

STAFF FEEDBACK

Prepared by Miriam Thompson, Chief Compliance Officer

FILE NO./NAME:

Discussion and approval of the Amended Open Session Minutes from the October 4, 2019 board meeting.

AGENDA MATTER:**SUMMARY:**

The attached Amended Open Session Minutes of the Board Meeting from the October 4, 2019 board meeting are submitted for discussion and approval in order to present an accurate record of the Formal Interview with Dr. Minseok Kang (Respondent) and Board action in Case Number 201800147.

Please be advised that the Amended Open Session Minutes from the October 4, 2019 Board meeting sought to capture the following information:

- The Formal Interview took place on Friday, October 4, 2019;
- Dr. Minseok Kang's presence as the Respondent with Legal Counsel;
- The Lead Board Member who presided over the Formal Interview; and
- The Board action being the issuance of a Board Order for Disciplinary CE.



Douglas A. Ducey, Governor

Arizona State Board of Dental Examiners
"Protecting the Public's Health"

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OPEN SESSION MINUTES
AMENDED

October 4, 2019
Board Meeting

Members of the Arizona State Board of Dental Examiners ("Board") held a meeting at 8:00 a.m. on Friday, October 4, 2019 at the Board's office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The Board did meet in executive session from 8:15 a.m. to 8:22 a.m., 8:32 a.m. to 8:37 a.m., 8:46 a.m. to 8:50 a.m. and 1:20 p.m. to 1:25 p.m.

BOARD MEMBERS:

- Heather N. Hardy, RDH..... President and Licensed Hygienist 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
Robert B. Taylor, DDS..... Licensed Dentist Member

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

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

GUESTS PARTICIPATING AND/OR PRESENT:

- E. Daniel Shoemaker..... P.I.P.E., Crosstex, National Training Manager, Member NFPA
Susan I. McLellan, Esq.... Attorney for Ashutosh Kaushesh, Andrea M. Kamel, David A. Watkins, licensee for case no. 201900098, Gregory K. Ceyhan and Irma Iskandar
Jeffrey Tonner, Esq..... Attorney for Brent Robison, 201900008, 2018000169 and Minseok Kang
Minseok Kang, DMD..... Respondent
David Ho, DDS..... Public Commenter
Michael Patton..... ASU Student
Phillips Shin, DDS..... Attorney for Catherine Barnard
Complainant..... Case No. 201900006; Catherine Barnard

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.

Complainant..... Case No. 201800202; Cindy Murphy
 Dina Anagnopoulos, Esq Attorney for Aaron B. Kleiner
 Katherine Corcoran, Esq Attorney for 201900070
 Kevin Earle, ADA..... Executive Director for Arizona Dental Association Public Commenter
 Robert Guyette Arizona Society Oral Maxillofacial Surgeons
 Scott Howell Assistant Professor and Director with Arizona School of Dentistry of Oral Health
 Complainant..... Case No. 201900129; Kamel, Andrea M.
 Michelle Thompson, Esq Attorney for Richard Weiss and Spencer R. Bramwell
 Savita Chandragri..... Healthcare Architect, P.I.P.E.
 Andrew Wiltsch Student
 Complainant..... Case No. 201800179; Irma Iskandar
 Christine Nguyen Dental Student
 Mark Donato ASDOH Student
 Complainant..... Case No. 201900097
 William Teske..... Public Commenter

OPEN SESSION

The meeting was called to order at 8:00 a.m. by Ms. Heather N. Hardy, The following order of business was then considered:

CALL TO THE PUBLIC

Mr. Scott Howell, assistant professor and director with Arizona Dental Association was present to speak about Tele Dentistry and its benefits.

Mr. William Teske spoke to the Board members about his dental care, and explained his dental care in the past and the lack of proper dental care. Mr. Teske also expressed his feelings about the complaint he filed with the Dental Board and feels that his complaint was not properly investigated; he would like his complaint to be reinvestigated.

PUBLIC COMMENT ON CASES

No public comments. Ms. Heather N. Hardy had all members of the public who wished to speak before the Board stand to be sworn in.

