



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

May 31, 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 A, 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, V.B.2, V.B.3, V.B.4, V.C.1. and V.D.5 as stated herein.

BOARD MEMBERS

	<i>Anthony Herro, DDS</i>	President and Licensed Dentist Member
X	Lisa B. Bienstock, DMD	Vice-President and Licensed Dentist Member
X	Edward H. Christensen, DDS	Licensed Dentist Member
	Aditya Dynar	Public Member
	<i>Tamer El-Gendy, DMD</i>	Licensed Dentist Member
	<i>Nick Goodman</i>	Public Member
X	Jaselyn K. Karmo, RDH	Licensed Hygienist Member
	<i>Russell Jeffrey Morrow, DDS</i>	Licensed Dentist Member
	Vicki B. Penna, RDH	Licensed Hygienist Member
	Leslie D. Seaman, DDS	Licensed Dentist Member
	Vacant	Business Entity Member
	<i>Joined/departed as denoted in the body of the minutes</i>	
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>Scott Donald, 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>Mercedes Meza</i>	Compliance Officer
	<i>Jessica Solis</i>	Compliance Officer
	<i>Yazmin Bustamante</i>	Executive Assistant
	Jessica Thomas	Rules Administrator

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Mandi Karvis, Esq.	Attorney for Respondents
Leah Schachar, Esq.	Attorney for Respondents
<i>Amber Dresslar, Esq.</i>	Attorney for Respondents
Matthew Arnall	Stakeholder
Ali Baghai	Stakeholder
<i>Chase Sossamon</i>	Stakeholder
Cody Burke	Stakeholder
<i>Jeffery J. Tonner, Esq.</i>	Attorney for Respondents
<i>Calvin Brown Jr.</i>	Respondent
<i>Michele Thompson, Esq.</i>	Attorney for Respondents
<i>Jesse Mangelsdorf</i>	Respondent
<i>Leanne Hay, Esq.</i>	Attorney for Respondents
<i>Kenneth Gerace</i>	Respondent
Mahwesh Razzaq	Respondent
<i>Jared Williams</i>	Respondent
<i>Leeza Birko, Esq.</i>	Attorney for Respondent
Chalres Anderson	Respondent
Brett Chapman	Respondent
Jay Scott	Respondent
<i>Jason Nordean</i>	Respondent
<i>Christopher Marsh</i>	Respondent
Elizabeth Persky	Respondent
Neal Jones	Respondent
<i>Travis Hunt, Esq.</i>	Attorney for Respondent
<i>Kenney Lam</i>	Respondent
Mandi Karvis, Esq.	Attorney for Respondent
Andrew Kassman	Respondent

Guests in italics participated in-person

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 8:03 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. Morrow declared a conflict of interest with agenda item no. IV.D.19.
 Dr. El-Gendy declared conflicts of interest with agenda item nos. IV.D.2 and IV.D.16.
 Dr. Herro declared conflicts of interest with agenda item nos. V.D.7, V.D.8, V.D.9 and V.E.1.

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

A. Discussion and approval of the Open Session Minutes from the April 16, 2024 special board meeting.

- B. Discussion and approval of the Open Session Minutes from the April 19, 2024 board meeting.
- C. Discussion and approval of the Executive Session Minutes from the April 19, 2024 board meeting.

Motion: Dr. Herro moved to approve the minutes from the April 16, 2024 and April 19, 2024 meetings.

Second: Dr. Morrow

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

IV. CONSENT AGENDA

- 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. Greco, Joan M., DDS (*by Credentials*)
 - 2. Woodbury, Spencer, DDS (*by Credentials*)
- B. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)
 - 1. Arnett, Bryan A., DMD (*consultant*)
- C. Termination of Board Orders(s)/Consent Agreements(s)
 - 1. 202200097; Toal, Maureen
 - 2. 202200242; Jafari, Reza
 - 3. 202200279; Bullock, Chandler
 - 4. 202200284; Kim, Sean (*Bienstock conflicted*)
 - 5. 202200325; Ecker, David
 - 6. 202200333; Zargar, Andre
 - 7. 202300183-MP; Choi, Han
- D. Review of Investigation(s) – Case(s) Recommended for Dismissal
 - 1. 202300157; Whitener, Scott
 - 2. ~~202300186; Wheeler, Sarah~~
 - 3. ~~202300232; Salwin, Gary~~
 - 4. 202300264; Thielen, David
 - 5. 202300266; Monroe, Christina
 - 6. 202300267; Sluyk, Daniel
 - 7. ~~202300273-MP; Tyler, Kenneth~~
 - 8. ~~202300317; Dodd, Michael~~
 - 9. 202300324; Harrell, Katherine
 - 10. 202300325; Bell, Thomas
 - 11. 202300337; Baddam, Prashanthi
 - 12. 202300353; Trujillo, Byron
 - 13. 202300354; Kastala, Sri Lakshmi Silpa
 - 14. 202300357; Horizon Modern Dentistry and Orthodontics, LLP
 - 15. 202300360; Mayer, Zachary
 - 16. ~~202300373; Vaghari, Bitu~~
 - 17. 202300379; Spurling, Kent

