



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

### January 26, 2024 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 V.B.1 and V.G.1 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
X	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
	Vicki B. Penna, RDH	Licensed Hygienist Member
X	Leslie D. Seaman, DDS	Licensed Dentist Member
⌚	Joined/deperted 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>Diane DeDea</i>	Independent Legal Advisor
<i>Seamus Monaghan, Esq.</i>	Assistant Attorney General
John W. Dovgan, DDS	Chief Investigator
<i>Sherrie Biggs</i>	Assistant Deputy Director
<i>April Romero</i>	Chief Compliance Officer
<i>Yazmin Bustamante</i>	Executive Assistant

*Staff members in italics participated in-person*

**GUESTS PARTICIPATING AND/OR PRESENT**

Amber Dresslar, Esq.	Attorney for Respondents
Denver Palmer	Respondent
Christopher Antczak	Respondent
<i>Jefferson Hayden, Esq.</i>	Attorney for Respondent
<i>Sergio Gomes De Souza</i>	Respondent
Nicholas P. Caba	Applicant
Dibyendu P. Mehta	Applicant
<i>Christy Han</i>	Respondent
Kathleen Abaie	Respondent
<i>Jeff Tonner, Esq.</i>	Attorney for Respondents
<i>Rajan Sheth</i>	Respondent
<i>Christopher Barrett</i>	Respondent
Sydney Goodhand, Esq.	Attorney for Respondent
<i>William Woods</i>	Respondent
Mandi J. Karvis, Esq.	Attorney for Respondents
Han Choi	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Braydon Haskell	Respondent
<i>Leah Schachar, Esq.</i>	Attorney for Respondent
<i>Cassandra Rodriguez</i>	Respondent
<i>Anne McClellan, Esq.</i>	Attorney for Respondent
<i>Andrew Seymour</i>	Respondent
<i>Steve Sabatino, Esq.</i>	Attorney for Respondent
<i>Kayla Erps</i>	Respondent
<i>Leanne Hay, Esq.</i>	Attorney for Respondents
<i>Jaskaran Bhogal</i>	Respondent
<i>Fareeha Malik</i>	Respondent
<i>Mohammed Khakwani</i>	Respondent

*Guests in italics participated in-person*

**I. CALL TO ORDER AND ROLL CALL**

Dr. Herro called the Board's meeting to order at 8:10 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 a conflict of interest with agenda item no. VI.1.

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.A.1, IV.A.7, IV.B.2, IV.B.12, IV.B.14, IV.B.18, IV.B.20, IV.C.1, IV.C.3, V.E.4, V.E.5, V.E.7, V.E.8 and V.E.9.

Dr. Morrow declared conflicts of interest with agenda item nos. IV.C.2 and V.C.2.

Dr. El-Gendy declared conflicts of interest with agenda item nos. IV.B.12, V.C.2, V.E.7 and VI.1.

*Dr. Christensen joined the meeting at 8:13 a.m.*

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

- A. Discussion and approval of the Open Session Minutes from the December 15, 2023 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the December 15, 2023 board meeting.

**Motion:** Dr. Herro moved to approve the minutes from the December 15, 2023 board meeting.

**Second:** Mr. Dynar

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

### IV. CONSENT AGENDA

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

- 1. 202100030; Line, Darren (*Bienstock conflicted*)
- 2. 202200033; Mouzoon, Sassan
- 3. 202200253; Fox, Joseph
- 4. 202200280; Larece, Phillip
- 5. 202200322; Nielsen, Joseph
- 6. 202300045; Nyffeler, Gregory
- 7. 202300047; Snow, Jack

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

- 1. 202300156; Kym, Sarah
- 2. 202300158; Thomas, Jennifer
- 3. 202300173; Goff, Sarah
- 4. 202300175; Latif, Sarah
- 5. 202300177; Schmelter, Jeffrey
- 6. 202300208; Mehranfar, Nina
- 7. 202300209; Bricker, Michael
- 8. 202300234; Vander Schaaf, Beth
- 9. 202300245; Sung, David
- 10. 202300249; Lopez, Jesus
- 11. 202300254; Multine, Gwenlynn
- 12. 202300287; Mascarenhas, Jules
- 13. 202300289; Notice, Tinisha
- 14. 202300299; Rosser, Rocky
- 15. 202300364; Reese, Renee
- ~~16. 202300280; Rowe, Kurt~~
- 17. 202300326; Funk, Taylor
- 18. 202300143; Sabatino, Steven
- 19. 202300161; Park, Simon
- 20. 202300314; Casale, Jack

