



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

April 2, 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
	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
X	Umar Imtiaz, DDS, MS	Committee Member
X	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	Katie Lee Martin, DMD, MPH, MS	Committee Member
	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
Kristina C. Gomez	Deputy Director
Seamus Monaghan, Esq.	Assistant Attorney General
April Romero	Chief Compliance Officer
Jessica Solis	Compliance Officer
Mary Ford	Compliance Officer
Mercedes Meza	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.43.

Dr. Motahari declared conflicts of interest with agenda item nos. IV.B.6 and IV.B.26.

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

A. Discussion and approval of the Open Session Minutes from the February 27, 2024 committee meeting.

Audio Start Time: 07:12:00

Motion: Ms. Kappes moved to approve the minutes from the February 27, 2024 committee meeting.

Second: Dr. Harris

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

Dr. Motahari and Dr. Dodell abstained.

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

Audio Start Time: 0:09:45

Motion: Dr. Caputo moved to recommend that the Board dismiss cases for agenda item nos. IV.A.3.202300357, IV.B.4.202300157, IV.B.5.202300180, IV.B.6.202300186, IV.B.7.202300232, IV.B.8.202300264, IV.B.9.202300266, IV.B.10.202300267, IV.B.11.202300273-MP, IV.B.15.202300317, IV.B.17.202300324, IV.B.18.202300325, IV.B.22.202300353, IV.B.23.202300354, IV.B.25.202300360, IV.B.26.202300373, IV.B.29.202300379, IV.B.31.202300392, IV.B.32.202300397, IV.B.33.202300412, IV.B.34.202300413, IV.B.36.202300436, IV.B.38.202300450, IV.B.39.202300453, IV.B.40.202300471, IV.B.41.202300475-MP, IV.B.42.202300478 and IV.B.43.202300493.

Second: Dr. Martin

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

Drs. Harris and Motahari were recused and did not participate.

Audio Start Time: 0:18:05

Motion: Dr. Caputo moved to recommend issuing a letter of concern for agenda item nos. IV.B.20.202300337 and IV.B.37.202300448.

Second: Dr. Dodell

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

20. 202300337

Audio Start Time: 0:20:54

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of confirming medical history for patients including allergies and contacting patients directly regarding a mistake or error and not relying on others in patient care or treatment, in this case the pharmacy.

Motion failed due to a lack of a second.

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

Second: Dr. Dodell

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

37. 202300448

Audio Start Time: 0:25:25

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of separating procedure fees from other administrative fees such as no-show or late cancellation.

Motion failed due to a lack of a second.

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

Second: Dr. Asrari

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

A. Open Investigation Case(s)

1. 202300255

Audio Start Time: 0:34:00

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(23) against the respondent.

Second: Ms. Kappes

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 penalty for failure to respond to a subpoena.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend opening an investigation against B.C., R.C., and J.S. as identified in the consultant report, for violation of A.R.S. § 32-1201.01(14) and (24).

After further discussion, Dr. Caputo rescinded the motion.

Motion: Dr. Caputo moved to recommend opening an investigation against B.C., R.C., and J.S. as identified in the consultant report and further recommended that the Board issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 4 hours in diagnosis and treatment planning for patients with intellectual and developmental disabilities.

Second: Dr. Motahari

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

2. 202300343

Audio Start Time: 0:59:20

Motion: Dr. Caputo identified violation of A.R.S. § 32-1201.01(23) against K.I., as identified in the consultant report.

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 penalty for the previously identified violation.

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 issue K.I. a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 4 hours in diagnosis and treatment planning.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(14) against N.J., as identified in the consultant report.

Second: Dr. Motahari

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

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

Second: Dr. Berrigan

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

4. 202300382

Audio Start Time: 1:06:05

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(10) against the business entity for engaging in repeated billing irregularities.

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 \$2,000 penalty.

Second: Dr. Harris

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

5. 202300383

Audio Start Time: 1:25:45

Motion: Dr. Caputo moved to continue the investigation and ordered a chart audit of the practice to look at 3-5% of charts for the previous 12 months that have billing codes D0150, D4341 and D4342.

