



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

April 16, 2024

Special Board Meeting

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

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
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
⌚	Leslie D. Seaman, DDS	Licensed Dentist Member
⌚	Joined/departed as denoted in the body of the minutes	
X	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

Ryan P. Edmonson	Executive Director
Kristina C. Gomez	Deputy Director
Seamus Monaghan, Esq.	Assistant Attorney General
Sherrie Biggs	Assistant Deputy Director
Yazmin Bustamante	Executive Assistant
Selena Acuna	Licensing Specialist
Jessica Thomas	Rules Administrator

GUESTS PARTICIPATING AND/OR PRESENT

Kristen Wunsch	Court Reporter
Jovanna Roman	Court Reporter
Jessie Armendt	Guest
Matthew Arnall	Guest
Ali Baghai	Guest
Randall Balzic	Guest
Jason Brady	Guest
Cody Burke	Guest

Anthony Caputo	Guest
Katherine Corcoran	Guest
Kevin Earle	Guest
Cynthia Fukami	Guest
Skip Harris	Guest
Leanne Hay	Guest
Betty Holler	Guest
Andrea Keefer	Guest
Randall Lout	Guest
Lynette Odom	Guest
David Palmer	Guest
Leah Schachar	Guest
Heath Snell	Guest
KNXV Editors	Guest

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 3:00 p.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

There were no conflicts of interest.

III. ANESTHESIA & SEDATION NOTICE OF PROPOSED RULEMAKING (“NPR”)

The Board reviewed the NPR and comments received during the public comment period. At the Board's request, Dr. Harris provided clarification on the comments he submitted and stated that there is a need to define high fidelity sin-man training, hours of acceptable courses and clarify what a sin-man mannequin is. Additionally, Dr. Harris requested that the Board consider defining the training in such a way that allows private entities to provide the courses because currently there are not many courses in Arizona and there is a huge need that will need to be met if the rules pass as is. Dr. Harris further expressed concern that when the rules become effective, it may only give providers a short period of time to execute the new requirements. Ms. Thomas subsequently informed the Board that they may request a delayed effective date to give licensees enough time to prepare for the new requirements.

Mr. Goodman joined the meeting at 3:08 p.m.

The Board continued to review comments received for the definition section.

Ms. Penna joined the meeting at 3:22 p.m.

Motion: Dr. Herro moved to accept the edit that Dr. Caputo proposed for the definition of “Enteral”.

Second: Mr. Dynar

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

Dr. Seaman voted against the motion.

Motion: Dr. Herro moved to accept the edit as proposed by Dr. Caputo for the definition of “Minimal sedation”.

Section: Dr. Christensen

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

Motion: Dr. Herro moved to accept the edit that Dr. Caputo proposed to change the word “modestly” to “mildly” for the definition of minimal sedation.

Second: Dr. Christensen

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

Motion: Dr. Herro moved to accept Dr. Snell’s edit for the definition of “Section 1301 Permit”, to replace the word “and” with “or” before deep sedation.

Second: Dr. Christensen.

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

Later in the meeting, the Board rescinded this motion.

Motion: Dr. Herro further moved to add the word “or” after deep sedation, in the definition of “Section 1301 Permit”.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to accept the edit to add the statutory reference in the definition of “QAP”.

Second: Dr. Christensen

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

Mr. Dynar and Dr. Seaman voted against the motion.

The Board proceeded to consider Dr. Harris’s comment to add a definition for “high fidelity human simulation”. After discussion, the consensus of the Board was to accept the suggestion to define high fidelity human simulation at a later time.

Motion: Mr. Dynar moved to make the definitions for 1301,1302 and 1303 consistent.

Second: Dr. Herro

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

The Board proceeded to review comments submitted for A.A.C. R4-11-406. The Board reviewed Dr. Caputo’s comment in which he questions why there appears to be a decrease of fees for 1302 and 1303 Permits, but not for 1301. The Board clarified that the fees are based on the renewal periods of each permit.

