



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

September 14, 2023 Special Board Meeting

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

BOARD MEMBERS

	Anthony Herro, DDS	President and Licensed Dentist Member
⌚	Lisa B. Bienstock, DMD	Vice-President and Licensed Dentist Member
	Morgan B. Burg	Business Entity Member
	Edward H. Christensen, DDS	Licensed Dentist Member
	Aditya Dynar	Public Member
X	Tamer El-Gendy, DMD	Licensed Dentist Member
	Nick Goodman	Public Member
X	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/deperted as denoted in the body of the minutes	
X	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

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

GUESTS PARTICIPATING AND/OR PRESENT

Mary Rossi	Guest
Randall K. Lout	Guest
Matthew Arnall	Guest
Anthony Caputo	Guest
Jason Brady	Guest
Randall Blazic	Guest
Jonothan Jerman	Guest
Anne Ryman	Guest
Ali Baghai	Guest

Regina Cobb	Guest
Kevin Earle	Guest
Leanne	Guest
Wesley Cox	Guest
Sam Ellefson	Guest
David Palmer	Guest
Lawrence Ebel	Guest
ABC15	Guest

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 4:30 p.m. Roll call of the Board members was taken and a quorum was established.

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

None.

III. ANESTHESIA & SEDATION NOTICE OF PROPOSED RULEMAKING (“NPR”)

The Board provided guests an overview of the rulemaking process and informed the public that they will have ample opportunity to provide further input during the oral proceeding. The Board proceeded to call on guests to speak on the proposed rulemaking. Senator Shamp stated that the legislative intent is about patient safety and access to care and requested that the Board take into consideration the legislative intent of SB1602. The Board proceeded to call on Dr. Arnall to speak. Dr. Arnall requested that the Board vote to accept the NPR as written by the Anesthesia and Sedation (“A&S”) Committee. In addition, if the Board amends the rules, Dr. Arnall requested that the Board take into consideration the submitted suggestions to hold all providers to the same standards and to allow representatives of the Arizona Society of Dentist Anesthesiologist to participate in the writing of the new language. The Board proceeded to call on Mr. Baghai to speak on the proposed rules. Mr. Baghai expressed agreement in requiring every office to obtain at least a 1304 permit to work with a qualified anesthesia provider. Mr. Baghai also agreed with waiving the requirement for a Dentist Anesthesiologist (“DA”) to have an on-site evaluation based on their significant training; which includes completing a residency in anesthesia and becoming Board Certified in anesthesia. With regard to the 1304 Permit, Mr. Baghai stated that it makes sense to eliminate the on-site evaluation because the dentist is not limited to using the same provider that was used for the on-site evaluation. In addition, Mr. Baghai referenced the revised language that he submitted, which defines a qualified anesthesia provider and adds a temporary 1304 Permit. The Board proceeded to call on Dr. Blazic to speak. Dr. Blazic echoed the sentiments of the previous speakers and explained that the document he submitted defines a qualified anesthesia provider. Dr. Blazic further stated that the 1304 Permit allows the Dental Board to know who provides anesthesia in a dental office. The Board proceeded to call on Dr. Brady to speak. Dr. Brady stated that a 1304 Permit is an instrument to allow dentists to bring in anesthesia providers. Dr. Brady explained there are unintended consequences if there are two different standards for dentists. Dr. Brady further stated that the A&S Committee tried to reduce barriers of entry. The Board proceeded to call on Dr. Caputo to speak. Dr. Caputo informed the Board that he participated in most A&S Committee meetings; however, he was not a committee member. Dr. Caputo stated that there are unintended consequences

in the language for 1301 and 1303 Permits regarding the continuing education requirements in pediatric endorsement. In addition, Dr. Caputo requested that the Board consider changing the age for a pediatric endorsement to 13 years of age or younger instead of the current language, which is less than 8 years of age. Furthermore, Dr. Caputo requested that all permit holders be held to the same standard. The Board proceeded to call on Dr. Lout to speak. Dr. Lout stated that he does not recommend any changes to the document that the A&S Committee approved. The Board proceeded to call on Dr. Jerman to speak. Dr. Jerman stated that the age for the pediatric endorsement is based on the information from AMOS, the American Academy of Pediatrics and American Society of Anesthesiology. Dr. Jerman further explained that the physiology of a five, four or even a six year old is much different than a 13 year old.

Dr. Bienstock joined the meeting at 5:11 p.m.

Dr. Cobb proceeded to address the Board and expressed disagreement with a temporary 1304 Permit because there is no reason for it based on the average permitting time frame. Dr. Cobb further stated that the A&S Committee's recommendation does fulfill the intent that passed with SB1602. The Board proceeded to discuss the draft NPR and took into consideration the recommendations that were provided. During discussion, Dr. Herro expressed support for the revision to the existing document to have two 1301 Permits. A 1301 Permit for OMFS that is identical to what the recommended rule modifications read and a 1301 Permit for DAs, which would eliminate the on-site evaluation and oral examination because requiring anesthesiologists to go through an evaluation does not increase safety and delays new graduates from residency programs an opportunity to practice. Staff subsequently confirmed that there have not been 1301 Permit failures. With regard to 1304 Permits, Dr. Herro expressed support for removing the on-site evaluation which would further expedite the permitting time frame. In addition, the Board considered requiring permit holders to attest that two team members have ACLS or PALS certification.

Motion: Dr. Herro moved to direct staff to work with the Board's rule writer, including himself, to make the modifications that were discussed and submitted for the Board to review at the October Board meeting.

Second: Dr. Bienstock

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

IV. SUMMARY OF CURRENT EVENTS

None were discussed.

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

Dr. Herro informed staff that he has a conflict with the November Board meeting date and directed staff to coordinate a different date, if needed.

VI. NEXT BOARD MEETING DATE

A. October 13, 2023 (*in-person and virtual*)

VII. ADJOURNMENT

Dr. Herro adjourned the meeting at 6:03 p.m.