



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
W: www.dentalboard.az.gov

OPEN SESSION MINUTES

October 7, 2022 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a virtual/telephonic meeting. The Board met in executive session during its consideration of agenda items IV.D.3, IV.J.1 and IV.L.1 as stated herein.

BOARD MEMBERS

	Anthony Herro, DDS	President and Licensed Dentist Member
	Lisa B. Bienstock, DMD	Vice-President and Licensed Dentist Member
X	Morgan B. Burg	Business Entity Member
	Edward H. Christensen, DDS	Licensed Dentist Member
	Aditya Dynar	Public Member
	Tamer El-Gendy	Licensed Dentist Member
	Nick Goodman	Public Member
X	Jaselyn K. Moffett, RDH	Licensed Hygienist Member
X	Russell Jeffrey Morrow, DDS	Licensed Dentist Member
	Vicki B. Penna, RDH	Licensed Hygienist Member
X	Leslie D. Seaman, DDS	Licensed Dentist Member
	Joined/deperted as denoted in the body of the minutes	
X	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

Ryan P. Edmonson	Executive Director
Seamus Monaghan, Esq.	Assistant Attorney General
Julie Cutler, DMD	Deputy Chief Investigator
Lisa Schmelling	Chief Compliance Officer
Yazmin Bustamante	Executive Assistant

GUESTS PARTICIPATING AND/OR PRESENT

Lori J. Petree	Applicant
Warren Pyle	Applicant
Harold W. Rux	Applicant
Paula J. Schmidt	Applicant
Marshall Hunt, Esq.	Attorney for Respondent
Jefferson Hayden, Esq.	Attorney for Respondent
Anna Vu	Respondent
Jeffery J. Tonner, Esq.	Attorney for Respondents
Richard Baker	Respondent

Leanne Hay, Esq.	Attorney for Respondents
Leah Schachar, Esq.	Attorney for Respondents
Jayasanker Valiyaparambil	Respondent
Bruce Stein	Respondent
Manu Arora	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Tad Olsen	Respondent
James B. Osmun	Respondent
M.D.	Complainant
Kevin Nicholas, Esq.	Attorney for Respondents
Robert Oro	Respondent
Debra Oro	Respondent
Troy L. Richins	Respondent
Arlyn Levy	Respondent
A.K.	Complainant
Leo Christensen	Respondent
Ashwaq Kayat	Respondent
Spencer Torgerson	Respondent
Arman Nafisi, Esq.	Attorney for Respondent
Justin Kirch	Respondent

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 8:00 a.m. Roll call of the Board members was taken and a quorum was established at 8:20 a.m.

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

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.G.1 and IV.G.2

Dr. El-Gendy declared a conflict of interest with agenda item no. IV.D.5

The Board informed the attendees that items IV.G.1, IV.G.2 and IV.D.5 would not be considered at this meeting due to a lack of quorum.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

A. Discussion and approval of the Open Session Minutes from the September 2, 2022 board meeting.

B. Discussion and approval of the Executive Session Minutes from the September 2, 2022 board meeting.

C. Discussion and approval of the Open Session Minutes from the September 26, 2022 board meeting.

Motion: Ms. Penna moved to approve the meeting minutes.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

IV. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**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. Petree, Lori J., DDS**

Dr. Petree was available during the Board's consideration of her application for licensure.

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

2. Pyle, Warren, DMD

Dr. Pyle was available during the Board's consideration for his application for licensure.

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Bienstock

Ms. Penna expressed concern that the infection control was not addressed for two months. After further discussion, the Board did not consider it a reason to deny licensure.

Vote: 5-aye, 1-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Ms. Penna voted against the motion.

3. Rux, Harold W., DDS

Dr. Rux was available during the Board's consideration of his application for licensure.

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

4. Schmidt, Paula J., DDS

Dr. Schmidt was available during the Board's consideration of her application for licensure. The Board inquired about the practice restriction from Wyoming. Dr. Schmidt indicated that she is being monitored and has restrictions on orthodontic cases on minors who have an impacted tooth; however clarified she can practice on other cases.

Motion: Dr. Bienstock moved to grant licensure pending acceptance of an Order with the same restrictions as the state of Wyoming.

