



Arizona State Board of Dental Examiners

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

1740 West Adams Street, Suite 2470
Phoenix, Arizona 85007
P: 602.242.1492

E: info@dentalboard.az.gov
W: www.dentalboard.az.gov


OPEN SESSION MINUTES

August 6, 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 |
| X | Mari Fukami, DMD, MS | Committee Member |
| | 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 |
| X | 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 |
| 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

There were no declared conflicts of interest.

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

- A. Discussion and approval of the Open Session Minutes from the June 25, 2024 committee meeting.

Audio Start Time: 0:02:00

Motion: Dr. Harris moved to approve the minutes from the June 25, 2024 committee meeting.

Second: Ms. Kappes

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

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

- A. Investigative Interview(s)

1. 202300323

Audio Start Time: 0:05:00

The respondent and legal counsel were not available during the investigative interview. As a result, the Committee tabled the matter for a future meeting.

- B. Review of Previous Motion(s)

1. S.G.

Audio Start Time: 0:08:40

Motion: Dr. Caputo moved to rescind the committee's previous motion to open a case against S.G. at this time for purposes of continuing the investigation of the practice.

Second: Dr. Harris

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

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

Audio Start Time: 0:16:15

Motion: Dr. Harris moved to recommend that the Board dismiss cases IV.D.1.202300320, IV.D.3.202300429, IV.D.4.202300438, IV.D.7.202400008, IV.D.8.202400009, IV.D.12.202400030, IV.D.17.202400057, IV.D.18.202400058, IV.D.20.202400066, IV.D.21.202400072, IV.D.22.202400076, IV.D.23.202400077, IV.D.24.202400078, IV.D.25.202400080, IV.D.26.202400081, IV.D.27.202400084, IV.D.28.202400095, IV.D.29.202400099, IV.D.31.202400103, IV.D.34.202400118,

IV.D.35.202400120, IV.D.36.202400121, IV.D.37.202400123, IV.D.38.202400124, IV.D.39.202400125, IV.D.40.202400133, IV.D.41.202400135, IV.D.47.202400187, IV.D.48.202400190, IV.D.49.202400195, IV.D.50.202400198 and IV.D.53.202400248.

Second: Dr. Martin

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

D. Review of Investigation(s)

2. 202300327

Audio Start Time: 0:22:00

The Committee confirmed that the case for agenda item no. IV.D.2 had been disposed of at a previous meeting.

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

Audio Start Time: 0:24:00

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern for agenda item no. IV.D.14.

Second: Dr. Martin

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

D. Review of Investigation(s)

14. 202400038

Audio Start Time: 0:27:00

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of timely, accurate and complete recordkeeping as well as improving the office's prescription protocol for antibiotics.

Second: Dr. Harris

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

C. Open Investigation Case(s)

1. 202400032

Audio Start Time: 0:28:20

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

Second: Dr. Caputo

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

Motion: Dr. Harris moved to recommend that the Board offer disciplinary action, requiring the completion of 6 hours of CE in oral surgery technique and complex exodontia and 4 hours in risk management and ethics.

Second: Dr. Caputo

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

2. 202400069

Audio Start Time: 0:37:10

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

Second: Dr. Martin

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

Motion: Dr. Harris moved to open a case against M.K., B.E. and the business entity; based on the allegations in the consultant report.

Second: Dr. Caputo

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

3. 202400083

Audio Start Time: 0:48:35

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

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-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, 3 hours in diagnosis and treatment planning, 3 hours in insurance billing and 6 hours in crown and bridge restoration. In addition, to impose a \$500 fine for non-compliance with a subpoena and order restitution in the amount of \$1,810.

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board refer the case to the Attorney General's Office for violation of the Arizona Consumer Fraud Act.

Second: Dr. Harris

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

D. Review of Investigation(s)

5. 202300482

Audio Start Time: 0:53:40

Motion: Dr. Harris moved to identify violations of A.R.S. § 32-1201.01(14), (24) and violation of A.A.C. R4-11-1302(E)(1)(a) and (b).

Second: Dr. Caputo

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

Motion: Dr. Caputo moved to recommend disciplinary action with urgent attention to the board, requiring the completion of 4 hours of CE in risk management, 3 hours in management of medically complex patients and 3 hours in infection control. Also, to recommend 12 months of probation or suspension based on the board's determination. In addition, to require the completion of 30 hours of CE in parenteral sedation to include patient selection, drug administration, monitoring and emergency preparation, which includes suspension of the licensee's 1302 permit until completion of all CEs in parenteral sedation.

