennessee permit was not active at the time he applied for a sedation permit in Arizona. Board members discussed whether there was an alternative mechanism for the applicant to apply for an Arizona permit.

MOTION: President Hardy 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. Harman

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

The Board entered into Executive Session at 12:45 p.m.

The Board returned to Open Session at 12:56 p.m.

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

The Board questioned whether Dr. Mascarenhas has considered returning to Tennessee to obtain a permit and then reapply for an Arizona permit. Dr. Mascarenhas explained that he would be required to gain a teaching position at the University in order to obtain another permit. The Board discussed the requirements as set forth in rule for permit applicants and noted that Dr. Mascarenhas currently does not meet those requirements. The Board considered denying the application and encouraged Dr. Mascarenhas to complete the required courses to meet the minimum requirements for licensure in Arizona, and instructed to contact Board staff for any further questions.

MOTION: Vice-President Taylor moved for the Board to deny the permit application based on the findings that Dr. Mascarenhas fails to meet qualification requirements under rule.

SECOND: Dr. Harman

President Hardy – Aye

Vice-President Taylor – Aye

Dr. Bienstock – Aye

Dr. Harman – Aye

Dr. Herro – Aye

Dr. Morrow – Aye

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.
MOTION PASSED.

V. CONSENT AGENDA

A. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)

1. Durkin, Fazalia H. (Dental Consultant)

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

1. 201900229; and
2. 201900279

MOTION: Vice-President Taylor moved for the Board to approve items A and B of the Consent Agenda.

SECOND: Dr. Harman

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

VI. PROVISIONAL LICENSING

The Board discussed and take possible action regarding Governor Ducey's Executive Order 2020-17, Continuity of Work, which 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. Board members noted that the testing centers have reopened as of mid-June and observed that there are currently a total of 26 individuals holding provisional licenses. The Board also recognized that there are several opportunities for these remaining individuals to proceed with exams in Arizona as well as other surrounding states. The Board considered instructing staff to contact the remaining 26 individuals who currently hold provisional licenses to inquire as to whether they have scheduled testing and make them aware of the possibility of suspension per the Governor's Executive Order.

MOTION: President Hardy moved for the Board to table this matter, and instructed staff to contact the remaining individuals holding provisional licenses and report back to the Board at a future meeting.

SECOND: Vice-President Taylor

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

VII. EXECUTIVE DIRECTOR'S REPORT

A. Budget Update

Executive Director Edmonson informed the Board that he and Deputy Director Gomez have been working on the Board's finances and would be reporting additional information to the Board at its next meeting. Deputy Director Gomez updated the Board regarding the current budget, and summarized the budget request for funding to invest in the compliance and licensing divisions.

The Board noted that its previous budget request was not denied, but was not voted on due to the abrupt adjournment of the legislative session due to COVID. Board members

expressed their concerns regarding the possibility of a fund transfer, which would remove monies from the Board’s fund balance that could leave the Agency solvent in light of the recent renewal waivers. The Board requested agendaing a discussion topic for the December 2020 meeting to revisit the renewal waivers.

B. Agency Operations

Executive Director Edmonson informed the Board that Ms. Thompson has submitted her resignation and that her last day was September 10, 2020. He expressed his appreciation for Ms. Thompson’s diligence and strong work ethic, and stated his appreciation for her assistance during his transition with the Agency. Ms. Thompson thanked the Board for the opportunity to serve and use her gifts and talents. The Board wished Ms. Thompson well and thanked her for her hard work and efforts.

VIII. SUMMARY OF CURRENT EVENTS

Executive Director Edmonson reported that the Board will hold a virtual special meeting on October 30, 2020 to discuss rules.

Mr. Pickard stated that he was available to offer stakeholder input if the Board wished to discuss issues concerning PPE, specifically masks and respirators.

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

X. NEXT BOARD MEETING DATE

A. Friday, October 2, 2020

XI. ADJOURNMENT

MOTION: Dr. Taylor moved for adjournment at 1:38 p.m.

SECOND: Dr. Morrow

VOICE VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.