



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

September 19, 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
X	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
🕒	Umar Imtiaz, DDS, MS	Committee Member
X	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	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
Seamus Monaghan, Esq.	Assistant Attorney General
April Romero	Chief Compliance Officer
Jessica Solis	Compliance Officer
Mary Ford	Compliance Officer
Tracie Hester	Compliance Officer
Yazmin Bustamante	Executive Assistant

GUESTS PRESENT

Catrice Opichka	CRDTS’ Program Coordinator
Mark Edwards	Director of Dental Examiners, CRDTS’ CARE Program

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 2:00 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established.

Dr. Imtiaz joined the meeting at 1:03 p.m.

V. CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (“CRDTS”)

Ms. Opichka, CRDTS’ Program Coordinator and Dr. Edwards, Director of Dental Examinations, provided the Committee with a presentation regarding CRDTS’ CARE program. After the presentation, staff informed the Committee that CRDTS is Board approved and the Committee may include CRDTS remediation as a component of its recommendations.

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

Dr. Harris declared a conflict of interest with agenda item no. IV.B.1 because he did the report for the case.

Dr. Motahari declared a conflict of interest with agenda item nos. IV.B.12 and IV.B.32.

Dr. Martin made a disclosure for agenda item no. IV.B.32; however, declared that it does not prevent her from making an unbiased decision.

Dr. Fukami declared a conflict of interest with agenda item nos. IV.B.6, IV.B.12 and IV.B.30.

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

A. Discussion and approval of the Open Session Minutes from the August 8, 2023 committee meeting.

B. Discussion and approval of the Open Session Minutes from the August 22, 2023 special committee meeting.

The Committee requested the following corrections for the August 8, 2023 minutes: remove the designation of doctor for Ms. Kappes and correct a typo for dental dam.

Motion: Ms. Kappes moved to approve the minutes as amended.

Second: Dr. Berrigan

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

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

The Committee discussed which cases would be appropriate to recommend for dismissal based on their review. During discussion, Ms. Kappes pulled IV.B.21.202300148 from the list of cases recommended for dismissal and instead proposed recommending a letter of concern.

Motion: Dr. Imtiaz moved to recommend that the Board dismiss IV.B.2.202200124, IV.B.8.202300051, IV.B.9.202300080, IV.B.12.202300088, IV.B.13.202300118, IV.B.15.202300131, IV.B.18.202300141, IV.B.20.202300146, IV.B.22.202300151, IV.B.23.202300152, IV.B.24.202300153, IV.B.26.202300162, IV.B.27.202300163, IV.B.28.202300166, IV.B.29.202300231, IV.B.30.202300238 and IV.B.32.202300244.

Second: Ms. Kappes

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

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

The Committee proceeded to discuss which cases warrant a letter of concern.

Motion: Dr. Harris moved to recommend issuing a letter of concern for IV.A.2.202200182, IV.B.6.202300042, IV.B.16.202300139, IV.B.21.202300148 and IV.B.31.202300243.

Second: Dr. Berrigan

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

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

A. Open Investigation Case(s)

2. 202200182

The Committee discussed dismissing the complaint against the entity and opening a complaint against Dr. Ilic, as identified by the consultant.

Motion: Dr. Imtiaz moved to recommend that the Board dismiss the case against Perfect Teeth.

Second: Dr. Berrigan

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

During further discussion, the Committee pointed out that the radiographs did not show the bone level.

Motion: Dr. Caputo moved to recommend that the Board issue Dr. Ilic a letter of concern to emphasize the importance of thorough oral examinations and appropriate diagnosis and treatment planning, to include appropriate radiographic interpretation.

Second: Ms. Kappes

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

B. Review of Investigation(s)

6. 202300042

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern to the respondent emphasizing the importance of blood pressure interpretation and management during treatment.

Second: Dr. Harris

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

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

Motion: Ms. Kappes moved to recommend issuing a letter of concern to Festival Dental for not sending records when presented with a signed release from the patient.

Second: Dr. Caputo

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

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

16. 202300139

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern to Dr. Danivas, emphasizing the importance of thorough oral examinations and appropriate diagnosis and treatment planning, to include appropriate radiographic interpretation.

Second: Dr. Fukami

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

21. 202300148

The Committee discussed that the horizontal bite-wings that were taken do not show bone level.

Motion: Ms. Kappes moved to recommend that the Board issue a letter of concern emphasizing the importance of appropriate diagnosing and treatment planning, including appropriate radiographic imaging as indicated by the patients periodontal status, to include as in this specific case, vertical bite-wings.

Second: Dr. Caputo

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

31. 202300243

The Committee discussed that although there were new software issues, the doctor is still responsible and led to poor decision making.

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern, emphasizing the importance of thorough and complete charting and progress notes.

Second: Dr. Berrigan

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

A. Open Investigation Case(s)

1. 202100084

Staff informed the Committee that records have been requested through a subpoena; however, the records have not been provided to staff. As a result, the Committee considered recommending an on-site audit.

Motion: Dr. Harris moved to recommend that staff have the investigator do an on-site audit at Glendale Modern Dentistry, to include the review of financial and clinical records. The parameters of the audit include payments made, debits, credits, charges, write-offs and all financial information associated with the ledger. Also, a complete patient record, specifically exam notes, progress notes, health history, treatment plan, signed consent forms, x-rays and lab slips. The consultant shall look at 20 patient charts, in addition to the records that have been identified.

