



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

**April 18 , 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
X	Brown “Skip” Harris, DDS	Vice-Chairperson
	Mahshid “Mia” Asrari, DDS, MS	Committee Member
	Karren Lea Berrigan, DMD, MS	Committee Member
	David Dodell, DMD	Committee Member
X	Mari Fukami, DMD, MS	Committee Member
X	Umar Imtiaz, DDS, MS	Committee Member
⌚	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	Katie Lee Martin, DMD, MPH, MS	Committee Member
X	Mindy Motahari, DMD, MA Edu	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
Roberto Pulver, Esq.	Assistant Attorney General
April Romero	Chief Compliance Officer
Selena Acuna	Compliance Officer
Mary Ford	Compliance Officer
Yazmin Bustamante	Executive Assistant

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

The meeting was called to order at 1:02 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established. The Committee welcomed Drs. Asrari and Martin as the newest members of the Committee. In addition, the Board’s newly assigned Assistant Attorney General, Roberto Pulver introduced himself to the Committee.

*Dr. Kalamchi joined the meeting at 1:10 p.m.*

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

Dr. Caputo declared a conflict of interest with agenda item no. IV.B.2.

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

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

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

A. Discussion and approval of the Open Session Minutes from the March 7, 2023 committee meeting.

**Motion:** Dr. Kalamchi moved to approve the minutes from the March 7, 2023 committee meeting.

**Second:** Dr. Berrigan

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

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

**Motion:** Dr. Dodell moved to dismiss agenda items IV.B.1.202200107, IV.B.3.202200258, IV.B.5.202200281, IV.B.7.202200305, IV.B.9.202200316, IV.B.12.202200332, IV.B.14.202200336-MP and IV.B.20.202300018.

**Second:** Dr. Kalamchi

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

*Dr. Asrari abstained.*

A. Open Investigation Case(s)

1. 202200011

The Committee reviewed the consultant's report and discussed the issue of availability for emergency care.

**Motion:** Dr. Dodell moved to recommend that the Board dismiss the case against Dr. Antczak and open an investigation against the business entity Thomas and Thomas.

**Second:** Dr. Berrigan

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

2. 202200324

The Committee discussed the issue with records as identified by the investigator and considered recommending a letter of concern.

**Motion:** Ms. Kappes moved to recommend that the Board issue a letter of concern regarding management and collection of complete records in accordance with statutory requirements.

**Second:** Dr. Berrigan

During discussion, the Committee considered giving the Board an advisory opinion to also consider issuing a letter of concern to the business entity Risas Dental regarding management and collection of complete records in accordance with statutory requirements.

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

3. 202300003

The Committee reviewed the consultant's report regarding the allegation of inappropriate implant placement and considered dismissing the case against the respondent.

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Berrigan moved to recommend that the Board open a case against Dr. Ha for inappropriate implant placement.

**Second:** Dr. Dodell

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

B. Review of Investigation(s)

2. 202200227

The Committee reviewed the consultant's report and the alleged lack of treatment plan and consent.

**Motion:** Dr. Dodell moved to recommend dismissal of the case.

**Second:** Dr. Kalamchi

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

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

4. 202200263

The Committee considered recommending revocation of the respondent's license due to the egregiousness of the complaint. The Committee identified that there was already treatment and counseling that the licensee was involved in; however, the licensee continues the same behavior. There wasn't a correction of the behavior which continued with the patient and put patients in harm. The Committee also discussed the respondent's failure to divulge that treatment was being sought during license renewal.

**Motion:** Dr. Dodell moved to recommend that the Board offer a consent agreement for the relinquishment of the license and if not accepted move forward with revocation.

**Second:** Dr. Berrigan

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

6. 202200286

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Kalamchi moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in risk management.

**Second:** Dr. Dodell

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

8. 202200310

The Committee reviewed the consultants report and concurred decay was left under teeth 30 and 31.

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Dodell moved to recommend that the Board issue disciplinary action, requiring the completion of 6 hours of hands on CE in restorative dentistry that includes crown and bridge and 3 hours in diagnosis and treatment planning.

**Second:** Dr. Kalamchi

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

**Motion:** Ms. Kappes moved to recommend that the Board open a complaint against Gilbert Modern Dentistry for violation of A.R.S. § 32-1263(D)(12) for failure to respond to a Board subpoena in a timely manner.

**Second:** Dr. Dodell

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

10. 202200318

The Committee reviewed the consultant's report and took into consideration there was an overpayment that is due to the patient.

**Motion:** Dr. Dodell moved to find violation of A.R.S. § 32-1201.01(14) and (23) for failure to comply with a subpoena.

**Second:** Dr. Berrigan

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

*Dr. Kalamchi voted against the motion.*

The Committee further discussed the billing issue and did not find clinical issues with the treatment.

**Motion:** Dr. Berrigan moved to rescind the previous motion.

**Second:** Dr. Kalamchi

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

The Committee proceeded to discuss the failure to respond to the subpoena and received clarification from Mr. Pulver with regard to the statutory violation.

