



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

December 15, 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 C, 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 VII.G.1, VII.C.1, VII.J.3, VII.J.1 and IV.B.6 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, DMD	Licensed Dentist Member
	Nick Goodman	Public Member
	Jaselyn K. Karmo, RDH	Licensed Hygienist Member
	Russell Jeffrey Morrow, DDS	Licensed Dentist Member
X	Vicki B. Penna, RDH	Licensed Hygienist Member
X	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

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Leah Schachar, Esq.	Attorney for Respondents
Jeffery J. Tonner, Esq.	Attorney for Respondents
Michael Wasseff	Applicant
Kevin Delane	Applicant
Abaie Kathleen	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Leanne Hay, Esq.	Attorney for Respondents
Christopher Epperson	Respondent
Amber Dressler, Esq.	Attorney for Respondents
Yoshae Fullard	Respondent
Ali Mahdi	Respondent
Ehsan Pourshirazi	Respondent
Matthew Jensen	Respondent
Christy Han	Respondent
Jeffersoon Hayden, Esq.	Attorney for Respondent
Sergio De Souza	Respondent
Nathaniel Hill, Esq.	Attorney for Respondent
Abraham Miller	Respondent
Robert Kethart, Esq.	Attorney for Respondent
Justin Moody	Respondent
Jordan Morris	Respondent
Calvin Cephus Brown Jr.	Respondent
Monzer Shakally	Respondent
Christopher Ballew	Respondent

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 8:08 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. Bienstock declared conflicts of interest with agenda item nos. IV.B.13, IV.C.2 and IV.C.5.

Dr. Morrow declared conflicts of interest with agenda item nos. VII.D.3 and VII.E.1.

Dr. El-Gendy declared conflicts of interest with agenda item nos. VII.D.2, VII.F.5.

Dr. Christensen declared a conflict of interest with agenda item no. VII.G.1.

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

A. Discussion and approval of the Open Session Minutes from the November 17, 2023 board meeting.

B. Discussion and approval of the Executive Session Minutes from the November 17, 2023 board meeting.

Motion: Mr. Dynar moved to approve the minutes for agenda item III.A. and III.B.

Second: Dr. Morrow

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

IV. **CONSENT AGENDA**

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

1. 202100146; Fazel, Abbas
2. 202200220-MP; Chaffee, David

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

1. 202100260; Fredes, Melissa
2. 202200103; Le, Keeley
3. 202200275; Lazore, Dariene
4. 202300008; Lopez, Erica
5. 202300077; Chen, Lily
- ~~6. 202300100; Pilling, Wade~~
- ~~7. 202300101; Adedoyin, Olajumoke~~
- ~~8. 202300110; Keber, Kristine~~
- ~~9. 202300112; Pasiecznyk, John~~
10. 202300113; Sorensen, Mark
11. 202300167; Hakimzadeh, Leila
12. 202300178; Margetis, Martin
13. 202300219; Curry, Joseph
14. 202300221; Croft, Devin
15. 202300224; Coles, Michael
16. 202300252; Lynch, Janne
17. 202300270; Innes, Aaron

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

1. 202300107; Lim, Ken
- ~~2. 202300144; Dariush, Farnaz~~
3. 202300223; Bermudez, Mariah
4. 202300225; Kayali, Mohammed
5. 202300256; Lilien, Brian

Motion: Dr. Herro moved to accept the consent agenda and pulled cases IV.B.6, IV.B.7, IV.B.8, IV.B.9 and IV.C.2.

Second: Dr. Morrow

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

Dr. Bienstock was recused.

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

2. 202300144; Dariush, Farnaz

Ms. Schachar made a statement on behalf of Dr. Dariush and referenced the supplemental response that was provided to the Board. The Board inquired if the

respondent completed pulp vitality testing before treatment and discussed the root canal issues.

Motion: Dr. Morrow moved to adopt the recommended letter of concern and add that vitality testing should have been done.

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.

Motion: Dr. Morrow further moved to open an investigation against Dr. T.C. as identified in the consultant's report, due to the endo treatment that was provided.

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.

VI. EXECUTIVE DIRECTOR'S REPORT

A. Budget Update

1. Review of fees pursuant to A.R.S. §§ 32-1236, 32-1276.02, 32-1287, 32-1297.06 and the Auditor General's Report.

Motion: Dr. Herro moved to adopt recommendation number one of the E.D. Report to not raise fees.