18. 202300392; Bedoya, Manuel
- ~~19. 202300397; Benavides Davila, Carlos~~
20. 202300412; Badolato, John
21. 202300413; Kawamoto, Sheena
22. 202300436; Wettstein, Kelly
23. 202300448; Mallory, James Jr.
24. 202300450; Triggs, Christine
25. 202300452; Zeng, Rong
26. 202300453; Behbahani, Babak
27. 202300471; Mason, Brian
- ~~28. 202300475-MP; Fryberg, Harrison~~
- ~~29. 202300478; Hall, Jonathan~~
30. 202300493; Harris, Brown III

Audio Start Time: 0:02:15

The Board pulled agenda item nos. IV.D.2, IV.D.3, IV.D.7, IV.D.8, IV.D.16, IV.D.19, IV.D.28 and IV.D.29 from the consent agenda.

Motion: Dr. Herro moved to accept the consent agenda with the exception of the cases that were pulled for separate action.

Second: Dr. Morrow

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

2. 202300186; Wheeler, Sarah

Audio Start Time: 0:03:35

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

Dr. El-Gendy was recused.

19. 202300397; Benavides Davila, Carlos

Audio Start Time: 0:03:55

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Penna

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

Dr. Morrow was recused.

3. 202300232; Salwin, Gary

Audio Start Time: 0:04:35

Motion: Dr. Herro moved to issue a letter of concern for an incomplete comprehensive exam.

Second: Dr. Morrow

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

7. 202300273-MP; Tyler, Kenneth

Audio Start Time: 0:07:35

Motion: Dr. El-Gendy moved to dismiss the case.

Second: Dr. Morrow

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

Mr. Goodman voted against the motion.

8. 202300317; Dodd, Michael

Audio Start Time: 0:12:00

At the request of the respondent's attorney, the Board tabled the matter for a later time in the meeting.

Audio Start Time: 1:04:20

The case was recalled and tabled to a future meeting to allow the respondent to provide additional records.

16. 202300373; Vaghari, Bitu

Audio Start Time: 0:15:00

Motion: Dr. Herro moved to offer a non-disciplinary consent agreement, requiring the completion of 4 hours of CE in crown and bridge or fixed prosthesis; based on the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

Second: Dr. Morrow

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

Dr. El-Gendy was recused.

28. 202300475-MP; Fryberg, Harrison

Audio Start Time: 0:18:35

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

29. 202300478; Hall, Jonathan

Audio Start Time: 0:20:55

Motion: Dr. Herro moved to adopt the statutory violation of A.R.S. § 32-1264 for maintenance of records.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to offer a non-disciplinary agreement, 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 report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months. The respondent has 30 days to sign the agreement

Second: Dr. Morrow

Amended Motion: Dr. Herro moved to offer a non-disciplinary agreement, requiring the completion of 4 hours of CE in risk management and 4 hours of CE in implants; based on the previously established violation, the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months. The respondent has 30 days to sign the agreement

Second: Dr. Morrow

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

Mr. Goodman voted against the motion.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Review of Renewal Application(s)

1. Jarron Tawzer, DMD

Audio Start Time: 0:26:30

The matter was tabled for a later time in the meeting.

Audio Start Time: 0:52:25

Motion: Dr. Herro moved to accept the renewal of Dr. Tawzer's license and keep it in suspended status until the pending matter is adjudicated.

Second: Dr. Morrow

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

Audio Start Time: 3:53:10

Motion: Dr. Herro moved to approve the application for renewal.

Second: Dr. Morrow

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

Motion: Dr. Herro moved for the Board to enter into executive session for agenda item nos. V.B.1, V.B.2, V.B.3, V.B.4 and V.C.1. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Morrow

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

The Board entered into executive session at 8:32 a.m.

The Board returned to open session at 8:54 a.m.

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

B. Initial Review

1. 202400042

Audio Start Time: 0:52:30

The Board concurred to not take action on the matter.

