



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

**June 25, 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
X	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
	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
	Mindy Motahari, DMD, MA Edu	Committee Member
🕒	Joined/deperted as denoted in the body of the minutes	
X	Absent	

#### **STAFF PRESENT**

Elizabeth Campbell, 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. Motahari declared conflicts of interest with agenda item nos. IV.A.1, IV.B.3 and IV.B.11.

Dr. Berrigan declared a conflict of interest with agenda item no. IV.B.12.

*Dr. Dodell joined the meeting at 1:04 p.m.*

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

A. Discussion and approval of the Open Session Minutes from the May 14, 2024 committee meeting.

**Audio Start Time:** 0:05:00

**Motion:** Dr. Kalamchi moved to approve the minutes from the May 14, 2024 committee meeting.

**Second:** Dr. Martin

**Vote:** 9-aye, 0-nay, 1-abstain, 0-recuse, 1-absent. Motion passed.

*Ms. Kappes abstained.*

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

**Audio Start Time:** 0:06:15

**Motion:** Dr. Berrigan moved to recommend that the Board dismiss cases for agenda item nos. IV.B.2.202300084, IV.B.4.202300278, IV.B.10.202300457, IV.B.15.202300483, IV.B.16.202300491, IV.B.17.202400002, IV.B.18.202400010, IV.B.19.202400015, IV.B.20.202400019, IV.B.21.202400021, IV.B.22.202400024, IV.B.23.202400029, IV.B.24.202400045, IV.B.26.202400048, IV.B.31.202400074, IV.B.32.202400082, IV.B.34.202400087, IV.B.35.202400093, IV.B.39.202400100, IV.B.41.202400113, IV.B.42.202400126, IV.B.43.202400127 and IV.B.44.202400130.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Audio Start Time:** 0:14:20

**Motion:** Dr. Motahari moved to recommend that the Board issue a letter of concern for agenda item nos. IV.B.11.202300460, IV.B.13.202300474, IV.B.27.202400056, IV.B.28.202400060 and IV.B.30.202400073.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

#### B. Review of Investigation(s)

11. 202300460

**Audio Start Time:** 0:17:15

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of accurate and timely insurance billing.

**Second:** Dr. Dodell

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(23), and recommend that the Board impose a \$500 non-disciplinary civil penalty for failure to respond to a board subpoena.

**Second:** Ms. Kappes

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

13. 202300474

**Audio Start Time:** 0:25:45

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of appropriate guidance of new employees, particularly recent graduates.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board open a complaint against Dr. L.P, as identified in the consultant report. In addition, to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in restorative crown and bridge, 3 hours in root canal therapy and 2 hours in risk management.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

27. 202400056

**Audio Start Time:** 0:33:05

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of ensuring appropriate treatment planning and requirement for treatment consent.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

28. 202400060

**Audio Start Time:** 0:34:10

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of knowing practice policies and procedures when working as an employee.

The Committee further discussed the language for the letter of concern.

**Motion:** Dr. Dodell moved to rescind the motion for a letter of concern.

**Second:** Dr. Berrigan

**Vote:** 9-aye, 1-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Asrari voted against the motion.*

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

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Committee further directed staff to open an investigation against Risas Dental, as identified in the consultant report.

30. 202400073

**Audio Start Time:** 0:47:15

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern that indicates support for practice changes regarding sedation and the use of a separate anesthesia provider as well as being thoughtful when performing longer procedures as board rules are changing regarding case length. In addition, to encourage better documentation with respect to the time, location and amount of local anesthesia.

*Motion failed due to a lack of a second.*

**Motion:** Dr. Dodell moved to rescind the motion to issue a letter of concern.

**Second:** Dr. Kalamchi

**Vote:** 9-aye, 1-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

*Dr. Fukami voted against the motion.*

**Audio Start Time:** 3:12:30

Later in the meeting, the matter was called to order and the Committee rediscussed making a recommendation to the Board.