Second: Dr. Harris

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

6. 202300452

Audio Start Time: 1:30:10

Motion: Dr. Harris moved to dismiss the case against the respondent.

Second: Dr. Dodell

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

Motion: Dr. Dodell moved to open an investigation against D.M.K and obtain diagnostic x-rays of the seating appointment. Also, to request records from the treating dentist in Louisiana.

Second: Dr. Harris

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

7. 202400042

Audio Start Time: 1:42:30

Motion: Dr. Harris moved to take no action.

Second: Ms. Kappes

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

Dr. Motahari abstained.

B. Review of Investigation(s)

1. 202200293

Audio Start Time: 1:54:10

Motion: Dr. Caputo moved to identify violation 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 4 hours of CE in risk management and 3 hours of perio diagnosis and treatment planning.

Second: Dr. Harris

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

2. 202300097

Audio Start Time: 1:57:30

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

Second: Dr. Dodell

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

3. 202300115

Audio Start Time: 2:02:40

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

Second: Dr. Harris

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

12. 202300303

Audio Start Time: 2:03:45

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

Second: Dr. Harris

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

13. 202300309

Audio Start Time: 2:06:30

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 3 hours in diagnosis and treatment planning for root canal therapy.

Second: Dr. Harris

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

14. 202300311

Audio Start Time: 2:09:45

Motion: Dr. Caputo identified violation 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. Harris moved to recommend that the Board offer disciplinary action, requiring the completion of the CRDTS' C.A.R.E. Program to include 12 hours of

CE in the areas of record keeping, ethics, diagnosis and treatment planning, restoration of crown and bridge and restoring patients with TMD. Also, to order restitution in the amount of \$13,237.20.

Second: Dr. Caputo

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

16. 202300323

Audio Start Time: 2:13:55

Motion: Dr. Caputo moved to invite M.K. to an investigative interview directed towards patient selection, patient medical history, selection of candidates for implants and responsibilities when working with a separate anesthesia provider.

Second: Dr. Harris

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

19. 202300331

Audio Start Time: 2:29:40

Motion: Dr. Caputo identified violation 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 4 hours of CE in risk management and 3 hours of diagnosis and treatment planning; based on the previously identified violations and substantiated allegations in the consultant report.

Second: Dr. Harris

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

21. 202300346

Audio Start Time: 2:32:40

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

Second: Ms. Kappes

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 4 hours of CE in risk management and 6 hours in diagnosis and treatment planning including patient management. In addition, to impose a \$500 penalty for failure to respond to the subpoena.

Second: Dr. Berrigan

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

24. 202300355

Audio Start Time: 2:37:10

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 4 hours in removable prosthodontics.

Second: Dr. Dodell

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

27. 202300377

Audio Start Time: 2:40:20

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

Second: Dr. Motahari

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

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

Second: Dr. Berrigan

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

28. 202300378

Audio Start Time: 2:47:10

Motion: Dr. Caputo identified violation 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 a disciplinary agreement, requiring the completion of the CRDTS' C.A.R.E. Program to include 12 hours of CE in the areas of recordkeeping, diagnosis and treatment planning with emphasis in occlusion and TMD and restoration of cosmetic and esthetic procedures.

Second: Dr. Dodell

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

30. 202300389

Audio Start Time: 2:51:45

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

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 a disciplinary agreement, requiring the completion of the CRDTS' C.A.R.E. Program to include 6 hours of CE in diagnosis and treatment planning and restoration of crown and bridge.

Second: Dr. Dodell

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

35. 202300435

Audio Start Time: 2:53:50

The Committee directed staff to assign the case to a different consultant for further investigation.

44. 202300505

Audio Start Time: 3:02:45

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(8) and (12).

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 \$4,000 penalty to the entity for the previously identified violations.

Second: Dr. Berrigan

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

Motion: Dr. Caputo moved to recommend that the Board issue A.C., as identified in the consultant report, a non-disciplinary order, requiring the completion of 4 hours of CE in risk management.

Second: Dr. Berrigan

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

Mercedes was introduced as the new compliance officer.

VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

VIII. NEXT COMMITTEE MEETING DATE

A. May 14, 2024

IX. ADJOURNMENT

Dr. Caputo adjourned the meeting at 4:11 p.m.