Second: Dr. Bienstock

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

B. Agency Operations

Mr. Edmonson informed the Board that legislative bills specific to dentistry have been sponsored and more information will be provided throughout the legislative session.

C. Complaint Log

The Board did not have questions regarding the complaint log.

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

Dr. Wassef was available during the Board's consideration of his application for licensure. Mr. Tonner made a statement to request that the Board give Dr. Wasseff credit for the testing he has done to date and to allow him to continue three months of testing to add up to the one year recommendation. Dr. Wassef further clarified that he resides in Nevada and travels to Arizona once or twice a month and further explained that the meetings in Nevada take place virtually.

Motion: Dr. Morrow moved to offer a consent agreement, requiring 6 months of monthly caduceus meetings with no geographical constraints; virtual format is acceptable. In addition, to require 3 months of monitoring with random tests.

Second: Dr. Herro

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

Mr. Goodman voted against the motion.

K. Review of Case(s) Moved to Hearing

1. 202200168; Abaie, Kathleen

Dr. Abaie was available during the Board's review of the matter and explained there was a misunderstanding and indicated she does not work for the office anymore so she was not aware that a patient had failed implants. After discussion, the Board considered a formal interview would be more expedient.

Motion: Dr. Bienstock moved to move the matter to a formal interview and rescind the motion for a formal hearing.

Second: Dr. Morrow

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

B. Application(s) for Licensing of Dental Consultant(s) – A.R.S. § 32-1234

1. Delane, Kevin R., DDS (*Dental Consultant by Credentials*)

Motion: Dr. Herro moved to accept the application for licensure.

Second: Dr. Bienstock

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

V. RECOGNITION OF SERVICE

The Board honored the Anesthesia & Sedation Members for their time and dedication drafting the Board's rules related to anesthesia and sedation. While there are key members of the dental community, in Arizona, who also dedicated a lot of their time on the same project, the following served as committee members:

Matthew D. Arnall, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Ali James Baghai, CRNA, MS, Anesthesia & Sedation Committee Member	2020 – 2023
Lisa B. Bienstock, DMD, Anesthesia & Sedation Committee Member	2020 – 2023
Randall J. Blazic, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Jason Wayne Brady, DMD, Anesthesia & Sedation Committee Member	2020 – 2023
Jeffrey Neil Brownstein, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Edward H. Christensen, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Anthony Herro, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Jonathan D. Jerman, MD, Anesthesia & Sedation Committee Member	2020 – 2023
Randall K. Lout, DDS, MS, Anesthesia & Sedation Committee Member	2020 – 2023
Heath C. Snell, DDS, Anesthesia & Sedation Committee Member	2020 – 2023
Anthony C. Caputo, DDS, MA,	Honoree

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)

2. 202300133; Epperson, Christopher

Dr. Epperson was available during the Board's review of the matter. Ms. Schachar made a statement and indicated that the complainant did not complain about the treatment provided. There was a misunderstanding with the prosthesis that was later rectified with the subsequent provider. Dr. Cutler subsequently stated that there were documentation issues that were substantiated by the consultant.

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: Mr. Goodman

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

Dr. El-Gendy was recused and did not participate in the matter.

3. 202300281; Fullard, Yoshae

Dr. Fullard was available during the Board's review of the matter with legal counsel, Ms. Dressler. Dr. Fullard made a statement to explain the standard of her practice and the treatment options that were provided to the patient.

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.

E. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Civil Penalty for Failure to Comply with a Board Subpoena – A.R.S. § 32-1208

1. 202300147; Ali, Madhi

Dr. Ali was available during the Board's review of the matter. Ms. Dressler made a statement and explained that it was an oversight when the documentation was not initially provided to the consultant.

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Dynar

Vote: 6-aye, 1-nay, 0-abstain, 1-recuse, 3-absent. Motion passed.

Mr. Goodman voted against the motion.

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

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

1. 202100241; Freimuth, Richard

Mr. Smith made a statement on behalf of Dr. Freimuth and indicated that the complaint is outside of the statute of limitations.

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

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

The Board entered into executive session at 9:27 a.m.

The Board returned to open session at 9:35 a.m.

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

The Board confirmed with staff when the complaint was received.

