



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

**October 13, 2023**  
**Board Meeting**

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a board meeting at the Board’s office, in Boardroom A, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically. The Board met in executive session during its consideration of agenda items V.I.3, V.F.12, V.A.2, V.F.10, V.H.1 and V.D.2 as stated herein.

### 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
	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/departed as denoted in the body of the minutes	
X	Absent	
	<i>Board members in italics participated in-person</i>	

### STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

<i>Ryan P. Edmonson</i>	Executive Director
<i>Kristina C. Gomez</i>	Deputy Director
<i>Seamus Monaghan, Esq.</i>	Assistant Attorney General
<i>Diane DeDea</i>	Independent Legal Advisor
<i>Julie Cutler, DMD</i>	Deputy Chief Investigator
<i>Sherrie Biggs</i>	Assistant Deputy Director
<i>April Romero</i>	Chief Compliance Officer
<i>Jessica Solis</i>	Compliance Officer
<i>Mary Ford</i>	Compliance Officer
<i>Tracie Hester</i>	Compliance Officer
<i>Yazmin Bustamante</i>	Executive Assistant
<i>Jessica Thomas</i>	Rules Administrator

*Staff members in italics participated in-person*

**GUESTS PARTICIPATING AND/OR PRESENT**

Jeffery J. Tonner, Esq.	Attorney for Respondents
Michele Thompson, Esq.	Attorney for Respondents
Abraham Miller	Respondent
Chris Winterholler	Respondent
David Dowling	Respondent
Ehsan Pourshirazi	Respondent
Henry Yu	Respondent
Irving Chao	Respondent
J. B.	Complainant
Jeff Erickson	Respondent
Jefferson Hayden, Esq.	Attorney for Respondents
Jeffrey Hunter	Respondent
Joseph Fox	Respondent
L. N.	Complainant
Leah Schachar, Esq.	Attorney for Respondents
Leanne Hay, Esq.	Attorney for Respondents
Leeza Birko	Respondent
Marylin Tago	Respondent
Michael Wassef	Respondent
Michael Wygant	Applicant
Michael Bryant	Applicant
Nate Hill, Esq.	Attorney for Respondent
Rita Bustos, Esq.	Attorney for Respondent
Sara Stark	Respondent
Sergio Gomes De Souza	Respondent
Spencer Mecham	Respondent
S. M.	Complainant
Susan McLellan, Esq.	Attorney for Respondent
Wilbert Saavedra	Respondent
William Carpenter	Applicant
Cindy Bachman	Court Reporter
Bruce Crawford, Esq.	Attorney for Respondent
Michael Whalen	Respondent
Rozbeh Hossieni	Respondent
Roopinder Mann	Respondent
Bonjung Koo	Respondent
Dean Garfield	Respondent
David Ecker	Respondent
Rick Kent, Esq.	Attorney for Respondent
Carlton Taylor	Respondent
Calvin Brown Jr.	Respondent
Marcus Young	Respondent
Christi Han	Respondent
Maryam Beyramian	Respondent
Kenneth Gerace	Respondent

Keith Cooper  
Morton Krieg

Respondent  
Respondent

### **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.

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

Dr. Herro declared conflicts of interest with agenda item nos. IV.C.6 and V.K.5.

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.B.9, IV.B.14, IV.B.19, IV.B.23, IV.B.26, IV.B.27, IV.B.39, IV.B.40, V.A.2, V.F.1, V.M.1 and V.N.1.

Dr. Morrow declared conflicts of interest with agenda item nos. IV.B.19, IV.B.20 and V.F.11.

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

A. Discussion and approval of the Open Session Minutes from the August 18, 2023 board meeting.

B. Discussion and approval of the Executive Session Minutes from the August 18, 2023 board meeting.

C. Discussion and approval of the Open Session Minutes from the September 14, 2023 special board meeting.

**Motion:** Dr. Herro moved to approve the open session and executive session minutes from the August 18, 2023 Board meeting and the open session minutes from the September 14, 2023 Board meeting.

