



# Arizona State Board of Dental Examiners

“Caring for the Public’s Dental  
Health and Professional Standards”

1740 West Adams Street, Suite 2470  
Phoenix, Arizona 85007  
P: 602.242.1492

E: [info@dentalboard.az.gov](mailto:info@dentalboard.az.gov)  
W: [www.dentalboard.az.gov](http://www.dentalboard.az.gov)





## OPEN SESSION MINUTES

**November 8 , 2022**

### **Investigative Committee Meeting**

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Investigative Committee (“Committee”) held a virtual/telephonic meeting. The Committee did not meet in executive session.

#### **COMMITTEE MEMBERS**

	Anthony Caputo, DDS	Chairperson
	Brown “Skip” Harris, DDS	Vice-Chairperson
<b>X</b>	Karren Lea Berrigan, DMD, MS	Committee Member
	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
	Umar Intiaz, DDS, MS	Committee Member
	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	Mindy Motahari, DMD, MA Edu	Committee Member
	Vacant	Committee Member
	Vacant	Committee Member
	Joined/deperted as denoted in the body of the minutes	
<b>X</b>	Absent	

#### **STAFF PRESENT**

Ryan P. Edmonson	Executive Director
Kristina C. Gomez	Deputy Director
Seamus Monaghan Esq.	Assistant Attorney General
Benjamin Berschler, DMD	Deputy Chief Investigator
Terry Bialostosky	Compliance Consultant
Selena Acuna	Compliance Officer
Mary Ford	Compliance Officer
April Romero	Compliance Officer
Yazmin Bustamante	Executive Assistant

#### **GUESTS PARTICIPATING AND/OR PRESENT**

Leah Schachar	Attorney
Leanne Hay	Attorney
Michelle Thompson	Attorney
Robert Kethcart	Attorney
Stephen Conrad	Guest

Felipe Lovio  
Dina Anagnopoulos  
I Longino

**I. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 1:01 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established.

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

Dr. Harris declared a conflict of interest with agenda item no. III.A.48.

Dr. Motahari declared conflicts of interest with agenda item nos. III.A.24, 41, 47..

Dr. Fukami declared conflicts of interest with agenda item nos. III.A.6, III.A.25, III.A.26, III.A.40 and III.A.45.

Dr. Kalamchi declared a conflict of interest with agenda item no. III.A.41.

Dr. Caputo declared a conflict of interest with agenda item no. III.A.14.

Dr. Imtiaz declared a conflict of interest with agenda item no. III.A.6.

**III. ITEMS FOR REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD RECOMMENDATIONS**

**A. Review of Investigation(s)**

Dr. Caputo recommended dismissal of agenda items 2. 202100036, 6. 202100090, 7. 202100109, 9. 202100119, 10. 202100121, 11. 202100139, 13. 202100279, 15. 202200069, 23. 202200111, 24. 202200112, 25. 202200117, 26. 202200119, 27. 202200128, 30. 202200136, 31. 202200140, 32.202200142-MP, 33. 202200143, 36. 202200150, 37. 202200154, 39. 202200160, 40. 202200161, 41. 202200169, 43. 202200171, 46. 202200202-MP, 48. 202200213 and 49. 202200218.

Dr. Dodell recommended dismissal of agenda item III.A.14.202200024.

During discussion the Committee removed agenda items III.A.32.202200142-MP, III.A.37.202200154 and III.A.40.202200161 from the list of cases recommended for dismissal.