2. A.I.

Audio Start Time: 0:56:10

The Board concurred that the new evidence did not substantiate taking further action.

Motion: Dr. Herro moved to not open a complaint.

Second: Dr. Morrow

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

3. J.A.

Audio Start Time: 0:57:35

Motion: Dr. Herro moved to assign a case number and open an investigation.

Second: Mr. Goodman

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

4. M.F.

Audio Start Time: 0:58:05

Motion: Ms. Penna moved to not open an investigation.

Second: Dr. Herro

Vote: 4-aye, 3-nay, 0-abstain, 0-recuse, 3-absent, 1-vacancy. Motion passed.

Drs. Herro, Morrow and Seaman voted against the motion.

C. Review of Investigation(s)

1. 202000111; Choi, Cheol (*Bienstock conflicted*)

Audio Start Time: 1:05:00

Motion: Dr. Herro moved to offer the most recent disciplinary consent agreement that the AAG drafted and grant the AAG authority to negotiate the terms of the agreement. If the agreement is not signed within 30 days, move the matter to a formal interview.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion.

VI. ANESTHESIA & SEDATION NOTICE OF PROPOSED RULEMAKING (“NPR”) STAKEHOLDERS SESSION

Audio Start Time: 1:17:15

The Board held a stakeholder session to review stakeholders’ positions regarding the Board’s Section 1304 permitting process and requirements. Dr. Arnall addressed the Board and proposed changes that he and other stakeholders agreed on to make Section 1304 equitable. Dr. Sossamon also addressed the Board and expressed agreement with the collaborative work that Dr. Arnall and other stakeholders worked on. In addition, Dr. Sossamon requested that the Board consider extending the timeframe for general anesthesia procedures. Drs. Brown and Burke echoed Dr. Sossamon’s sentiments on the request to extend the anticipated five hour timeframe for anesthesia procedures. During discussion, the Board indicated that the former Anesthesia & Sedation Committee had talked in length about that topic and the committee had unanimously agreed on the five hour timeframe. The Board further clarified that the language gives leeway in case a procedure lasts longer than anticipated. After stakeholder input was received, the Board requested that an updated version of the NPR be provided for the next scheduled meeting.

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

The matter was tabled to the next scheduled meeting.

The Board took a break from 10:35 a.m. to 10:51 a.m.

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

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

J. Review of ALJ Recommended Decision(s)

1. 202200205; Rudolph, Lawrence / OAH Case No.: 24F-202200205-DEN

Audio Start Time: 2:48:00

Motion: Dr. Herro moved to accept the Findings of Fact set forth in the ALJ’s recommended decision.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to accept the Conclusions of Law in their entirety as set forth in the ALJ's recommended decision.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to accept the Order for revocation as set forth in the ALJ's recommended decision.

Second: Dr. Morrow

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

K. Formal Interview(s)

1. 202100131; Brown Jr., Calvin

Audio Start Time: 2:53:10

Motion: Dr. Herro moved to adopt the Findings of Facts as listed in the disciplinary consent agreement that was previously offered.

Second: Dr. El-Gendy

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

Motion: Dr. Herro moved to adopt the Conclusions of Law as listed in the disciplinary consent agreement that was previously offered.

Second: Ms. Penna

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

Motion: Dr. Herro moved to adopt the terms of the previously offered disciplinary consent agreement.

Second: Mr. Goodman

Vote: 5-aye, 2-nay, 0-abstain, 0-recuse, 3-absent, 1-vacancy. Motion passed.

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

The Board took a break from 11:42 a.m. to 11:55 a.m.

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

2. 202300022; Mangelsdorf, Jesse

Audio Start Time: 3:54:15

Motion: Dr. Herro moved to issue a letter of concern for risk management.

Second: Dr. Morrow

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

3. 202300083; Gerace, Kenneth

Audio Start Time: 4:31:55

Motion: Dr. Herro moved to adopt the Findings of Facts as stated in the disciplinary consent agreement.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to adopt the Conclusions of Law as stated in the disciplinary consent agreement.

Second: Dr. Morrow

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

Motion: Dr. Morrow moved to amend the order to be non-disciplinary and require the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

Second: Dr. Morrow

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

The Board took a break from 12:58 p.m. to 1:15 p.m.

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

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)

1. 202300097; Bui, Long

Audio Start Time: 5:13:37

Motion: Dr. Herro moved to adopt the statutory violation of A.R.S. § 32-1264 for maintenance of records.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to issue a letter of concern for risk management.

