



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES


March 7, 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
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/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

Leah Schachar, Esq.	Attorney
Patrick Stanley, Esq.	Attorney
Anne McClellan	Guest
Susan McLellan, Esq.	Attorney
Jefferson Hayden, Esq.	Attorney
Severn Bizarro	Guest

Ruby Ann Palmer
Michelle Thompson, Esq.
J.T. Shoaf
Leanne Hay, Esq.

Guest
Attorney
Guest
Attorney

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. Motahari declared conflicts of interest with agenda item nos. IV. B.14 and IV.B.21.

Dr. Berrigan declared a conflict of interest with agenda item no. IV.B.3.

Dr. Fukami declared conflicts of interest with agenda item nos. IV.B.2, IV.B.3, IV.B.14 and IV.B.26.

Dr. Caputo declared conflicts of interest with agenda item nos. IV.B.2 and IV.B.34.

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

A. Discussion and approval of the Open Session Minutes from the January 31, 2023 committee meeting.

Motion: Dr. Harris moved to approve the Open Session Minutes from the January 31, 2023 committee meeting.

Second: Ms. Kappes

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

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

Motion: Dr. Berrigan recommended dismissal of agenda items IV.B.4.202200233, IV.B.5.202200234, IV.B.8.202200243, IV.B.9.202200248, IV.B.15.202200259, IV.B.18.202200267, IV.B.23.202200274, IV.B.28.202200287, IV.B.30.202200289, IV.B.31.202200292, IV.B.41.202200312, IV.B.42.202200313, IV.B.44.202200320 and IV.B.48.202200327.

Second: Dr. Harris

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

Motion: Dr. Motahari recommended dismissal of agenda item IV.B.26

Second: Dr. Berrigan

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

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

Motion: Dr. Berigan recommended dismissal of agenda item IV.B.34

Second: Dr. Motahari

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.

A. Open Investigation Case(s)

1. 202200208

The Committee reviewed the consultant's report and considered there was unethical conduct pursuant to A.R.S. §§ 32-1263(C) and (D)(5) for non-compliance with 32-1213(B). Violation of A.R.S. §§ 32-1263(11)(a) for fraudulent and misleading statements, 32-1263(D)(11)(b) for advertising with the intent to defraud the public, 32-1263(D)(14), (15), (16) and (17). During discussion, the Committee confirmed that the entity is registered with the Board.

Motion: Ms. Kappes moved to find violation of A.R.S. §§ 32-1263(C), 32-1263(D)(5), 32-1263(11)(a), 32-1263(D)(11)(b), 32-1263(D)(14), (15), (16) and (17) and attached civil sanctions for each in the amount of \$2,000.

Second: Dr. Berrigan

Motion: Ms. Kappes moved to recommend that the Board open a case against the five dentists identified in the case.

Second: Dr. Fukami

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

2. 202200239

The Committee considered finding violation of A.R.S. § 32-1201.01(14) for inadequate crown and bridge and inadequate endo. During discussion, the Committee considered recommending restitution. The Committee also determined there was violation of A.R.S. § 32-1201.01(15) for fraudulent billing for services not rendered.

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14) and (15).

Second: Ms. Kappes

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

The Committee discussed whether the patient was sedated at the time of giving consent.

Motion: Dr. Motahari moved to recommend that the Board issue disciplinary action requiring the completion of 4 hours of CE in risk management, 3 hours in diagnosis and treatment planning in endo, 3 hours in diagnosis and treatment planning in crown and bridge and 3 hours in diagnosis and treatment planning for implant placement.

Second: Dr. Berrigan

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

Motion: Dr. Harris moved to verify restitution in the appropriate amount.

Second: Dr. Fukami

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

Motion: Ms. Kappes moved to recommend that the Board open a complaint against Drs. Smith and Carlson based on the consultant's report.

Second: Dr. Harris

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

3. 202200247

The Committee confirmed that the entity is registered with the Board. During discussion, the Committee considered issuing a civil penalty for violation of A.R.S. § 1263(D)(10) and (12) as identified in the consultant's report.

Motion: Ms. Kappes moved to recommend that the Board issue a \$2,000 civil penalty for each violation.

Second: Dr. Harris

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

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

Motion: Dr. Harris moved to recommend that the Board open a case against the six doctors listed in the consultant's report.

