



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

August 5, 2022 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a board meeting in virtual and telephonic formats. The Board met in executive session during its consideration of agenda items V.B.1, V.E.2, V.I.1, V.I.2, V.L.2, V.N.1, V.O.1, V.O.2 and V.R.1 as stated herein.

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
	Tamer El-Gendy	Licensed Dentist Member
	Nick Goodman	Public Member
	Jaselyn K. Moffett, RDH	Licensed Hygienist Member
	Russell Jeffrey Morrow, DDS	Licensed Dentist Member
	Vicki B. Penna, RDH	Licensed Hygienist Member
	Leslie D. Seaman, DDS	Licensed Dentist Member
	Joined/departed 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
	Mary D. Williams, Esq.	Assistant Attorney General
	Seamus Monaghan, Esq.	Assistant Attorney General
	John W. Dovgan, DDS	Chief Investigator
	Sherrie Biggs	Assistant Deputy Director
	April Romero	Compliance Officer
	Mary Ford	Compliance Officer
	Selena Acuna	Compliance Officer
	Yazmin Bustamante	Executive Assistant

GUESTS PARTICIPATING AND/OR PRESENT

	Rochelle S. Bentley	Applicant
	Jessica Nobles	Applicant
	Jennifer Sager	Applicant

Michele Thompson, Esq.	Attorney for Respondents
Susan McLellan, Esq.	Attorney for Respondents
Keith Lamborn	Respondent
Leah Schachar, Esq.	Attorney for Respondents
Matthew Phillips	Respondent
Leanne Hay, Esq.	Attorney for Respondents
Jeffery J. Tonner, Esq.	Attorney for Respondents
C.H.	Complainant
Taylor Field	Respondent
Hana Mansoor	Respondent
Tyson Jolley	Respondent
Matthew Jensen	Respondent
Trent Smallwood	Respondent
M.D.	Complainant
Jenna Milaeger, Esq.	Attorney for Respondent
Rachel DeAvila	Respondent
Sarah Goff	Respondent
Joseph Fox	Respondent
Frederick Lamb	Respondent
Stephen Brown	Respondent
Sergio Gomes De Souza	Respondent
Dan Gafni	Respondent
Carter Grampp	Respondent
Natalie Skizas, Esq.	Attorney for Respondent
Lucian Dan Boboia	Respondent
David Williams, Esq.	Attorney for Respondent
Thomas Endicott	Respondent
Mark Hank	Respondent
J. Ladd Williams	Respondent
Gary Patrick	Respondent
Akhil Mehta	Respondent
R.W.	Complainant
Dina Anagnopoulos, Esq.	Attorney for Respondent
Roshin Bhangoo, Esq.	Attorney for Respondent
Cindy Bachman	Court Reporter

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 8:01 a.m. Roll call of the Board members was taken and a quorum was established.

Ms. Moffett joined the meeting at 8:02 a.m.

II. INTRODUCTION OF ASSISTANT ATTORNEY GENERAL, SEAMUS MONAGHAN, AS THE BOARD'S NEW LEGAL COUNSEL

Mr. Edmonson introduced Mr. Monaghan as the Board’s new legal counsel.

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

Dr. Bienstock declared conflicts of interest with agenda item nos. V.C.8, V.C.9, V.C.12, V.D.8, V.E.6 and V.E.12

Dr. Christensen declared conflicts of interest with agenda item nos. V.D.11 and V.E.5.

Dr. El-Gendy declared a conflict of interest with agenda item no. V.C.12

Dr. Morrow declared conflicts of interest with agenda item nos. V.C.6, V.C.8, V.E.8, V.E.12, VII.C.10, VII.C.12, VII.D.10 and VII.D.18.

Dr. Seaman declared a conflict of interest with agenda item no. V.C.4

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

A. Discussion and approval of the Open Session Minutes from the June 24, 2022 board meeting.

B. Discussion and approval of the Executive Session Minutes from the June 24, 2022 board meeting.

Motion: Mr. Morrow moved to approve the Open Session and Executive Session minutes from the June 24, 2022 board meeting.

Second: Dr. Herro

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

VII. CONSENT AGENDA**A. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)**

1. Corben, Steven A., DMD (*Dental Consultant*)
2. DeWood, Cheryl, DDS, MS, PhD (*Dental Consultant*)
3. DeWood, Gary, DDS, MS (*Dental Consultant*)
4. Fritch, Edward Kent, DDS, MSD (*Dental Consultant*)
5. Handelman, Richard, DDS, MBA (*Dental Consultant*)
6. Herrick, Debora A., BS Dent Hy, DDS (*Dental Consultant*)
7. Holyoak, Brandon, DDS (*Dental Consultant*)
8. Imtiaz, Umar, DDS, M.S. (*Dental Consultant*)
9. Joseph, James P., DDS (*Dental Consultant*)
10. Kumar, Sonia, DDS (*Anesthesia and Sedation Evaluator*)
11. Newman, Alan K., DDS (*Dental Consultant*)
12. Rider, Justin L., DDS (*Anesthesia and Sedation Evaluator*)
13. Ruiz, Carlos, DDS (*Dental Consultant*)
14. Schaefer, Adam, DMD (*Dental Consultant*)
15. Schaffer, Rebecca, DDS, DABOP (*Dental Consultant*)
16. Toepke, Ronald S., DDS (*Dental Consultant*)
17. Weege, Benjamin, DDS (*Dental Consultant*)