**Motion:** Fukami moved to recommend dismissal of III.A.14.202200024.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 0-abstain, 1-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Caputo was recused and did not participate in the matter.*

**Motion:** Dr. Dodell moved to recommend dismissal of III.A.6.202100090.

**Second:** Dr. Kalamchi

**Vote:** 6-aye, 0-nay, 0-abstain, 2-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Fukami and Imtiaz were recused and did not participate in the matter.*

**Motion:** Dr. Dodell moved to recommend dismissal of III.A.41.202200169

**Second:** Dr. Harris

**Vote:** 6-aye, 0-nay, 0-abstain, 2-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Kalamchi and Motahari were recused and did not participate in the matter.*

**Motion:** Dr. Kalamchi moved to recommend that the Board dismiss agenda items III.A.2. 202100036, 7. 202100109, 9. 202100119, 10. 202100121, 11. 202100139, 13. 202100279, 15. 202200069, 23. 202200111, 24. 202200112, 25. 202200117, 26. 202200119, 27. 202200128, 30. 202200136, 31. 202200140, 33. 202200143, 36. 202200150, 39. 202200160, 43. 202200171, 46. 202200202-MP, 48. 202200213 and 49. 202200218.

**Second:** Dr. Dodell

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

1. 202000306

The Committee reviewed the consultant's report and concurred with the allegations of unnecessary grafting, overbilling and billing irregularities. The Committee also considered there was a failure to maintain records in accordance with A.A.C. R4-11-1301(E) regarding maintenance of an anesthesia record.

**Motion:** Dr. Harris moved to find violation of A.R.S. §§ 32-1264(A), 32-1201.01(14), (24) and A.A.C. R4-11-1301(E).

**Second:** Dr. Kalamchi

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

**Motion:** Dr. Kalamchi moved to recommend that the Board offer a disciplinary consent agreement for suspension of the respondents 1301 Permit for 3 months pending the completion of 6 hours of CE in general anesthesia recordkeeping and documentation, 4 hours in treatment planning, 2 hours in coding and 2 hours in ethics for not maintaining an anesthesia record.

**Second:** Dr. Dodell

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

3. 202100037

The Committee discussed the allegations in the consultant's report regarding maintenance of records and prescribing additional medications without looking at existing medications.

**Motion:** Dr. Dodell moved to recommend that the Board issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management.

**Second:** Dr. Harris

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

4. 202100052

The Committee concurred with the allegations in the consultant's report.

**Motion:** Dr. Caputo moved to find violation of A.R.S. §§ 32-1201.01(14), (24) and 1263(A)(1).

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

**Motion:** Dr. Dodell moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 4 hours of CE in risk management and 2 hours in ethics.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

5. 202100056

The Committee reviewed the consultant's report for alleged violation of A.R.S. § 32-3263(D(9) and concluded it was not substantiated.

**Motion:** Dr. Dodell moved to recommend that the Board issue a non-disciplinary order requiring the completion of 4 hours of CE in diagnosis and treatment planning.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

8. 202100118

The Committee reviewed the consultant's report for alleged violation of billing and perio treatment, no x-ray, improper record keeping, irregular billing and failure to provide the patient with records.

**Motion:** Dr. Kalamchi moved to find violation of A.R.S. § 1201.01(23) for failure to comply with a subpoena and to issue a five hundred dollar penalty pursuant A.R.S. § 32-1208.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

**Motion:** Dr. Dodell moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 4 hours of CE in risk management and 2 hours in ethics.

**Second:** Dr. Harris

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

12. 202100278

The Committee reviewed the consultant's report and agreed with the allegations for unnecessary treatment and failure to maintain records. During discussion, the committee concurred that there was no indication in the chart of the extraction.

**Motion:** Dr. Dodell moved to find violation of A.R.S. § 32-1201.01(14) and (24).

**Second:** Dr. Kalamchi

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

The Committee further discussed the matter and concurred adding an allegation for improper management of an oral surgery complication.

**Motion:** Dr. Dodell moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 4 hours of CE in diagnosis and treatment planning, 4 hours in risk management and 4 hours in oral surgery complications.

**Second:** Dr. Motahari

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

16. 202200070

The Committee reviewed the consultant's report and did not find statutory violations.

**Motion:** Dr. Fukami moved to recommend that the Board issue a letter of concern regarding diagnosis, treatment planning and record keeping.

**Second:** Dr. Harris

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

17. 202200086

The Committee reviewed the consultant's report and concurred to open a new complaint against the two dentists identified.