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern that indicates support for practice changes regarding sedation and the use of a separate anesthesia provider as well as emphasize the importance of being thoughtful when performing longer procedures with sedation or anesthesia as board rules are changing. Also, to indicate that the doctor should be concerned about local anesthetic toxicity and calculating maximum dosing with respect to time of administration, amount administered at that time and location where it is administered.

**Second:** Dr. Fukami

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

A. Open Investigation Case(s)

2. 202300341, 4. 202400011

AND

B. Review of Investigation(s)

36. 202400094

**Audio Start Time:** 0:52:50

The Committee considered remanding the cases back for investigation to determine if evaluations are being conducted appropriately, if documentation is thorough and maintained appropriately for anesthesia, treatment, consent and notes, including implant identifications. Also, to determine if the organization is a recognized post-secondary program and if they have the appropriate registrations with the Board. The Committee further discussed directing the investigator to conduct a chart audit on the local anesthesia amount used for each case.

**Motion:** Dr. Caputo moved to reject the investigative report and remand the cases back for further investigation based on the recommendations discussed regarding chart audits and educational structure. The Committee specified having the investigator conduct a chart audit to review 10 cases by J.C. and C.B. and 20 cases by Simply Implant Institute.

**Second:** Dr. Kalamchi

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Kalamchi moved to open an investigation against S.G. based on the consultant report and have the investigator perform a similar investigation as the previously discussed cases.

**Second:** Dr. Caputo

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

A. Open Investigation Case(s)

1. 202300274

**Audio Start Time:** 1:13:10

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

**Second:** Dr. Kalamchi

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and 6 hours in root canal diagnosis, treatment planning and treatment. In addition, to order restitution in the amount of \$579.11.

**Second:** Dr. Asrari

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

3. 202300506

**Audio Start Time:** 1:16:40

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

**Second:** Ms. Kappes

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, to include completion of the CRDTS C.A.R.E.S. program involving 3 hours of CE in recordkeeping, 3 hours in diagnosis and treatment planning and 6 hours in crown and bridge diagnosis, treatment planning and restoration.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(23) against K.E., as identified in the consultant report and recommend that the Board impose a \$500 fine for failure to comply with a subpoena.

**Second:** Dr. Dodell

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

5. 202400109

**Audio Start Time:** 1:22:00

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

**Second:** Dr. Martin

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

B. Review of Investigation(s)

1. 202100084

**Audio Start Time:** 1:25:15

**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(8),(10) and (12).

**Second:** Dr. Kalamchi

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Caputo moved to recommend that the Board impose a \$6,000 fine for the aforementioned violations. In addition, to refer the case to the Consumer Protection Department in the Attorney General's Office.

**Second:** Dr. Berrigan

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Fukami moved to identify violation of A.R.S. § 32-1201.01(24) against licensee P.P.

**Second:** Ms. Kappes

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

**Motion:** Dr. Fukami moved to recommend that the Board offer disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in diagnosis and treatment planning.

**Second:** Dr. Kalamchi

**Vote:** 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

3. 202300126

**Audio Start Time:** 1:43:10

**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), (15), (19), (23) and (24).

**Second:** Dr. Berrigan

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

*Dr. Kalamchi departed the meeting at 3:00 p.m.*

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics, 3 hours in recordkeeping, 3 hours in diagnosis and treatment planning, 6 hours in oral conscious sedation and record keeping. In addition, to impose a \$500 fine for failure to respond to a subpoena.

*Motion failed due to a lack of a second.*

**Motion:** Dr. Berrigan recommended suspension of the respondents license based on the aforementioned violations and the information in the consultant report.

**Second:** Dr. Dodell

**Vote:** 9-aye, 0-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

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

The Committee further clarified that the terms of the suspension would be determined by the Board.

5. 202300356

**Audio Start Time:** 2:09:00

**Motion:** Dr. Fukami moved to recommend that the Board issue a non-disciplinary order requiring the completion of CEs in restoration of crown and bridge, including implants.