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Goodman

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

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

2. 202200309; Pourshirazi, Ehsan

Dr. Pourshirazi made a statement and referenced a letter he submitted for Board review. The Board agreed that there wasn't a violation of conscious based sedation. During discussion, Dr. Cutler pointed out that there were recordkeeping issues identified in the consultant's report.

Motion: Dr. Herro moved to rescind the previous order that was given at the formal interview.

Second: Mr. Dynar

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

The Board proceeded to discuss what action to take for the recordkeeping issues.

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

Second: Dr. Bienstock

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

The Board was informed that there were technical issues with the audio and proceeded to take a break from 9:48 a.m. to 10:02 a.m. to resolve the issue.

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

H. Review of Compliance/Non Compliance for Consent Agreement(s)/Board Order(s)

1. 202000371; Nguyen, Allen

The respondent was not available during the Board's consideration of the matter. Dr. Cutler provided the Board an overview of the case and indicated that the

Board may consider accepting the courses that the respondent took after the deadline of the Board Order.

Motion: Dr. Herro moved to offer a disciplinary consent agreement with a civil penalty of \$2,000 for violating the Board Order. In addition, to accept the courses that have been completed, but mandate that 4 hours of CE in ethics be taken. The penalty and courses are to be completed within 3 months. The respondent has 30 days to sign the agreement.

Second: Dr. Bienstock

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

3. 202100191; Smallwood, Trent

The Board reviewed the respondent's request for an extension of the deadline to complete CEs.

Motion: Dr. Herro moved to accept the respondent's request for an extension of the deadline to complete the final course by March 1, 2024.

Second: Dr. Christensen

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

2. 202100015; Hawke, Robert

Ms. Thompson made a statement on behalf of Dr. Hawke to explain that there was confusion about retaking the risk management course. Ms. Thompson further clarified that the implant course was completed five months late.

Motion: Dr. Herro moved to offer a disciplinary consent agreement with a civil penalty of \$2,000 for violating the Board Order. In addition, to accept the courses that have been completed, but mandate that 4 hours of CE in ethics be taken. The penalty and courses are to be completed within 3 months. The respondent has 30 days to sign the agreement.

Amended Motion: Dr. Herro moved to include as part of the aforementioned consent agreement, that if the CE course that the licensee took in implant placement was not pre-approved, to reissue 3 hours of CE in implant placement, which would need to be pre-approved and completed within 3 months.

Second: Dr. Morrow

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

I. Review of Board Decision and Order of August 5, 2022 in Case Number 202100148 – Matthew Jensen

Dr. Jensen was available during the Board's review of the matter. Ms. Thompson informed the Board that the patient filed a lawsuit and it has been settled. As a result, Ms. Thompson requested that the Board modify the order to remove restitution.

Motion: Dr. Herro moved to rescind the previous order.

Second: Dr. Bienstock

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

The Board further discussed the matter and considered that the information does not change the findings regarding the implant placement issues.

Motion: Dr. Herro moved to issue a disciplinary order, requiring the completion of 4 hours or CE in risk management and 6 hours of hands-on CE in diagnosis and treatment planning in the area of implants; based on the re-review of the case, discussion held during the meeting and restitution being paid through other means. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 12 months.

Second: Dr. Morrow

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

L. Initial Review

1. Ramin Damadzadeh, DDS

Mr. Tonner made a statement to explain the circumstances involving the charge. Mr. Tonner indicated that the case will ultimately be dismissed. After discussion, the Board moved to take no action.

2. Hae Mi Kim, DMD

Mr. Tonner made a statement to explain the circumstances involving the charge. After discussion, the Board moved to take no action.

C. Review of Investigation(s)

1. 202300416; Christy, Han

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

Second: Dr. Bienstock

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

The Board entered into executive session at 10:41 a.m.

The Board returned to open session at 11:04 a.m.

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

The Board proceeded to inquire when was the last time that Dr. Christy practiced.

Motion: Dr. Herro moved to issue an interim order for a physical and mental fitness to practice evaluation to be completed within 3 months by a Board pre-approved evaluator.

Second: Mr. Goodman

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

During further discussion, the Board considered whether a cease and desist order should be put in place.

Motion: Mr. Dynar moved to issue a cease and desist letter to the doctor.

Second: Dr. Bienstock

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

J. Formal Interview(s)

2. 202300066 & 202300073; Christy, Han

The Board tabled the formal interview to a later date.