**Motion:** Dr. Dodell moved to recommend that the Board dismiss the case against the respondent and directed staff to open a new complaint against the two dentists identified in the consultant's report.

**Second:** Dr. Kalamchi

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

## 18. 202200090-MP

The Committee reviewed the consultant's report and discussed whether a permit is required when a single drug is prescribed with nitrous. The Committee had additional questions and concurred to invite the respondent to an investigative interview.

**Motion:** Dr. Harris directed staff to invite the respondent to an investigative interview.

**Second:** Dr. Fukami

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

## 19. 202200097

The Committee reviewed the consultant's report and discussed the allegations for overtreatment, inadequate crown and bridge and documentation issues. During discussion, the Committee did not find a statutory violation.

**Motion:** Dr. Dodell moved to recommend that the Board issue a letter of concern regarding treatment, considering treatment options regardless of the medical complexity of the patient, record keeping and documentation.

**Second:** Dr. Motahari

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

## 20. 202200099

The Committee reviewed the consultant's report and did not find statutory violations.

**Motion:** Dr. Fukami moved to recommend that the Board issue a letter of concern regarding diagnosis, treatment planning and restorative dentistry.

**Second:** Dr. Dodell

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

## 21. 202200104

The Committee reviewed the consultant's report and discussed the allegations for failure to diagnose and the patient subsequently being diagnosed with advanced or progressed squamous cell carcinoma. The Committee took into consideration that the patient was treated in a community health center.

**Motion:** Dr. Dodell moved to recommend that the Board offer a disciplinary consent agreement for voluntary surrender of the respondents license.

**Second:** Ms. Kappes

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Imtiaz and Kalamchi abstained.*

22. 202200106

The Committee reviewed the consultant's report and concluded that there is violation of A.R.S. § 1201.01(13) and (25).

**Motion:** Dr. Dodell moved to find violation of A.R.S. § 1201.01(13) and (25).

**Second:** Dr. Fukami

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

**Motion:** Dr. Kalamchi moved to recommend that the Board offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in diagnosis and treatment planning, 2 hours in ethics, 4 hours in risk management and 2 hours in coding.

**Second:** Dr. Dodell

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

28. 202200132

**Motion:** Dr. Dodell moved to recommend that the Board dismiss the complaint against the respondent and directed staff to open a case against Dr. Whatcott based on the restoration of tooth number 14.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

29. 202200134

**Motion:** Dr. Dodell moved to recommend that the Board issue a non-disciplinary order requiring the completion of 4 hours of CE in crown and bridge.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

32. 202200142-MP

The Committee reviewed the consultant's report and discussed that the abutment on tooth 29 is not fully seated.

**Motion:** Dr. Dodell moved to recommend that the Board issue a non-disciplinary order requiring the completion of 4 hours of CE in restoration of implants.

**Second:** Dr. Kalamchi

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

34. 202200145

**Motion:** Dr. Dodell moved to recommend that the Board issue a non-disciplinary order requiring the completion of 4 hours of CE in treatment protocols for root canal therapy.

**Second:** Dr. Kalamchi

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

35. 202200149

The Committee reviewed the consultant's report and discussed allegations for misdiagnosis leading to extractions of teeth 2 and 3 and improper treatment planning for tooth number 12. The Committee further considered that there was a violation of A.R.S. § 32-1201.01(13) for failure to diagnose and for inadequate radiographs.

**Motion:** Dr. Harris moved to find a violation of A.R.S. § 32-1201.01(13).

**Second:** Dr. Kalamchi

*Dr. Fukami temporarily departed the meeting at 4:06 p.m. and rejoined at 4:09 p.m.*

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Motahari and Imtiaz abstained.*

**Motion:** Dr. Dodell moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 6 hours of CE in diagnosis and treatment planning.

**Second:** Dr. Kalamchi

**Vote:** 6-aye, 0-nay, 2-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Drs. Motahari and Imtiaz abstained.*

37. 202200154

**Motion:** Dr. Kalamchi moved to recommend that the Board dismiss the case.

**Second:** Dr. Harris

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

38. 202200156

**Motion:** Dr. Harris moved to recommend that the Board order \$7,7000 in restitution and impose a \$2,000 penalty pursuant to A.R.S. § 32-1213(H).