**Second:** Dr. Caputo

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

**Motion:** Dr. Caputo moved to specify that the order requires the completion of 6 hours of CE.

**Second:** Dr. Dodell

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

6. 202300410

**Audio Start Time:** 2:14:00

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

**Second:** Dr. Fukami

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

7. 202300411

**Audio Start Time:** 2:20:45

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

**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 disciplinary action, requiring the completion of the CRDTS C.A.R.E.S. program involving 3 hours of CE in ethics, 6 hours in diagnosis and treatment planning for implants involving dentals arches and restoration of all-on-x procedures. In addition, to order \$14,200 in restitution.

**Second:** Dr. Berrigan

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

*The Committee took a break from 3:25 p.m. to 3:31 p.m.*

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

8. 202300427

**Audio Start Time:** 2:31:55



**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14) 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 with a practice restriction, requiring the completion of the CRDTS C.A.R.E.S program, involving 24 CE hours in the areas of ethics, recordkeeping, diagnosis and treatment planning, restorative including single crowns and root canal therapy. The restriction would include no patient care in any area until the CE requirements are completed.

**Second:** Dr. Dodell

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

9. 202300444

**Audio Start Time:** 2:36:00

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

**Second:** Dr. Dodell

**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 recordkeeping, 6 hours in insurance coding and billing, 6 hours in periodontal diagnosis and treatment planning and 6 hours in root canal therapy. In addition, to impose a \$500 fine for failure to comply with a subpoena and that the case be referred to the Consumer Protection Department.

**Second:** Dr. Dodell

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

12. 202300467

**Audio Start Time:** 2:45:40

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

**Second:** Dr. Dodell

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

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of the CRDTS C.A.R.E.S program, including 16 hours of CE in the areas of ethics, recordkeeping, diagnosis and treatment planning, insurance billing and coding and root canal treatment. In addition, to

impose a \$500 fine for failure to comply with a subpoena and order \$1,641.48 of restitution to the insurance and \$509.44 to the patient.

**Second:** Dr. Dodell

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

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

14. 202300479

**Audio Start Time:** 2:50:40

**Motion:** Dr. Caputo moved to recommend that the Board impose a \$500 fine for violation of A.R.S. 32-1201.01(23).

**Second:** Dr. Dodell

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

25. 202400046

**Audio Start Time:** 2:52:05

**Motion:** Dr. Caputo moved to identify A.R.S. § 32-1263(D)(5) for failure to register the business entity.

*Motion failed due to a lack of a second.*

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

**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 3 hours of CE in ethics and 3 hours in informed consent. In addition, to order restitution in the amount of \$1,200.

**Second:** Dr. Berrigan

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

29. 202400071

**Audio Start Time:** 3:04:30

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(24).

**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 non-disciplinary action, requiring the completion of 4 hours of CE in recordkeeping.

**Second:** Dr. Berrigan

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

33. 202400086

**Audio Start Time:** 3:06:15

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1263(D)(9) and (15).

**Second:** Ms. Kappes

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

**Motion:** Dr. Caputo \$4,000 fine for the aforementioned violations.

**Second:** Dr. Berrigan

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

37. 202400096

**Audio Start Time:** 3:20:30

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

**Second:** Dr. Berrigan

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

38. 202400097

**Audio Start Time:** 3:22:00

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(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 recordkeeping, 3 hours in diagnosis and treatment planning and 3 hours in restoration of crown and bridge. In addition, to order restitution in the amount of \$124.

**Second:** Ms. Kappes

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

40. 202400102

**Audio Start Time:** 3:24:55

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

**Second:** Dr. Dodell

**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 restorative including crown

and bridge. In addition, to order restitution in the amount of \$1,375 to the patient and \$882 to the insurance.

**Second:** Dr. Dodell

**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. August 6, 2024

**IX. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 4:34 p.m.