



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 , 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
X	Brown “Skip” Harris, DDS	Vice-Chairperson
	Karren Lea Berrigan, DMD, MS	Committee Member
	David Dodell, DMD	Committee Member
X	Mari Fukami, DMD, MS	Committee Member
	Umar Intiaz, DDS, MS	Committee Member
X	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/departed as denoted in the body of the minutes	
X	Absent	

STAFF PRESENT

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

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 1:00 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. Imtiaz declared a conflict of interest with agenda item no. IV.B.13.

Dr. Motahari declared conflicts of interest with agenda item nos. IV.B.26, IV.B.30 and IV.B.32.

The Committee tabled agenda items IV.B.13, IV.B. 26, IV.B.30, and IV.B.32 due to a lack of quorum.

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

A. Discussion and approval of the Open Session Minutes from the October 11, 2022 committee meeting.

Motion: Dr. Dodell moved to approve the Open Session Minutes from the October 11, 2022 committee meeting.

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

B. Discussion and approval of the Open Session Minutes from the November 8, 2022 committee meeting.

Motion: Dr. Dodell moved to approve the Open Session Minutes from the November 8, 2022 committee meeting.

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

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

Motion: Dr. Motahari recommended dismissal of agenda items IV.A.4. 202200226, IV.B.1. 202100101, IV.B.2. 202100105, IV.B.3. 202100124, IV.B.5. 202200079, IV.B.6. 202200087, IV.B.7. 202200091, IV.B.8. 202200105, IV.B.9. 202200115, IV.B.10. 202200116, IV.B.11. 202200118, IV.B.12. 202200125, IV.B.14. 202200131, IV.B.15. 202200133, IV.B.16. 202200141-MP, IV.B. 18. 202200173, IV.B.20. 202200177, IV.B.21. 202200181, IV.B.22. 202200183, IV.B.27. 202200194, IV.B.28. 202200196, IV.B.29. 202200199 and IV.B.34. 202200223.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

A. Open Investigation Case(s)

1. 202200010

The Committee determined that the identified licensee is not involved in the complaint. As a result, the Committee considered it appropriate to dismiss the case against Dr. McCartin.

Motion: Dr. Berrigan moved to recommend dismissal of the case against Dr. McCartin.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

Motion: Dr. Berrigan moved to recommend opening a case against Dr. Vernon Barruga and to subpoena his records.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

2. 202200109

The Committee reviewed the consultant's report and discussed whether the use of code D4355 was appropriate. The Committee also discussed a possible violation of A.R.S. § 32-1201.01(23); however, concurred it was not substantiated.

Motion: Dr. Berrigan moved to recommend issuing a letter of concern with regard to the dentist being involved with the decision making for treatment and appropriate use of diagnostic codes per treatment and their appropriate application when seeing new patients.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

The Committee further discussed the allegation for lack of consent which did not involve the licensee that the complaint was filed against.

Motion: Dr. Dodell moved to recommend opening a case against Dr. Chanerakeerthi regarding the lack of consent for treatment.

Second: Ms. Kappes

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

3. 202200130

The Committee reviewed the consultant's report which indicated that the allegations do not involve the licensee that the complaint was filed against.

Motion: Dr. Berrigan moved to dismiss the complaint against Dr. Barrett.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

Motion: Dr. Imtiaz moved to open a case against Dr. Mehranfar.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

B. Review of Investigation(s)

4. 202100131

The Committee reviewed the consultant's report and agreed that there was a violation of A.R.S. § 32-1201.01(13) and (25) and considered ordering restitution.

Motion: Ms. Kappes moved to recommend that the Board find violation of A.R.S. § 32-1201.01(13) and (25) based on the consultant's report.

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue a disciplinary consent agreement requiring the completion of 4 hours of CE in risk management and 6 hours in implant treatment planning and placement. In addition, to order restitution to the insurance and the patient as reflected in the consultant's report.

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

17. 202200162

The Committee concurred with the consultant's report that the allegation for inadequate endodontic treatment is substantiated and discussed possible violation of A.R.S. § 32-1201.01(13). The Committee also discussed the lack of documentation and the investigators' conclusion with regard to the respondent ensuring that a rubber dam is always used and making sure working lengths are obtained when doing root canal therapy.

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. Berrigan

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

19. 202200175

Staff informed the Committee that the respondent has offered the patient a refund of \$6,822. The Committee reviewed the consultant's report and considered a refund is warranted due to incomplete treatment; based on the crowns not being completed.

Motion: Dr. Imtiaz moved to hold an investigative interview with the licensee regarding treatment and restitution as identified in the consultant's report.

Second: Dr. Berrigan

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

Later in the meeting, staff clarified that the licensee has only been issued a 1304 Permit. The Committee subsequently discussed the practice of sublingual medicine administration, which requires a permit. The Committee concurred to further discuss the matter during the investigative interview.

23. 202200184

The Committee reviewed the consultant's report and discussed whether the allegations regarding misrepresentation of a discounted fee for a new patient and billing are substantiated. The Committee also reviewed the licensee's response about writing off what the insurance doesn't pay. After further discussion, the Committee considered there was an issue with patient communication.

Motion: Dr. Imtiaz moved to recommend issuing a letter of concern pertaining to thoughtful patient communication regarding billing and advertising practices.

Second: Dr. Berrigan

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

24. 202200187

The Committee reviewed the consultant's report and considered there is a violation of A.R.S. § 32-1201.01(13) and (25).

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

Second: Dr. Motahari

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

The Committee considered the case is egregious enough to recommend that the Board offer voluntary surrender of his license.

Motion: Ms. Kappes recommended moving the matter forward to a formal hearing for revocation and in the interim offer a consent agreement for voluntary surrender of his license.

Second: Dr. Dodell

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

Dr. Berrigan abstained.

25. 202200191

The Committee reviewed the consultant's report and concurred that there was a lack of records.

Motion: Dr. Motahari moved to recommend issuing a non-disciplinary order requiring the completion of 4 hours of CE in record keeping.

Second: Ms. Kappes

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

31. 202200214

The Committee reviewed the consultant's report and expressed concern about the recordkeeping issues and torque settings on the implants.

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

Second: Dr. Berrigan

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

33. 202200216

The Committee reviewed the allegation of inadequate crown and agreed with the request for restitution as indicated in the consultant's report.

Motion: Ms. Kappes moved to recommend that the Board find violation of A.R.S. § 32-1201.01(13) and (25).

Second: Dr. Dodell

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

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 6 hours in implants. In addition, to order \$3,011 in restitution.

Second: Dr. Berrigan

Staff informed the Board that the licensee filed for bankruptcy.

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

V. SELECTION OF COMMITTEE MEMBERS

Staff informed the Committee that three applications have been received. The Committee concurred to continue to accept applications.

VI. 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

Motion: Dr. Imtiaz moved to approve the 2023 committee meeting dates.

Second: Ms. Kappes

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 3-absent, 2-vacancies. Motion passed.

VII. SUMMARY OF CURRENT EVENTS

None were discussed.

VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None were discussed.

IX. NEXT COMMITTEE MEETING DATE

A. January 31, 2023

X. ADJOURNMENT

Dr. Motahari adjourned the meeting at 3:33 p.m.