DECLARATION OF CONFLITS OF INTEREST - A.R.S. § 38-503

Ms. Marilyn McClain recused herself from case numbers 201800141; Shanahan, Bryan J. Dr. Robert Taylor recused himself from case numbers; 201000301; Robison, Brent, 2016001223 & 201700164; Margolis, Michael D. and 201800141; Shanahan, Bryan J. Dr. Leslie Seaman recused himself from case numbers 201800141; Shanahan, Bryan J. and the agenda item regarding renewal application for licensing dentist; Spendlove, Jacob Elwood. Dr. Lisa Bienstock recused herself from case numbers 201700256; Heiner, Nicholas P. and 201800202; Watkins, David A..

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Dr. Robert B. Taylor made a motion to accept and approve the open meeting minutes and executive session minutes for July 16, 2019, August 2, 2019 and August 30, 2019. The motion passed 11 - 0 by the following roll call vote:

- Heather N. Hardy, RDH - Aye
- Robert B. Taylor, DDS – Aye
- Morgan Burg – Aye
- Aditya Dynar, Esq. – Aye
- Nick Goodman – Aye

John N. Harman, IV, DDS – Aye
Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye
Lisa B. Bienstock, DMD- Aye

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Application(s) for Licensing of Dentist(s) – A.R.S. § 32-1231 et seq.

EXECUTIVE SESSION

Application(s) for Licensing of Dentist(s)

Farmer, Brenon K.

A motion was made by Ms. Heather N. Hardy to go into executive session, seconded by Dr. Robert B. Taylor and passed to go into executive session at 8:15 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding application for dental license. The Board reconvened in open session at 8:22 a.m.

A motion was made by Ms. Heather N. Hardy to suspend the agenda item while the matter is pending and place the application on suspension until the matter is resolved, seconded by Dr. Robert B, Taylor. The motion passed unanimously 11 - 0.

Gilbert, Daniel

A motion was made by Dr. Robert B. Taylor to accept the application for licensure as a dental hygienist, seconded by Dr. John N. Harman. The motion passed unanimously 11 - 0.

Roberts, Kim

A motion was made by Dr. Robert B. Taylor to accept the application for licensure as a dental hygienist, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

Application(s) for Licensing of Dental Hygienist(s) – A.R.S. § 32-1281 et seq.

Reister, Marcia Lanay

A motion was made by Dr. Robert B. Taylor to deny the application for dental hygienist license, seconded by Ms. Marilyn J. McClain. The motion passed 8 – 3 by the following roll call vote:

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

Renewal Application(s) for Licensing of Dentists

Hamberlin, James Doyle

A motion was made by Dr. Robert B. Taylor to accept the renewal application for dentist license, seconded by Dr. Lisa B. Bienstock and opposed by Dr. Leslie D. Seaman. The motion passed 10 - 1.

Jorgensen, Seth

A motion was made by Dr. Robert B. Taylor to accept the renewal application for dentist license, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

EXECUTIVE SESSIONSchnaidt, Leigh M.

A motion was made by Ms. Heather N. Hardy to go into executive session, seconded by Mr. Nick Goodman and passed to go into executive session at 8:32 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding application for dental license. The Board reconvened in open session at 8:37 a.m.

OPENSchnaidt, Leigh M.

After discussion, a motion was made by Ms. Heather N. Hardy, seconded by Dr. Russell J. Morrow to accept renewal for application for dental license with stipulation for restriction of practice based on self-admission of disability and a letter from her doctor with the restrictions from working on patients and limit didactic teaching. The motion passed unanimously 11 – 0.

Formal Interview(s)201800147; Kang, Minseok

Formal Interview took place by lead Board member, Dr. Anthony Herro. Dr. Minseok Kang was present and accompanied by counsel, Mr. Jeffery J. Tonner.

At the conclusion of the interview, and following discussion of the Board, A motion was made by lead Board member, Dr. Anthony Herro to issue a disciplinary board order with 6 months completion for 6 hours pre-approved continuing education in implant placement, 6 hours pre -approved continuing education in IV sedation and 4 hours of risk management, seconded by Dr. Russell J. Morrow. The motion passed 9 – 2 by the following roll call vote:

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

Board Members broke at 10: 58 a.m. and went back into session at 11:08 a.m.