3. 202300072-AO; Gomes De Souza, Sergio

Dr. De Souza was available during the formal interview and was accompanied by legal counsel, Mr. Hayden. Dr. Cutler proceeded to provide the Board an overview of the case and explained that Dr. De Souza has submitted a petition for early termination of the practice restriction. Dr. Cutler further indicated that proctorship has not been completed and treatment was provided in violation of the agreement. Mr. Hayden subsequently referenced the preliminary offer that was submitted for the Board's consideration.

Motion: Dr. Morrow 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. Herro

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

The Board entered into executive session at 11:39 a.m.

The Board returned to open session at 12:00 p.m.

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

The Board expressed concern for the dire incident and that the Board order was disregarded. The Board further indicated that there is concern of unprofessional conduct and Dr. De Souza being unregulatable.

Motion: Dr. Morrow moved to find sufficient evidence of violation of A.R.S. § 32-1201.01 (14) and (22) as it relates to 1264(A) for unprofessional conduct due to multiple violations of the Board order, including providing dental services when practice limitations were in place and failing to report such violations.

Second: Dr. Herro

Dr. Morrow rescinded the motion.

Motion: Dr. Morrow moved to adopt as findings of fact that Dr. De Souza violated the Board Order by performing surgery when there was a restriction in

place that prohibited him from performing surgery; based on the respondent's testimony admitting the violations and discussion held.

Second: Dr. Herro

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

Motion: Dr. Morrow moved to adopt as conclusions of law A.R.S. 32-1201.01 (14) and (22) as it relates to 1264(A) for violation of a Board Order.

Second: Dr. Herro

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

Motion: Dr. Morrow moved to refer the matter to OAH for revocation based on the findings of facts and conclusions of law that were stated.

Second: Dr. Herro

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

1. 202200263 & 202300376; Miller, Abraham

Dr. Miller and legal counsel, Mr. Hill were available during the formal interview. Dr. Cutler proceeded to provide the Board an overview of the case and indicated the psychological evaluation is available for the Board's review. Mr. Hill subsequently made a statement and requested that the Board allow Dr. Miller to practice with the safeguards that were previously proposed. As directed by the Board, Dr. Miller completed a psychological evaluation with a fitness for duty component. Mr. Hill pointed out that the evaluator indicated that Dr. Miller may continue to practice within the safeguards of not being alone and not communicating outside of treatment along with further assessment and treatment. With respect to the complaint alleging inappropriate comments and unwelcome physical touching, Mr. Hill indicated that although requested, evidence of video footage has not been presented.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice and invite Dr. Miller and his attorney to discuss confidential information 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.

The Board entered into executive session at 12:34 p.m.

The Board returned to open session at 1:20 p.m.

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

Motion: Dr. Herro moved to dismiss case 202300376.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to lift the existing ICA for a practice restriction and re-offer the original ICA terms, contingent upon signature of this ICA within one week and conforming with the recommendations made by the evaluator.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to issue an interim order requiring the completion of the specialist evaluation that was recommended. The evaluation shall be completed by February 1, 2024 by a board-approved specialist. Delegated authority is given to the E.D. or his designee for an extension, based on the availability for the evaluation.

Second: Dr. Morrow

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

IV. **CONSENT AGENDA**

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

6. 202300100; Pilling, Wade

Complainant C.C. made a statement and indicated that he was employed by New Horizons and proceeded to answer the Board's questions regarding Implant Pathway and New Horizon. C.C. further indicated that there were systemic issues below the standard of care that he brought up to the owner. For example, an email went out to everyone in the clinic, instructing providers to start performing a full comprehensive exam, TMJ eval, oral cancer screening, FMX and perio charting; however, the schedule was booked out to have 30 minute screenings. The implementation of the changes was not executed well because of the pressure of filling education courses provided by Implant Pathway. In addition, C.C. explained that there were individuals who did the screening, volunteers who provided treatment and mentors.

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

The Board entered into executive session at 2:00 p.m.

The Board returned to open session at 2:19 p.m.

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

After consideration, the Board moved to table the matter to a later date.