Second: Ms. Kappes

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

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

B. Review of Investigation(s)

1. 202200172

Motion: Dr. Berrigan moved to find unprofessional conduct for violation of A.R.S. §§ A.R.S. 32-1201.01(14) and 32-1263(A)(4) as it relates to 32-1236(I).

Second: Dr. Harris

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

Motion: Dr. Harris moved to recommend that the Board issue disciplinary action.

Second: Dr. Berrigan

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

Staff confirmed that communication has been established with the respondent. The Committee proceeded to discuss the allegations of improper dental treatment in the area of endo crown and bridge and patient abandonment.

Motion: Dr. Harris moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 3 hours in endodontics and 3 hours in crown and bridge.

Second: Dr. Berrigan

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

2. 202200227

The matter was not considered due to a lack of quorum.

3. 202200228

The Committee discussed whether there was a violation of A.R.S. §§ 32-1201.01(3), (14) and 32-1202. The Committee also considered whether the dentist practiced outside of the dental scope of practice. During review of the matter, the Committee discussed whether there was an emergent need for the dentist to provide care of a medically compromised patient in the patient's home.

Motion: Ms. Kappes moved to find violation of A.R.S. §§ 32-1201.01(3), (14) and 32-1202.

Second: Dr. Fukami

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

Dr. Harris voted against the motion.

Dr. Berrigan abstained.

The Committee proceeded to consider non-disciplinary action requiring the completion of continuing education in risk management and medical management. The Committee further discussed the allegation of informed consent and concurred with the consultant's report that the allegation was unsubstantiated. After further consideration, the Committee considered a letter of concern would be appropriate.

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern for appropriate patient communication, acceptance and understanding of treatment, acceptance and agreement to treatment approaches including audio/video recording, decision making with regard to treatment outside of the office, appropriate decision making with regard to needed patient treatment for identified dental issues and ensuring that appropriate consent is obtained and verified and overall acceptance of planned and scheduled treatment including changes that will occur over time with the treatment.

Second: Dr. Harris

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

6. 202200235

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

Second: Dr. Berrigan

The Committee proceeded to consider recommending continuing education and discussed that the failed implant was egregious enough to take another tooth with it.

Motion: Dr. Harris moved to recommend that the Board issue disciplinary action requiring the completion of 3 hours of CE in record keeping, 3 hours in diagnosis and treatment planning and technique with endodontics and 3 hours in implant treatment planning and technique.

Second: Dr. Berrigan

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

7. 202200240

The Committee reviewed the consultant's report and discussed the implant failure.

Motion: Ms. Kappes moved to find violation of A.R.S. § 32-1201.01(14).

Second: Dr. Harris

Roll call

Caputo-nay

Berrigan-nay

Fukami-abstained

Harris-aye

Imtiaz-aye

Kappes-aye

Motahari- nay

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

The Committee considered there were extenuating circumstances that were out of the doctor's control.

Motion: Dr. Harris moved to recommend issuing a letter of concern.

Second: Dr. Imtiaz

Roll call

Caputo-nay

Berrigan-nay

Fukami-abstained

Harris-aye

Imtiaz-aye

Kappes-aye

Motahari- nay

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

Motion: Dr. Berrigan moved to recommend that the Board dismiss the case against the licensee noted in the complaint.

Second: Dr. Motahari

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

Dr. Fukami abstained.

Motion: Dr. Caputo moved to recommend that the Board open a complaint against Dr. Mitchel as identified in the consultant's report.

Second: Dr. Imtiaz

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

10. 202200249

The Committee confirmed that the respondent provided records without a narrative response.

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14).

Second: Dr. Berrigan

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

Motion: Dr. Harris moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 3 hours in diagnosis and treatment planning in endodontics.

Second: Dr. Berrigan

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

11. 202200252

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

Second: Ms. Kappes

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in diagnosis and treatment planning in endodontics, 4 hours in risk management, 3 hours in complete and partial removable dentures and 3 hours in patient selection and medical management. In addition, to order \$1,780 in restitution to AHCCCS.

Second: Dr. Fukami

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

12. 202200253

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

Second: Dr. Berrigan

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

The Committee concurred that there was a crown and bridge issue and poor record keeping for multiple missing or incomplete documentation.

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in record keeping and 3 hours in crown and bridge.

Second: Dr. Motahari

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

13. 202200257

The Committee did not find a violation and considered recommending a letter of concern. The Committee expressed concern that the doctor indicated there was a refund offered; however, there was no confirmation that the refund was given to the patient.