B. Executive Director Complaint Terminations – A.R.S. § 32-1263.03

- | | | |
|--------------|---------------|---------------|
| 1. 202000205 | 17. 202000354 | 33. 202100266 |
| 2. 202000215 | 18. 202000355 | 34. 202100270 |
| 3. 202000251 | 19. 202000359 | 35. 202100282 |
| 4. 202000254 | 20. 202000362 | 36. 202100285 |
| 5. 202000258 | 21. 202000363 | 37. 202100288 |

- | | | |
|---------------|---------------|---------------|
| 6. 202000261 | 22. 202000368 | 38. 202100291 |
| 7. 202000270 | 23. 202000374 | 39. 202200005 |
| 8. 202000292 | 24. 202000375 | 40. 202200007 |
| 9. 202000296 | 25. 202100004 | 41. 202200012 |
| 10. 202000320 | 26. 202100012 | 42. 202200019 |
| 11. 202000322 | 27. 202100014 | 43. 202200037 |
| 12. 202000325 | 28. 202100016 | 44. 202200038 |
| 13. 202000331 | 29. 202100117 | 45. 202200043 |
| 14. 202000345 | 30. 202100158 | |
| 15. 202000346 | 31. 202100173 | |
| 16. 202000351 | 32. 202100215 | |

C. Termination of Board Orders(s)/Consent Agreements(s)

1. 201800172-MP, Bohumil Sokol, Ivo
2. 201900072; Brown, III, Roy
3. 202000053; Janisse, Robert
4. 202000071; Joseph, Ashley Arlene
5. 202000114; Brimley, Lucas Clyde
6. 202000154; Nay, John J.
7. 202000172; Brar, Harjot
8. 202000184; Philipp, Justin J.
9. 202000192; Van Dusen, Justin
10. 202000230-MP; Kuo, Jackson Tai Hong
11. 202000286; Nordean, Jason
12. 202000310-AO; Nelson, Peter Stefan

D. Review of Investigation(s) – Case(s) Recommended for Dismissal

1. 202000297-MP; Byers, Edward
2. 202000337; Saydyk, Nathan J.
3. 202000365; Buhrow, Jack
4. 202100010; Nordean, Jason H.
5. 202100047; Browning, Sandra Vivian
6. 202100125; Petersen, Andrew
7. 202100167; McGuire, Jesse
8. 202100212-MP; Situ, Hongsa
9. 202100216-MP; Bassett, Peter
10. 202100226; Evert; Emily
11. 202100252; Dindal, Mark
12. 202100256; Patterson, Charles
13. 202100276; Neves, Gaby
14. 202200006; Lilien, Brian
15. 202200008; Gergely, Hortenzia
16. 202200026; Schneider, Brian
17. 202200030; Ogunware, Caroline
18. 202200047; Morrow, Russell (*RM conflicted*)

Motion: Dr. Herro moved to approve the consent agenda.

Second: Mr. Dynar

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

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

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Application(s) for Licensing of Dentist(s) or Hygienist(s) – A.R.S. §§ 32-1231 et seq. and 32-1281 et. seq. respectively

1. Bentley, Rochelle S., RDH

Ms. Bentley was available during the Board’s consideration of her application for licensure. The Board proceeded to review her application.

Motion: Ms. Penna moved to grant licensure.

Second: Dr. Herro

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

2. Nobles, Jessica, RDH

Ms. Nobles made a statement and requested that the Board grant her the opportunity to become a dental hygienist.

Motion: Ms. Penna moved to grant licensure.

Second: Dr. Bienstock

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

3. Sager, Jennifer, RDH

Ms. Sager made a statement and indicated that she would like to be considered for licensure.

Motion: Dr. Morrow moved to grant licensure.

Second: Dr. Christensen

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

B. Review of Investigation(s)

1. 202000177; Christy, Han

Ms. Thompson requested to discuss the matter confidentially given HIPAA concerns.

Motion: Dr. Herro moved for the Board to enter into executive session to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

Second: Dr. Bienstock

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

The Board entered into executive session at 8:30 a.m.

The Board returned to open session at 8:40 a.m.

No legal action was taken by the Board during executive session.

The Board proceeded to further discuss the matter.

Motion: Mr. Dynar moved to take no further action and dismiss the case.

Second: Ms. Penna

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

2. 2021000128-AO; Lamborn, Keith

Dr. Lamborn was available during the Board's consideration of the matter. Ms. McLellan clarified that the report was submitted as an adverse occurrence; however, it was not a sedation case. Ms. McLellan further stated that when Dr. Lamborn was removing crowns and performing general restorative dentistry under local anesthesia the patient became unresponsive and proper measures were taken. It was later determined that the patient had an aneurysm. Dr. Lamborn has since implemented new policies for a more frequent review of patient history and to take blood pressure. Based on the consultant's report Dr. Lamborn handled the emergency properly and nothing below the standard of care was identified.

