



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

October 24, 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
X	Umar Imtiaz, DDS, MS	Committee Member
	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	Katie Lee Martin, DMD, MPH, MS	Committee Member
X	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
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

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 1:00 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established.

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

Dr. Harris declared a conflict of interest with agenda item no. IV.B.34 because he prepared the report for the case.

Dr. Berrigan declared a conflict of interest with agenda item no. IV.B.10 because she prepared the report for the case. In addition, Dr. Berrigan disclosed that she knows the respondent for agenda item IV.B.31 and declared a conflict of interest with that case.

Dr. Fukami declared a conflict of interest with agenda item nos.IV.B.15 and IV.B.34.

Dr. Caputo identified conflicts with agenda item nos. IV.B.12 and IV.B.21; however, declared that he can participate and remain impartial.

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

A. Discussion and approval of the Open Session Minutes from the September 19, 2023 committee meeting.

Motion: Dr. Kalamchi moved to approve the September 19, 2023 committee meeting minutes.

Second: Dr. Harris

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

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

The Committee discussed which cases would be recommended for dismissal.

Motion: Dr. Harris moved to recommend that the Board dismiss cases IV.B.1.202100260, IV.B.2.202200103, IV.B3.202200275, IV.B.5.202300008, IV.B.6.202300077, IV.B.9.202300113, IV.B.12.202300156, IV.B.13.202300159, IV.B.14.202300161, IV.B.17.202300172, IV.B.18.202300173, IV.B.24.202300219, IV.B.26.202300221, IV.B.29.202300224, IV.B.32.202300239, IV.B.33.202300252, IV.B.35.202300270, IV.B.36.202300280 and IV.B.39.202300326.

Second: Dr. Kalamchi

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

B. Review of Investigation(s)

10. 202300143

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

Second: Dr. Kalamchi

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

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

15. 202300167

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

Second: Dr. Harris

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

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

The Committee proceeded to discuss which cases would be recommended for a letter of concern.

Motion: Dr. Kalamchi moved to recommend that the Board issue a letter of concern for IV.B.11.202300144, IV.B.28.202300223, IV.B.30.202300225 and IV.B.34.202300256.

Second: Dr. Martin

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

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

B. Review of Investigation(s)

11. 202300144

Motion: Dr. Kalamchi moved to recommend that the Board issue a letter of concern emphasizing the importance of documentation and ensuring correct diagnosis with appropriate treatment planning.

Second: Dr. Fukami

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

28. 202300223

Motion: Dr. Kalamchi moved to recommend that the Board issue a letter of concern emphasizing the importance of documentation of findings and thorough communication with the dentist regarding oral condition and findings. In addition, to recognize the shared responsibility of patient care with the dentist.

Second: Dr. Berrigan

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

30. 202300225

Motion: Ms. Kappes moved to recommend that the Board issue a letter of concern emphasizing the importance of documentation of findings and thorough communication with the dentist regarding oral condition and findings. In addition, to recognize the shared responsibility of patient care with the dentist.

Second: Dr. Kalamchi

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

34. 202300256

The Committee reviewed the consultant's report and discussed that although the outcome would not have changed, there should have been more direct consideration for diagnosis and timely consideration for early biopsy.

Motion: Dr. Kalamchi moved to recommend that the Board issue a letter of concern recommending more direct consideration for diagnosis with respect to persistent clinical presentation and timeliness for biopsy.

Second: Dr. Martin

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

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

A. Open Investigation Case(s)

1. 202300150

The Committee reviewed the consultant's report and concurred that the entity failed to comply with the subpoenas.

Motion: Dr. Caputo identified violation of A.R.S. § 32-1263(D)(12).

Second: Dr. Harris

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

Motion: Dr. Caputo recommended that the Board issue a \$2,000 civil penalty to the business entity for failure to comply with Board subpoenas.

Second: Dr. Kalamchi

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

The Committee proceeded to discuss the open margin or ledge and considered opening a case against Dr. C.A. as identified in the consultant's report.

Motion: Dr. Caputo moved to open a case against Dr. C.A. and recommend that the Board issue a letter of concern emphasizing the importance of appropriate restoration of teeth with single unit crowns and ensuring margins are appropriate; without any open margins or ledges. As well as with medically complex patients and any patient, routine collection of blood pressure data is important.

Second: Dr. Harris

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

B. Review of Investigation(s)

4. 202200339

Based on the review of the consultants report, the Committee identified violations of A.R.S. § 32-1201.01(14) and (24).

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in ethics, 3 hours in recordkeeping, 6 hours in single crown preparation and delivery through CRDTS' C.A.R.E. Program. In addition, to pay \$1,580.88 in restitution.

Second: Dr. Harris

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

7. 202300084

Based on the review of the consultants report, the Committee considered recommending an inspection of the practice and having an investigator do an audit to address the issues identified in the consultant's report.

Motion: Dr. Caputo moved to recommend having the investigator continue the investigation and conduct an on-site inspection of the practice.

Second: Dr. Harris

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

16. 202300168

The Committee reviewed the consultant's report and took into consideration that the patient chose to go to another provider.

