



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

February 27, 2024

Investigative Committee Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Investigative Committee (“Committee”) held a virtual/telephonic meeting. The Committee did not meet in executive session.

COMMITTEE MEMBERS

| | | |
|---|---|------------------|
| | Anthony Caputo, DDS | Chairperson |
| | Brown “Skip” Harris, DDS | Vice-Chairperson |
| | Mahshid “Mia” Asrari, DDS, MS | Committee Member |
| | Karren Lea Berrigan, DMD, MS | Committee Member |
| X | David Dodell, DMD | Committee Member |
| | Mari Fukami, DMD, MS | Committee Member |
| | Umar Imtiaz, DDS, MS | Committee Member |
| | 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

| | |
|-----------------------|----------------------------|
| Seamus Monaghan, Esq. | Assistant Attorney General |
| April Romero | Chief Compliance Officer |
| Jessica Solis | 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

There were no declarations of conflicts of interest.

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

- A. Discussion and approval of the Open Session Minutes from the January 9, 2024 committee meeting.

Motion: Dr. Harris moved to accept the minutes from the January 9, 2024 committee meeting.

Second: Ms. Kappes

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

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

Audio Start Time: 0:05:15

Motion: Dr. Kalamchi moved to recommend that the Board dismiss cases IV.B.2.202300248, IV.B.3.202300253, IV.B.6.202300295, IV.B.8.202300305, IV.B.10.202300308, IV.B.11.202300312, IV.B.12.202300321, IV.B.13.202300322, IV.B.18.202300339, IV.B.19.202300340, IV.B.21.202300352, IV.B.22.202300358, IV.B.24.202300366, IV.B.26.202300372, IV.B.29.202300381, IV.B.30.202300391, IV.B.31.202300393, IV.B.32.202300394, IV.B.33.202300395, IV.B.34.202300396, IV.B.35.202300419 and IV.B.37.202300463-MP

Second: Dr. Harris

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

Audio Start Time: 0:13:00

Motion: Dr. Kalamchi moved to recommend that the Board issue a letter of concern for cases IV.B.1.202300240, IV.B.4.202300261 and IV.B.28.202300380.

Second: Dr. Harris

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

B. Review of Investigation(s)

1. 202300240

Audio Start Time: 0:16:00

Motion: Dr. Kalamchi moved to identify violation of A.R.S. § 32-1201.01(23) and impose a \$500 fine for failure to comply with a board subpoena.

Second: Dr. Martin

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern for caution regarding accurate and appropriate diagnosis with hard and soft tissue to support treatment.

Second: Dr. Berrigan

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

4. 202300261

Audio Start Time: 0:19:30

Motion: Dr. Berrigan moved to recommend that the Board issue a letter of concern for caution regarding accurate and appropriate diagnosis with hard and soft tissue to support treatment and ensure the records include details regarding materials used or placed in the oral cavity for the protection and safety of the patient.

Second: Dr. Kalamchi

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

28. 202300380

Audio Start Time: 0:20:51

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern emphasizing the need for improvement of records, such as electronic format or at minimum, establish a standard approach for the maintenance of records.

Second: Dr. Kalamchi

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

A. Open Investigation Case(s)

1. 202300226

Audio Start Time: 0:22:30

Motion: Dr. Harris moved to identify violations of A.R.S. § 32-1263(D)(10) and (15) against the business entity.

Second: Dr. Kalamchi

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$4,000 penalty and order reimbursement to the patient in the amount of \$750.

Second: Dr. Kalamchi

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

2. 202300246-AO

Audio Start Time: 0:29:40

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), A.A.C. R4-11-1302(H) and R4-11-1304(G) as it applies to a 1302 Permit holder. In addition, to recommend that the Nursing Board be notified regarding their licensee's involvement in this case.

Second: Dr. Fukami

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

The Committee pointed out that the dentist is responsible for the care provided in their office.

Motion: Dr. Caputo moved to recommend that the Board offer a disciplinary consent agreement, requiring the completion of 16 total hours of CE in the areas of patient evaluation, patient selection for sedation and anesthesia, treatment planning for medically complex patients, preparation for sedation and anesthesia complications and 3 hours of ethics. In addition, to recommend revocation of the respondent's 1302 Permit.

