



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

**January 31, 2023**

### **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
	Karren Lea Berrigan, DMD, MS	Committee Member
X	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
	Umar Imtiaz, 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	
X	Absent	

#### **STAFF PRESENT**

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

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

	A.K.	Complainant
	Jeffrey Spillers	Respondent
	Michele Thompson, Esq.	Attorney
	Patrick White, Esq.	Attorney
	Hana Mansoor	Respondent
	Jefferson Hayden, Esq.	Attorney
	Jared Mack	Respondent

**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.C.5.

Dr. Motahari declared conflicts of interest with agenda item nos. IV.C.13, IV.C.18, IV.C.19 and IV.C.31.

Dr. Berrigan declared a conflict of interest with agenda item no. IV.C.44.

Dr. Kalamchi declared conflicts of interest with agenda item nos. IV.C.6 and IV.C.7.

Dr. Caputo declared conflicts of interest with agenda item nos. IV.C.14 and IV.C.30.

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

A. Discussion and approval of the Open Session Minutes from the December 6, 2022 committee meeting.

**Motion:** Dr. Kalamchi moved to approve the Open Session Minutes from the December 6, 2022 committee meeting.

**Second:** Ms. Kappes

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

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

**Motion:** Dr. Kalamchi recommended dismissal of agenda items IV.A.4.202200254, IV.C.1.202200072, IV.C.3.202200110, IV.C.4.202200123, IV.C.10.202200186, IV.C.11.202200190, IV.C.12.202200192, IV.C.15.202200200-MP, IV.C.17.202200206, IV.C.21.202200222, IV.C.22.202200224, IV.C.24.202200230, IV.C.25.202200231, IV.C.27.202200236, IV.C.33.202200250, IV.C.34.202200251-MP, IV.C.37.202200255, IV.C.38.202200256, IV.C.42.202200262, IV.C.45.202200291, IV.C.46.202200295 and IV.C.47.202200326.

**Second:** Dr. Berrigan

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

**Motion:** Dr. Imtiaz recommended dismissal of agenda items IV.C.6.202200158 and IV.C.7.202200164.

**Second:** Dr. Harris

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

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

**Motion:** Dr. Kalamchi recommended dismissal of agenda item IV.C.5.202200129.

**Second:** Dr. Motahari

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

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

**Motion:** Dr. Kalamchi recommended dismissal of agenda items IV.C.19.202200215 and IV.C.31.202200245.

**Second:** Dr. Harris

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

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

**Motion:** Dr. Kalamchi recommended dismissal of agenda item IV.C.14.202200198.

**Second:** Ms. Kappes

**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. Kalamchi recommended dismissal of agenda item IV.C.44.202200277.

**Second:** Dr. Harris

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

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

*Dr. Fukami abstained.*

B. Investigative Interview(s)

2. 202200175

Dr. Mansoor was available during the Committee's consideration of the matter. Attorney Patrick White was also available. Ms. Romero provided the Committee an overview of the case pertaining to alleged improper dental treatment for crowns and failure to provide appropriate refund for incomplete treatment. The investigator did not find deviations from the standard of care for the work performed; however, did find that a refund was not provided. Dr. Mansoor proceeded to answer questions pertaining to the refund. The patient requested a twenty-four thousand dollar refund and rejected the partial refund that was offered. Dr. Mansoor explained that the patient alleged having an infection; however, refused to allow her to review the treatment and requested a refund and indicated that treatment was completed in Texas. Dr. Mansoor further explained the technicalities of the procedure and breakdown of charges. The Committee proceeded to discuss whether the offered restitution amount was appropriate considering the final restorations were not fabricated by the lab. However, the Committee concurred with the consultant's report that there was no violation of the standard of care.

**Motion:** Ms. Kappes moved to recommend dismissal of the case.

**Second:** Dr. Berrigan

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

1. 202200090-MP

Dr. Spillers was available during the Committee's consideration of the matter. Attorney Michelle Thompson was also available and made a statement regarding the drug prescribed prior to the procedure and clarified that it was 0.25 milligrams. In addition, Ms. Thompson indicated that the patient was referred to a neurologist after the first time the patient indicated having symptoms of a nerve injury. Ms. Romero proceeded to provide the Committee an overview of the case. Dr. Spillers subsequently provided clarification with regard to the prescribed dosage and indicated his documentation is significantly better than five years ago. The Committee proceeded to discuss whether there was a violation of inadequate record-keeping and failure to refer to a neurologist.