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

- ~~1. 202300211; Palmer, Denver~~

2. 202300227; Boscamp, Clinton
3. 202300284; Berbos, Fleur
4. 202300451; Hynes, Kelly
5. ~~202300456; Antczak, Christopher~~

**Audio Start Time:** 0:9:55

The Board pulled agenda items IV.B.16, IV.C.1, IV.C.5 from the consent agenda for further discussion.

**Motion:** Dr. Herro moved to approve the consent agenda and pulled cases for agenda items IV.B.16, IV.C.1 and IV. C.5.

**Second:** Mr. Dynar

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

*Drs. Bienstock, El-Gendy and Morrow were recused.*

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

16. 202300280; Rowe, Kurt

**Audio Start Time:** 0:12:10

**Motion:** Dr. Bienstock moved to issue a letter of concern for no perio charting, no chart of existing restorations and no written informed consent for ortho treatment.

**Second:** Ms. Penna

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

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

1. 202300211; Palmer, Denver

**Audio Start Time:** 0:13:55

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

**Second:** Mr. Goodman

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

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

5. 202300456; Antczak, Christopher

**Audio Start Time:** 0:19:30

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

**Second:** Dr. Herro

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

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

K. Proposed Settlement

1. 202300072-AO; Gomes de Souza, Sergio

**Audio Start Time:** 0:21:35

**Motion:** Dr. Morrow moved to accept the consent agreement as is, to be signed by close of business day today and vacate the hearing that was set for February 28th.

**Second:** Mr. Dynar

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

*Mr. Dynar voted in favor of the motion; however, expressed concern on whether the Board can waive the 5 year period for reapplication and stated that he wouldn't want it to be perceived as precedent that a consent agreement can be negotiated to waive the Boards statutory provisions.*

*Mr. Goodman reiterated Mr. Dynar's concerns.*

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. Caba, Nicholas P., DMD (*by Universal Recognition*)

**Audio Start Time:** 0:36:12

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

**Second:** Ms. Penna

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

2. Mehta, Dibyendu P., DDS (*by Credentials*)

**Audio Start Time:** 0:38:00

**Motion:** Ms. Penna moved to grant licensure.

**Second:** Dr. Morrow

*Ms. Penna rescinded the motion.*

Dr. Mehta answered the Board's questions and confirmed that his out-of-state license is in good standing.

**Motion:** Ms. Penna moved to grant licensure.

**Second:** Dr. Morrow

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

B. Review of Investigation(s)

1. 202300066 & 202300073 and 2. 202300416; Christy, Han

**Audio Start Time:** 0:44:20

**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. Bienstock

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

*The Board entered into executive session at 8:57 a.m.*

*The Board returned to open session at 9:16 a.m.*

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

**Motion:** Dr. Herro moved to combine all three cases and moved the matters to a formal interview.

**Second:** Ms. Penna

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

C. 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. 202300269; Lee, Sung

**Audio Start Time:** 1:30:30

**Motion:** Dr. Herro moved to adopt violation of A.R.S. § 32-1264(A) for failure to maintain records.

**Second:** Dr. Morrow

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

The Board inquired on whether the respondent has had prior board action taken. Staff informed the Board that the respondent has four priors that included risk management and recordkeeping.

**Motion:** Dr. Herro moved to continue the investigation and perform a chart audit from January 2022 until now; for 40 random charts; specifically in recordkeeping.

**Second:** Dr. Morrow

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

*Mr. Dynar, Mr. Goodman, Ms. Karmo, Ms. Penna voted against the motion.*

J. Administrative Hearing(s)

1. 201800220; Christensen, Cory

**Audio Start Time:** 1:47:00

**Motion:** Dr. Herro moved to accept the State's motion to deem.

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to adopt the findings of facts and conclusions of law as outlined in the complaint and notice of hearing.

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to revoke the respondent's license.