**Second:** Dr. Morrow

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

### **IV. CONSENT AGENDA**

#### **A. Termination of Board Orders(s)/Consent Agreements(s)**

1. 202000343; Garza, John
2. 202100052; Gardner, Michael
3. 202200046; Phillips, Matthew

#### **B. Review of Investigation(s) – Case(s) Recommended for Dismissal**

1. 202100244; Lingenbrink, Paul
2. 202200266; Uldrikson, Barry
3. 202200323; Saavedra, Wilbert
4. 202200337; Raiffe, David
5. 202200343; Jackson, Marvin
6. 202300002; Evans, Travis
7. 202300011; Alvarez, Carlos
8. 202300023; Mecham, Spencer
9. 202300024; Carmichael, Lonny
10. 202300025; Chao, Irving

11. 202300027; Bricker, Michael
12. 202300035; Nguyen, Nam-Rene
13. 202300036; Dickerson, Michael
14. 202300038; Goldring, Matthew
15. 202300041; Yu, John
16. 202300043; Western Dental of Arizona, Inc.
17. 202300044-AO; Porter, Blake
18. 202300048; Valiyaparambil, Jayasanker
19. 202300053; Hegle, Trond (*Morrow conflicted*)
20. 202300054; Yu, Henry (*Morrow conflicted*)
21. 202300057; Bundalo, Luka
22. 202300058; Lauer, Michael T.
23. 202300063; Kubicek, Jana
24. 202300065; Shanahan, Bryan
25. 202300068; Petersen, Aric
26. 202300070; Green, Jackson
27. 202300075; Pavilion Dental Group
28. 202300078; Koppikar, Sameet
29. 202300079; Samain, Omaima
30. 202300093; Al-Kaabi, Rasha
31. 202300094; Millett, Michael
32. 202300116; Guffey, William
33. 202300117; Douglas, Paul
34. 202300122; Gerhardt, Yana
35. 202300123; Meyer, Robert
36. 202300125; Paukune, Kim
37. 202300127; Paukune, Kim
38. 202300128; Fryberg, Harrison
39. 202300129; Copeland, Maricon
40. 202300130; Kulze, Kevin
41. 202300132; Mayorga, Kristen
42. 202300138; Smith, Nathan
43. 202300155; Paukune, Kim
44. 202300170; Ha, Jordan

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

1. 202100245; Salim, Hoda
2. 202200347; Vu, Mai-Chi
3. 202300007; Adams, Blake
4. 202300028; Mehranfar, Nina
5. 202300055; Winterholler, Chris
6. 202300074; Gordon, Douglas

**Motion:** Mr. Dynar moved to approve the consent agenda.

**Second:** Dr. Christensen

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

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

**V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION****P. Summary Suspension or Formal Hearing for Revocation of License for Violations of Board Statutes****1. 202300072-AO; Gomes De Souza, Sergio**

Mr. Hayden made a statement on behalf of Dr. De Souza. Dr. De Souza was also present and answered the Board's questions. During discussion, Dr. De Souza acknowledged violating the terms of the disciplinary consent agreement and disclosed providing treatment for family members and other patients.

*Dr. El-Gendy joined the meeting at 8:16 a.m.*

Dr. De Souza testified providing treatment to about four patients in violation of the practice restriction. With regard to the patient that aspirated a driver, Dr. De Souza indicated that he recommended that the patient do an x-ray; however, stated that the patient initially declined. The patient later saw a physician and is scheduled to do an x-ray. After discussion, the Board considered Dr. De Souza disregarded the Board order.

**Motion:** Dr. Herro moved to offer an interim consent agreement for a complete practice restriction. If not signed today by 5:00 p.m. move to a summary suspension.

**Second:** Mr. Goodman

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

**Motion:** Dr. Herro moved to hold a formal interview at a separate meeting.

**Second:** Dr. Christensen

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

**N. Review of Case(s) Moved to Hearing****1. 202000111; Choi, Cheol**

Ms. McLellan made a statement on behalf of Dr. Choi and indicated that Dr. Choi has not been practicing in Arizona since 2020 and did not renew his license which was set to expire in 2021. Ms. McLellan proposed working with the State Attorney to draft an agreement. The Board proceeded to discuss the matter.

**Motion:** Dr. Herro moved to rescind the previous motion for a formal interview and remand the matter to investigative review.