The Board proceeded to review the comment submitted for A.A.C. R4-11-1203 regarding the change of hour requirements. The Board clarified that it was a base text issue and indicated that the total hours should remain at 63 hours.

The Board also addressed the Health and Safety Institute's comment related to credit hours in Basic Life Support Health Care Provider Level endorsed by the American Heart Association.

Motion: Mr. Dynar moved to reject the Health and Safety Institute's comment because adding American Heart Association is not a substantive rule change.

Second: Dr. Herro

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

The Board proceeded to review comments submitted for A.A.C. R4-11-1301. Dr. Caputo elaborated on his comment for the Board to consider eliminating the list of emergency drugs and instead incorporate language to state the permit holder maintains an action plan for the conduct of any sedation or anesthesia procedure according to state and national standards such as AAOMS and ASDA.

Motion: Dr. Herro moved to reject Dr. Caputo's edit because it is a best practice thing and the rules do not prevent someone from creating an action plan.

Second: Dr. Morrow

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

The Board proceeded to review Dr. Fukami's comment regarding a neuromuscular blocker such as succinylcholine which was omitted from the list of emergency medications.

Motion: Dr. Herro moved to accept the portion of the edit to insert succinylcholine, but rejected the edit to include IV dextrose because adding a new medication would need to be further discussed before adding it in rule.

Second: Dr. Christensen

Amended Motion: Dr. Herro moved to add "neuromuscular blocker" to the list of emergency medications instead of limiting it to succinylcholine.

Second: Dr. Morrow

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

The Board proceeded to discuss Dr. Caputo's comment to remove subsection B(6). Dr. Caputo explained that there is no literature to demonstrate improvement to or benefit for patient safety by having high fidelity human simulation continuing education.

Motion: Dr. Herro moved to accept Dr. Caputo's recommendation to remove subsection B(6).

Second: Dr. Christensen

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

The Board proceeded to review comments pertaining to the CE requirements for a pediatric endorsement. The Board discussed Dr. Caputo's comment regarding subsection D, in which he requested an adjustment in CE requirements.

Motion: Dr. Herro moved to add language to clarify that the CE hours taken for a pediatric endorsement count towards the general CE requirements.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to accept Dr. Arnall's comment to change subsection D 2(b) to read "more than 2 years" to be consistent with 2(a).

Second: Dr. Morrow

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

Motion: Dr. Herro moved to accept Dr. Snell's comment to remove the term "moderate sedation" from being categorized in subsection D 2(b).

Second: Dr. Christensen

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

Dr. Morrow temporarily departed the meeting at 4:59 p.m.

Motion: Dr. Herro moved to reject Dr. Caputo's comment for subsection H regarding the documentation of ventilatory status in order to allow the comment to be further reviewed by the appropriate committee.

Second: Dr. Christensen

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

The Board proceeded to review comments for subsection N. Dr. Caputo requested that the Board add language specifying that the permit holder accepts full responsibility for the conduct of the procedure.

Motion: Dr. Herro moved to accept the concept of Dr. Caputo's comment for subsection N.

Second: Dr. Christensen

Vote: 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Mr. Dynar voted against the motion.

Motion: Dr. Herro moved to accept the concept of Dr. Snell's comment to make language consistent throughout permits with respect to employing or working with a QAP.

Second: Dr. Christensen

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

The Board proceeded to review comments received for subsection P and R to allow a second person to have PALS or ACLS.

Motion: Dr. Herro moved to accept the language in Dr. Fukami's comments regarding subsections P and R.

Second: Ms. Karmo

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

Motion: Dr. Herro moved to have staff ensure that the new language in subsections P and R is consistent throughout the NPR.

Second: Dr. Christensen

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

Motion: Dr. Herro moved to reject the second comment from Dr. Fukami for subsection Q.

Second: Dr. Christensen

Dr. Herro rescinded the previous motion.