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern regarding appropriate diagnosis and treatment planning and ensuring that the patient was refunded \$504.

Second: Dr. Harris

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

14. 202200258

The matter was not considered due to a lack of quorum.

16. 202200260

The Committee concurred there is a violation of A.R.S. §§ 32-1201.01(14), (15) and (16) for fraudulent claims and irregular billing.

Motion: Dr. Caputo moved to recommend that the Board offer an agreement to surrender the license, if not accepted, to move the matter to a formal interview. In addition, to report the case to DOI for fraud investigation and issue a civil penalty for failure to respond to the subpoena.

Second: Dr. Berrigan

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

17. 202200261

The Committee discussed that the practice owners are responsible for the business issue and considered there is for fraudulent claims and irregular billing.

Motion: Dr. Caputo moved to find violation of A.R.S. §§ 32-1201.01(14), (15) and (16).

Second: Dr. Berrigan

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 3 hours in ethics. In addition, to report the case to DOI for fraud investigation and issue a civil penalty for failure to respond to the subpoena.

Second: Dr. Berrigan

Dr. Caputo amended the motion to also include a six month audit moving forward.

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

19. 202200268

The Committee discussed the minor poor crown and bridge issue and allowing treatment to be dictated by the patient.

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(14).

Second: Ms. Kappes

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

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in treatment planning and restoration of crown and bridge.

Second: Dr. Berrigan

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

20. 202200270

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(24) for recordkeeping.

Second: Ms. Kappes

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

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order requiring the completion of 3 hours of CE in recordkeeping.

Second: Ms. Kappes

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

The Committee took a break at 3:36 p.m. to 3:41 p.m.

During break. Dr. Motahari temporarily departed the meeting.

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

21. 202200272

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14) for poor crown and bridge with open margins.

Second: Dr. Fukami

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

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order requiring the completion of 3 hours of CE in treatment planning and restoration of crown and bridge.

Second: Dr. Fukami

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

Motion: Dr. Caputo moved to recommend that the Board order \$827 in restitution.

Second: Dr. Berrigan

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

22. 202200273

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(24) for recordkeeping.

Second: Dr. Berrigan

Dr. Motahari rejoined the meeting at 3:47 p.m.

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

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order requiring the completion of 3 hours of CE in recordkeeping.

Second: Dr. Harris

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

Dr. Fukami voted against the motion.

24. 202200279

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14) and (24) for improper root canal and broken file.

Second: Dr. Berrigan

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

The Committee discussed that the dentist didn't recognize the broken file and didn't inform the patient.

Motion: Dr. Harris moved to recommend that the Board issue a disciplinary order.

Second: Dr. Imtiaz

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in endodontic diagnosis and treatment and 4 hours in risk management.

Second: Dr. Berrigan

Dr. Caputo amended the motion to also require 3 hours of CE in restoration of crown and bridge.

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

25. 202200280

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(14).

Second: Dr. Harris

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

The Committee discussed whether the tooth should have been extracted and misdiagnosis.

Motion: Dr. Harris moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 4 hours in risk management.

Second: Dr. Berrigan

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

27. 202200285

The Committee discussed the case selection based on the patient's medical history and smoking habit. Dr. Harris pointed out that the case had a 70 to 80 percent success rate even with all the comorbidities.

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

Second: Dr. Berrigan

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

29. 202200288

The Committee reviewed the consultant's report and concurred that the allegation against the entity was not substantiated.

Motion: Ms. Kappes moved to recommend that the Board dismiss the complaint against the entity.

Second: Dr. Fukami

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

The Committee considered opening a case against Dr. Bortz for lack of recordkeeping, including treatment notes and informed consent.

Motion: Dr. Caputo moved to recommend that the Board open a case against Dr. Bortz.

Second: Ms. Kappes

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

32. 202200298

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14) for improper endo and failure to refer.

Second: Dr. Motahari

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

The Committee discussed how the doctor handled the patient and the complication of the complex root canal. The diagnosis was an issue and did not support the root canal.

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 3 hours in endodontic diagnosis and treatment planning.

Second: Dr. Motahari

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

33. 202200299

Motion: Dr. Harris moved to find violation of A.R.S. § 32-1201.01(14).

Second: Dr. Berrigan

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

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern with respect to careful diagnosis and treatment planning, including x-ray interpretation, hard and soft tissue, clinical assessment and diagnosis as well as good patient communication regarding findings and treatment.

