



# Arizona State Board of Dental Examiners

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

1740 West Adams Street, Suite 2470  
Phoenix, Arizona 85007  
P: 602.242.1492

E: [info@dentalboard.az.gov](mailto:info@dentalboard.az.gov)  
W: [www.dentalboard.az.gov](http://www.dentalboard.az.gov)

## OPEN SESSION MINUTES

**May 16, 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
	Mahshid “Mia” Asrari, DDS, MS	Committee Member
	Karren Lea Berrigan, DMD, MS	Committee Member
	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
	Katie Lee Martin, DMD, MPH, MS	Committee Member
	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 1:00 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. Dodell declared that the respondents for agenda item nos. IV.B.7, IV.B.8 and IV.B.22 were former students; however, he indicated that he could impartially review the cases.

Dr. Fukami declared a conflict of interest with agenda item no. IV.B.4.

Dr. Motahari declared a conflict of interest with agenda item no. IV.B.4.

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

A. Discussion and approval of the Open Session Minutes from the April 18, 2023 committee meeting.

**Motion:** Ms. Kappes moved to approve the minutes from the April 18, 2023 committee meeting.

**Second:** Dr. Dodell

**Vote:** 7-aye, 0-nay, 3-abstain, 0-recuse, 1-absent. Motion passed.

*Drs. Fukami, Imtiaz and Motahari abstained.*

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

Dr. Caputo recommended dismissal of agenda items IV.B.7.202200338, IV.B.8.202200344, IV.B.10.202300012, IV.B.13.202300029, IV.B.14.202300034, IV.B.18.202300056 and IV.B.22.202300095. During discussion, Dr. Dodell requested to remove IV.B.22.202300095 from the list of cases recommended for dismissal.

**Motion:** Dr. Berrigan moved to recommend dismissal of agenda items IV.B.7.202200338, IV.B.8.202200344, IV.B.10.202300012, IV.B.13.202300029, IV.B.14.202300034 and IV.B.18.202300056.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

#### A. Open Investigation Case(s)

##### 1. 202200349

The Committee reviewed the consultant's report and considered dismissing the case against the respondent and opening a case against Dr. Guzman for no exam, no rubber dam isolation and poor records.

**Motion:** Dr. Dodell moved to recommend that the Board dismiss the case against the respondent.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Ms. Kappes moved to recommend that the Board open a case against Kevin Guzman for no exam, no rubber dam isolation and poor records.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee proceeded to consider making a recommendation to the Board pertaining to Dr. Guzman; based on the information in the consultant's report.

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

**Second:** Dr. Dodell

**Vote:** 9-aye, 1-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Fukami voted against the motion.*

**Motion:** Dr. Imtiaz moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in recordkeeping and 3 hours in endodontic treatment and management.

**Second:** Dr. Harris

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

*Drs. Berrigan and Fukami abstained.*

2. 202300061

The Committee reviewed the consultant's report and considered recommending dismissal of the case against the respondent.

**Motion:** Dr. Dodell moved to recommend that the Board dismiss the case against the respondent.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Harris moved to open a case against Dr. Sheckley and identified violation of A.R.S. § 32-1201.01(23) and (24) for failure to respond to a subpoena and for poor records.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to also identify violation of A.R.S. § 32-1208 and issue a \$500 penalty for failure to respond to a subpoena. In addition, to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in recordkeeping.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

B. Review of Investigation(s)

1. 202200185

The Committee reviewed the consultant's report and concurred that the allegation for failure to provide records is substantiated. During discussion, the Committee identified violation of A.R.S. § 32-1263(D)(8) and (12). The Committee further discussed imposing a penalty to Aspen Dental for violation of A.R.S. § 32-1213(H).

**Motion:** Dr. Caputo moved to recommend that the Board find violation of A.R.S. § 32-1263(D)(8) and (12) and impose a penalty of \$4,000 total.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Imtiaz moved to open a complaint and investigation against Dr. Sung.

**Second:** Dr. Fukami

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

2. 202200271

The Committee reviewed the consultant's report and confirmed that Camelback Smiles Dentistry is a registered entity. During review, the Committee identified three separate financial agreements with separate billing accounts for the full upper denture. The Committee also confirmed the same procedure codes were used for the case.

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1262(D)(10) for repeated billing irregularities and recommended that the Board impose a \$2,000 penalty.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee further discussed that there was no indication of what type or amount of local anesthetic was administered. There was no documentation of vital signs and there didn't seem to be any rationale for prescribing an opioid antibiotic for the extraction of teeth. In addition, the records show that the patient has diabetes and is 75 years old.

**Motion:** Dr. Caputo moved to open a complaint against Dr. Hossieni for violation of A.R.S. § 32-1201(14) for inadequate patient evaluation and treatment.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in recordkeeping.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to also open a complaint against Dr. Felien for violation of A.R.S. § 32-1201(14) for inadequate patient evaluation and treatment.