**Motion:** Dr. Harris moved to recommend that the Board find violation of A.R.S. § 1201.01(13), (25) and 1264(A); based on the consultant's report.

**Second:** Dr. Kalamchi

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

**Motion:** Dr. Harris moved to recommend that the Board offer a disciplinary consent agreement requiring a chart audit. In addition, to require the completion of 4 hours of CE in recordkeeping and 4 hours in risk management and proper referral to a specialist.

**Second:** Dr. Kalamchi

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

A. Open Investigation Case(s)

1. 202200063

Based on the complexity and scope of the case, the Committee considered that additional investigation is needed and that individual cases should be opened against the identified licensees. The Committee considered recommending a cease and desist for New Horizon Clinic including the Implant Pathways CE program.

**Motion:** Dr. Kalamchi moved to recommend that the Board open a complaint against New Horizon and against the highlighted names of licensed dentists identified in pages 52 and 53 of the Committee's packet. In addition, to recommend revocation of the volunteer registrations of those identified in rows 8, 18 and 26 in the aforementioned pages and not allow them to renew.

**Second:** Dr. Berrigan

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

2. 202200188

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. Harris

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

**Motion:** Dr. Harris moved to recommend that the Board offer a disciplinary consent agreement, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in restoration of teeth. In addition, to order restitution for five thousand, one hundred and fifty-six dollars.

**Second:** Dr. Kalamchi

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

3. 202200241-MP

The Committee reviewed the consultant's report and conclusions of substantiated allegations.

**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. Kalamchi

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

**Motion:** Dr. Berrigan moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in restoration of teeth.

**Second:** Dr. Kalamchi

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

**Motion:** Ms. Kappes moved to recommend that the Board open a case against R.S. due to the deficiencies noted in the consultant's report.

**Second:** Dr. Fukami

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

4. 202200254

**Motion:** Dr. Fukami moved to recommend that the Board open a case against Dr. A.A based on the recordkeeping deficiencies identified in the consultant's report.

**Second:** Dr. Harris

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

*Dr. Motahari abstained.*

*Ms. Kappes temporarily departed the meeting at 3:41 p.m.*

C. Review of Investigation(s)

2. 202200102

The Committee reviewed the consultant's report and discussed the treatment plan, poor recordkeeping and considered a referral would have been appropriate. After

discussion, the Committee agreed that there was a violation of A.R.S. § 32-1201.01(13) and (25).

*Ms. Kappes rejoined the meeting at 3:50 p.m.*

**Motion:** Dr. Harris 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. Imtiaz

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

*Ms. Kappes abstained.*

**Motion:** Dr. Harris moved to recommend that the Board issue a disciplinary consent agreement requiring the completion of 3 hours of CE in record keeping and 6 hours in implant diagnosis, treatment planning and placement. In addition, to order restitution for two-thousand, two hundred and ninety-five dollars; as reflected in the consultant's report.

**Second:** Dr. Imtiaz

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

*Ms. Kappes abstained.*

8. 202200165

The Committee reviewed the consultant's report and concluded that there was a violation of A.R.S. § 32-1201.01(13) and (23). The Committee also discussed the open margins from treatment.

**Motion:** Dr. Kalamchi 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. Harris

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

**Motion:** Dr. Caputo moved to recommend that the Board issue a disciplinary consent agreement requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in crown and bridge restoration. In addition to order twelve thousand, one hundred and eighty-nine dollars in restitution.

**Second:** Dr. Imtiaz

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

9. 202200168

The Committee reviewed the consultant's report and discussed that the treating doctor did not have a DEA to prescribe the medication.

**Motion:** Dr. Harris 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. Kalamchi

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

The Committee considered that the patient should be offered restitution by the registered entity.

**Motion:** Dr. Harris moved to recommend that the Board open a complaint against Arrowhead Registered Dentistry.

**Second:** Dr. Berrigan

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

13. 202200193

The Committee reviewed the consultant's report and considered there is violation of A.R.S. § 32-1201.01(13) and (25) for leaving decay on tooth 31 which is below the standard of care.