Second: Dr. Herro

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

B. Review of Investigation(s)**1. 202100078; Hansen, Sarah**

Attorney Marshall Hunt stated that the consultant did not find a deviation from the standard of care on the primary issue regarding antibiotics. Mr. Hunt further explained that Dr. Hansen was no longer the custodian of records. The Board considered the Investigative Committee's recommendation to dismiss the case against Dr. Hansen and open a case against the business entity for failure to respond to the subpoena in a timely manner.

Motion: Dr. Herro moved to dismiss the case against Dr. Hansen.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Herro moved to open a case against Prescott Valley for failure to respond to the subpoena in a timely manner.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

2. 202100088; Vu, Anna

Dr. Vu was available during the Board's consideration of the matter. Attorney Jefferson Hayden made a statement to address the patient's allegations and indicated that Dr. Vu's charting has improved. Dr. Cutler proceeded to direct the Board's attention to the initial exam done by Dr. Vu and indicated that fillings were recommended and decay was removed. However, there was no documented diagnosis for the treatment. After discussion, the Board concurred with the Investigative Committee's recommendation.

Motion: Dr. Herro moved to issue a letter of concern regarding risk management, diagnosing and treatment planning.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Herro moved to open a case against Dr. Wai Cheung based on the allegations cited in the Consultant's Report.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed. 6 aye

3. 202100286; Smallwood, Trent

There was no one available to speak during the Board's consideration of the matter.

Motion: Dr. Herro moved to invite Dr. Smallwood to a formal interview based on the allegations cited in the Consultant's Report.

Second: Ms. Penna

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

C. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 202100049; Baker, Richard

Dr. Baker was available during the Board's consideration of the matter. Mr. Tonner made a statement to clarify that Dr. Baker did not do the treatment plan and no treatment was done on the patient. As a result, Mr. Tonner requested that the case be dismissed.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

2. 202100263; Chapman, Brett

Ms. Hay made a statement on behalf of Dr. Chapman and indicated that appropriate care and treatment was provided to the patient. Ms. Hay also stated that restoration of the tooth was not in the best interest of the child and that restorative options were discussed with the child's mother. Ms. Hay further explained that documentation for maintaining space was not recorded because it was the intent to have tooth 31 take the place of tooth 30. Overall, the treating doctor took into consideration the patient's hygiene and the extensive decay. The Board discussed the matter and expressed concern that a PA was not taken while the patient was sedated.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

Dr. Bienstock stated that there are minor concerns; however there were no violations of standard of care to warrant action.

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

3. 202100267; Robles, Jonathan

There was no one available to speak during the Board's consideration of the matter. Dr. Cutler proceeded to provide the Board an overview of the case and stated that the patient alleges that the dental treatment provided was not explained. Possible deviations included lack of written informed consent for the extraction of tooth number 4 and bridge for teeth 3 to 6. In addition, the radiograph did not support the need to extract tooth number 4. The Board discussed the matter and took the Investigative Committee's recommendation into consideration.

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management based on the Board's discussion and the findings in the Consultant's Report. The CE hours shall be in addition to

the hours required for license renewal and shall be completed within six months. Online courses are acceptable.

Amended motion: Dr. Herro moved to also require the completion of 4 hours of CE in fixed prosthodontics.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

4. 202200003; Valiyaparambil, Jayasanker

Dr. Valiyaparambil was available during the Board's consideration of the matter. Ms. Schachar made a statement and indicated that the patient had poor dentition and was diagnosed with Periodontitis. Implants were recommended amongst other treatment options; however, the patient requested immediate lower dentures only. Dr. Valiyaparambil clarified that vitals were taken and answered additional questions.

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Penna

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

5. 202200033; Mouzoon, Sassan

Ms. Schachar made a statement on behalf of Dr. Mouzoon and indicated that there were problems with the lab and the patient ultimately abandoned treatment and was provided a refund. As a result, Ms. Schachar requested a letter of concern for the inadequate record keeping in this case. The Board proceeded to discuss the matter and had questions regarding the complete denture without the proper records.

Motion: Dr. El-Gendy moved to offer a disciplinary consent agreement requiring the completion of 6 hours of CE in removable prosthodontics, 4 hours in perio and 4 hours in risk management; based on the information in the Consultant's Report and the information discussed. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. Online courses are acceptable.