**Second:** Dr. Dodell

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 1-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*



*The Committee took a break from 4:30 p.m. to 4:35 p.m.*

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

*Dr. Kalamchi departed the meeting at 4:30 pm.*

40. 202200161

The Committee reviewed the consultant's report and discussed the standard of care. The Committee expressed concern for taking on patients into care regardless of their state of treatment.

**Motion:** Dr. Dodell moved to recommend that the Board issue a letter of concern regarding appropriate treatment planning and sequence of care when restoring implants.

**Second:** Dr. Harris

**Vote:** 5-aye, 0-nay, 1-abstain, 1-recuse, 2-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

*Dr. Fukami was recused and did not participate in the matter.*

45. 202200179

The Committee expressed agreement with the consultant's report and considered restitution would be appropriate. The Committee further expressed concern for not having a restorative consult.

**Motion:** Dr. Dodell moved to find violation of A.R.S. § 32-1201.01(13) and (25).

**Second:** Dr. Harris

**Vote:** 5-aye, 0-nay, 1-abstain, 1-recuse, 2-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

*Dr. Fukami was recused and did not participate in the matter.*

The Committee further discussed treatment planning, sequencing, and collaboration with the dentist.

**Motion:** Dr. Dodell moved to recommend that the Board order restitution of \$26,320.

**Second:** Dr. Harris

**Vote:** 5-aye, 0-nay, 1-abstain, 1-recuse, 2-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

*Dr. Fukami was recused and did not participate in the matter.*

42. 202200170

The Committee discussed whether a letter of concern regarding sterilization and treatment planning would be appropriate. After further discussion, the committee considered dismissal.

**Motion:** Dr. Harris moved to recommend that the Board dismiss the case.

**Second:** Dr. Dodell

**Vote:** 6-aye, 0-nay, 1-abstain, 0-recuse, 2-absent, 2-vacancies. Motion passed.  
*Dr. Imtiaz abstained.*

44. 202200174

**Motion:** Dr. Harris moved to recommend that the Board issue a letter of concern regarding diagnosis, treatment planning and caution with respect to patient dismissal.

**Second:** Dr. Dodell

**Vote:** 6-aye, 0-nay, 1-abstain, 0-recuse, 2-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

47. 202200212

*Dr. Dodell departed the meeting at 5:02 p.m.*

Dr. Motahari was recused. The Committee tabled the matter due to a lack of quorum.

50. 202200220-MP

The Committee agreed with the consultant's report and discussed that the dentist should not have continued treatment with the patient's high blood pressure and instead should have referred to a specialist or provided alternative treatment. The Committee further discussed the hypertensive crisis.

**Motion:** Dr. Harris moved to find a violation of A.R.S. § 32-1201.01(13) and (25).

**Second:** Ms. Kappes

**Vote:** 5-aye, 0-nay, 1-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

**Motion:** Ms. Kappes moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 6 hours of CE in treatment for medically complex patients and 4 hours in risk management.

**Second:** Dr. Harris

**Vote:** 5-aye, 0-nay, 1-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

*Dr. Imtiaz abstained.*

#### IV. SELECTION OF COMMITTEE MEMBERS

The Committee directed staff to accept new curriculum vitae/résumés to fill the two current vacancies.

#### V. 2023 COMMITTEE MEETING DATES

1. January 31, 2023
2. March 7, 2023
3. April 18, 2023
4. May 16, 2023
5. June 27, 2023

6. August 8, 2023
7. September 19, 2023
8. October 24, 2023
9. December 5, 2023

**VI. SUMMARY OF CURRENT EVENTS**

None were discussed.

**VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

None were discussed.

**VIII. NEXT COMMITTEE MEETING DATE**

- A. December 6, 2022

**IX. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 5:22 p.m.