**Second:** Mr. Goodman

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

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

*The Board took a break from 8:43 a.m. to 9:59 a.m.*

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

I. Formal Interview(s)

## 1. 202200253; Fox, Joseph

Ms. Thompson and Dr. Fox were present during the Board's consideration of the matter. Dr. Cutler proceeded to provide the Board an overview of the case and indicated that the patient's bridge came off a month later during a hygiene appointment and is seeking reimbursement for recementation from a different provider. The investigator found record keeping deviations for no periodontal evaluation, diagnosis documented prior to treatment and the record lacked dental materials that was documented for the buildup. At the previous meeting, the Board identified a pattern of crown and risk management issues. In the supplemental response, Dr. Fox provided proof of a refund to the patient. Ms. Thompson subsequently pointed out that the previous orders were issued 20 years ago and do not constitute a pattern. With respect to the bite wing after the cementation, Dr. Fox does not routinely do x-rays due to continuous exposure to radiation. The Board discussed the documentation issues including full mouth probing, no existing restorations, no full mouth x-rays, x-rays were not clinically diagnostic and no diagnosis. Dr. Fox proceeded to answer questions pertaining to his practice. After discussion, the Board discussed the standard of care.

**Motion:** Dr. Morrow moved to adopt findings of facts for record keeping issues for lack of bite-wing, the findings in the consultant's report and discussion held during the meeting.

**Second:** Dr. Herro

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

**Motion:** Dr. Morrow moved to adopt conclusions of law and find violation of A.R.S. § 32-1201.01(24) as it relates to 32-1264(A) for the lack of recordkeeping.

**Second:** Dr. Herro

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

**Amended Motion:** Dr. Morrow moved to amend the findings of facts for recordkeeping to extend to fixed prosthesis, including diagnosis and treatment planning.

**Second:** Dr. Herro

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

**Amended Motion:** Dr. Morrow moved to amend the conclusions of law to find violation of A.R.S. 32-1201.01(14) and (24).

**Second:** Dr. Herro

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

Staff informed the Board of prior action taken against the respondent. The Board expressed concern for the inadequate routine procedures and the respondent's perspective of standard of care.

**Motion:** Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 6 hours of CE in crown and bridge and 4 hours 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:** Mr. Goodman

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

2. 202200268; Erickson, Jeffrey

Dr. Erickson was present during the Board's consideration of the matter. Dr. Cutler proceeded to provide the Board an overview of the case and indicated that the complainant's crowns started falling out weeks after placement. The investigator found that the crown should have remained in place for a reasonable period and the usual steps for full-mouth rehabilitation were not taken. During discussion, Dr. Erickson explained the steps taken during the procedure. In addition, Dr. Erickson explained that he did not use resin cement primarily due to the periodontal condition and discussed the technicalities of the procedure. Dr. Erickson further clarified that the patient did not return for treatment. After review, the Board found there were no violations of the standard of care.

**Motion:** Mr. Goodman moved to dismiss the case.

**Second:** Dr. Herro

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

*Dr. Bienstock voted against the motion.*

*Mr. Dynar temporarily departed the meeting at 10:00 a.m.*

3. 202200309; Pourshirazi, Ehsan

Dr. Pourshirazi was present during the Board's consideration of the matter. Dr. Cutler proceeded to provide the Board an overview of the case. The patient had an extraction and implant supported bridge. The patient was promised a refund but did not receive it. After the investigation was performed, the investigator found deviations for no periodontal exam documented during the initial consultation, patient had a full-mouth All-on-4 treatment plan, no diagnosis for extractions, no detailed treatment notes for delivery of the implants for a bridge and post-op visit on April 9, 2021, no radiographs in the records for during and post-placement of the implant supported bridge and oral sedation was given without a 1303 Permit. Dr. Cutler further clarified that the post-op pano that was submitted, was not dated. Dr. Pourshirazi subsequently answered the Board's questions and explained that there are records that were lost due to a software issue. Efforts were made to retrieve the records, but the company was unsuccessful in retrieving the records. The Board proceeded to discuss the sequencing of treatment.

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

**Second:** Mr. Goodman

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

*The Board entered into executive session at 10:19 a.m.*

*The Board returned to open session at 10:34 a.m.*

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

**Motion:** Dr. Seaman moved to adopt findings of facts as stated in the consultant's report, the investigator's conclusions and the discussion held during the meeting. Also, to adopt as findings of facts that an oral sedative dose that would require a 1303 Permit was administered while the licensee did not have the proper permit.

**Second:** Mr. Goodman

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

**Motion:** Dr. Herro moved to adopt conclusions of law for unprofessional conduct as defined in A.R.S. § 32-1201.01(14) and (24) as it relates to 32-1264(A).

**Second:** Dr. Bienstock

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

Staff proceeded to inform the Board of prior Board action taken against the licensee.