Second: Dr. Imtiaz

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

35. 202200304

The Committee discussed the root resorption. The Committee took into consideration that the patient was treated for nine-months and that the treating doctor followed what is considered standard of care.

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

Second: Dr. Berrigan

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

36. 202200306

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(14) and (24) for record keeping and crown and bridge.

Second: Dr. Fukami

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

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in crown and bridge treatment planning and restoration and 3 hours in record keeping.

Second: Dr. Berrigan

The Committee further reviewed the records and discussed whether the clinic failed to bill the insurance for the prophylaxis and considered the patient should be refunded \$70.

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

Motion: Dr. Caputo moved to recommend that the Board open complaints against Dr. Xing and Dr. Bhalla for record keeping, improper crown and bridge and impressions.

Second: Dr. Imtiaz

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

37. 202200307

The Committee reviewed the consultant' report and concluded there is violation of A.R.S. § 32-1201.01(24) for recordkeeping.

Motion: Dr. Caputo moved to find violation of A.R.S. § 32-1201.01(24) for recordkeeping.

Second: Ms. Kappes

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

Motion: Ms. Kappes moved to recommend that the Board issue a letter of concern to ensure that stipulations of A.R.S.§ 32-1201.01(24) are met for maintenance of records.

Second: Dr. Caputo

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

38. 202200308

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board open a complaint against Perfect Teeth regarding restitution for the night guard.

Second: Dr. Berrigan

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

39. 202200309

Motion: Dr. Caputo moved to find violation of A.R.S. §§ 32-1201.01(14) and (24), 12-1263(A)(4) as it related to A.A.C. R4-11-1303(A)(2)(a).

Second: Dr. Fukami

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

The Committee reviewed the records and discussed that oral conscious sedation was done without the proper permit.

Motion: Dr. Caputo moved to recommend that the Board conduct a formal interview.

Second: Dr. Fukami

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

40. 202200311

Motion: Dr. Caputo moved to find violation of A.R.S. §§ 32-1201.01(14), (15) and (24).

Second: Dr. Harris

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

Ms. Kappes voted against the motion.

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in risk management and 3 hours in diagnosis and treatment planning.

Second: Dr. Harris

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

Ms. Kappes voted against the motion.

43. 202200319

The Committee discussed why the dental group could not provide the records.

Motion: Ms. Kappes moved to recommend that the Board dismiss the case against the entity.

Second: Dr. Berrigan

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

Motion: Dr. Imtiaz moved to recommend that the Board open a complaint against Drs. Nielsen and Smith.

Second: Ms. Kappes

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

45. 202200321

The Committee discussed the progression of treatment for the pediatric patient.

Motion: Dr. Imtiaz moved to recommend dismissal of the case.

Second: Dr. Berrigan

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

46. 202200322

The Committee reviewed the consultant's report and discussed whether the allegation for overdiagnosis was substantiated.

Motion: Ms. Kappes moved to find violation of A.R.S. § 32-1201.01(14).

Motion failed for lack of a second.

Motion: Dr. Fukami moved to recommend that the Board issue a letter of concern for treatment planning, diagnosis and patient management.

Second: Dr. Imtiaz

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

47. 202200325

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern to ensure the patient gets a refund for \$522.

Second: Dr. Motahari

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

49. 202200341-MP

The Committee considered there is a violation A.R.S. § 32-1201.01(14) and (24) for the treatment plan.

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

Second: Dr. Motahari

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 6 hours of CE in diagnosis and treatment planning, 6 hours in implant diagnosis and treatment, 4 hours in risk management and 3 hours in ethics.

Second: Dr. Berrigan

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

V. SELECTION OF COMMITTEE MEMBERS

The Committee recommended having an endodontist and periodontist.

Motion: Dr. Caputo recommended that the Board appoint Dr. Katie Lee Martin and Dr. Mahshid (Mia) Asrari as members of the committee.

Second: Ms. Kappes

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

VI. COMPLAINT LOG

Staff informed the Committee that members can identify conflicts of interest with respect to the board's open complaints.

VII. SUMMARY OF CURRENT EVENTS

None were discussed.

VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

IX. NEXT COMMITTEE MEETING DATE

A. April 18, 2023

X. ADJOURNMENT

Dr. Caputo adjourned the meeting at 5:41 p.m.