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Christensen

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

3. 202200046; Phillips, Matthew

Dr. Phillips was available during the Board's consideration of the matter. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that two implants were placed on the upper denture and one of the implants failed. Ms. Schachar subsequently made a statement and indicated that it is not standard of care to have more implants and requested that the Board dismiss the case. Dr. El-Gendy stated that other treatment options could have been provided to the patient and explained that from a clinical experience less than three or four implants should not be placed in the maxilar to hold an overdenture. Dr. Phillips acknowledged the Boards comments and answered questions pertaining to the technicalities of the procedure.

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 6 hours of CE in implants, 4 hours in prosthesis. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

Second: Mr. Goodman

The Board further discussed the standard of care.

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

Dr. Morrow voted against the motion.

C. Review of Investigation(s) – Case(s) Recommended for a Letter of Concern

1. 202000234; Eskanos, Keith

Ms. Hay made a statement on behalf of Dr. Eskanos and requested that the case be dismissed. Ms. Hay indicated that the practice has changed management multiple times and Dr. Eskanos is not able to access records considering he left the practice over five years ago.

Motion: Ms. Penna moved to dismiss the case.

Second: Mr. Dynar

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

Drs. Herro, Bienstock, Christensen, El-Gendy, Mr. Goodman, Ms. Moffett, Dr. Morrow and Dr. Seaman voted against the motion.

Motion: Dr. Herro moved to issue a letter of concern for failure to maintain records.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion.

2. 202000252; Merlanti, Morgan

Ms. Schachar made a statement on behalf of Dr. Merlanti and informed the Board that the respondent's Arizona license expired and she does not intend to renew it and has moved out of state. Ms. Schachar further stated that nerve damage is a known complication in third molar extraction and explained that the chart note is missing because at the time the computer system would routinely freeze and delete notes. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to issue a letter of concern for failure to refer and lack of record keeping.

Second: Dr. Bienstock

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

3. 202000350; Arias, Lenny

Ms. Thompson made a statement and indicated that when Dr. Arias seated the crown she was aware that it was not ideal; however, took the patient's anxiety into consideration and exercised her clinical judgment. In addition, Ms. Thompson clarified that the patient did not return for treatment. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to issue a letter of concern for the mesial overhang on number 31.

Second: Dr. Morrow

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

4. 202000364; Nelson, Frank M.

Mr. Tonner made a statement on behalf of Dr. Nelson to address the allegations of the inadequate implant seatment and failure to release records. Mr. Tonner clarified that the office emailed the records; however, the patient was unable to open them. The Board took the Investigative's Committee's recommendation into consideration and further discussed the matter.

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Morrow

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

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

5. 202000370; Wang, Yen

Mr. Tonner made a statement and explained that Dr. Wang performs comprehensive exams in two office visits. The patient only went to the first visit and treatment was planned for two fillings. The Board proceeded to discuss the matter and further review the x-rays.

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. Herro

Vote: 5-aye, 5-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Dr. Bienstock, Dr. El-Gendy, Mr. Goodman, Ms. Penna and Dr. Seaman voted against the motion.

Motion: Dr. Herro moved to issue a letter of concern for lack of a diagnostic x-ray and treatment planning.

Second: Ms. Penna

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

Mr. Dynar and Dr. Morrow voted against the motion.

6. 202100007; McCartin, Brian Patrick

Ms. Schachar made a statement on behalf of Dr. McCartin and addressed the allegation that the practice failed to comply with the agreed fee for services for a full lower denture. Ms. Schachar clarified that the patient returned for a religh of the lower denture after Dr. McCartin had left the practice. As a result, the patient was seen by a different practitioner who determined there would be a

cost for the procedure. During discussion, Dr. Dovgan stated that he did not see a record indicating the use of a rubber dam.

Motion: Dr. Herro moved to issue a letter of concern for failure to use a rubber dam and lack of written consent.

Second: Dr. Bienstock

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

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

7. 202100017; Field, Taylor

Dr. Field was available to answer questions during the Board's consideration of the matter. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that there were deviations for failure to include periodontal probing and erroneous coding for extractions. The Board expressed concern that inadequate coding for surgical extractions resulted in overcharge. Dr. Field explained that he was not in charge of the billing at the practice.

Motion: Dr. Morrow moved to issue a letter of concern for billing error and inadequate record keeping for removable prosthesis procedures.

Second: Dr. Herro

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

Ms. Moffett voted against the motion.

8. 202100023; Mansoor, Hana

Dr. Mansoor was available to answer questions during the Board's consideration of the matter. Mr. Tonner made a statement and explained that the patient was seen twice. Additional filings were added to the treatment plan during the second visit; however, the patient disagreed and filed the complaint. Dr. Dovgan pointed out that the images show black on many of the molars which is an indication of caries.

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Penna

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

Dr. Bienstock and Dr. Morrow were recused and did not participate in the matter.

9. 202100050; Jolley, Tyson

Dr. Jolley was available to answer questions during the Board's consideration of the matter. Ms. Schachar addressed the allegation of inadequate diagnosis and treatment of root canal and indicated that a postoperative x-ray was taken and symptoms were within norm of parameters. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that there was no indication of

the use of a rubber dam in the treatment notes. Dr. Jolley explained that he used an isolite system instead of a rubber dam. The Board indicated that it is standard of care to use a rubber dam for a root canal.