Amended motion: Dr. El-Gendy moved to give the respondent 30 days to sign the consent agreement; if not signed move to a formal interview.

Second: Dr. Herro

Vote: 5-aye, 0-nay, 1-abstain, 0-recuse, 5-absent. Motion passed.

Dr. Christensen abstained

6. 202200036; Stein, Bruce

Dr. Stein was available during the Board's consideration of the matter. Ms. Hay made a statement to clarify that a comprehensive examination and perio evaluation were done and radiographs were taken. However, Dr. Stein did not enter notes for the examination. The tooth in question was asymptomatic and was being monitored. The patient was then referred to Endo when she indicated feeling pain. Dr. Cutler subsequently stated that the patient returned seven more times and the doctor did not document periolucency. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management, 3 hours in diagnosing and treatment planning; based on the findings in the Consultant's Report and the discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Online courses are acceptable.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

7. 202200052; Arora, Manu

Dr. Arora was available during the Board's consideration of the matter. Ms. Hay made a statement requesting a letter of concern for inadvertent documentation issues. The patient refused treatment on anything other than tooth number 11 and was provided a refund for the accidental overbilling. Dr. Arora proceeded to answer the Board's questions pertaining to the treatment.

Motion: Dr. Herro moved to issue a letter of concern in risk management based on the findings in the Consultant's Report and the discussion during the meeting.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

8. 202200053; Olsen, Tad

Dr. Olsen was available during the Board's consideration of the matter. Ms. Thompson clarified that Dr. Olsen did not place the implant that failed. Dr. Olsen examined the implant and was seen to replace a housing of the implant. The patient was informed that the implants were failing. The patient returned with another problem with the implant; however, became upset when informed it was a different issue and left. This resulted in dismissal of the patient. Dr. Olsen proceeded to answer the Board's questions pertaining to the mobility of the implant.

Motion: Dr. El-Gendy moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management, 3 hours in implant and 3 hours

in treatment planning; based on the findings in the Consultant's Report and discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. Online courses are acceptable.

Second: Dr. Herro

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

9. 202200114; Osmun, James B.

Complainant M.D. made a statement and indicated that she had gone multiple times to see Dr. Osmun because her temporary denture caused pain and is still not fixed. Dr. Osmun was available during the Board's consideration of the matter. Mr. Tonner made a statement and clarified that the abutment was loose and two adjustments were done; however, the patient did not return afterwards. Mr. Tonner further indicated that additional records were provided and discussed them with the Board.

Motion: Dr. Bienstock moved to dismiss the case based on the findings in the board packet and the discussion held during the meeting.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

The Board took a break from 10:18 a.m. to 10:30 a.m.

Roll call of the Board members was taken and a quorum was established.

J. Formal Interview(s)

1. 202100254-MP & 202100255-MP; Oro, Robert and Oro, Debra

Drs. Oro and Attorney Kevin Nicholas were available during the Board's consideration of the matter. Dr. Cutler proceeded to provide the Board an overview of the case. Mr. Nicholas subsequently stated that the patient was satisfied with the initial part of the procedure and did not have problems. Mr. Nicholas further stated that the complaint was presented one year after the procedure when the Oro's work was destroyed. Drs. Oro proceeded to answer the Board's questions and explained the technicalities of a dental virtual facelift.

Mr. Dynar joined the meeting at 11:17 a.m.

The Board continued to inquire about the procedure and how the respondents check that the margins of the prostheses are completely sealed.

Dr. Christensen departed the meeting at 11:32 a.m.