201800179; Iskandar, Irma

A motion was made by Dr. John N. Harman to dismiss the complaint, seconded by Ms. Marilyn McClain. The motion passed 11 – 0 by the following roll call vote:

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

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

201900084; Black Canyon City Dentistry – owner – Eldon Jenkins

A motion was made by Ms. Heather B. Hardy to refer Mr. Eldon Jenkins to an Office of Administrative Hearing for revocation of business entity - request for penalty, seconded by Dr. Robert B. Taylor. The motion passed 11 – 0 by the following roll call vote:

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

EXECUTIVE SESSION

Review of Investigation(s)

201800105 & 201800138; Bramwell, Spencer R.

A motion was made by Ms. Heather N. Hardy to go into executive session, seconded by Mr. Aditya Dynar and passed to go into executive session at 8:46 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding application for dental license. The Board reconvened in open session at 8:50 a.m.

A motion was made by Ms. Heather N. Hardy to consolidate both cases and offer a non-disciplinary consent agreement with 4 hours risk management and civil penalties assigned to both cases in the amount of \$500.00, seconded by Dr. Robert B. Taylor. The motion passed 7 - 4 by the following roll call vote:

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

Malpractice, Adverse Occurrence Report and /or Disciplinary Action

Ceyhan, Gregory K.

A motion was made by Ms. Heather N. Hardy to take no action, seconded by Mr. Nick Goodman. The motion passed unanimously 11 - 0.

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

201700266-AO, 201800046 and 201800047; Roberts, Aaron

No action was taken by the Board regarding the review and discussion for the ongoing compliance/non-compliance with the terms of the Consent Agreement/Board Order.

201000301; Robison, Brent

Legal counsel Mr. Jeffrey A. Tonner, represented Dr. Brent Robison spoke about not wanting to be on future agendas unless his client did something wrong. The Board discussed that Dr. Robison will need to address the monitoring company in order to not have to be on future Board agendas and explained the process.

201600123 & 201700164; Margolis, Michael D.

No discussion was made by the Board members.

201700256; Heiner, Nicholas P.

A motion was made by Ms. Heather N. Hardy to offer a disciplinary consent agreement within the six month period to include, a completion of the original consent agreement requirements, an additional 3 hours continuing education in ethics and administrative penalty. All requirements need to be completed in six months and all courses must be pre-approved. Should Dr. Heiner not consent to the agreement, he may appear before the Board for Formal Interview, seconded by Mr. Nick Goodman. The motion passed 6 – 4 – 1 by the following roll call vote:

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

201800141; Shanahan, Bryan J.

A motion was made by Mr. Aditya Dynar to grant an extension of 1 month to provide the continuing education, seconded by Mr. Nick Goodman. The motion passed with 3 recusals, Dr. Lisa B. Bienstock, Dr. Robert B. Taylor and Ms. Marilyn McClain.

Executive Director Complaint Termination A.R.S. § 32-1263.03201800169 & 201900008

A motion was made by Dr. Robert B. Taylor to accept the termination by the executive director, with the concurrence of the Board's investigative staff due to the complaints being without merit and termination being appropriate, seconded by Ms. Marilyn McClain. The motion passed unanimously 11 - 0.

201900098, 201900141 & 201900161

A motion was made by Dr. Robert B. Taylor to accept the termination by the executive director, with the concurrence of the Board's investigative staff due to the complaints being without merit and termination being appropriate, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

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

201900057, 201900070 & 201900097

A motion was made by Dr. Robert B. Taylor to accept the executive director's termination based on submitted appeals from the complainant's, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

Review of Investigation(s)

201900205; Nunez, Gilberto A.

A motion was made by Dr. Robert B. Taylor to accept the consent agreement for voluntary surrender, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

The Board took a break from 9:45 a.m. to 9:48 a.m.

Cases recommended for Appeal of Disciplinary Consent Agreements

201800137; Kleiner, Aaron B.

A motion was made by Ms. Heather N. Hardy to amend the disciplinary consent agreement to include 6 hours ethics, 3 hours record keeping and risk management, seconded by Dr. Robert B, Taylor. The motion passed 11 – 0 by the following roll call vote:

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

201800161; Marks, George

A motion was made by Dr. Robert B. Taylor to accept the disciplinary consent agreement, seconded by Ms. Heather N. Hardy. The motion passed 11 – 0 by the following roll call vote:

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

201800225; Bruehl, Rudolph G.