Motion: Dr. Morrow moved to issue a letter of concern for failure to use a rubber dam.

Second: Dr. Herro

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

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

10. 202100262; Kim, Thomas

There was no one present to speak on the matter. Dr. Dovgan proceeded to provide the Board an overview of the case. Deviations included failure to document diagnosis for the crown treatment of tooth number 31 and failure to document notes regarding symptomatic crown complaint.

Motion: Dr. Herro moved to issue a letter of concern for record keeping.

Second: Dr. Morrow

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

11. 202100268; Haley, Mark

There was no one present to speak on the matter. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that a surgical extraction was done; however, there is no notation in the records if there was a root remaining. In addition, a full exam was charged but there is no record of an oral cancer screening, TMJ evaluation, periodontal probing and existing restorations.

Motion: Dr. Herro moved to issue a letter of concern for record keeping and inadequate oral surgery.

Second: Ms. Moffett

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

12. 202200015; Jeziorski, Aaron

Ms. Schachar made a statement on behalf of Dr. Jeziorski and clarified that he inadvertently failed to provide additional records when responding to the subpoena because those were housed in a different software system. With regard to the accidental overpayment, staff attempted to remedy the issue; however, some of the delay was due to the insurance authorizing the payment. Ms. Schachar further clarified that treatment on tooth number 29 and 30 was provided by a different practitioner. The Board proceeded to discuss the matter.

Motion: Dr. Morrow moved to issue a letter of concern for record keeping.

Second: Dr. Herro

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

Drs. Bienstock and El-Gendy were recused and did not participate in the matter.

13. 202200016; Johnson, Richard

Mr. Tonner made a statement on behalf of Dr. Johnson and indicated that there were no complaints of pain in the first five of seven post extraction office visits and that the patient was referred to an oral surgeon and provided a refund.

Motion: Dr. Binestock moved to dismiss the case

Second: Dr. Morrow

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

14. 202200017; Bratton, Roy

There was no one present to speak on the matter. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that the patient did not mention any issues with the retainer until ten months later and requested a refund. Dr. Bratton had asked to see the retainer to determine what was wrong with it. However, the patient refused to show the retainer to anyone in the office, so Dr. Bratton had no way to verify if there were any issues. Based on the consultant's report, deviations included no numbered perio chart, no medical history and no patient history.

Motion: Dr. Herro moved to issue a letter of concern for failure to have periodontal charting and missing medical history.

Second: Dr. El-Gendy

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

15. 202200023; Benzell, Alexa

Ms. Hay addressed the Board on behalf of Dr. Benzell to accept the Investigative Committee's recommendation for a letter of concern. Ms. Hay further stated that the respondent proactively took CE for record keeping and risk management.

Motion: Dr. Herro moved to accept the Investigative Committee's recommendation to issue a letter of concern for record keeping.

Second: Dr. Bienstock

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

The Board took a break from 10:29 a.m. to 10:40 a.m.

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

M. Formal Interview(s)

1. 202100148; Jensen, Matthew

Dr. Dovgan provided the Board an overview of the case and indicated that the patient alleges that Dr. Jensen placed six implants improperly causing chronic discomfort, pain, and inability to eat properly. A subsequent provider evaluated the implants two months post-op and concluded that long term prognosis was compromised due to malposition of the implants. In addition, an outside physician was used for IV sedation without the proper permit. Ms. Thompson subsequently stated that Dr. Jensen acknowledges that he needed a permit and has since obtained the necessary permit. Ms. Thompson further indicated that Dr. Jensen spoke to the prosthodontist which advised that the implants are fully integrated and restorable. Dr. Jensen proceeded to answer the Board's questions pertaining to his training and the implant placement. The Board further inquired on the patient's expectation for treatment and was informed that the patient expected four implants, paid for four implants; however, two were placed. After discussion, the Board determined that at the time of surgery, Dr. Jensen did not hold a 1304 permit when the procedure was performed and used an outside anesthesiologist who also did not have the proper permit to perform sedation which constituted a violation of A.A.C. R4-11-1304(A). In addition, the images from two months post-implant placement show less than ideal bone surrounding the implants.

Motion: Dr. Herro moved to adopt the findings and facts as identified in the consultant's report as deviations of standard of care.

Second: Dr. Morrow

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– aye

Mr. Dynar– aye

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– aye

Dr. Morrow– aye

Ms. Penna– aye

Dr. Seaman– aye

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

Motion: Dr. Herro moved to adopt as conclusions of law that the conduct and circumstances in the above findings and facts constitute a violation of A.R.S. § 32-1201.01(14) and violation of A.A.C. R4-11-1304(A).

Second: Dr. Morrow

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– aye

Mr. Dynar– aye

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– aye

Dr. Morrow– aye

Ms. Penna– aye

Dr. Seaman– aye

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

Motion: Dr. Herro moved to issue a disciplinary board order requiring the completion of 4 hours of CE in risk management and 6 hours in implant surgery. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. In addition, to pay restitution of four thousand and seventeen dollars.

Dr. Herro amended his motion to clarify that the CE in implant shall be hands on.