**Second:** Dr. Berrigan

**Vote:** 9-aye, 0-nay, 1-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Motahari abstained.*

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in recordkeeping.

**Second:** Dr. Berrigan

**Vote:** 9-aye, 0-nay, 1-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Motahari abstained.*

3. 202200284

The Committee reviewed the consultant's report and concurred that the allegations for failure to diagnose and treat periodontal disease, failure to maintain records and failure to reply to a Board subpoena were substantiated.

**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), (23) and (24).

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee proceeded to consider recommending a chart audit and discussed the parameters of the audit.

**Motion:** Dr. Cpauto moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in recordkeeping and 3 hours in ethics. In addition, to require 6 months of chart auditing to include the review of at least 50% of all new patient exams in the areas of medical history, medications, allergies, periodontal charting, diagnosis, chief complaints, treatment planning and chart notes. Also, to impose a civil penalty of \$500 for failure to respond to a subpoena.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

4. 202200297-AO

The Committee reviewed the consultant's report and considered that the respondent demonstrated unprofessional conduct with how the sedation was handled. The Committee also discussed the recordkeeping issues.

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

**Second:** Dr. Dodell

**Vote:** 7-aye, 0-nay, 0-abstain, 3-recuse, 1-absent. Motion passed.

*Drs. Fukami, Motahari and Caputo were recused and did not participate in the matter.*

**Motion:** Dr. Harris moved to recommend that the Board issue disciplinary action, requiring the completion of 12 hours of CE in general anesthesia, 12 hours in

management of medical emergencies and 4 hours in recordkeeping. In addition, to require a repeat of the general anesthesia 1301 permit site visit after the completion of the CE courses.

**Second:** Dr. Imtiaz

**Vote:** 7-aye, 0-nay, 0-abstain, 3-recuse, 1-absent. Motion passed.

*Drs. Fukami, Motahari and Caputo were recused and did not participate in the matter.*

5. 202200314

The Committee discussed that the patient had jaw pain due to extended dental treatment and was not provided information in her native language to understand the plan care or cost. In addition, the respondent did not provide receipts for cash payments. The respondent also held the patient's hand against her will, which resulted in the patient calling the police. The Committee further considered there was irregular billing, failure to comply with a subpoena, and failure to maintain records.

**Motion:** Dr. Dodell moved to identify violations of A.R.S. § 32-1201.01(14),(16),(23) and (24).

**Second:** Dr. Fukami

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee considered the patient was taken advantage of related to the language barrier and expressed concern regarding payments that were made. The fact that the patient had a documented statement that the dentist tried to pass as consent to the police was wilfully deceitful. Based on the deficiencies identified in the consultant's report, the Committee considered recommending disciplinary action.

**Motion:** Dr. Caputo moved to recommend disciplinary action, requiring the completion of 4 hours of CE in recordkeeping and 3 hours in ethics. In addition, to require 6 months of chart auditing to include the review of 30% of all patient charts; not just new patients. The parameters of the audit shall be in the areas of medical history, medications, allergies, periodontal charting, diagnosis, chief complaints, treatment planning and chart notes. Also, to order \$1,450 in restitution to the patient and issue a \$500 civil penalty for failure to respond to the subpoena.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

6. 202200335

The Committee reviewed the consultant's report and identified multiple recordkeeping issues. Based on the records, it appears that the patient was medicated and then consent was received. In addition, the Committee discussed

that continued monitoring was not done after the procedure was stopped and that 8 cartridges of 4% Septocaine was provided, which is considered an overdose based on the patient's weight.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee discussed whether the expanded function dental assistant delivered the final denture.

**Motion:** Dr. Fukami moved to identify violation of A.R.S. § 32-1201.01(17).

**Second:** Dr. Imtiaz

**Vote:** 7-aye, 3-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*Drs. Dodell and Harris and Ms. Kappes voted against the motion.*

**Motion:** Dr. Caputo moved to recommend that the Board issue disciplinary action, 4 hours of CE in recordkeeping, 4 hours in patient selection and management for sedation, 4 hours in local anesthesia administration and 3 hours in ethics.

**Second:** Dr. Imtiaz

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*The Committee took a break from 3:04 p.m. to 3:12 p.m.*

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

9. 202200344

The Committee reviewed the consultant's report and discussed that the allegations were not substantiated. Records show that the respondent obtained informed consent for the root canal. However, the Committee identified that there were documentation issues.

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern for appropriate diagnosis and treatment planning for root canal therapy, appropriate documentation of type of treatment crown vs veneer and documentation of materials used, including shade when indicated.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

11. 202300014-MP

The Committee reviewed the consultant's report and concurred that the allegation of the extraction of tooth 16 causing joint issues was substantiated and discussed the maintenance of records and considered identifying violation of A.R.S. §

32-1201.01(24). However, staff informed the Committee that the respondent's license expired prior to being notified of the complaint. Staff confirmed that the Board does not have jurisdiction pursuant to A.R.S. § 32-3202. As a result, the Committee directed staff to administratively close case number 202300014-MP.

