



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

December 6, 2019 Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 8:00 a.m. on Friday, December 6, 2019 at the Board’s office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The Board did meet in executive session from 11:42 a.m. to 11:46 a.m. 11:55 a.m. to 12:09 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

- Absent
- Morgan Burg left the meeting at 11:30 a.m.

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

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

GUESTS PARTICIPATING AND/OR PRESENT:

- Bailey Waldrop, RDH..... Respondent
- Thanh Du, DDS..... Respondent
- KC..... Complainant
- AL..... Complainant

JM	Complainant
AR.....	Complainant
MV	Complainant
Kevin Earle, AzDA.....	Executive Director for Arizona Dental Association
Cody Hall, Esq.....	Respondent’s Attorney
Ishtjot Saini, DDS	Respondent
Leah Schachar, Esq.....	Representing Attorney
TH	Complainant
Kate Corcoran, Esq.....	Representing Attorney
Dina Anagnopoulos, Esq	Representing Attorney
Jessica Guethe-Larsen, RDH	Public Member
Tanner Gneiting	Student
Ronald Walker, DDS	Respondent
Gregory Kammeyer, DDS	Respondent
Dawn Brodzeller	Public Member
Jessica Robertson, DMD.....	Public Member
Alan Aloian.....	Public Member
John Ashvin	Public Member

OPEN SESSION

The meeting was called to order at 8:00 a.m. by Dr. Robert B. Taylor. The following order of business was then considered:

CALL TO THE PUBLIC

No one was present from the public.

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

Dr. Anthony Herro declared a conflict with agenda item V.E.8; Cooperman, Benjamin. The representing attorney stated there is no conflict of interest.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

A motion was made by Dr. Robert B. Taylor, seconded by Dr. John N. Harman and passed 9 - 0 to approve the open meeting minutes and executive session minutes for October 4, 2019.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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

Ellis, Jess

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Anthony Herro and passed unanimously to grant licensure.

Farmer, Brenon K.

A motion was made by Dr. Robert B. Taylor, seconded by Ms. Marilyn J. McClain and passed unanimously to grant licensure.

Miller, Rodrick Ledell

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Lisa B. Bienstock and passed unanimously to grant licensure.

Patterson, Charles Walter

A motion was made by Ms. Marilyn J. McClain, seconded by Dr. Robert B. Taylor and passed unanimously to table Mr. Patterson's application for licensure until the next board meeting and ask him to appear.

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

Waldrop, Bailey E.

A motion was made by Ms. Marilyn J. McClain, seconded by Dr. Robert B. Taylor and passed unanimously to grant licensure.

Continuing Education Audit(s) for Licensee(s) – A.A.C. R4-11-1202(G)

Approvals

A motion was made by Dr. John N. Harman, seconded by Ms. Marilyn J. McClain and passed unanimously to approve audits for the following licensees:

1. David A. Benson
2. Kanwar Singh Bhogal
3. Robert James Brown
4. Norman J. Bunch
5. Ken S. Chan
6. Glenn Hsuan Chen Chang
7. David Cohen
8. Kenneth E. Danyluk
9. Nile M. Davis
10. Michael S. Dickerson
11. Troy L. Garey
12. James C. Goodwin
13. Russell E. Graham
14. Bruce L. Herr, Jr.
15. Jonathan A. Keller
16. Dawnie L. Kildoo
17. Brian A. Lillien
18. Cedric V. Loud
19. Dric R. Nielson
20. David F. McCook
21. Shannon Oberneufemann
22. Dana A. Perno
23. J. Stanley Reidhead
24. Gregory B. Sheppard
25. Eric Christopher Solberg
26. Gerard Bernard Stratthaus
27. Wen Hsiu Wang

Board Consideration

Dhillon, Inderraj S.

Dr. John N. Harman made a motion, seconded by Mr. Nick Goodman and passed unanimously to direct staff to submit a letter to provide continuing education information that was audited and submit it within 30 days.

Jacques, Michael Joseph

Dr. John N. Harman made a motion, seconded by Dr. Robert B. Taylor and passed unanimously to open an investigation for failure to respond to the Board's audit.

Formal Interview(s)

201800177; DeBaker, Jesse

Dr. Robert B. Taylor swore in the representing attorney and licensee.