Second: Dr. Bienstock

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– aye

Mr. Dynar– nay

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– aye

Dr. Morrow– aye

Ms. Penna– aye

Dr. Seaman– aye

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

Mr. Dynar voted against the motion because he disagreed with the discipline including restitution.

2. 202100191; Smallwood, Trent

Dr. Dovgan provided the Board an overview of the case and stated that the patient alleges that the implants were improper and requested a refund of the unused funds to seek treatment elsewhere. Dr. Smallwood clarified that a refund was provided and proceeded to answer the Board's questions regarding his experience with implant and restorative dentistry and addressed the thread exposures. Dr. Smallwood further explained the difficulties of getting the patient to comply with care and maintenance of the implants and the timeline of

treatment provided. The Board proceeded to discuss whether the exposed threads and lack of compliance with home care were contributing factors to the failed implants.

Motion: Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in dental implant and 4 hours in risk management for lack of an informed conversation with the patient about the risk of the implant and the status of it and no signature on the treatment plan.

Second: Dr. Morrow

Roll call

Dr. Herro– nay

Dr. Bienstock– nay

Dr. Christensen– aye

Mr. Dynar– aye

Dr. El-Gendy– nay

Mr. Goodman– nay

Ms. Moffett– nay

Dr. Morrow– aye

Ms. Penna– aye

Dr. Seaman– aye

Vote: 5-aye, 5-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Motion: Dr. Herro moved to adopt the findings and facts as listed in the consultant's report. Specifically, for no signature on the treatment plan, implants placed closer to the midline number 11 show multiple exposed threads without surrounding crestal bone, the likelihood of implant failure and difficult restorative success is likely and for mismanagement of the patients expectations.

Second: Dr. Bienstock

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– nay

Mr. Dynar– nay

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– nay

Dr. Morrow– aye

Ms. Penna– nay

Dr. Seaman– aye

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

Motion: Dr. Herro moved to adopt as conclusions of law that the conduct and circumstances in the above findings and facts constitute a violation of A.R.S. § 32-1201.01(14).

Second: Dr. Bienstock

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– nay

Mr. Dynar– nay

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– nay

Dr. Morrow– nay

Ms. Penna–nay

Dr. Seaman– aye

Vote: 5-aye, 5-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Ms. Penna indicated that although there were exposed threads, the patients lack of home care impacted the results. The Board further discussed the standard of care and the respondent's failure to recognize and document the complication; not tell the patient and still move forward with a final prosthetic.

Motion: Dr. Herro moved to adopt as conclusions of law that the conduct and circumstances in the above findings and facts constitute unprofessional conduct as defined in A.R.S. § 32-1201.01(14)

Second: Dr. Bienstock

Roll call

Dr. Herro– aye

Dr. Bienstock– aye

Dr. Christensen– nay

Mr. Dynar– nay

Dr. El-Gendy– aye

Mr. Goodman– aye

Ms. Moffett– nay

Dr. Morrow– nay

Ms. Penna–nay

Dr. Seaman– aye

Vote: 5-aye, 5-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Motion: Dr. Herro moved to vacate the findings and facts.

Second: Dr. Morrow

Roll call

Dr. Herro– aye

Dr. Bienstock– nay

Dr. Christensen– aye

Mr. Dynar– aye

Dr. El-Gendy– nay

Mr. Goodman– nay

Ms. Moffett– aye

Dr. Morrow– aye

Ms. Penna– aye

Dr. Seaman– aye

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

Motion: Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in dental implant and 4 hours in risk management based on the findings in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

Amended Motion: Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 8 hours of hands on CE in implants and 8 hours in risk management based on the findings in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

Second: Dr. Morrow

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

Dr. Bienstock and Mr. Goodman voted against the motion.

3. 202100232; DeAvila, Rachel

Dr. DeAvila was available during the Board's consideration of the matter. Complainant M.D. made a statement and alleged that Dr. DeAvila processed a claim for a procedure that she did not perform. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that Dr. DeAvila removed an excess cement from a crown on tooth number 19 that was placed by another dentist and was causing the patient discomfort. During the investigation the consultant found other possible deviations including failure to use a rubber dam, failure to document root canal treatment on tooth number 29, failure to document prescribed Triazolam and failure to record vital signs after the patient took a sedative. Ms. Milaeger informed the Board that Dr. DeAvila had prepared an opening statement. Dr. DeAvila subsequently stated that she prescribed one tablet of Triazolam; however, it was not documented. The patient came in mildly sedated for his next appointment and although she monitored him through the appointment, she did not record baseline vitals because she did not think it was required for a low dose sedative. However, after taking CE courses she realized that baseline vitals should have been taken and acknowledged the lack of documentation issues.