*Mr. Dynar rejoined the meeting at 10:40 a.m.*

**Motion:** Dr. Herro moved to offer a consent agreement for voluntary surrender of the respondent's license. If not accepted within 15 days, the matter will be referred to OAH for revocation.

**Second:** Dr. El-Gendy

*Roll Call*

*Herro- aye*

*Bienstock- aye*

*Burg- aye*

*Christensen- aye*

*Dynar- abstained*

*El-Gendy- aye*

*Goodman- nay*

*Morrow- aye*

*Penna- nay*

*Seaman- aye*

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



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

12. 202300073; Christy, Han

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

**Second:** Dr. Morrow

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

*The Board entered into executive session at 10:47 a.m.*

*The Board returned to open session at 11:01 a.m.*

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

**Motion:** Dr. Herro moved to combine this case with case 202300066 and have a formal interview at a future meeting.

**Second:** Dr. Morrow

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

H. Malpractice, Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. § 32-3208 and/or A.A.C. R4-11-1305

1. 202300293-AO

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

**Second:** Dr. Morrow

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

*The Board entered into executive session at 11:05 a.m.*

*The Board returned to open session at 11:15 a.m.*

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

Dr. Cutler provided the Board with an overview of the matter and indicated that the patient spent six days in the hospital. The adverse occurrence was not reported by the respondent and the licensee did not have the proper permit.

**Motion:** Dr. Herro moved to assign the case to an investigator for investigation.

**Second:** Dr. Morrow

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

2. 202300298-AO

**Motion:** Dr. Herro moved to assign the case to an investigator for investigation.

**Second:** Dr. Morrow

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

## 3. 202300301-AO

Ms. Hay made a statement on behalf of the respondent and indicated that the doctor was not involved in the incident. The respondent offered to help, however, the anesthesiologist informed him that EMS had already been called and did not have any involvement in the care of the patient or incident. The respondent answered the Board's questions and indicated that the patient was scheduled for treatment with him. Dr. Cutler further stated that the surgical informed consent form was signed by the respondent.

**Motion:** Dr. Herro moved to assign the case to an investigator for investigation.

**Second:** Dr. Morrow

During discussion, staff clarified that investigators can do site inspections under Title 41.

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

## 4. 202300387-AO

Ms. Schachar and Dr. T were present during the Board's review of the matter. Based on the review of the matter, the Board moved to take no 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. Carpenter, William M., DDS (*by Credentials*)

**Motion:** Dr. Herro moved to grant licensure.

**Second:** Mr. Goodman

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

2. Wassef, Michael, DDS (*by Credentials*)

Mr. Tonner and Dr. Wasseff were present during the Board's consideration of the application for licensure. Mr. Tonner stated that Dr. Wassef has not failed any drug tests since 2003. In addition, Dr. Wasseff stated that his license is unencumbered in Nevada and that documentation was submitted as part of the application.

**Motion:** Dr. Herro moved for the Board to enter into executive session to obtain legal advice for this case and agenda item V.F.10, pursuant to A.R.S. § 38-431.03(A)(3).

**Second:** Mr. Goodman

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

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

*The Board entered into executive session at 11:44 a.m.*

*The Board returned to open session at 12:06 p.m.*

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

The Board considered requiring a substance abuse evaluation.

**Motion:** Dr. Herro moved to issue an interim order for a substance evaluation within 60 days, by a Board approved and appointed Board evaluator.

**Second:** Dr. Morrow

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

*Mr. Dynar voted against the motion because he would be in favor of granting licensure and opening an investigation.*

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

3. Wygant, Michael Erik, DDS (*by Credentials*)

**Motion:** Dr. Herro moved to grant licensure.

**Second:** Dr. Bienstock

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

B. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)

1. Hanchet, Matthew, DMD (*evaluator*)

**Motion:** Dr. Herro moved to approve Dr. Hanchet as an evaluator.

**Second:** Dr. Christensen

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

C. Review of Initial and Renewal Application(s) for Licensed Dentists

1. Bryant, Michael R., DDS

Mr. Hayden and Dr. Bryant were present during the Board's consideration of the renewal application. Mr. Hayden indicated the cases in California were due to patient abandonment. Dr. Bryant clarified that since he was responsible for the practice he paid the patients back and was not the treating dentist. The office manager and Dr. Bryant were business owners of the practice. The Board proceeded to discuss the matter.