Dr. John N. Harman made a motion, seconded by Anthony Herro and passed 8 - 0 to dismiss the complaint against Dr. Jesse DeBaker.

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

201800221; Walker, Ronald D.

Dr. Robert B. Taylor swore in the representing attorney and licensee.

Dr. Robert B. Taylor made a motion, seconded by Anthony Herro and passed 8 – 0 to move with the findings of facts.

Dr. Robert B. Taylor made a motion, seconded by Marilyn J. McClain and passed unanimously 8 – 0 to accept the findings of fact and order for restitution, six hours of continuing education hands on crown and bridge, six hours of continuing education on diagnosis and root canals, and three hours of x-ray to be done within 6 months.

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

Dr. Robert B. Taylor made a motion, seconded by Nick Goodman and passed 7-1 to amend the restitution that the doctor pay \$1, 905 to the patient as explained to the Board and that the doctor pay back \$430.50 to MetLife within 30 days.

Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD - Aye
Morgan Burg – Aye
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye

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

Review of Investigation(s)
201900084; Black Canyon City Dentistry

Dr. Robert B. Taylor directed board staff to contact the attorney that has the records and see how much it will cost to have those records delivered to the Board. The matter has been tabled.

EXECUTIVE SESSION

Dr. Robert B. Taylor made a motion, seconded by Mr. Nick Goodman and passed unanimously 7 – 0 to go into executive session at 11:42 a.m. to request confidential information.

After consideration in executive session, the Board reconvened in open session at 11:46 a.m.

OPEN SESSION
201900140 & 201900163; Eskanos, Keith

Board staff discussed concerns with the complaints against Dr. Keith Eskanos.

EXECUTIVE SESSION

Dr. Robert B. Taylor made a motion, seconded by Nick Goodman and passed unanimously to go into executive session at 11:55 a.m. to seek legal advice.

After consideration in executive session, the Board reconvened in open session at 12:09 p.m.

Dr. Robert B. Taylor made a motion, seconded by Marilyn J. McClain and passed 5 – 2 to combine case numbers 201900140 and 201900163, issue a Non-Disciplinary Consent Agreement with a penalty of \$500.00 civil penalty, 3 hours continuing education in ethics pursuant to A.R.S. § 32-1201.01(14) and (23).

Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD - Nay
Nick Goodman – Nay
John N. Harman, IV, DDS – Aye
Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH - Aye
Leslie D. Seaman, DDS – Aye

201900164; Asadi, Golinaz

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously to dismiss the case.

201900165; VanderSchaaf, Beth

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously to dismiss the case.

201900208; Eftekhari, Massoud

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously to dismiss the case.

201800189-MP, 201800218 & 201900033; Unger, Erik

The complainant and spouse gave a summary of the procedures that the patient has undergone and the continued issues the patient has experienced.

Dr. Robert B. Taylor made a motion, seconded by Mr. Nick Goodman and passed unanimously table the matter until after additional records are reviewed.

201800226; Cooperman, Benjamin

Dr. Robert B. Taylor made a motion, seconded by Mr. Nick Goodman and passed unanimously table for further investigation to review and make a decision.

Malpractice, Adverse Occurrence Report and/or Disciplinary Action

201800172; Brohumil, Ivo Sokol

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to reject proposed Non-Disciplinary Consent Agreement and offer new Non-Disciplinary Consent Agreement adding 6 hours of continuing education on oral surgery.

201900003; Christensen, M. Todd

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to accept the recommendation that the Board to take no action and close the file.

201900099; Tomkinson, Tyler Clark

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to accept the recommendation that the Board take no action and close the file.

201900127; Houser, Bruce

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to accept the recommendation that the Board take no action and close the file.

201900177; Rowe, Kurt

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to accept the recommendation that the Board take no action and close the file.

201900218; Feldhake, Richard

Dr. Robert B. Taylor made a motion, seconded by Dr. John N. Harman and passed unanimously to accept the recommendation that the Board take no action and close the file.