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

1. 202200063; Moody, Justin

Dr. Moody was available during the Board's consideration of the matter. Mr. Kethart made a statement and explained the business practice for Implant

Pathways and New Horizon. Mr. Kethart further clarified that everyone who was a mentor had an Arizona license or Arizona Volunteer Health Registration. As of 2022 everyone who serves as a mentor has an Arizona license. In addition, Mr. Kethart stated that Dr. Moody is not the owner of the practice and he has not received any compensation from New Horizon. During discussion, the Board considered conducting an audit of the practice. Dr. Moody stated that the charts have improved since 2022 and such improvements should be visible to the Board if a new audit is conducted.

Motion: Dr. Herro moved to order chart audits on all the licensee's that have not been adjudicated that are similarly situated with this case, including Dr. Moody. The audit should be for calendar years 2021-2023 with equalized charts through the years. The key areas of concern are diagnosis and treatment planning, recordkeeping, local anesthesia, clinical implant treatment and anesthesia records.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion.

The Board further clarified that cases IV.B.6-9, VII.F.1, 8-18 are tabled for further investigation. Later in the meeting, the Board also tabled agenda item VII.D.1.

The Board took a break from 3:30 p.m. to 3:41 p.m.

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

3. 202200339, Morris, Jordan

Dr. Morris was available during the Board's review of the matter. Mr. Tonner made a statement and indicated that he refunded the patient out of his own pocket after Gentle Dental declined issuing a refund to the patient. Dr. Cutler proceeded to indicate that crown #15 was delivered with open margins and the investigator found that there were recordkeeping issues. Dr. Morris clarified that it is his practice to take pre-delivery x-rays and answered the Board's questions.

Motion: Dr. Herro moved to issue a letter of concern for inadequate crown and bridge and recordkeeping.

Second: Dr. Morrow

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

4. 202300019; Brown Jr., Calvin Cephus

Dr. Brown and Mr. Tonner were available during the Board's review of the matter. Mr. Tonner addressed the failure to maintain records and inadequate diagnosis. Dr. Brown proceeded to answer the Board's questions pertaining to the technicalities of the implant placement and crown and bridge.

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(14) based on the information in the consultant's report and discussion held.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in crown and bridge; based on the aforementioned statutory violation and discussion held during the meeting. 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: 7-aye, 1-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Dr. Bienstock voted against the motion.

21. 202300218; Shakally, Monzer

Dr. Shakally was available during the Board's review of the matter. Mr. Tonner made a statement to clarify that Dr. Shakally only saw the patient once to perform an exam and elaborated on the patient's oral health and decay. Dr. Shakally proceeded to answer the Board's questions and indicated that the braces were ultimately taken off because of the patient's poor oral hygiene.

Motion: Dr. Christnensen moved to dismiss the case.

Second: Dr. Morrow

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

7. 202300090; Ballew, Christopher

Dr. Ballew was available to answer questions during the Board's review of the matter. Dr. Cutler proceeded to provide the Board an overview of the case and indicate that the exam appears to have been done by a different provider.

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 crown and bridge; based on the information in packet and the discussion held during the meeting. 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, 0-recuse, 3-absent. Motion passed.

VIII. CALL TO THE PUBLIC

None.

IX. ASSISTANT ATTORNEY GENERAL ("AAG") REPORT

The Board did not have questions on the AAG's report regarding cases 201800220, 202100066-AO, 202100278, 202200168 & 202200205.

X. AMERICAN BOARD OF DENTAL EXAMINERS (“ADEX”) APPOINTMENT

Motion: Dr. Herro moved to appoint Dr. Morrow as the dentist member to the ADEX.

Second: Mr. Goodman

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

XI. BOARD ELECTIONS – A.R.S. § 32-1205

A. Nomination and Election of Board President

Motion: Dr. Bienstock moved to nominate and elect Dr. Herro as Board President for 2024.

Second: Dr. Morrow

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

B. Nomination and Election of Board Vice-President

Motion: Dr. Morrow moved to nominate and elect Dr. Bienstock as Vice-President for 2024.

Second: Mr. Dynar

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

XII. SUMMARY OF CURRENT EVENTS

Mr. Edmonson informed the Board that staff is waiting for the A&S documents to file with the AzSOS and hold an oral proceeding. In addition, the Board brought up that Smile Direct declared bankruptcy and there may be complaints that may result from patient abandonment.

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

The Board directed staff to form an ad hoc committee to review the evaluation process and materials that the evaluators use.

XIV. NEXT BOARD MEETING DATE

A. January 26, 2024

XV. ADJOURNMENT

Dr. Herro adjourned the meeting at 4:28 p.m