Dr. El-Gendy stated that x-rays need to be taken before and after cementation. Mr. Nicholas proceeded to state that it is important to understand that there is more than one way to reach the standard of care. Mr. Nicholas requested that the Board take into consideration that the Oro's did not have an opportunity to finish their

work. The Board proceeded to consider deliberation of the case. During discussion, Dr. El-Gendy explained that increasing the vertical dimension of occlusion (VDO) has to be done in a reversible way first. The provider should look at the patient by evaluating existing vertical dimension occlusion; then decide how much to open. The excessive vertical of occlusion led to the problems that the patient is having and complained about to other dentists. The Board further reviewed the deviations listed in the Consultant's Report which included: patient did not need a full mouth restoration with increased VDO for face lift. Photos showed normal dentition with minimum wear; other conservative treatment options that did not require destroying the teeth could have been done. Dental face lift is usually done on patients with a deep overbite; however the patient did not have a deep overbite. The crown to root ratio was greater than 1:1 on the majority of the teeth. Full mouth splinted PFM bridges were too aggressive for a dental facelift treatment on teeth that did not need to be crowned. When asked how they determined the VDO for the complainant, Drs. Oro responded it was the same as the size of her tongue resting between the arches. However, the post-pano radiograph and cast model show it was much more than the thickness of the patient's tongue. In addition, there is no documentation in records of the rationale for this excessive increased VDO for the patient. There appears to be open margins on PFM bridges as seen on pano radiograph taken by Dr. Willaderson including, but not limited to teeth #4, 7, 10, 11, 12, 13, 14, 18, 19, 24, 27, 28, 29, 30 and biologic width violation around many of the prepared teeth. The Board concurred with the deviations listed in the Consultant's Report.

Motion: Dr. Herro 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. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

The Board entered into executive session at 12:00 p.m.

The Board returned to open session at 12:07 p.m.

No legal action was taken by the Board during executive session.

The Board consensus was that although an elective treatment, patients expect the licensee to provide standard of care and based on the testimony provided there are concerns with the treatment provided.

Motion: Dr. Herro moved to offer a consent agreement for voluntary surrender or retirement status; if not accepted, move to OAH for revocation. The motion was based on the testimony heard at the meeting and the information contained in the Consultant's Report for both matters.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Roll call:

Herro-aye

Bienstock-aye

Dynar- abstained

El-Gendy-aye

Goodman-aye

Penna-aye

Vote: 5-aye, 0-nay, 1-abstain, 0-recuse, 5-absent. Motion passed.

The Board took a break from 12:15 p.m. to 12:30 p.m.

Roll call of the Board members was taken and a quorum was established.

D. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement

1. 202100028; Espinoza, Mark

Mr. Tonner made a statement on behalf of Dr. Espinoza and acknowledged that he should have performed all the dental treatment in accordance with A.A.C. R4-11-1304.

Motion: Dr. Herro moved to open a case on Dr. Chandrakeerthi for performing dental treatment on a patient that was sedated without the appropriate 1304 Permit.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Herro moved to issue a letter of concern related to risk management due to having another dentist perform treatment without the appropriate 1304 Permit.

Second: Dr. Bienstock

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

2. 202100069; Richins, Troy L.

Dr. Richins was available during the Board’s consideration of the matter and stated that he is working on the patient at no charge.

Motion: Dr. Herro moved to dismiss the case

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

L. Request to Terminate Interim Consent Agreement for Practice Restriction

1. 202000107-C; Levy, Arlyn

Motion: Dr. Herro moved to go into executive session to discuss confidential information and obtain legal advice pursuant to A.R.S. § 38-431.03(A)(2), (3).

Second: Dr. Bienstock

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.

Motion: Dr. Herro moved to terminate the Interim Consent Agreement.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Herro moved to direct staff to proceed as discussed in executive session.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

3. 202100079; Levy, Arlyn

Dr. Levy was available during the Board's consideration of the matter. Ms. Thompson made a statement and acknowledged that Dr. Levy should have reviewed the patient's x-ray. Dr. Levy attempted to contact the patient and indicated that the ledger reflects that a write off was done for the root canal. Dr. Cutler subsequently stated that another possible deviation was for failure to document rubber dam isolation usage while performing the root canal on tooth number 19. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 12 hours of hands-on CE in endodontics and a practice restriction in endodontics until the CE is completed; based on the issues stated in the Consultant's Report and what was discussed at the meeting. The CE hours shall be in addition to the hours required for license renewal. The respondent has 30 days to sign the agreement.

Second: Ms. Penna

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

4. 202100093; Christensen, Leo

Dr. Christensen made a statement regarding the root canal and bridge. The Board did not find clinical issues with the treatment provided. Dr. Cutler indicated that there were mainly record keeping issues. Dr. Christensen subsequently clarified that he has documentation and consent for the treatment.