**Motion:** Dr. Kalamchi 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. Berrigan

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

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

**Motion:** Dr. Kalamchi moved to recommend that the Board offer a disciplinary consent agreement, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in crown and bridge treatment and restoration.

**Second:** Dr. Harris

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

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

**Motion:** Dr. Harris moved to recommend that the Board open a complaint against Associated Dentals Mission Road Office and any other facility that was involved in the case.

**Second:** Dr. Kalamchi

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

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

16. 202200203

The Committee considered the posterior implants in the maxilla were improperly placed for an All-on-4. There wasn't proper indication in the charts to justify the need to place the implants in a way that would appear to be below the standard of care.

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

**Second:** Dr. Kalamchi

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

**Motion:** Dr. Kalamchi moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 6 hours of CE in diagnosis, treatment planning and implant placement and 3 hours in recordkeeping.

**Second:** Dr. Harris

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

18. 202200212

The Committee reviewed the consultant's report and considered there was inappropriate sinus lift with a complication that was not recognized. The Committee also discussed the respondents' failure to manage complications.

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

**Second:** Dr. Kalamchi

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

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

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

**Second:** Dr. Harris

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

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

20. 202200221

The Committee reviewed the consultant's report and considered there was a failure to refer and missed decay.

*Dr. Kalamchi departed the meeting at 4:41 p.m.*

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

**Second:** Dr. Imtiaz

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

The Committee discussed that the respondent has previously been ordered CE in recordkeeping and considered recommending a chart audit.

**Motion:** Dr. Harris moved to recommend that the Board offer a disciplinary consent agreement, requiring a chart audit for six months. In addition, to require the completion of 6 hours of CE in diagnosis, treatment planning and referral.

**Second:** Dr. Fukami

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



23. 202200225

The Committee discussed that administering the same dose or greater requires a permit based on the current rules.

**Motion:** Dr. Fukami moved to recommend that the Board issue a letter of concern that entails understanding the limitations of oral sedation with respect to non-permitted providers as reference in A.A..C. R4-11-1303(A)(2)(a)(2).

**Second:** Dr. Harris

**Vote:** 6-aye, 1-nay, 0-abstain, 0-recuse, 2-absent, 2-vacancies. Motion passed.  
*Dr. Motahari voted against the motion.*

26. 202200232

The Committee discussed the failed sedation of the three year old patient and discussed appropriate case selection and management.

**Motion:** Dr. Imtiaz moved to recommend that the Board issue a letter of concern for case selection based on the patient's age and management of a failed sedation.

**Second:** Dr. Harris

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

28. 202200238

Based on the consultant's report, the allegation for refabrication of a crown was substantiated because of the open margins. The Committee considered there is a violation of the standard of care.

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

**Second:** Dr. Harris

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

**Motion:** Dr. Berrigan moved to recommend that the Board offer a disciplinary consent agreement requiring the completion of 3 hours of CE in implant restoration and order restitution for the crown that was placed on tooth number 13.

**Second:** Dr. Fukami

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

29. 202200242

The Committee discussed that having a crown and bridge fail three times merits disciplinary action.

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

**Second:** Dr. Berrigan

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

**Motion:** Dr. Berrigan moved to offer a disciplinary consent agreement requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in crown restoration. In addition, to order restitution for \$3,825.

**Second:** Dr. Motahari

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

30. 202200244

**Motion:** Ms. Kappes moved to recommend that the Board issue a letter of concern for record keeping.

**Second:** Dr. Berrigan

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

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

The Committee tabled agenda items IV.C.32. 202200249, IV.C.35. 202200252, IV.C.36. 202200253, IV.C.39. 202200257, IV.C.40. 202200260, IV.C.41. 202200261 and IV.C.43. 202200272 to the next meeting due to a loss of quorum.

## V. SELECTION OF COMMITTEE MEMBERS

The Committee concurred to reach out to their colleagues to submit CV's and review at the next meeting.

## VI. SUMMARY OF CURRENT EVENTS

Mr. Edmosnon informed the Committee that SB1602 relates to anesthesia and may be of interest to the Committee as it affects dentistry.

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

None were discussed.

## VIII. NEXT COMMITTEE MEETING DATE

A. March 7, 2023

## IX. ADJOURNMENT

Dr. Caputo adjourned the meeting at 5:28 p.m.