Motion: Dr. Berrigan moved to recommend dismissal of the case.

Second: Dr. Asrari

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

Dr. Harris voted against the motion.

8. 202300090

Based on the review of the consultants report, the Committee identified violations of A.R.S. § 32-1201.01(14), (23) and (24).

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

Second: Dr. Harris

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

Drs. Fukami and Kalamchi's verbal vote was not captured.

During further discussion, the Committee concurred that there were documentation issues.

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in recordkeeping, 3 hours in ethics and 6 hours in diagnosis and treatment planning.

Second: Dr. Harris

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

19. 202300178

The Committee reviewed the consultant's report and discussed that there was a discrepancy in the restitution provided. During further consideration, the Committee took into account that chair time was put in for treatment.

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern stating that full restitution be provided to the patient.

Motion failed due to a lack of a second.

Motion: Dr. Berrigan moved to recommend dismissal of the case.

Second: Dr. Martin

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

20. 202300183-MP

The Committee reviewed the consultant's report and discussed that there was insufficient bone level for the treatment that was provided. The chart did not reflect that the patient was aware that what they were doing was considered high risk.

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in diagnosis and treatment planning with implant placement.

Second: Dr. Harris

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

21. 202300216

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

Second: Dr. Harris

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

Motion: Dr. Fukami moved to recommend that the Board offer disciplinary action, requiring the completion of 12 hours of CE in ethics, crown and bridge, diagnosis, treatment planning and clinical instruction through CRDTS' C.A.R.E. Program. In addition, to order \$11,670 in restitution.

Second: Dr. Berrigan

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

Motion: Dr. Harris moved to add a \$500 civil penalty to the disciplinary order, for failure to respond to the subpoena.

Second: Dr. Fukami

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

22. 202300217

The Committee reviewed the consultant's report and discussed the licensee's failure to record the referral of the case to endo and discussed the red light therapy that was given. The Committee also took into consideration that the patient refused to see the specialist.

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

Second: Dr. Harris

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

Dr. Berrigan voted against the motion.

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 3 hours of CE in recordkeeping and 3 hours in diagnosis and treatment planning, to include appropriate referrals.

Second: Dr. Harris

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

23. 202300218

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and 3 hours in diagnosis and treatment planning.

Second: Dr. Harris

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

25. 202300220

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics, 3 hours in recordkeeping and 6 hours in orthodontic diagnosis and treatment planning. In addition, to order \$3,572.12 in restitution.

Second: Dr. Harris

During discussion, the Committee considered the patient's lack of home care and who bears the responsibility for the rampant caries on the patient.

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

Drs. Berrigan and Martin voted against the motion.

27. 202300222

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in recordkeeping, 3 hours in diagnosis and treatment planning and 3 hours in ethics.

Second: Dr. Harris

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

The Committee proceeded to discuss the business entity's business practice and failure to respond to the Board subpoena.

Motion: Ms. Kappes identified violation of A.R.S. § 32-1263(D)(12) for failure to respond to the subpoena.

Second: Dr. Harris

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

Dr. Kalamchi departed the meeting at 2:56 p.m.

The Committee further expressed concern that the business entity seems to be inappropriately interfering or directing the delivery of care and considered opening a case.

Motion: Dr. Caputo moved to recommend that the Board open a case against the business entity to do an investigation and conduct an on-site inspection.

Second: Dr. Harris

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Dr. Martin departed the meeting at 2:58 p.m.

31. 202300233

Dr. Berrigan was recused for this matter. The case was not discussed due to a lack of quorum.

37. 202300281

The Committee discussed the alleged overdiagnosis and overtreatment. The Committee also took into consideration the aggravating factors listed in the consultant's report which indicated that the patient was told that the situation was urgent enough that insurance approval could not wait. After discussion, the Committee considered identifying violation of A.R.S. § 32-1201.01(14).

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 3 hours of CE in ethics and 6 hours in periodontal assessment, diagnosis and treatment planning adjunctive to periodontal therapy indications.

Second: Dr. Harris

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

38. 202300283

The Committee reviewed the consultant's report and discussed whether the licensee or entity is responsible for the case.

Motion: Ms. Kappes identified violation of A.R.S. § 32-1263(D)(15).

Second: Dr. Harris

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Caputo moved to recommend that the Board issue a \$2,000 civil penalty. In addition, to order restitution for \$543.44 to the patient and \$458.84 to the insurance.

Second: Ms. Kappes

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

The Committee proceeded to consider making a recommendation specific to the licensee; based on the information in the consultant's report.

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

Second: Dr. Harris

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

Motion: Dr. Caputo moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management.

Second: Dr. Harris

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

V. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VI. SUMMARY OF CURRENT EVENTS

The Committee was encouraged to review the proposed meeting dates for 2024 prior to the next scheduled meeting.

VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

The Committee requested feedback from the Board on their recommendations.

VIII. NEXT COMMITTEE MEETING DATE

A. December 5, 2023

IX. ADJOURNMENT

Dr. Caputo adjourned the meeting at 3:29 p.m.