Motion: Dr. Morrow moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 3 hours in root canal

therapy based on the deviations cited in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Herro

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

D. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 202000343; Garza, John

There was no one present to speak on the matter during the Board's consideration of the case.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 3 hours in pharmacology. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

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

2. 202000344; Goff, Sarah

Dr. Goff was available to answer questions and indicated that the missing documentation was provided to Board staff. After confirming that documentation was received the Board concurred that other circumstances lead to the carries; not the lack of good dentistry that was done.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

3. 202000367; Thulasidas, Shreedevi

There was no one present to speak on the matter during the Board's consideration of the case.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 8 hours of CE in treatment planning, based on deviations found in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Mr. Dynar

Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that a significant number of deviations were noted including no soft tissue notes, no recommendation for class III periodontal condition, no recognition for multiple and/or full mouth extractions, no charting of existing

restorations, no TMJ evaluation, no oral cancer screening, no full mouth series radiographs were provided, no written comprehensive evaluation or treatment plan was provided. The treatment plan and diagnosis are inconsistent with the current oral condition and the diagnosis is not reasonable and is not supported. There is no signed treatment plan or documentation of the oral condition, no preoperative radiographs of the full mouth, no treatment or suggestion of periodontal treatment prior to restorative treatment and the Pontic to abutment ratio for the lower anterior bridge may be insufficient. After further review, the Board considered escalating to disciplinary action.

Dr. Herro rescinded his motion.

Motion: Dr. Morrow moved to offer a disciplinary consent agreement based on the deviations found in the consultant's report and for violation of A.R.S. § 32-1201.01(14), requiring the completion of 4 hours of CE in risk management, 4 hours in treatment planning, 3 hours in periodontal and 3 hours in prosthetics. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

Second: Dr. Herro

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

4. 202000371; Nguyen, Allan

No one requested to speak on the matter during the Board's consideration. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that the complainant alleges inadequate restoration treatment. The consultant found deviations for no soft tissue exam, no periodontal charting, no restorations charted, no TMJ, no oral cancer screening and no FMX or equivalent. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 3 hours in fixed prosthesis based on the deviations found in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

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

Ms. Moffett voted against the motion.

5. 202100015; Hawk, Robert

No one requested to speak on the matter during the Board's consideration. Dr. Dovgan proceeded to provide the Board an overview of the case. During the investigation, it was found that the implant on tooth number 8 is too close to the adjacent tooth number 7. Ms. Thompson requested that the matter be tabled.

Motion: Dr. Herro moved to offer a non-disciplinary consent agreement requiring the completion of 4 hours of CE in risk management and 3 hours in implant placement based on the information in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Bienstock

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

Mr. Goodman voted against the motion.

6. 202100019; Fox; Joseph

Dr. Dovgan provided the Board an overview of the case and indicated that the complainant had an upper left fixed bridge done by Dr. Fox. The complainant alleges that the bridge did not fit properly; however, Dr. Fox had indicated that it was okay. After review of the patient's medical history, the Board considered that other circumstances lead to the caries; not the dentistry.

Motion: Dr. Morrow moved to dismiss the case.

Second: Ms. Penna

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

7. 202100020; Lamb, Frederick B.

Motion: Dr. Herro moved to issue a non-disciplinary order based on the deviations found in the consultant's report, requiring the completion of 6 hours of CE in endo and 4 hours in record keeping. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. El-Gendy

The Board further discussed the matter. Dr. Dovgan provided the Board an overview of the case and indicated that Dr. Lamb did not finish the root canal after 3.5 hours in the chair. There was no follow-up call to the patient and a different provider finished the root canal on tooth number 14.

Amended Motion: Dr. Herro moved to issue a letter of concern in record keeping.

Second: Dr. Morrow

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

8. 202100013-MP; Brown, Stephen

Dr. Brown was available during the Board's consideration of the matter. Ms. Hay made a statement and indicated that Dr. Brown placed a cement based crown on the patient in 2018; however, he took a CE course in 2019 that

discussed screw retained crowns and now uses them. Ms. Hay further clarified that Dr. Brown has significant experience and qualifications in laser dentistry and stated that the patient has received a settlement as a result of litigation. Dr. Brown proceeded to answer the Board's questions regarding the laser used.

Motion: Dr. Morrow moved to issue a non-disciplinary order requiring the completion of 4 hours of hands on CE in laser. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Herro

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

Dr. Christensen and Ms. Moffett voted against the motion.

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

9. 202100222; Gomes De Souza, Sergio

Dr. Gomez De Souza was available to answer questions during the Board's consideration of the matter. Mr. Hayden made a statement on behalf of Dr. Gomez De Souza and indicated that the treatment was not below the standard of care. Dr. Dovgan subsequently stated that the only issue is the deviations for the records.

Motion: Dr. Herro moved to issue a letter of concern for record keeping based on the deviations found in the consultant's report.

Second: Dr. Morrow

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

10. 202100242; Munoz, Loudres

Mr. Tonner made a statement and indicated that Dr. Munoz did not do treatment other than the cleaning and the complaint was about cleanliness. Mr. Tonner explained that at the time Optim 1 wipes were used because of supply chain issues. Ms. Penna commented that Optim wipes make a room smell dirty even though it is not.

Motion: Mr. Goodman moved to dismiss the complaint.

Mr. Goodman withdrew his motion.

The Board further discussed the diagnosis and treatment plan for the root canal.

Motion: Dr. Morrow moved to offer a non-disciplinary consent agreement requiring the completion of 3 hours of CE in diagnosing and treatment planning due to documentation and missed situations on diagnosis.

Second: Dr. Herro

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

Dr. Christensen, Ms. Moffett and Ms. Penna voted against the motion.