**Motion:** Dr. Kalamchi moved to find violation of A.R.S. § 32-1208 for failure to respond to a subpoena.

**Second:** Dr. Dodell

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

11. 202200329-MP

The Committee reviewed the consultant's report and considered recommending a letter of concern.

**Motion:** Dr. Berrigan moved to recommend that the Board issue a letter of concern regarding treatment planning, obtaining informed consent and appropriate collection of vital signs including blood pressure for clinical procedures.

**Second:** Dr. Dodell

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

*The Committee took a break from 2:28 p.m. to 2:35 p.m.*

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

13. 202200333

The Committee reviewed the consultant's report and identified violations of A.R.S. § 32-1201.01(14) and (24). The Committee considered there was a failure to maintain adequate patient records and discussed the failure of appropriate periodontal diagnosis and treatment planning.

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

**Second:** Dr. Dodell

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

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

**Second:** Dr. Kalamchi

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

15. 202300001

The Committee reviewed the consultant's report and identified a violation of A.R.S. § 32-1201.01(14).

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

**Second:** Dr. Kalamchi

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

The Committee proceeded to discuss the referral letter that was sent to the General Dentist and expressed concern that the office informed the patient that they did not have information regarding the referrals.

**Motion:** Dr. Berrigan moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in risk management.

**Second:** Dr. Dodell

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

16. 202300004

The Committee expressed concern for the amount of anesthesia that was administered, especially because it was for five teeth, three of which were in the same arch and the weight of the patient was not in the records. After further discussion, the Committee identified violation of A.R.S. § 32-1201.01(14). The Committee also considered there was insufficient record keeping.

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Dodell moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in risk management and restitution to the patient for \$1,237.55

**Second:** Dr. Kalamchi

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

17. 202300005-AO

The Committee reviewed the consultant's report and considered there was an issue with the treatment plan and getting consent before sedation.

**Motion:** Dr. Kalamchi moved to recommend that the Board issue a letter of concern regarding informed consent.

**Second:** Dr. Berrigan

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

18. 202300009

The Committee reviewed the consultant's report and concurred there was a failure to provide records and that there were unreadable records. The Committee identified violations of A.R.S. § 32-1201.01(14) and (24).

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

**Second:** Dr. Berrigan

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

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

**Second:** Dr. Berrigan

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

19. 202300017

The Committee considered finding violation of A.R.S. § 32-1208 for failure to respond to the subpoena. However, after further discussion the Committee discussed the patient management and communication issue.

**Motion:** Dr. Berrigan moved to recommend that the Board issue a letter of concern for appropriate patient communication and treatment referral for uncompleted care prior to leaving a practice.

**Second:** Dr. Dodell

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

The Committee proceeded to consider opening a complaint against the business entity for failure to inform the Board of a change in phone number and address. However, staff informed the Committee that it is not a registered business entity.

21. 202300020

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Berrigan moved to recommend that the Board issue non-disciplinary action requiring the completion of 3 hours of CE in risk management.

**Second:** Dr. Dodell

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

22. 202300022

The Committee reviewed the consultant's report and discussed the record keeping issues, diagnosis issues being appropriately charted, case and patient management and failure to respond to a subpoena. As a result, the Committee identified violations of A.R.S. § 32-1201.01(14), (23) and (24).

**Motion:** Dr. Berrigan moved to find violation of A.R.S. § 32-1201.01(14), (23) and (24).

**Second:** Dr. Dodell

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

**Motion:** Ms. Kappes moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in diagnosis and treatment planning, 3 hours in risk management, 3 hours in periodontal diagnosis and treatment planning. In addition, \$452.18 in restitution.

**Second:** Dr. Dodell

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

The Committee further directed staff to continue to research who is the business entity owner.

23. 202300033

The Committee reviewed the consultant's report and discussed the insurance issue, an incorrect claim to the insurance company and identified violations of A.R.S. § 32-1201.01(14) and (24).

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

**Second:** Dr. Berrigan

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

**Motion:** Dr. Kalamchi moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in risk management and 3 months of monitoring audits.

**Second:** Dr. Dodell

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



24. 202300328

The Committee reviewed the consultant's report and discussed the inappropriate diagnosis and treatment planning, expressed concern about the respondent treating teeth that didn't need to be re-treated, open margins and inappropriate restorative treatment. The Committee identified violation of A.R.S. § 32-1201.01(14) and (24).

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

**Second:** Dr. Dodell

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

**Motion:** Dr. Kalamchi moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in risk management and 3 months of monitoring audits.

**Second:** Dr. Berrigan

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

*Dr. Kalamchi departed the meeting at 4:00 p.m.*

**VI. COMPLAINT LOG**

The Committee reviewed the Board's open complaints. Mr. Edmonson informed the Committee that the complaint log shows the age of each case file.

**VII. SUMMARY OF CURRENT EVENTS**

None were discussed.

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

The Committee directed staff to agendize opening a complaint against Nabil Fahne and Maryam Beyramian for failure to respond to subpoena with appropriate records.

**IX. NEXT COMMITTEE MEETING DATE**

A. May 16, 2023

**X. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 4:14 p.m.