A motion was made by Dr. Robert B. Taylor to accept the disciplinary consent agreement, seconded by Ms. Heather N. Hardy. The motion passed 11 – 0 by the following roll call vote:

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

Cases Recommended for Approval of Non-Disciplinary Consent Agreements

2018800170; Weiss, Richard I.

A motion was made by Dr. Robert B. Taylor to approve the non-disciplinary consent agreement, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

201800202; Watkins, David A.

A motion was made by Ms. Heather N. Hardy to accept the non-disciplinary consent agreement, seconded by Ms. Marilyn McClain. The motion passed 6 – 4 – 1 by the following roll call vote:

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

201900006; Shin, T. Phillip

After discussion, a motion was made by Ms. Heather N. Hardy, seconded by Mr. Aditya Dynar and passed to accept the non-disciplinary consent agreement. Dr. Robert B. Taylor opposed. The motion passed 10 – 1.

Cases Recommended for the Issuance of a Letter of Concern

201900129; Kamel, Andrea N.

A motion was made by Dr. Lisa B. Bienstock to offer a non-disciplinary consent agreement of 3 hours continuing education on treatment planning, 4 hours of continuing education on risk management and 3 hours of continuing education on record keeping, seconded by Dr. Anthony Herro. The motion passed 10 – 1 by the following roll call vote:

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

Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS - Aye
Leslie D. Seaman, DDS – Aye

Cases Requested for Termination – By Patient

201900058; Yazdi, Mahsan Naimi

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Ms. Heather N. Hardy and passed to accept the patients request to terminate the complaint. The motion passed 11 – 0 by the following roll call vote:

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

201900104; Kaushesh, Ashutosh

A motion was made by Dr. Robert B. Taylor to accept the patients request to terminate the complaint, seconded by Mr. Nick Goodman. The motion passed unanimously 11 - 0.

201900114; Moreira, Seaphim

A motion was made by Dr. Robert B. Taylor to accept the patients request to terminate the complaint, seconded by Ms. Heather B. Hardy. The motion passed 11 – 0 by the following roll call vote:

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

201900155; Grieb, David C.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Ms. Heather B. Hardy and passed unanimously to accept the patients request to terminate the complaint. The motion passed 11 – 0 by the following roll call vote:

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

Morgan Burg – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS - Aye
Leslie D. Seaman, DDS – Aye

Board Dental/Hygiene Consultants and Anesthesia and Sedation Evaluators

Halabi, Sue (dental hygienist consultant)

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Ms. Heather N. Hardy and passed unanimously to approve Ms. Sue Halabi to perform consulting and/or evaluating services for the Board. The motion passed 11 – 0 by the following roll call vote:

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

Saric, Sonata (dental hygienist consultant)

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Ms. Heather N. Hardy and passed unanimously to approve Ms. Sonata Saric to perform consulting and/or evaluating services for the Board. The motion passed 11 – 0 by the following roll call vote:

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

EXECUTIVE SESSION

ALIGNER TREATMENT

A motion was made by Ms. Heather N. Hardy to go into executive session, seconded by Dr. Russell J. Morrow and passed to go into executive session at 1:20 p.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding aligner treatment. The Board reconvened in open session at 1:25 p.m.

The Board had a discussion with the representatives from SmileDirect Club, LLC and the American Association of Orthodontics regarding aligner treatment and the taking of digital scans of a patient's mouth for the purpose of having a dentist or orthodontist approve of treatment plan for correcting a malposition of the patient's teeth.

ASSISTANT ATTORNEY'S GENERAL REPORT

Mr. Seth Hargraves, Assistant Attorney General for the Board, informed the Board of the updates on state legislation that passed in the last legislation session. Updated statutes were added that are applicable to the Board; will be provided upon request.

WESTERN REGIONAL EXAMINING BOARD ("WREB")

A motion was made by Ms. Heather N. Hardy, seconded by Dr. Robert B. Taylor to allow Dr. Russell J. Morrow to represent the Board at the DERB conference and staff attendance at the 2019 WREB Member State Board Executive Directors Meeting held from Thursday, November 7, 2019 – Friday, November 8, 2019 in Denver, Colorado. The motion passed unanimously 11 - 0.