11. 202100274; Gafni, Dan

Dr. Gafni was available to answer questions during the Board's consideration of the matter. Mr. Tonner made a statement and indicated that a root canal on tooth number 27 was done. At the next appointment, the patient was dismissed from the practice and provided a refund on work that was paid, but not started. The consultant noted that no full mouth periodontal probing and no pulp testing were done. In addition, Dr. Gafni used isolite instead of a rubber dam. The Board proceeded to discuss the matter.

Motion: Dr. Herro moved to issue a letter of concern for lack of record keeping as pointed out in the consultant's report.

Second: Dr. Bienstock

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

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

12. 202200004; Tiffany, Joel

Ms. Thompson made a statement and indicated that the patient requested extractions on all remaining teeth and desired dentures. Tooth number 31 was to be extracted; however, Dr. Tiffany inadvertently extracted tooth number 30. The patient was informed and provided a refund. Dr. Tiffany also offered to cover expenses for treatment on tooth 30. The Board discussed the matter and considered it a very unfortunate mistake.

Motion: Dr. Herro moved to issue a letter of concern based on the findings in the consultant's report in the area of oral surgery.

Second: Dr. El-Gendy

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

Drs. Bienstock and Morrow voted against the motion

Mr. Goodman abstained

The Board took a break from 2:33 p.m. to 2:45 p.m.

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

Mr. Goodman temporarily departed the meeting during break.

E. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement

1. 202000317-MP; Grampp, Carter A.

Dr. Grampp was available to answer questions during the Board's consideration of the matter. Ms. Schachar made a statement and indicated that the respondent recommended restorative treatment; however, the patient wanted extractions with implants. Ms. Schachar also indicated that the notation of 28 injections is erroneous and that Dr. Grampp would not give that much local anesthetic. In

addition, Ms. Schachar stated that the patient did not have any reaction to the local anesthetic and that Dr. Grampp recognized the record deficiencies.

Motion: Dr. Herro moved to invite Dr. Grampp to a formal interview.

Second: Dr. Bienstock

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202000324; Nelson, Amanda

Dr. Dovgan provided the Board an overview of the case and indicated that there was no documented diagnosis, x-rays taken or reviewed prior to starting ortho alignment treatment and that Dr. Nelson started ortho treatment on a patient with existing periodontal conditions. The disease was evident on the photos taken in 2018 showing gingival recession, visible tatar and evidence of bone loss. The Board expressed concern that Dr. Nelson is doing orthodontics via teledentistry and it resulted in the patient losing three teeth.

Mr. Dynar departed the meeting at 2:51 p.m.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice on case 202000324 pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice on agenda items V.I.1 and V.I.2 pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Bienstock

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice and discuss confidential information on agenda item V.L.2 pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice on agenda item V.N.1 pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice and discuss confidential information on agenda items V.O.1, V.O.2 pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved for the Board to enter into executive session to discuss and consult with attorneys the settlement offer for agenda item V.R.1

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Mr. Goodman rejoined the meeting at 3:00 p.m.

The Board entered into executive session at 3:02 p.m.

The Board returned to open session at 3:46 p.m.

No legal action was taken by the Board during executive session.

Motion: Dr. Morrow moved to invite Dr. Nelson to a formal interview to further discuss the matter.

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

I. Notice of Violation(s) – A.R.S. §§ 32-1288 & 32-3227

1. 202200048; Goyal, Pankaj
2. 202200066; Meyer, Nicholas J.

The Board directed staff to administratively close cases for agenda items V.I.1 and V.I.2.

L. Initial Review

2. Boboia, Lucian D. – Indiana Dental Board Probationary Order

The Board directed the Executive Director to proceed as discussed in executive session.

O. Review of Compliance/Non Compliance with Stipulated Rehabilitation Agreement Non-Disciplinary

1. 201900073-C; Morones, Sarah Grace, RDH

Motion: Dr. Herro moved to table the matter.

Second: Dr. Bienstock

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202000107-C; Levy, Arlyn Berns, DMD

Motion: Dr. Herro moved to accept the interim consent agreement for practice restriction.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

R. Settlement Offer

1. 202000126; Nelson, Amanda Ashley

Motion: Dr. Herro moved to accept the proposed consent agreement and vacate the Non-Disciplinary Board Order for Continuing Education that was previously issued.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

N. Summary Suspension or Formal Hearing for Revocation of License for Violations of Board Statutes

1. 202100066-AO; Endicott, Thomas A.

Dr. Endicott was available during the Board's consideration of the matter. Mr. Williams made a statement and indicated that staff should have received records from Dr. Zara for the patient and indicated that the patient did not list medications, which led Dr. Endicott to assume that the patient did not have ongoing cardiac issues. Mr. Williams further stated that Dr. Endicott is willing to enter into a six month suspension and during that time take some sort of examination of proficiency to determine if he can safely continue to practice.

Motion: Dr. Herro moved to enter into an interim consent agreement for a suspension and allow the Assistant Attorney General's Office to work out the specific terms of a final agreement.

Second: Mr. Goodman

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

L. Initial Review

1. Anonymous complainant

Motion: Dr. Herro directed staff to administratively close the case.