**Motion:** Dr. Morrow moved to grant the renewal.

**Second:** Ms. Penna

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

2. Dowling, David B., DDS

The Board reviewed the renewal disclosure of 5 actions taken in other jurisdictions. Dr. Dowling stated that all of the complaints are related to the ability to accept teledentistry in different states. Dr. Dowling further answered questions about the standard of care specific to orthodontics.

**Motion:** Dr. Morrow moved to deny renewal based on the multiple board complaints in other states and the applicant's testimony regarding standard of care and include A.R.S. § 32-12(C)(1) and (C)(4).

**Second:** Mr. Goodman

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

**Motion:** Dr. Christensen moved to offer a consent agreement to renew the license in retired status. The respondent has 15 days to sign the agreement.

**Second:** Dr. Bienstock

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

3. Krebs, Randall S., DDS

**Motion:** Dr. Herro moved to rescind the previous motion based on the fact that the applicant did not qualify. The applicant may choose to reply.

**Second:** Dr. Bienstock

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

D. Review of Investigation(s)

1. 202200205; Rudolph, Lawrence

The Board was informed that the respondent was convicted and sentenced to prison. The respondent has been offered a voluntary surrender through his attorney.

**Motion:** Dr. Herro moved to move the matter to a formal interview, based on the information in the consultant's report.

**Second:** Dr. Bienstock

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

2. 202300376; Miller, Abraham

Mr. Hill and Dr. Miller were available during the Board's review of the matter. The complainant made a statement to indicate that Dr. Miller made inappropriate comments and touched her inappropriately. The complainant also indicated that she did not know of the history of the situation and she reported the incident to her manager. Mr. Hill subsequently denied that Dr. Miller was in a compromised situation with the complainant and stated that there was a report of camera footage and welcomed the review of the video footage. Dr. Cutler subsequently clarified that the owner reviewed the video footage and did not find such allegations; however, the incidents that the complainant described all occurred in a room where there were no cameras. Mr. Hill further stated that the Board's concerns can be addressed in the measures of the consent agreement.

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

**Second:** Mr. Goodman

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

*The Board entered into executive session at 12:59 p.m.*

*The Board returned to open session at 1:15 p.m.*

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

**Motion:** Dr. Herro moved to modify the existing interim consent agreement for a full practice restriction until the formal interview, which will be agendized between now and December 31, 2023. If not signed by 3:30 p.m, move to a summary suspension.

**Second:** Dr. Bienstock

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

Later in the meeting, the Board revisited the matter.

**Motion:** Dr. Herro moved to modify the previous motion to combine both cases for a formal interview.

**Second:** Dr. Bienstock

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

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

The Board reviewed the draft NPR and comments incorporated as a result of the Board’s last regular meeting and request for informal comment. During discussion, the Board considered changing the renewal period of the 1302 and 1303 Permits to three years, to match the tri-annual license renewal. The on-site evaluation would be required for every other renewal; essentially every 6 years.

*Mr. Dynar temporarily departed the meeting at 1:45 p.m.*

The Board continued reviewing pending comments throughout the NPR and further clarified language pertaining to the continuing education requirements for a pediatric endorsement.

*Mr. Dynar rejoined the meeting at 1:56 p.m.*

The Board proceeded to review language pertaining to the 1304 Permit and considered writing the rules in a way that makes the licensee have accountability without requiring the licensee to acquire a permit. The Board further discussed requiring the licensee to provide the Board general information and the practice location.

**Motion:** Dr. Herro moved to make the changes discussed for the 1304 Permit.

**Second:** Dr. Morrow

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

For deep sedation and general anesthesia, the treating dentist shall ensure that a second person, other than the Qualified Anesthesia Provider is present with the patient during the procedure and has a current certification in PALS or ACLS, or completed a Recognized Continuing Dental Education course in General Anesthesia or Deep Sedation or advanced airway management within two years prior to the procedure.

*Dr. Seaman departed the meeting at 2:30 p.m.*

The Board proceeded to review and revise R4-11-1305 pertaining to mandatory reporting.