Second: Dr. Harris

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

6. 202400006

Audio Start Time: 1:03:50

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in risk management and 3 hours in diagnosis and treatment planning for removable dentures.

Second: Dr. Harris

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

9. 202400014

Audio Start Time: 1:07:20

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

Second: Dr. Harris

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-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 single unit crowns. In addition, to order restitution in the amount of \$1,776.

Second: Dr. Harris

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

10. 202400022

Audio Start Time: 1:10:25

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in risk management and 6 hours in root canal treatment.

Second: Dr. Harris

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

11. 202400027

Audio Start Time: 1:15:00

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

Dr. Caputo withdrew the motion.

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

Second: Dr. Harris

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

12. 202400030

Audio Start Time: 1:21:25

Motion: Dr. Caputo moved to rescind the previous recommendation for dismissal of the case.

Second: Dr. Harris

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

Dr. Berrigan voted against the motion.

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 6 hours of CE in orthodontics to include aliner therapy.

Second: Ms. Kappes

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

13. 202400036

Audio Start Time: 1:32:00

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

Second: Dr. Caputo

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

15. 202400040

Audio Start Time: 1:33:00

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

Second: Dr. Imtiaz

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

16. 202400044

Audio Start Time: 1:37:00

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 12 hours of CE in diagnosis and treatment planning of implants, implant placement with grafting with bone and membrane. In addition, to impose a \$500 penalty for failure to comply with the subpoena and order restitution in the amount of \$2,600.

Second: Dr. Harris

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

19. 202400059

Audio Start Time: 1:41:20

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(12) against Aspen Dental and recommend that the Board impose a \$2,000 penalty for failure to comply with a subpoena.

Second: Ms. Kappes

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

30. 202400101

Audio Start Time: 1:46:00

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

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-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 of surgical exodontia and management of complications.

Second: Dr. Harris

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

32. 202400111

Audio Start Time: 1:49:45

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

Second: Dr. Harris

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

33. 202400114-AO

Audio Start Time: 1:51:35

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern recognizing that the management of the emergent event was appropriate, once identified. However, to express concern with respect to patient selection, particularly older patients who may require a more thorough assessment to be sedated if not referred to a specialist.

Second: Dr. Harris

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

The Committee took a break from 2:58 p.m. to 3:05 p.m.

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

42. 202400136

Audio Start Time: 2:05:00

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

Second: Dr. Harris

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-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, 3 hours in insurance billing and 3 hours in recordkeeping.

Second: Dr. Harris

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

43. 202400137

Audio Start Time: 2:21:25

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer a disciplinary agreement, requiring the completion of 12 hours of CE with CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning, restoration of crown and bridge, risk management and recordkeeping. In addition, to impose a fine of \$500 for failure to comply with a subpoena and order restitution in the amount of \$2,057.99.

Second: Dr. Harris

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

44. 202400180

Audio Start Time: 2:25:10

Motion: 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. Imtiaz

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

45. 202400184

Audio Start Time: 2:26:35

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

46. 202400185

Audio Start Time: 2:28:00

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

Second: Dr. Asrari

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

51. 202400202

Audio Start Time: 2:31:00

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 8 hours of CE with CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning and restoration of crown and bridge. In addition, to impose a \$500 penalty for failure to comply with a subpoena and order \$7,736 in restitution with \$1,799 going back to the insurance company.

Second: Dr. Harris

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

52. 202400233

Audio Start Time: 2:36:10

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

Second: Dr. Harris

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-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, 3 hours in diagnosis and treatment planning and 3 hours in insurance billing. In addition, to impose a \$500 fine for failure to comply with a subpoena.

Second: Dr. Harris

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

V. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VI. 2025 COMMITTEE MEETING DATES

1. January 21, 2025
2. February 24, 2025
3. April 1, 2025
4. May 6, 2025
5. June 24, 2025
6. August 8, 2025
7. September 16, 2025
8. October 28, 2025
9. December 9, 2025

Audio Start Time: 2:43:35

The Committee reviewed the proposed meeting dates for 2025 and concurred to notify staff if they have any conflicts with those dates to prevent quorum issues.

VII. SUMMARY OF CURRENT EVENTS

Staff informed the Committee that a new policy and procedure was developed to address failure to respond to subpoenas. In addition, Mr. Edmonson informed the Committee that with recent legislative changes, a licensee who has an open complaint is entitled to receive the patient's records from their former employer.

VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

IX. NEXT COMMITTEE MEETING DATE

A. September 24, 2024

X. ADJOURNMENT

Dr. Caputo adjourned the meeting at 3:55 p.m.