**Second:** Dr. Morrow

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

*The Board took a break from 10:07 a.m. to 10:20 a.m.*

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

## IX. EXECUTIVE DIRECTOR'S REPORT

**Audio Start Time:** 2:11:00

### A. Budget Update

The Board did not have questions about the monthly budget.

### C. Legislative Update

Mr. Edmonson provided the Board an update of the legislative bills and requested that the Board indicate their position for the bills.

**Motion:** Dr. Herro moved for the Board to support HB2306.

**Second:** Dr. Bienstock

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

**Motion:** Mr. Dynar moved for the Board to remain neutral for HB2639.

**Second:** Mr. Goodman

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

*Dr. Bienstock, Dr. El-Gendy, Ms. Karmo and Ms. Penna voted against the motion.*

**Motion:** Dr. Herro moved for the Board to oppose SB1154.

**Second:** Dr. Christensen

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

**Motion:** Mr. Dynar moved for the Board to stay neutral on the current draft of SB1269 and give staff the authority to negotiate eliminating the fourth requirement. If the fourth requirement is removed, then support the bill.

**Second:** Dr. Bienstock

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

*Mr. Goodman abstained.*

### D. Complaint Log

The Board did not have questions regarding the complaint log.

H. Formal Interview(s)

1. 202200168; Abaie, Kathleen

**Audio Start Time:** 2:55:10

**Motion:** Dr. Bienstock moved to find violation of A.R.S. § 32-1201.01(24) for failure to maintain adequate patient records.

**Second:** Dr. Herro

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

**Motion:** Dr. Bienstock moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management; based on the previously established violation, the discussion held during the meeting and 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, 1-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

*Ms. Penna voted against the motion.*

*The Board took a break from 11:28 a.m. to 11:44 a.m.*

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

2. 202200278-AO; Sheth, Rajan

**Audio Start Time:** 3:35:00

**Motion:** Dr. Morrow moved to adopt the findings of facts that are listed in the disciplinary consent agreement; based on the consultant report and the discussion held today.

**Second:** Dr. Bienstock

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

*Ms. Karmo voted against the motion.*

**Motion:** Dr. Herro moved to adopt the conclusions of law stated in the disciplinary consent agreement for violation of A.R.S. § 32-1201.01(14).

**Second:** Dr. Bienstock

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

**Motion:** Dr. Herro moved to issue a disciplinary order, requiring the completion of 4 hours of CE in local anesthesia, 4 hours in management of medically complex patients and 4 hours in risk management; based on the adopted findings of facts and conclusions of law. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

**Second:** Dr. El-Gendy

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



3. 202300060-AO; Barrett, Christopher

**Audio Start Time:** 4:29:30

**Motion:** Dr. Morrow moved to adopt the findings of facts that are listed in the disciplinary consent agreement; based on the consultant report and the discussion held today.

**Second:** Mr. Dynar

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

**Motion:** Dr. Herro moved to adopt the conclusions of law stated in the disciplinary consent agreement for violation of A.R.S. § 32-1201.01(14).

**Second:** Mr. Dynar

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

**Motion:** Dr. Herro moved to issue a disciplinary order, requiring the completion of 4 hours of CE in local anesthesia and 4 hours in risk management; based on the adopted findings of facts and conclusions of law. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

**Second:** Dr. Morrow

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

*The Board took a break from 12:51 p.m. to 1:05 p.m.*

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

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

1. 202400018

**Audio Start Time:** 4:53:00

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

**Second:** Dr. Morrow

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

*The Board entered into executive session at 1:08 p.m.*

*The Board returned to open session at 1:19 p.m.*

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

**Motion:** Dr. Herro moved to direct staff to take action as stated in executive session.

**Second:** Mr. Dynar

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

- C. 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. 202300296; Woods, William

**Audio Start Time:** 5:07:50

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

**Second:** Dr. Bienstock

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

*Drs. Morrow and El-Gendy were recused and did not participate in the matter.*

3. 202300183-MP; Choi, Han

**Audio Start Time:** 5:14:30

**Motion:** Dr. Herro moved to adopt A.R.S. § 32-1263(A)(1) for unprofessional conduct as defined in A.R.S. § 32-1201.01(14); based on the consultant's report and discussion held today.

