



Arizona State Board of Dental Examiners
 “Caring for the Public’s Dental Health
 and Professional Standards”

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OPEN SESSION MINUTES

October 29, 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 |
| | 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 |
| Kristina C. Gomez | Deputy Director |
| 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 |

GUESTS PARTICIPATING

- | | |
|-------------------------|-------------------------|
| Jeffery J. Tonner, Esq. | Attorney for Respondent |
| M.K. | Respondent |
| Bill O’Neill | Guest Speaker |

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.

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

A. Discussion and approval of the Open Session Minutes from the September 24, 2024 committee meeting.

Audio Start Time: 0:02:00

Motion: Dr. Harris moved to approve the Open Session Minutes from the September 24, 2024 committee meeting.

Second: Dr. Dodell

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

V. CENTER FOR PERSONALIZED EDUCATION FOR PROFESSIONALS' ("CPEP") PROBE AND PIP PROGRAMS

Audio Start Time: 0:03:30

Mr. O'Neill provided the Committee information regarding CPEP's PROBE and PIP programs for dental professionals. The PROBE program focuses on professional ethics and boundaries. The PIP program focuses on recordkeeping and allows the participants to submit charts for review. The charts are graded and the participant receives feedback on how their charting can improve. A report is given to the regulating body if a release of information is included in the language of the order.

II. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

Dr. Berrigan declared a conflict of interest with agenda item no. IV.C.35.

Dr. Harris declared a conflict of interest with agenda item no. IV.C.47 because he was a consultant for the case.

Dr. Fukami declared a conflict of interest with agenda item no. IV.C.30.

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

A. Investigative Interview(s)

1. 202300323

Audio Start Time: 0:24:30

Dr. Martin joined the meeting at 1:28 p.m.

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in patient medical history evaluation and assessment and 4 hours in substance use disorder, specifically regarding prescribing pain medication and opioids.

Second: Dr. Dodell

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

The Committee further directed staff to open an investigation for both anesthesia providers, as identified in the consultant report.

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

Audio Start Time: 1:43:00

Motion: Dr. Caputo moved to recommend that the Board dismiss cases IV.B.1.202400222, IV.C.1.202300262, IV.C.2.202300275, IV.C.3.202300313, IV.C.4.202300315, IV.C.6.202300365, IV.C.11.202400138, IV.C.15.202400201, IV.C.22.202400224, IV.C.24.202400230, IV.C.27.202400245, IV.C.28.202400246, IV.C.30.202400249, IV.C.31.202400250, IV.C.32.202400259, IV.C.33.202400260, IV.C.36.202400266, IV.C.38.202400268, IV.C.39.202400269, IV.C.41.202400278, IV.C.44.202400290, IV.C.47.202400301, IV.C.48.202400302, IV.C.49.202400304, IV.C.52.202400318, IV.C.53.202400338 and IV.C.56.202400369.

Second: Dr. Dodell

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

Drs. Harris and Fukami were recused.

B. Open Investigation Case(s)

2. 202400298

Audio Start Time: 1:52:30

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), (23) 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 CPEP's PIP program, 6 hours of CE in diagnosis and treatment planning and surgical indications for periodontal disease. In addition, to impose a \$500 penalty for non-compliance with a subpoena.

Second: Dr. Harris

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

Motion: Dr. Dodell moved to open an investigation against S.U. as identified in the consultant report for the open margin on crown number 31.

Second: Dr. Caputo

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

C. Review of Investigation(s)

5. 202300349

Audio Start Time: 1:58:10

Motion: Dr. Harris moved to open investigations against S.L. and E.G. for patient abandonment, as identified in the consultant report.

Second: Dr. Caputo

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

Motion: Ms. Kappes moved to recommend that the Board dismiss this case.

Second: Dr. Harris

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

7. 202400020

Audio Start Time: 2:04:55

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

After further discussion, the motion was withdrawn.

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

Second: Ms. Kappes

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

Dr. Harris voted against the motion.

8. 202400025

Audio Start Time: 2:15:45

Motion: Ms. Kappes moved to recommend that the Board dismiss the case.

Second: Dr. Harris

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

9. 202400053-AO

Audio Start Time: 2:24:40

Motion: Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing the importance of ensuring complete charting and compliance with board rules when administering sedation.

Second: Dr. Harris

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

10. 202400089

Audio Start Time: 2:26:10

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), (23) 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, 10 hours in the areas of diagnosis, treatment planning, placement and restoration of implants and 3 hours in appropriate referral. Also, to recommend the completion of CPEP's PIP program. In addition, to impose a \$500 penalty for non-compliance with a subpoena and order a refund of \$1,817.20 to the insurance.

Second: Dr. Dodell

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

12. 202400176

Audio Start Time: 2:29:10

Motion: Dr. Caputo moved to identify violations 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, 4 hours in diagnosis and treatment planning and 4 hours in restorative. In addition, to recommend the completion of CPEP's PIP program.

Second: Dr. Harris

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

13. 202400179

Audio Start Time: 2:32:00

Motion: Dr. Caputo moved to identify violations 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 CPEP's PIP program.

Second: Dr. Harris

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

14. 202400183

Audio Start Time: 2:37:40

Motion: Dr. Caputo moved to recommend that the Board offer non-disciplinary action, requiring the completion of CPEP's PIP program.

Second: Dr. Harris

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

16. 202400207

Audio Start Time: 2:43:15

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern emphasizing the importance of ensuring proper recordkeeping and charting for every patient regardless of where treatment is provided and ensuring that it is properly maintained.