Second: Dr. Caputo

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

3. 202300147

The Committee discussed the respondent's failure to respond to a subpoena and over treatment, as identified in allegation one of the consultant's report. The Committee also concurred that there was unnecessary treatment.

Motion: Dr. Caputo moved to recommend that the Board issue a \$500 penalty for violation of A.R.S. § 32-1208, failure to respond to a subpoena.

Second: Dr. Berrigan

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

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern to Dr. Hynes, emphasizing the importance of thorough oral examinations and appropriate diagnosis and treatment planning.

Second: Dr. Berrigan

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

B. Review of Investigation(s)

3. 202200155

The Committee reviewed the consultant's report and discussed the failure to comply with a subpoena in a timely manner.

Motion: Dr. Caputo moved to recommend that the Board find Smiles Now Implant Center in violation of A.R.S. § 32-1263(D)(12) and impose a \$2,000 penalty.

Second: Dr. Harris

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

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern to the licensee, indicating that the licensee is responsible and supervises the business practices and the clinical practices of whatever corporate office they work in and that they should show due diligence and care in that supervision.

Second: Dr. Caputo

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

4. 202300013

The Committee concurred with the consultant's assessment regarding the placement of the implant and record issues.

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

Second: Dr. Berrigan

Roll Call

Caputo-aye

Harris-nay

Asrari-nay

Berrigan-aye

Fukami-nay

Imtiaz-aye

Kappes-aye

Martin-nay

Motahari-nay

Vote: 4-aye, 5-nay, 0-abstain, 0-recuse, 2-absent. Motion failed.

Motion: Dr. Fukami moved to recommend that the Board issue a letter of concern emphasizing the importance of recordkeeping, appropriate chart notes regarding graphs and implants, recognizing implant complications and management of complications.

Second: Dr. Harris

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

5. 202300031

The Committee concurred that allegations one and two in the consultant's report are substantiated.

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

Second: Ms. Kappes

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

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

Second: Dr. Imtiaz

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

1. 202100241

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

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

Second: Dr. Berrigan

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

Dr. Harris was recused.

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in oral pathology, with at least 4 hours to cover surgical treatment and reconstruction.

Second: Dr. Fukami

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

Dr. Harris was recused.

7. 202300049

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14) and (24); based on the consultant's report.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in risk management and 6 hours in diagnosis and treatment planning and clinical decision making for dentures. Also, to make the recommendation to fulfill the CE through CRDTS' CARE Program.

Second: Dr. Fukami

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

10. 202300081

The Committee concurred with the consultant's report and discussed violations.

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in risk management and 6 hours in diagnosis, treatment planning, clinical decision making and crown and bridge; to be completed through CRDTS' CARE Program.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to open a complaint against Dr. J, as identified in the consultant's report.

Second: Dr. Berrigan

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

11. 202300087

The Committee reviewed the consultant's report and concurred with the identified violations.

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

Second: Dr. Harris

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

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

Second: Dr. Berrigan

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

14. 202300119

The Committee reviewed the consultant's report and discussed whether there was a violation of A.R.S. § 32-1201.01(24).

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

Motion failed due to a lack of a second.

Motion: Ms. Kappes moved to recommend that the Board issue a letter of concern emphasizing the importance of appropriate comprehensive charting when treatment planning and appropriate billing protocols, including ensuring that the office clarifies their insurance billing practice with the patient.

Second: Dr. Fukami

The Committee further discussed that there was perio-charting; however, a diagnosis was not correlated and there was a billing issue. The Committee also took into consideration that the patient was made whole.

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

17. 202300140

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

Motion failed due to a lack of a second.

The Committee further discussed the matter and considered issuing a letter of concern.

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern, emphasizing the importance of appropriate decision making, treatment planning and diagnosis with attention to prognosis of teeth and their restorability.

Second: Dr. Harris

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

19. 202300142

The Committee reviewed the consultant's report and discussed that the dentist allegedly changed the progress notes.

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(12), (14), (15) and (24).

Second: Dr. Harris

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

The Committee further discussed the timeframe of the forged document.

Motion: Dr. Caputo moved to invite the respondent for an investigative interview.

Second: Dr. Harris

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

25. 202300154

The Committee reviewed the consultant's report and discussed the code of ethics issues.

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

Second: Ms. Kappes

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

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

Second: Dr. Harris

The Committee further discussed whether ethics courses cover violating boundaries and inappropriate professional behavior.

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

33. 202300263

The Committee reviewed the consultant's report and concurred with the substantiated allegations.

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

Second: Dr. Harris

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

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

Second: Dr. Harris

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

The Committee further discussed that records were improperly stored in a storage that was delinquent.

Motion: Dr. Caputo identified violation of A.R.S. § 32-1264(A) as it relates to 32-1201.01(24).

Second: Dr. Harris

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

The Committee proceeded to determine how long the records were jeopardized.

Motion: Dr. Caputo moved to recommend that the Board issue a fine of \$122,000.

Second: Dr. Motahari

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

Drs. Harris and Berrigan voted against the motion.

VI. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VII. SUMMARY OF CURRENT EVENTS

Mr. Edmonson informed the Committee that there was a recent article published on ABC15.

VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None were discussed.

IX. NEXT COMMITTEE MEETING DATE

A. October 24, 2023

X. ADJOURNMENT

Dr. Caputo adjourned the meeting at 5:13 p.m.