**Second:** Dr. Bienstock

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

The Board inquired on whether the respondent has had prior board action taken. Staff informed the Board that prior action was taken for incomplete chart notes.

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 6 hours of CE in implant therapy; based on the discussion held during the meeting, the findings in the consultant's report and the aforementioned statutory violation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Dr. Bienstock

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

*Mr. Dynar voted against the motion because he would be in favor of issuing non-disciplinary action.*

*Mr. Goodman, Ms. Karmo, Dr. Morrow and Ms. Penna also voted against the motion.*

**Motion:** Mr. Goodman moved to issue a non-disciplinary order, requiring the completion of 6 hours of CE in implant therapy; based on the discussion held during the meeting and 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. Morrow

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

*Drs. Herro, Christensen and El-Gendy voted against the motion.*

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

2. 202300187; Haskell, Braydon

**Audio Start Time:** 5:33:30

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

**Second:** Dr. Bienstock

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

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management; based on the discussion held and 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:** 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

*Mr. Dynar and Mr. Goodman voted against the motion.*

**Motion:** Dr. Morrow moved to rescind the previous motion for case 202300187.

**Second:** Dr. Herro

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

**Motion:** Dr. Morrow moved to combine cases 202300187 and 202300185 for the purposes of issuing a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 3 hours in ethics. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Based on the

**Second:** Dr. Bienstock

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

*Drs. Herro, Bienstock, Christensen, El-Gendy, Mr. Dynar, Mr. Goodman and Ms. Karmo voted against the motion.*

**Motion:** Mr. Dynar moved to combine cases 202300187 and 202300185 for the purposes of offering a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 3 hours in ethics. 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:** 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

C. 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)

4. 202300185; Haskell, Braydon

**Audio Start Time:** 5:54:10

The Board combined cases 202300187 and 202300185, as indicated above.

5. 202300329; Rodriguez, Cassandra

**Audio Start Time:** 6:15:00

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 3 hours of CE in recordkeeping, 3 hours in endo and 6 hours of hands-on CE in restorative dentistry; based on the consultant's report and the discussion held today. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

**Second:** Ms. Karmo

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

*Dr. Herro abstained.*

D. 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. 202300306; The B.L.H.G. Group, LLC

**Audio Start Time:** 6:25:00

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement and impose a \$4,000 civil penalty for violations of A.R.S. 32-1263(D)(7) and (D)(12). The civil penalty shall be paid within 30 days.

**Second:** Dr. Morrow

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

*Mr. Dynar voted against the motion.*

2. 202300333; Sparacino, Amanda

**Audio Start Time:** 6:29:30

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement for failure to comply with a Board subpoena and impose a \$2,000 civil penalty for violation of A.R.S. § 32-1201.01(23). The civil penalty shall be paid within 30 days.

**Second:** Dr. Morrow

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

3. 202300150; Gentle Dental Thunderbird

**Audio Start Time:** 6:32:30

**Motion:** Dr. Morrow moved to offer a disciplinary consent agreement for failure to comply with a Board subpoena and impose a \$2,000 civil penalty for violation of A.R.S. § 32-1263(D)(12). The civil penalty shall be paid within 30 days.

**Second:** Mr. Dynar

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

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

1. 202300089; Perfect Teeth

**Audio Start Time:** 6:34:35

**Motion:** Dr. Morrow moved to offer a disciplinary consent agreement for failure to comply with a Board subpoena and impose a \$2,000 civil penalty for violation of A.R.S. § 32-1263(D)(12). The civil penalty shall be paid within 30 days.

**Second:** Dr. Herro

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

3. 202300215; Zargar, Andre

**Audio Start Time:** 6:46:00

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

**Second:** Dr. Morrow

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

**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 root canal therapy; based on the consultant's report and the discussion held today. 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:** 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