*Ms. Burg departed the meeting at 2:48 p.m.*

**Motion:** Dr. Herro moved to adopt the proposed modifications to the A&S NPR.

**Second:** Dr. Morrow

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

*The Board took a break from 2:51 p.m. to 3:00 p.m.*

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

## V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

### E. 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. 202200346-MP; Whalen, Michael

Mr. Crawford made a statement on behalf of Dr. Whalen and explained that Dr. Whalen had the dental assistant remove healing abutments and she dropped the implant driver in the patient's mouth. Dr. Whalen proceeded to answer questions and indicated that he uses a throat pack as a general rule unless the patient's have an extenuating circumstance. The Board proceeded to discuss the matter.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Bienstock

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

*Ms. Penna voted against the motion.*

### G. Review Draft Board Order(s)/Consent Agreement(s)

#### 1. 202000317-MP; Grampp, Carter

Ms. Schachar informed the Board that she worked with the Board's attorney to draft the consent agreement.

**Motion:** Dr. Herro moved to accept the agreement as presented.

**Second:** Dr. Morrow

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

M. Proposed Settlement

1. 202000306; Hossieni, Rozbeh (*Bienstock conflicted*)

The Board tabled the matter to a future meeting date.

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

O. Review of Cases Invited to Formal Interview

1. 202100066-AO; Endicott, Thomas

**Motion:** Dr. Herro rescinded the motion to Formal Interview and moved to Formal Hearing and combine for revocation.

**Second:** Dr. Morrow

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

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

1. 202100083; Scottsdale Modern Dentistry and Orthodontics

Ms. Schachar made a statement and indicated that the patient had alleged being allergic to fluoride; however, the consultant found that allegation was not substantiated. With regard to the billing irregularity, the insurance denied coverage for the treatment that was received.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Herro

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

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

2. 202200264; Mann, Roopinder

Ms. Stark and Dr. Mann were present during the Board's review of the matter. Dr. Mann acknowledged that he should have referred the patient to an endodontist. Dr. Cutler provided the Board an overview of the case and indicated that the patient was seen for a focused emergency of tooth number 2 and the patient was informed of the broken file. Dr. Mann further answered questions pertaining to his practice.

**Motion:** Dr. Herro moved to find violation of A.R.S. § 32-1201.01(14) and (24) as it relates to 32-1264(A).

**Second:** Dr. Morrow

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

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in diagnosis and treatment planning and 4 hours of hands on CE in root canal therapy; 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. Herro

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

*Later in the meeting, the Board rescinded the motion for a non-disciplinary order.*

3. 202200265; Mann, Roopinder

Ms. Stark and Dr. Mann were present during the Board's review of the matter. Ms. Stark pointed out that this complaint took place prior to when the CE was taken. Dr. Mann proceeded to answer the Board's questions pertaining to treatment options offered to the patient and the technicalities of the treatment provided.

**Motion:** Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(14) and (24) as it relates to 32-1264(A) for unprofessional conduct and failure to maintain adequate patient records.

**Second:** Dr. Morrow

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

**Motion:** Dr. Morrow moved to combine this case with case number 202300264.

**Second:** Dr. Herro

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

**Motion:** Dr. Morrow moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of hands on CE in endo and 4 hours in diagnosis and treatment planning. Also, 4 hours of CE in full mouth reconstruction and 4 hours in removable prosthesis; 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 twelve months. The respondent has 30 days to sign the agreement.

**Second:** Dr. Herro

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

6. 202200314; Koo, Bonjung

Dr. Koo was also available during the Board's review of the matter. Mr. Hayden made a statement to indicate that there are technical difficulties with the system to retrieve records. Dr. Cutler proceeded to provide the Board an overview of the case and indicated that the investigator found there was a failing root canal treatment and tooth number 10 appeared to be supported by a compromised abutment tooth with 50% tooth support. Dr. Koo further answered questions pertaining to her billing practices. The Board took the Investigative Committee's recommendation for a chart audit.

**Motion:** Dr. Herro moved to establish statutory violation of 32-1201.01(14) and (24) as it relates to 32-126(A); based on the consultant's report and discussion held during the meeting.



**Second:** Dr. Morrow

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

Dr. Koo stated that the patient was adamant of extraction and root canal because she did not present with pain. Dr. Koo further answered the Board's questions regarding the treatment options provided to the patient.

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 6 hours of hands on CE in crown and bridge. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Also, moving forward to do a 6 month chart audit with probation, where 5 charts per month will be pulled by a third party company such as Affiliated Monitors. The parameters of the audit include review of medical history, periodontal charting, diagnosis and treatment planning, billing practices and all clinical practice. Expenses of the audit shall be paid by the licensee. Failure to successfully complete the chart audit could result in further action by the Board. In addition, to pay restitution of \$1,450 to the patient.