12. 202300021

The Committee reviewed the consultant's report and concurred that the respondent did not treat the patient's paresthesia or refer the patient to a specialist. Clinical records provided to the patient at their request are not the same as to what was provided to the investigator. The Committee stated that all dental records were not provided to the patient. In addition, poor recordkeeping was identified.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Cpauto moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in recordkeeping, 3 hours in ethics and 3 hours of management of local anesthesia complications. In addition, to require 6 months of chart audits to include the review of 30% of all patient charts in the areas of medical history, medications, allergies, periodontal charting, diagnosis, chief complaints, treatment planning and chart notes.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

15. 202300040

The Committee reviewed the consultant's report and discussed whether the denture is not functional due to poor final impression and poor occlusion. However, after further discussion, the Committee concluded that the information provided does not substantiate the alleged violation.

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

**Second:** Dr. Fukami

**Vote:** 9-aye, 1-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Caputo voted against the motion.*

16. 202300047

The Committee reviewed the consultant's report and discussed that there was no evidence to support that tooth 30 had a fracture that would cause the damage that occurred during the extraction. During discussion, the Committee took into consideration that the tooth was fine pre-extraction and wasn't post-extraction. The Committee further reviewed the pre-anesthetic assessment sedation log and



discussed that 20 minutes for the procedure was inappropriately fast tracked. Based on the records, there was poor sedation management.

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

**Second:** Dr. Fukami

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in diagnosis and treatment planning, 4 hours in extractions and management of complications, 4 hours in sedation management monitoring and records and 3 hours of ethics with suspension of the 1302 Permit until sedation CE is completed. Following the completion of all CE, a chart audit to include review of 40% of all patient charts in the areas of all sedation records, medical history, medications, allergies, periodontal charting, diagnosis, chief complaints, treatment planning and chart notes. In addition, to order restitution for the extractions of teeth 32 and 30.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

17. 202300050

The Committee reviewed the consultant's report and concurred that the allegation for inadequate bridge due to poor function and short lifespan was substantiated. The Committee took into consideration that Delta Dental and the patient were provided a full refund.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in recordkeeping, 4 hours in diagnosis and treatment planning for root canal therapy and 4 hours for diagnosis and treatment planning in crown and bridge.

**Second:** Dr. Fukami

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

19. 202300085

The Committee reviewed the consultant's report and concurred that the allegations for failure to maintain records and overdose of local anesthetic administration during treatment are substantiated.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in recordkeeping and 3 hours in ethics. In addition, to require 6 months of chart audit to include the review of 50% of all cases and review provider documentation to identify who is involved with the procedures.

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

20. 202300091

The Committee reviewed the consultant's report and discussed there were multiple record deficiencies and failure to maintain records.

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

**Second:** Dr. Dodell

*Dr. Caputo rescinded his motion.*

**Motion:** Dr. Fukami moved to recommend that the Board issue a letter of concern.

**Second:** Dr. Motahari

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

*Drs. Caputo, Dodell, Harris and Imtiaz voted against the motion.*

**Motion:** Dr. Fukami moved to recommend that the letter of concern address recordkeeping, to ensure complete documentation for any treatment provided including medical history, periodontal evaluation. In addition, to show empathy with patients.

**Second:** Dr. Motahari

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

21. 202300092

The Committee discussed that the licensee did not have an opportunity to correct the issue with tooth 30 and considered that subsequent work done is not the respondents responsibility. The Committee further discussed maintenance of records, treatment planning and restoration. The Committee also took into consideration that the patient received a refund.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

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

**Second:** Dr Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

22. 202300095

The Committee discussed that the respondent proceeded with crown and bridge treatment even though there were diagnosed periodontal issues.

**Motion:** Dr. Dodell moved to identify violations of A.R.S. § 32-1201.01(14).

**Second:** Dr. Berrigan

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

*Drs. Caputo, Asrari, Fukami, Harris, Imtiaz., Martin, Motahari and Ms. Kappes voted against the motion.*

**Motion:** Dr. Harris moved to recommend that the Board issue a letter of concern for better patient communication and ensuring periodontal considerations are fully explored prior to restorative treatment.

**Second:** Dr. Motahari

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

23. 202300160

The Committee reviewed the consultant's report and concurred that the allegation for failure to maintain records was substantiated.

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

**Second:** Dr. Harris

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring 4 hours of CE in recordkeeping.

**Second:** Dr. Fukami

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**VI. COMPLAINT LOG**

The Committee reviewed the Board's open complaints.

**VII. SUMMARY OF CURRENT EVENTS**

Mr. Edmonson informed the Committee that the Board's budget appropriation has passed and that dental therapy has gone through rule.

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

The Committee considered agendaizing the review of chart audit reports for future meetings.

**IX. NEXT COMMITTEE MEETING DATE**

A. June 27, 2023

**X. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 4:59 p.m.