4. 202300220; Seymour, Andrew

**Audio Start Time:** 6:50:45

**Motion:** Dr. Herro moved to issue a letter of concern for recordkeeping.

**Second:** Mr. Goodman

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

*Dr. Morrow voted against the motion.*

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

5. 202300222; Erps, Kayla

**Audio Start Time:** 7:04:20

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

**Second:** Mr. Goodman

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

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

6. 202300233; Nester, Fredrick

**Audio Start Time:** 7:07:10

**Motion:** Dr. Morrow moved to adopt violation of A.R.S. § 32-1201.01(14) and (24).

**Second:** Dr. Herro

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

*Dr. Bienstock abstained.*

**Motion:** Dr. Morrow moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 8 hours of hands-on CE in crown and bridge restoration and diagnosis. In addition, to have \$2,500 in restitution paid within 60 days for a procedure that failed and continued to fail. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

**Second:** Dr. El-Gendy

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

*Dr. Bienstock abstained.*

7. 202300285; Bhogal, Jaskaran

**Audio Start Time:** 7:13:00

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

**Second:** Mr. Goodman

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

*Drs. Bienstock and El-Gendy were recused and did not participate in the matter.*

8. 202300286; Malik, Fareeha

**Audio Start Time:** 7:21:20

**Motion:** Dr. Morrow moved to issue a letter of concern for determination of restorability and post execution.

**Second:** Ms. Karmo

*Dr. Morrow rescinded the motion.*

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

**Second:** Mr. Goodman

**Vote:** 6-aye, 2-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

*Drs. El-Gendy and Morrow voted against the motion.*

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

9. 202300288; Khakwani, Mohammed

**Audio Start Time:** 7:31:05

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

**Second:** Dr. Morrow

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

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

10. 202300297; Morris, Mark

**Audio Start Time:** 7:37:00

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

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 12 hours of hands-on CE in endo and 4 hours in risk management; based on the consultant's report and the discussion held today. 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. Morrow

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

11. 202300229; Western Dental F120

**Audio Start Time:** 7:42:45

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

**Second:** Mr Goodman

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

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

1. 202300494-AO

**Audio Start Time:** 7:46:00

**Motion:** Dr. Bienstock moved to assign the case to a consultant for investigation.

**Second:** Dr. El-Gendy

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

2. 202300495-AO

**Audio Start Time:** 7:49:45

The Board moved to take no action.

3. 202400016-AO

**Audio Start Time:** 7:50:45

**Motion:** Dr. Herro moved to assign the case to a consultant for investigation.

**Second:** Dr. Morrow

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

*Ms. Penna voted against the motion.*

I. Petition for Rehearing/Review – A.A.C. R4-11-1701

1. 202100034; DiVito, Enrico

**Audio Start Time:** 7:55:20

**Motion:** Dr. Bienstock moved to grant the respondent’s petition for review, to be held at a later meeting.

**Second:** Mr. Goodman

**Vote:** 5-aye, 2-nay, 0-abstain, 2-recuse, 2-absent. Motion passed.

*Dr. Morrow and Ms. Penna voted against the motion.*

*Drs. Herro and El-Gendy were recused and did not participate in the matter.*

*Dr. Christensen departed the meeting at 4:13 p.m.*

**VI. CALL TO THE PUBLIC**

No one addressed the Board.

**VII. ANESTHESIA AND SEDATION EVALUATIONS**

**Audio Start Time:** 8:00:00

**Motion:** Dr. Herro moved to form an ad hoc committee to review the evaluation process and have staff reach out to previous A&S members and the Investigative Committee to see if they are interested.

**Second:** Dr. Bienstock

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

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

The Board did not have questions on the AAG’s report regarding cases 201800220, 202100066-AO, 202200205 and 202300072-AO.



**IX. EXECUTIVE DIRECTOR'S REPORT**

**B. Agency Operations**

Mr. Edmonson informed the Board of the proposed sweep of the Dental Board fund. The Board concurred to give Mr. Edmonson and Ms. Gomez the ability to discuss the matter with the appropriate parties.

**X. SUMMARY OF CURRENT EVENTS**

Mr. Edmonson informed the Board that there is discussion regarding a dental compact.

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

The Board requested that staff agendize discussion for a notice of proposed rulemaking regarding CE for BOTOX. The Board also requested that discussion of dental compacts be agendized and that staff invite the two dental compact organizations to a future meeting.

**XII. NEXT BOARD MEETING DATE**

A. March 8, 2024

**XIII. ADJOURNMENT**

Dr. Herro adjourned the meeting at 4:43 p.m.