Second: Dr. Kalamchi

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

3. 202300370

Audio Start Time: 0:51:10

Motion: Dr. Caputo moved to recommend that the Board dismiss the case against the respondent.

Second: Dr. Imtiaz

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

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(11), (14) and (15) against the business owner for presenting himself in a fraudulent way.

Second: Dr. Kalamchi

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$6,000 fine to the business entity for the previously identified violations.

Second: Dr. Harris

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

B. Review of Investigation(s)

5. 202300292

Audio Start Time: 1:01:25

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$500 fine for failure to comply with a board subpoena. Also, to recommend that the Board offer a disciplinary consent agreement requiring the completion of 4 hours of CE in recordkeeping and 3 hours in ethics. In addition, to recommend 6 months of chart auditing documentation or records to include scheduling, signed treatment plans, consents, x-rays, appointment book reference, list of treating dentists and an on-site inspection to look at scheduling, recordkeeping, billing procedures and assessment of sterilization process.

Second: Dr. Kalamchi

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

7. 2023002300

Audio Start Time: 1:08:15

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 6 hours of CE in diagnosis, treatment planning and restoration of crown and bridge. In addition, to recommend ordering restitution for the treatment of teeth 8 and 9.

Second: Dr. Kalamchi

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

9. 202300307

Audio Start Time: 1:15:30

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

Second: Dr. Berrigan

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

14. 202300330

Audio Start Time: 1:17:10

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(10) and (12) against the business entity.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a fine in the amount of \$4,000.

Second: Dr. Kalamchi

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

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

Second: Dr. Kalamchi

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

Motion: Dr. Caputo moved to open a case against H.F. as identified in the consultant report and recommended that the Board offer disciplinary action, requiring the completion of 8 hours of CE in recordkeeping and restorative dentistry.

Second: Dr. Berrigan

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

15. 202300334

Audio Start Time: 1: 25:10

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(10), (15) and (16) against the business entity.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$6,000 fine for the previously identified violations.

Second: Dr. Kalamchi

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

16. 202300336

Audio Start Time: 1:32:00

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(10), (15) and (16) against the business entity.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$6,000 fine for the previously identified violations.

Second: Dr. Kalamchi

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

Motion: Dr. Fukami moved to recommend restitution to the patient in the amount of \$3,685.

Second: Dr. Caputo

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

17. 202300338

Audio Start Time: 1:37:10

Motion: Dr. Fukami moved to recommend that the Board issue a letter of concern emphasizing the importance of appropriate diagnosis and charting and that any proposed periodontal treatment, including the use of surgical tools, should be explained in full to the patient.

Second: Dr. Harris

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

20. 202300351

Audio Start Time: 1:43:20

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in recordkeeping, 3 hours in local anesthesia administration and pain control and 3 hours in patient selection.

Second: Dr. Imtiaz

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

Amended Motion: Dr. Caputo moved to also include a \$500 fine for failure to comply with a board subpoena, as previously identified.

Second: Dr. Imtiaz

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

23. 202300359

Audio Start Time: 1:49:00

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(9), (10) and (12) against the business entity.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a fine in the amount of \$6,000 for the aforementioned violations.

Second: Dr. Kalamchi

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

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14) and (24) against licensee D.T. as identified in the consultant report.

Second: Dr. Kalamchi

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-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 and 6 hours in diagnosis and treatment planning.

Second: Dr. Kalamchi

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

25. 202300369

Audio Start Time: 2:00:45

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern for thoughtfulness of the impact of diagnosis with respect to a patient about to be deployed.

Second: Dr. Fukami

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

Dr. Kalamchi voted against the motion.

27. 202300375

Audio Start Time: 2:07:45

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 6 hours of CE in diagnosis, treatment planning and restoration of caries.

Second: Dr. Kalamchi

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

36. 202300449

Audio Start Time: 2:14:15

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(1),(12) and (14).

Motion failed due to a lack of a second.

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

Second: Ms. Kappes

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

V. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VI. SUMMARY OF CURRENT EVENTS

None were discussed.

VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

VIII. NEXT COMMITTEE MEETING DATE

A. April 2, 2024

IX. ADJOURNMENT

Dr. Caputo adjourned the meeting at 3:31 p.m.