Second: Dr. El-Gendy

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

2. 202300115; Razzaq, Mahwesh

Audio Start Time: 5:15:45

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

Second: Dr. Morrow

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

3. 202300303; Williams, Jared

Audio Start Time: 5:24:15

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

4. 202300309; Anderson, Charles

Audio Start Time: 5:28:40

Motion: Dr. Herro moved to issue a letter of concern for risk management.

Second: Dr. El-Gendy

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

Dr. Herro, Dr. El-Gendy, Mr. Goodman, Dr. Morrow, Ms. Penna and Dr. Seaman voted against the motion.

Motion: Dr. Herro moved to adopt the statutory violation of A.R.S. § 32-1264 for maintenance of records.

Second: Dr. Morrow

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

Motion: Dr. Morrow moved to issue a non-disciplinary order as recommended by the Investigative Committee, requiring the completion of 4 hours of CE in risk management and 3 hours in diagnosis and treatment planning in root canal therapy. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Ms. Penna

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

Mr. Dynar voted against the motion.

5. 202300343; Ison, Kevin

Audio Start Time: 5:35:20

Motion: Dr. Herro moved to adopt the statutory violations of A.R.S. § 32-1208 and 32-1201.01(23).

Second: Dr. Morrow

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

Motion: Ms. Penna moved to offer a disciplinary consent agreement to impose a \$500 penalty and require the completion of 4 hours of CE in risk management and 4 hours in treatment planning; based on the consultant report and the previously adopted violations. 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: 0-aye, 7-nay, 0-abstain, 0-recuse, 3-absent, 1-vacancy. Motion failed.

Dr. Herro, Mr. Dynar, Dr. El-Gendy, Mr. Goodman, Dr. Morrow, Ms. Penna and Dr. Seaman voted against the motion.

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

The Board entered into executive session at 1:49 p.m.

The Board returned to open session at 2:14 p.m.

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

Motion: Dr. Herro moved to issue a \$500 civil penalty for failure to respond to a board subpoena.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion.

6. 202300355; Bedoya, Manuel

Audio Start Time: 6:15:00

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. El-Gendy

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

7. 202400106; Chapman, Brett

Audio Start Time: 6:16:00

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

Motion: Dr. Morrow moved to rescind the previous motion and rehear the matter.

Second: Mr. Goodman

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

Dr. Herro was recused.

Motion: Dr. Morrow moved to dismiss the case.

Second: Mr. Goodman

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

Dr. Herro was recused.

8. 202400107; Scott, Jay

Audio Start Time: 6:18:30

Motion: Dr. Morrow moved to dismiss the case.

Second: Mr. Goodman

Vote: 5-aye, 1-nay, 0-abstain, 1-recuse, 3-absent, 1-vacancy. Motion passed.

Dr. El-Gendy voted against the motion.

Dr. Herro was recused.

9. 202400108; Coburn, Richard

Audio Start Time: 6:29:35

Motion: Dr. Morrow moved to dismiss the case.

Second: Mr. Goodman

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

Dr. Herro was recused.

- 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. 202300255; DiCarlo, Ricardo II

Audio Start Time: 6:30:35

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. El-Gendy

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

Dr. Herro was recused.

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

1. 202200293; Khan, Azam

Audio Start Time: 6:33:40

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 3 hours of perio diagnosis and treatment planning; based on the previously established violations, the discussion held during the meeting and the consultant report. The CE hours shall

be in addition to the hours required for license renewal and shall be completed within 90 days.

Second: Ms. Penna

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

2. 202300311; Lopez, Gianira I.

Audio Start Time: 6:40:00

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of the CRDTS C.A.R.E. Program to include 4 hours of CE in risk management, 4 hours in record keeping, 4 hours in diagnosis and treatment planning, 4 hours in restoring of crown and bridge and restoring patients with TMD. In addition, to order restitution in the amount of \$13,237.20.

Second: Dr. Morrow

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

3. 202300331; Nordean, Jason

Audio Start Time: 6:43:15

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

Second: Dr. El-Gendy

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 3 hours of CE in diagnosis and treatment planning and 4 hours in crown and bridge; based on the previously identified violations, the discussion held during the meeting and the substantiated allegations in the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 90 days. The respondent has 30 days to sign the agreement.

Second: Dr. Morrow

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

Mr. Goodman departed the meeting at 3:00 p.m.

4. 202300346; Masters, Robert

Audio Start Time: 6:54:15

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to invite the respondent to a formal interview.