ANESTHESIA AND INTRAVENOUS SEDATION COMMITTEE

Ms. Heather N. Hardy discussed with the Board that there are already 7 appointed Anesthesia and Intravenous Sedation Committee members and will be adding 4 more appointed Anesthesia and Intravenous Sedation Committee members and appointed Mr. Nick Goodman to be the chair of that committee. The meeting will be scheduled at a later date.

The Board took a break from 1:09 p.m. to 1:20 p.m.

DENTISTS' AND HYGIENISTS' REQUESTS FOR A CONTINUING EDUCATION ("CE") EXTENSION – A.R.S. §§ 32-1236 & 32-1287

Board staff discussed the importance of having a policy and procedure in place when dental and dental hygienists request an extension to provide their continuing education units. The Board members agreed that all application fields need to be filled out, if they answer "yes" to any questions, the applicant will not be granted an extension, and the timeframe for the extension will be case by case. Also, Mr. Ryan Edmonson will put a policy and procedure in place for requested extensions to submit continuing education and take it to the Board for approval and have a link on the Board's website; should anyone have questions about the guidelines for continuing education extension requests.

STANDARDIZED METHOD FOR DOCTOR REMEDIATION

A motion was made by Ms. Heather N. Hardy to direct Board staff to add Dr. Dovgan's D.O.C.S. 5.8 hour course to be pre-approved to fulfill the 4 hours of risk management continuing education even though will have to complete the full 5.8 hours, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

COMPENSATION OF THE BOARD – A.R.S. § 32-1206

A motion was made by Ms. Heather N. Hardy to amend the policy and procedure as written as amended, removing the committee compensation, seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS ("NCRDSCB")

A. The Board has no opinion on the American Academy of Orofacial Pain applied for Orofacial Pain to be recognized as a dental specialty and would like to leave it up to the American Dental Association ("ADA").

B. The Board has no opinion on the American Academy of Oral Medicine applied for Oral Medicine to be recognized as a dental specialty and would like to leave it up to the American Dental Association (“ADA”).

INVESTIGATOR

A motion was made by Dr. Russell J. Morrow to direct Board staff to call in the following interviewees for the Investigative Consultant position; M.A., J.C., J.D. and B.A.W., seconded by Ms. Heather N. Hardy. The motion passed unanimously 11 - 0.

RECOGNITION OF SERVICE

Ms. Heather N. Hardy announced Assistant Attorney General, Ms. Mary DeLaat Williams, Esq. Board’s Legal Counsel, recognition for 25 years of service with the Arizona Stated Board of Dental Examiners; 1994-2019. Ms. Heather N. Hardy presented Assistant Attorney General Mary DeLaat Williams, Esq. with a plaque for her service with the Board.

EXECUTIVE DIRECTOR’S REPORT

A. Budget Update

Mr. Ryan Edmonson summarized the board’s budget for fiscal year 2021 and updated members on the current fiscal year budget.

B. Agency Operations

1. 2020 Board Meeting Dates:

A motion was made by Mr. Nick Goodman to accept the following 2020 Board Meeting dates, seconded by Mr. Aditya Dynar. The motion passed with one opposed 10 - 1. Dr. Lisa B. Bienstock opposed.

- a. January 31, 2020
- b. March 6, 2010
- c. April 17, 2020
- d. June 5, 2020
- e. August 7, 2020
- f. September 4, 2020
- g. October 2, 2020
- h. December 4, 2020

RULE MAKING PACKAGE

A motion was made by Ms. Heather N. Hardy to open a rule making package for submission to the Governor’s Regulatory Council (“GGRC”), seconded by Mr. Aditya Dynar. The motion passed unanimously 11 - 0.

SUMMARY OF CURRENT EVENTS

There was no discussion.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

1. Board members would like to place, Clear Aligners on the next Board agenda for further discussion.
2. Board staff were directed to follow-up on Scott Howell’s case.

NEXT BOARD MEETING DATE

The next Board meeting date is Friday, December 6, 2019.

ADJOURNMENT

A motion was made by Dr. Robert B. Taylor to adjourn the Board meeting at 3:46 p.m., seconded by Dr. Russell J. Morrow. The motion passed unanimously 11 - 0.