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

A motion was made by Dr. John N. Harman, seconded by Dr. Robert B. Taylor and passed unanimously to accept the Executive Director's complaint termination for the following case numbers:

201800229
201900008
201900025
201900044
201900045
201900064
201900092
201900101

201900141
201900142
201900212 and
201900228

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

201900040

Dr. Robert B. Taylor swore in the complainant. The complainant gave a summary of the incident.

A motion was made by Ms. Marilyn J. McClain, seconded by Dr. John N. Harman and passed unanimously to approve prior action.

201900054 & 201900089

Dr. Robert B. Taylor swore in the complainant for case number 201900089. The complainant gave a summary of the incident.

A motion was made by Dr. Robert B. Taylor, seconded by Mr. Nick Goodman and passed unanimously to take no action.

201900093 and
201900180

A motion was made by Dr. Robert B. Taylor, seconded by Dr. John N. Harman and passed unanimously to terminate cases.

Review of Investigation(s)

201900134; Gerhart, Lawrence M.

A motion was made by Dr. Robert B. Taylor, seconded by Dr. John N. Harman and passed unanimously to accept voluntary surrender of license.

Failure to Notify the Board Pursuant to A.R.S. § 32-3208

201900117; Barnwell, Stacy

A motion was made by Ms. Marilyn J. McClain, seconded by Dr. Robert B. Taylor and passed unanimously to invite Ms. Stacy Barnwell to a Formal Interview.

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

201900126; Nguyen, Brian Bao

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously 7 – 0 to accept the signed Consent Agreement and Order and \$500.00 payment.

Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD - Aye
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH - Aye
Leslie D. Seaman, DDS – Aye

201900136; Espinoza, Mark A.

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously 7 – 0 to accept the signed Consent Agreement and Order and \$500.00 payment.

Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD - Aye
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro, DDS – Aye
Marilyn J. McClain, RDH - Aye
Leslie D. Seaman, DDS – Aye

National Practitioner Databank (“NPDB”)

Executive director discussed with the board members how to proceed with reports received by National Practitioner Databank (“NPDB”) and explained there options.

A motion was made by Ms. Marilyn J. McClain, seconded by Mr. Nick Goodman and passed unanimously to direct board staff to investigate all National Practitioner Databank (“NPDB”) reports to see if further investigations is needed on the following licensees:

Bull, Joseph J.
Kammeyer, Gregory
Kariotoglou, Rigas
Meyer, Nicholas
Mitchell, Brian G.
Nguyen, Peter P.

The Board took a break at 9:27 a.m. and reconvened at 9:35 a.m.

Update on Received Complaint

Teski, William

Dr. Robert B. Taylor gave a summary of the update on the complaint received and stated it had been thoroughly investigated. No further investigation is needed.

CONSENT AGENDA

Cases Recommended for Approval of Disciplinary Consent Agreement

201900028; Du, Thanh V.

A motion was made by Dr. John N. Harman, seconded by Ms. Marilyn J. McClain and passed 8 - 1 to direct board staff to offer a Non-Disciplinary Consent Agreement with 6 hours continuing education on crown and bridge.

Cases Recommended for Approval of Non-Disciplinary Consent Agreements

201800191; DiVito, Enrico

A motion was made by Ms. Marilyn J. McClain, seconded by Dr. Robert B. Taylor and passed unanimously to dismiss the complaint.

The Board took a break at 11:34 a.m. and reconvened at 11:40 a.m.

201800199; Murdzheva, Mariya

A motion was made by Ms. Marilyn J. McClain, seconded by Mr. Nick Goodman and passed unanimously to dismiss case.

201800210; Bailey, Lance Don

A motion was made by Dr. Robert B. Taylor, seconded by Mr. Nick Goodman and passed unanimously to accept the offered the Non-Disciplinary Consent Agreement.

201900016; Castano, Francisco

Dr. Robert B. Taylor swore in the complainant on case 201900210; Dr. Francisco Castano. The complainant gave a summary of the incident that occurred.

A motion was made by Dr. Robert B. Taylor, seconded by Mr. Nick Goodman and passed unanimously to accept the offered Non-Disciplinary Consent Agreement.

201900030; Shahlaie, Masih

A motion was made by Dr. Robert B. Taylor, seconded by Ms. Marilyn J. McClain and passed unanimously to dismiss the offered Non-Disciplinary Consent Agreement.