Second: Dr. El-Gendy

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

5. 202300377; Skinner, Cody

Audio Start Time: 7:03:10

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

Second: Dr. El-Gendy

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

6. 202300378; Marsh, Christopher

Audio Start Time: 7:04:45

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

7. 202300389; Persky, Elizabeth

Audio Start Time: 7:11:25

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. Herro

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

8. 202300505; Associated Dental Care Providers

Audio Start Time: 7:16:15

Motion: Dr. Herro moved to offer a disciplinary consent agreement and impose a \$4,000 penalty for violations of A.R.S. § 32-1263(D)(8) and (12).

Second: Dr. Morrow

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

9. 202400110; Jones, Neal

Audio Start Time: 7:18:10

The Board directed staff to remand the case back to investigation and to subpoena records.

10. Perfect Teeth

- a. 202300198; Perfect Teeth Olive
- b. 202300199; Perfect Teeth Olive
- c. 202300200; Perfect Teeth Olive
- d. 202300201; Perfect Teeth Frank Lloyd Wright PC
- e. 202300202; Perfect Teeth Frank Lloyd Wright PC
- f. 202300203; Perfect Teeth ABC PC
- g. 202300204; Perfect Teeth Frank Lloyd Wright PC
- h. 202300205; Perfect Teeth Olive
- i. 202300206; Perfect Teeth Frank Lloyd Wright PC
- j. 202300207; Perfect Teeth Olive
- k. 202300226; Perfect Teeth Frank Lloyd Wright PC
- l. 202300334; Perfect Teeth Olive
- m. 202300336; Perfect Teeth Frank Lloyd Wright PC

Audio Start Time: 7:23:05

Motion: Dr. Herro moved to offer a disciplinary consent agreement and impose a \$6,000 penalty against Perfect Teeth for operating three locations without a registration pursuant to A.R.S. § 32-1263(D)(5).

Second: Dr. Morrow

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

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

1. 202000023 & 202000256-AO; Lam, Kenny (*Bienstock conflicted*)

Audio Start Time: 7:46:45

Motion: Dr. Herro moved to grant permission to enter into the next phase of the agreement for probation with monitoring.

Second: Dr. Morrow

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

2. 202000275-C

Audio Start Time: 7:48:50

Motion: Dr. Herro moved to grant early termination of the agreement.

Second: Dr. Morrow

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

3. 202300013; Connell, Scott

Audio Start Time: 7:49:50

Motion: Dr. Herro moved to grant the extension.

Second: Dr. Morrow

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

H. Response/Non-Response to Offered/Issued Consent Agreement(s)/Board Order(s)

1. 202400122; Kassman, Andrew

Audio Start Time: 7:50:15

Motion: Dr. Herro moved to offer the amended interim consent agreement.

Second: Dr. Morrow

Vote: 5-aye, 1-nay, 0-abstain, 0-recuse, 4-absent, 1-vacancy. Motion passed.

Mr. Dynar voted against the motion.

I. Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. §§ 32-3208 and/or 32-1272, et seq.

1. 202400105-AO

Audio Start Time: 7:53:05

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

Second: Dr. Morrow

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

2. 202400114-AO

Audio Start Time: 7:56:15

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

Second: Dr. Morrow

Vote: 5-aye, 1-nay, 0-abstain, 0-recuse, 4-absent, 1-vacancy. Motion passed.

Ms. Penna voted against the motion.

3. 202400171-AO

Audio Start Time: 7:58:20

The Board concurred to not take action on the matter.

VIII. DENTAL COMPACT

This matter was tabled to a future meeting.

IX. DISPENSING REGISTRATION NOTICE OF PROPOSED RULEMAKING

Audio Start Time: 7:59:15

Motion: Dr. Herro moved to open a rulemaking package to repeal the dispensing registration rule requirements pursuant to R4-11-1401 through R4-11-1406.

Second: Dr. Morrow

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

X. CALL TO THE PUBLIC

No one addressed the Board during the call to the public.

XI. ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT

There was no discussion on the AAG report.

XII. EXECUTIVE DIRECTOR’S REPORT

- A. Budget Update
- B. Agency Operations
- C. Complaint Log
- D. Legislative Update
 - a. Dental Specific Bills
 - b. Other Impactful Bills

There were no questions on the E.D. Report.

XIII. RECOGNITION OF SERVICE

Morgan B. Burg, Business Entity Member.....2019 – 2024

XIV. SUMMARY OF CURRENT EVENTS

None were discussed.

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

None.

XVI. NEXT BOARD MEETING DATE

- A. June 28, 2024

XVII. ADJOURNMENT

Dr. Herro adjourned the meeting at 4:06 p.m.