



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

December 16, 2022 Special Board Meeting

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

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
X	Tamer El-Gendy	Licensed Dentist Member
	Nick Goodman	Public Member
	Jaselyn K. Moffett, RDH	Licensed Hygienist Member
	Russell Jeffrey Morrow, DDS	Licensed Dentist Member
X	Vicki B. Penna, RDH	Licensed Hygienist Member
X	Leslie D. Seaman, DDS	Licensed Dentist Member
⌚	Joined/depended as denoted in the body of the minutes	
X	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

	Ryan P. Edmonson	Executive Director
	Kristina C. Gomez	Deputy Director
	Seamus Monaghan, Esq.	Assistant Attorney General
	Sherrie Biggs	Assistant Deputy Director
	Yazmin Bustamante	Executive Assistant

GUESTS PARTICIPATING AND/OR PRESENT

	Kevin Earle	Guest
	Deborah Kappes	Guest

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 3:30 p.m. Roll call of the Board members was taken and a quorum was established.

II. PROPOSED LEGISLATION

Dr. Christensen joined the meeting at 3:35 p.m.

The Board discussed seeking the following statutory changes during the 2023 legislative session.

- B. Add a requirement that business entities and licensee owned dental practices have at least one automated external defibrillator (A.R.S. §§ 32-1201, 32-1213, 32-1236 and 32-1297.06).

Mr. Edmonson informed the Board that the Anesthesia and Sedation Committee recommended that all dental practices have at least one automated external defibrillator.

Motion: Mr. Dynar moved to direct staff to seek a statutory change as indicated in agenda item II.B.

Second: Dr. Herro

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

- C. The repeal of the registering to dispense drugs and devices (A.R.S. § 32-1298).

Mr. Edmonson informed the Board that the dispensing registration process is burdensome as the dentist's license already allows dispensing drugs and devices for profit. Currently, a dentist who dispenses drugs for profit without being registered by the board to do so is subject to a civil penalty. Mr. Edmonson further clarified that the Board may still adjudicate a complaint related to dispensing. In addition, staff informed the Board that there are approximately 25 to 30 active registrations.

Motion: Mr. Dynar moved to direct staff to seek a statutory change as indicated in agenda item II.C.

Second: Dr. Bienstock

Vote: 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Mr. Goodman voted against the motion.

- D. Add the provision that the Board may move a matter to a formal hearing for revocation or suspension without first conducting a formal interview (A.R.S. § 32-1263.02).

Mr. Edmonson reminded the Board of its intent to add the provision to move a case to a formal hearing without conducting a formal interview.

Motion: Dr. Herro moved to direct staff to seek a statutory change as indicated in agenda item II.D.

Second: Mr. Dynar

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

- A. The repeal of the Board adopting rules to provide a method for the Board to receive assistance and advice from registered business entities, dental hygienists and denturists (A.R.S. §§ 32-1213(M), 32-1282(B) and 32-1295(C)).

Mr. Edmonson informed the Board that although A.R.S. § 32-1295(C) has been in existence since 1978, there has not been anyone who has tried to offer assistance to the Board regarding denturists. Through the Board's 2022 Sunset Audit, staff was made aware that there is no rule promulgated by the statute. With regard to A.R.S. § 32-1282(B), it has existed since 1996 and at the September Board Meeting, the Board moved to repeal its rule. With respect to the Board receiving assistance and advice from registered business entities pursuant to A.R.S. § 32-1213(M), nothing has been done in rule since the statute became into effect in 2008. Mr. Edmonson further stated that the Board's current makeup includes two dental hygienists and one business entity member and indicated that there are only ten licensed denturists in Arizona.

Motion: Dr. Herro moved to direct staff to seek statutory changes as indicated in agenda item II.A.

Second: Mr. Dynar

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

III. DISCUSSION REGARDING FUTURE MEETINGS AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None were discussed.

IV. ADJOURNMENT

Dr. Herro adjourned the meeting at 4:02 p.m.