201900107; Yohannes, Yonas

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Lisa B. Bienstock and passed unanimously to accept the offered Non-Disciplinary Consent Agreement.

Cases Recommended for the Issuance of a Letter of Concern

201900080; Chaffee, David

A motion was made by Dr. John N. Harman, seconded by Ms. Marilyn J. McClain and passed unanimously to dismiss the case.

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

Pogue, Mark D. and

Robinson, Lewis

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Lisa B. Bienstock and passed unanimously to accept the dental consultants.

SUBSTANTIVE POLICY STATEMENTS

Dental Assistants' Scope of Practice

Public Member gave a summary to the board members about requesting clear information regarding Dental Assistants' scope of practice. Executive Director explained what the substantive policy statement is and explained that it can be changed by Board members. Public member Mr. Kevin Earle also explained that Arizona should look at clarifying the Dental Assistants' Scope of practice.

Dr. Robert B. Taylor directed Board staff to place on the agenda for the next Board meeting and notify the Arizona Dental Association, Ms. Jessica Guethe – Larsen and invite Dr. Danby.

AFFILIATED MONITORS, INC.

No discussion was made. Presenters were unable to attend.

COMMISSION ON DENTAL ACCREDITATION (“CODA”)

Dr. Robert B. Taylor and Ms. Marilyn J. McClain volunteered to participate in the CODA’s 2020 onsite evaluation.

ADVERTISING

Dr. Jessica Robertson was present to give a summary of the importance of being able to verify dentists’ credentials. Executive Director will meet with Dr. Cobb and speak about advertising. Executive Director will report back to the Board members and place on a future Board agenda.

THE COMMISSION ON DENTAL COMPETENCY ASSESSMENTS (“CDCA”)

Dr. Robert B. Taylor gave a summary of activities and events that would take place at the Commission on Dental Competency Assessments (“CDCA”).

AMERICAN ASSOCIATION OF ORAL AND MAXILLOFACIAL SURGEONS (“AAOMS”)

Dr. Robert B. Taylor made a motion, seconded by Ms. Marilyn J. McClain and passed unanimously to direct board staff to look into and download software and participate in the AAOMS dental anesthesia incident reporting system.

BOARD ELECTIONS – A.R.S. § 32-1205

Nomination and Election of Board President

Dr. Robert B. Taylor made a motion, seconded by John N. Harman and passed unanimously to nominate Ms. Heather N. Hardy as Board President.

Nomination and Election of Board Vice-President

Dr. John N. Harman made a motion, seconded by Mr. Nick Goodman and passed unanimously to nominate Dr. Robert B. Taylor as Board Vice President.

RECOGNITION OF SERVICE

Sam D. Palmer, DMD Board’s Chief Investigator.....1998 – 2019

Board staff and Board members congratulated Dr. Sam D. Palmer for his service with the Board and presented a plaque for service.

EXECUTIVE DIRECTOR’S REPORT

Budget Update

Executive Director explained the changes and updates to the budget.

Agency Operations

Potential Conflict with the April 24, 2020 Board Meeting Date

The Board members decided to replace the April 24, 2020 Board Meeting Date with May 1, 2020. Dr. Robert B. Taylor directed staff to notify Board members about the meeting date change and request a response to be able to meet quorum.

AzDA Selected a New Executive Director

Mr. Kevin Earle stated that Dr. Sean Murphy will be the new Executive Director for AzDA starting on February 3, 2020.

Investigator Position Update

Board members decided to interview the position at the January 31, 2020 Board Meeting. Dr. Robert B. Taylor directed staff to provide interview questions that would last for a twenty minute interview session.

SUMMARY OF CURRENT EVENTS

Board staff summarized current events for the Board members.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Mr. Nick Goodman would like to have National Practitioners Databank reports before moving forward with renewal applications and initial applications. Ms. Marilyn J. McClain would like to discuss concerns about the Dental Board not having jurisdiction over business entities and dental practices or chains.

NEXT BOARD MEETING DATE

Friday, January 31, 2020

ADJOURNMENT

A motion was made by Dr. Robert B. Taylor, seconded by Ms. Marilyn J. McClain and passed unanimously to adjourn at 1:34 p.m.