Second: Dr. Bienstock

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

E. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement

3. 202000335; Hank, Mark

Dr. Hank was available during the Board's consideration of the matter. Mr. Tonner stated that the patient was provided a new lower partial with pontics for teeth numbers 24 and 25 and noted that it may need additional clasps. New impressions were taken for a second partial at no charge, it was further adjusted; however, the patient's caregiver discontinued treatment. Mr. Tonner also addressed the allegation for failure to diagnose and indicated that a periodic exam was done. Dr. Dovgan proceeded to indicate that five teeth were diagnosed with caries after the partial was fabricated.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 8 hours in diagnosing and treatment planning based on the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

9. 202100250; Hank, Mark

Mr. Tonner addressed the allegation of the case being presented as in network; however; it was out of network. After reviewing x-rays, Dr. Dovgan indicated that they are diagnostic.

Motion: Dr. Herro moved to dismiss the case

Second: Ms. Penna

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

4. 202000357; Arthurs, Ryan

Ms. Hay requested that the Board table the matter to allow her to review the records.

Motion: Dr. Herro moved to table the matter for a future meeting.

Second: Dr. Bienstock

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

5. 202100011-MP; Williams, J. Ladd

Dr. Williams made a statement to indicate that he did not have the opportunity to make the situation right with the patient with the root tip and paid restitution when he found out. Dr. Williams did not take a postoperative x-ray and the patient did not report further issues.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 4 hours in oral surgery; based on the findings in the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

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

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

12. 202100258; Mansoor, Hana

Dr. Mansoor was available to answer questions during the Board's consideration of the matter. Mr. Tonner made a statement and indicated that the consultant found that allegations were not substantiated. Dr. Mansoor did not have a 1304 Permit and in this circumstance worked with a nurse anesthetist. The patient stated that she had an escort; however claimed that the escort was not available after treatment. Mr. Tonner further clarified that after three hours of treatment the doctor and staff took the patient to her room.

Motion: Dr. Herro moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Ms. Penna

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

Drs. Bienstock and Morrow were recused and did not participate in the matter.

6. 202100022; Valencia, Juan

There was no one present to speak on the matter during the Board's consideration of the case.

Motion: Dr. Herro moved to accept the Investigative Committee's recommendation to issue a disciplinary consent agreement, requiring restitution to be paid to the patient and insurance company, 4 hours of CE in endodontic diagnosis, treatment planning and case assessment, 4 hours in record keeping and 4 hours in crown and bridge for violation of A.R.S. § 32-1201.01(14), (24) and 32-1264 based on the deviations found in the consultant's report.

Second: Dr. El-Gendy

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

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

. 202100120; Patrick, Gary

Ms. Hay made a statement on behalf of Dr. Patrick and indicated that the care provided was appropriate and did not result in any harm and comes down to issues with record keeping. Dr. Patrick complied with the standard of care in his referral to endo and offered to pay for the treatment. Dr. Dovgan provided the Board an overview of the case and stated that tooth number 18 does not have a diagnostic x-ray, there is no signed consent for any of the restorative procedures completed, nor is there documentation in the clinical chart that it was reviewed with a parent.

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management; based on the

findings in the consultant's report and for violation of A.R.S. § 32-1201.01(24) and 32-1264(A). The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Bienstock

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

Dr. Christensen, Dr. Morrow and Ms. Penna voted against the motion.

8. 202100122; Mehta, Akhil

Dr. Mehta was available during the Board's consideration of the matter. Ms. Schachar made a statement and indicated that the patient had a crown and bridge done in 2019 and was given various options including implants and bridges. Dr. Mehta treated decay on tooth 20. Treatment was difficult due to the patient being inconsistent with her follow-up. The patient was refunded for the bridge at 28 to 30 and number 18. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that deviations include placement of bridge on non-restorable teeth, the mesial and distal crown margin on tooth number 30 for the bridge is not within standard of care and facial crown margin of tooth number 18 is not within standard of care. During discussion, Dr. Mehta answered additional questions regarding the patient's allergy to medications.

Motion: Dr. Herro moved to invite Dr. Mehta to a formal interview.

Second: Dr. El-Gendy

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

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

Mr. Goodman departed the meeting at 5:03 p.m.

13. 202200022; Conderato, Kathleen

Complainant R.W. indicated that she had a partial denture placed and reported the bleeding; however, the doctor did not respond to any of the letters requesting help with the bleeding. Ms. Thompson subsequently addressed the allegation of the fabrication of the partial denture and clarified that it was fabricated at a lab. Ms. Thompson further stated that the missing PA on number 4 showing a root tip has since been provided to the Board. In addition, a refund was provided to the patient. The Board concurred it would be beneficial to have Dr. Conderato present to answer their questions.

Motion: Dr. Herro moved to invite Dr. Conderato to a formal interview.

Second: Dr. El-Gendy

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

X. AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (“AADA”) AND AMERICAN ASSOCIATION OF DENTAL BOARDS (“AADB”)

Motion: Dr. Herro moved to approve having a board member and staff attend the 2022 AADA/AADB Annual Meetings.

Second: Ms. Penna

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved to table the rest of the agenda for the next meeting.

Second: Dr. El-Gendy

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

XV. ADJOURNMENT

Dr. Herro adjourned the meeting at 5:16 p.m.