Motion: Dr. Herro moved to have staff capture the language discussed regarding the duty of monitoring a patient, in addition to the dentist's responsibility.

Second: Dr. Christensen

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

The Board proceeded to review comments submitted by AzDA and Dr. Caputo to allow dental anesthesiologists to submit evidence of fulfilling their board certification CE requirements when renewing.

Mr. Goodman departed the meeting at 5:30 p.m.

Dr. Biesntock joined the meeting at 5:39 p.m.

Ms. Penna departed the meeting at 5:40 p.m.

Motion: Dr. Herro moved to adopt the language proposed by Dr. Caputo and review it at a future meeting.

Second: Dr. Christensen

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

The Board proceeded to review comments submitted for subsection 1302. Dr. Caputo proposed making the language in subsection A(2) more general instead of indicating specific drug classes or categories.

Motion: Dr. Herro moved to adopt the edit that Dr. Caputo recommended.

Second: Dr. Christensen

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

Dr. Morrow re-joined the meeting at 5:45 p.m.

Motion: Dr. Herro moved to accept Dr. Snell's comment to allow a dentist to work with a 1301 or 1302 provider.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to also accept Dr. Snell's comment to correct parenteral sedation to read parenteral moderate sedation throughout the document.

Second: Dr. Morrow

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

The Board considered Dr. Caputo's comment to change subsection G to an affidavit process. After discussion, Dr. Caputo retracted his comment.

Motion: Dr. Herro moved to accept Dr. Snell's comment for subsection H regarding the completion of at least 10 parenteral moderate sedation cases per calendar year.

Second: Dr. Christensen

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

Motion: Dr. Herro moved to accept Dr. Caputo's comment for subsection I to establish a functional intravenous catheter for each patient receiving intravenous sedation.

Second: Dr. Christensen

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

The Board proceeded to review comments submitted for Subsection 1303.

Drs. Caputo and Snell commented to change subsection A to change the term "oral sedation" to "enteral moderate sedation".

Motion: Dr. Herro moved to accept the proposed edit for subsection A.

Second: Dr. Bienstock.

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

Dr. Snell and Dr. Caputo retracted their comments for subsection B.

The Board proceeded to review Dr. Snell's comment regarding the emergency drugs. After discussion, Dr. Snell retracted his comment.

Motion: Dr. Herro moved to accept Dr. Snell's correction to reference a 1303 Permit holder in subsection C.

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to accept Dr. Snell's correction to change oral sedation to "enteral moderate sedation" throughout the rules.

Second: Dr. Bienstock

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

Dr. Snell informed the Board that he retracts his comment for subsection G regarding onsite evaluations.

The Board proceeded to review Dr. Snell's comment for subsection G(2) to consider evaluating that a permit applicant understands how to appropriately administer the sedation and evaluate the patient.

Motion: Dr. Herro moved to reject the comment because it is not necessary.

Second: Dr. Morrow

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

The Board reviewed Dr. Snell's comment for subsection I to make the documentation requirements of a 1303 Permit mimic the requirements of a 1302 Permit.

Motion: Dr. Herro moved to accept Dr. Snell's comment with regards to amending language to read "monitoring ventilatory status" in 1302 and 1303.

Second: Dr. Bienstock

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

The Board reviewed Dr. Snell's comment for subsection I regarding entries for pre-operative and postoperative electrocardiogram reports and intraoperative blood pressure.

Motion: Dr. Herro moved to accept Dr. Snell's comment to eliminate 2(a) and (b) and add "intra-operative" to 1(b).

Second: Dr. Morrow

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

The Board proceeded to review comments for Subsection 1304.

Dr. Seaman departed the meeting at 6:53 p.m.

IV. SUMMARY OF CURRENT EVENTS

None were discussed.

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

None.

VI. NEXT BOARD MEETING DATE

A. April 19, 2024

VII. ADJOURNMENT

The meeting adjourned at 6:53 p.m.