Motion: Dr. Herro moved to dismiss the case

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

5. 202100284; Magnus, George

Dr. El-Gendy was recused. The case was not heard due to a lack of quorum.

6. 202200020; Kayat, Ashwaq

Dr. Kayat was available during the Board's consideration of the matter. Ms. Hay addressed the allegations on behalf of Dr. Kayat. Ms. Hay stated that appropriate treatment was provided and indicated the fit of the bridge was clinically appropriate. Dr. Kayat had offered to re-do the bridge at no cost when the patient's daughter expressed displeasure with the work. However, the family members wanted a refund and were provided with it. The Board proceeded to discuss the matter.

Motion: Dr. El-Gendy moved to issue a letter of concern for fixed prosthodontics.

Second: Dr. Herro

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

7. 202200080-MP; Torgerson, Spencer

Dr. Torgerson was available during the Board's consideration of the matter. Dr. Cutler provided the Board an overview of the case and indicated that the complaint was opened due to a malpractice settlement. During the root canal on tooth number 24, a foreign object was aspirated. Dr. Torgerson clarified that a rubber dam was used. During discussion, Dr. Cutler stated that usual protocol is to stop the procedure, stabilize the patient and send the patient to the hospital.

Motion: Dr. Bienstock moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 6 hours in endodontics; based on the Consultant's Report and the discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The agreement shall be signed within 30 days.

Second: Dr. Herro

Vote: 3-aye, 3-nay, 0-abstain, 0-recuse, 5-absent. Motion failed.

Mr. Dynar, Mr. Goodman and Ms. Penna voted against the motion.

After further discussion, Dr. Bienstock restated her motion.

Motion: Dr. Bienstock moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 6 hours in endodontics; based on the Consultant's Report and the discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The consent agreement shall be signed within 30 days.

Second: Dr. Herro

Roll call:

Herro-aye

Bienstock-aye

Dynar- nay

El-Gendy-aye

Goodman-nay

Penna-aye

Vote: 4-aye, 2-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

8. 202200083; Koussa, Lawrence

Attorney Arman Nafisi made a statement on behalf of Dr. Koussa to address the allegations. Mr. Nafisi also stated that when Dr. Koussa saw decay and bone loss on implant number 20, the patient was referred to a periodontist for further care. Dr. Cutler proceeded to provide the Board an overview of the case and indicated that possible deviations include perio-probe charting was not documented annually, deep pockets was noted, but not treated, amongst other documentation issues. During the Board's discussion, Dr. El-Gendy expressed concern for the quality of the x-rays taken.

Motion: Dr. Herro moved to issue a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 6 hours in periodontics and 3 hours in radiography; based on the information in the Consultant's Report and the discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

9. 202200088; Kirch, Justin

Dr. Kirch was available during the Board's consideration of the matter. Mr. Tonner made a statement on behalf of Dr. Kirch to address the allegations of the case. Dr. Kirch subsequently explained the dosage of anesthetic administered throughout the procedure and answered the Board's questions.

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring 4 hours of CE in risk management, 6 hours in local anesthetic and record keeping; based on the Consultant's Report and the discussion during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

K. Malpractice, Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. § 32-3208

1. 202200152-AO

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

F. Review of Executive Director Complaint Terminations and Subsequent Grievances Filed by the Complainants – A.R.S. § 32-1263.03

1. 202100115; Anderson, Lori

Dr. Anderson was available during the Board's consideration of the matter. During discussion, Dr. Anderson indicated that a Periapical x-ray would have been taken and submitted to insurance.

Motion: Dr. Herro moved to issue a letter of concern for lack of a periapical x-ray.

Second: Mr. Goodman

Dr. Herro rescinded his motion.

The Board further discussed the standard of care.

Motion: Dr. Herro moved to reject the Executive Director Complaint Termination.

Second: Mr. Goodman

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Herro moved to invite Dr. Anderson to a formal interview based on the information in the Consultant's Report and the discussion held at the meeting.

Second: Dr. El-Gendy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

XIV. ADJOURNMENT

The meeting adjourned at 2:35 p.m. due to a loss of quorum.