**Second:** Dr. Morrow

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

8. 202300010; Eccker, David

Mr. Tonner made a statement on behalf of Dr. Eccker and addressed the allegations. Dr. Eccker was also available to answer questions. Mr. Tonner pointed out that the progress notes show that the treatment details were discussed. Dr. Eccker further explained that he did not monitor the patient when sedated because it wasn't a level of sedation that required a permit.

**Motion:** Ms. Penna moved to dismiss the case.

**Second:** Dr. Herro

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

9. 202300015; Taylor, Carlton

Mr. Kent made a statement on behalf of Dr. Taylor and indicated that the conversation he had with the patient was documented. Dr. Taylor also stated that the poor outcome was due to the comorbidities.

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Dr. Herro

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

## 11. 202300071; Young, Marcus

Ms. Schachar and Dr. Young were available during the Board's review of the matter. Ms. Schachar explained that there was a misunderstanding with payment of the crown. The lab did not provide the crown that was ordered and the patient was provided a full refund of treatment provided.

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Bienstock

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

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

## 13. 202300082; Beyramian, Maryam

Dr. Beyramian was available during the Board's review of the matter. Dr. Beyramian explained that the patient complained due to stress for needing more crowns and answered questions pertaining to the crown treatment. Dr. Cutler proceeded to provide the Board an overview of the deviations. During discussion, Dr. Beyramian clarified that she did not cement the crowns.

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Dr. Herro

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

*Dr. Morrow voted against the motion.*

## 14. 202300083; Gerace, Kenneth

Dr. Gerace was available during the Board's review of the matter. Mr. Tonner addressed the allegations and pointed out that although the time of anesthetics was not documented, they were not given all at once and the patient did not have symptoms. Dr. Cutler pointed out that the standard of care is the amount of anesthetics given in one treatment which depends on the patient's weight. Dr. Gerace subsequently explained that he was doing full mouth treatment on a patient with high anxiety that was underserved. The Board proceeded to discuss the matter and took into consideration the FDA maximum recommended dose.

**Motion:** Dr. Herro moved to accept the Investigative Committee's recommendation to issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique; based on the findings in the consultant's report and discussion held today. The respondent has 30 days to sign the agreement. 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, 1-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*Mr. Dynar voted against the motion.*

## 15. 202300086; Cooper, Keith

Dr. Cooper was available during the Board's review of the matter. Mr. Tonner made a statement and indicated that Dr. Cooper put down from memory the capsules and times he administered anesthetics. The Board discussed the maximum recommended dose and took into consideration the patient's weight. Dr. Cooper subsequently explained that the local anesthetic went into the suction. The Board proceeded to discuss the matter and considered that Dr. Cooper's practice of estimating what is administered is not standard of care.

**Motion:** Dr. Herro moved to adopt the statutory violation of A.R.S. § 32-1201.01(14).

**Second:** Ms. Penna

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

**Motion:** Dr. Herro moved to adopt the findings of facts in the consultant's report and the discussion held today.

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to accept the Investigative Committee's recommendation to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in local anesthesia administration and technique; based on aforementioned statutory violations and adopted findings of facts. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The agreement is to be signed within 30 days.

**Second:** Dr. El-Gendy

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

J. Initial Review

## 1. Krieg, Morton L., DDS

Dr. Krieg was present during the Board's review of the matter. Mr. Tonner made a statement on behalf of Dr. Krieg and explained that he was notified of a complaint from another state after the renewal application was completed.

*Mr. Dynar departed the meeting at 5:04 p.m.*

The Board considered issuing the license renewal with CE.

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 3 hours of ethics for failure to report action taken in another state.

**Second:** Dr. Herro

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

*Dr. Christensen abstained.*

K. Review of Compliance/Non Compliance for Consent Agreement(s)/Board Order(s)  
6. 202300050; Bingham, Tyler

Ms. Schachar asked for reconsideration for approval of CE courses taken before the order was issued.

The Board moved to take no action.

**VII. CALL TO THE PUBLIC**

None.

**VIII. ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT**

There was no discussion.

**IX. EXECUTIVE DIRECTOR’S REPORT**

There was no discussion.

**X. SUMMARY OF CURRENT EVENTS**

None were discussed.

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

None.

**XII. NEXT BOARD MEETING DATE**

A. November 17, 2023

**XIII. ADJOURNMENT**

Dr. Herro adjourned the meeting at 5:15 p.m.