Second: Dr. Dodell

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

*The Committee took a break from 3:47 p.m. to 3:52 p.m.
Roll call of the Board members was taken and a quorum was established.*

17. 202400212

Audio Start Time: 2:52:55

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

Second: Dr. Harris

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

Drs. Asrari, Berrigan and Dodell voted against the motion.

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 8 hours of CE in diagnosis, treatment planning, restoration with anterior aesthetic restorations and completion of CPEP's PIP program. In addition, to order restitution in the amount of \$206 to the patient.

Second: Dr. Harris

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

Drs. Asrari, Berrigan and Dodell voted against the motion.

18. 202400213

Audio Start Time: 3:04:45

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

Second: Dr. Harris

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

Dr. Asrari voted against the motion.

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

Second: Dr. Harris

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

Drs. Asrari and Dodell voted against the motion.

19. 202400220

Audio Start Time: 3:12:35

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(14), (23) 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 8 hours of CE in diagnosis and treatment planning for anterior crown and bridge and completion of CPEP's PIP program. In addition, to impose a \$500 penalty for non-compliance with a subpoena and order restitution in the amount of \$532 to the insurance company.

Second: Dr. Harris

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

20. 202400221

Audio Start Time: 3:16:40

Motion: Dr. Dodell moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in diagnosis and treatment planning.

Second: Dr. Harris

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

21. 202400223

Audio Start Time: 3:20:00

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours in appropriate referral to a specialist and completion of CPEP's PIP program.

Second: Dr. Dodell

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

23. 202400227

Audio Start Time: 3:22:30

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

Second: Dr. Caputo

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

Motion: Dr. Caputo moved to open an investigation against F.S. per this complaint.

Second: Dr. Dodell

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

25. 202400232

Audio Start Time: 3:25:25

Motion: Dr. Berrigan moved to recommend that the Board issue a letter of concern emphasizing the importance of complete and accurate periodontal charting and thoughtfulness of diagnosis and treatment of periodontal disease.

Second: Dr. Dodell

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

26. 202400242

Audio Start Time: 3:28:50

Motion: Dr. Caputo moved to identify violations 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 diagnosis and treatment planning and 12 hours in restoration of crown and bridge through the CRDTS C.A.R.E.S. program. In addition, to recommend completion of CPEP's PIP

program and order restitution in the amount of \$63.80.

Second: Dr. Dodell

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

29. 202400247

Audio Start Time: 3:34:30

Motion: Dr. Harris 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.

46. 202400295

Audio Start Time: 3:43:30

Motion: Dr. Dodell recommended that the Board dismiss the case against the entity.

Second: Ms. Kappes

Vote: 5-aye, 4-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Drs. Harris, Asrari, Fukami and Martin voted against the motion.

Motion: Dr. Dodell moved to open a case against E.L. as identified in the consultant report.

Second: Dr. Berrigan

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

Drs. Caputo, Harris, Asrari, Fukami Martin and Ms. Kappes voted against the motion.

34. 202400262

Audio Start Time: 3:55:45

Motion: Dr. Caputo moved to identify 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 disciplinary action, requiring the completion of 4 hours of CE in patient management and 12 hours through the CRTDS C.A.R.E.S. program in the areas of diagnosis, treatment planning, management and restoration of teeth with buildups and crowns and pain management.

Second: Dr. Dodell

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

Dr. Dodell departed the meeting at 4:58 p.m.

35. 202400265

Audio Start Time: 3:58:30

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

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern indicating that if their work fails and they don't get an opportunity to make it right, to reconsider making the patient whole.

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 1-recuse, 3-absent. Motion passed.
Dr. Berrigan was recused and did not participate in the matter.

37. 202400267

Audio Start Time: 4:04:00

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

Second: Dr. Fukami

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-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 8 hours in decision making and management of pediatric patients with anxiety and fear. In addition, completion of CPEP's PIP program. Also, to order restitution to AHCCCS in the amount of \$448.81.

Second: Dr. Harris

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

40. 202400274

Audio Start Time: 4:20:00

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 12 hours of CE through the CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning, restoration of crown and bridge, root canal therapy with crowns and risk management. In addition, to order restitution in the amount of \$5,390.

Second: Dr. Harris

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

42. 202400279

Audio Start Time: 4:22:20

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 24 hours of CE through the CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning, restoration with crown and bridge, root canal therapy and risk management, 10 hours in sedation and recordkeeping and completion of CPEP's PIP program. In addition, to recommend a practice restriction in the areas of crown and bridge, root canal therapy and sedation until the CE is completed. Also, to order restitution in the amount of \$3,542.

Second: Dr. Harris

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

43. 202400280

Audio Start Time: 4:31:25

Motion: Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(15).

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board impose a \$2,000 disciplinary civil penalty based on the aforementioned violation.

Second: Dr. Harris

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

45. 202400291

Audio Start Time: 4:36:40

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern emphasizing the importance of ensuring that the billing code is appropriate for the procedure performed and ensuring signed consent and billing is confirmed in writing before proceeding with dental treatment.

Second: Dr. Martin

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

50. 202400307

Audio Start Time: 4:45:30

Staff informed the Committee that the case was prematurely agendized. As a result, the Committee directed staff to remand the case back for investigation.

51. 202400308

Audio Start Time: 4:46:45

Motion: Ms. Kappes moved to recommend that the Board issue a letter of concern.

Motion failed due to lack of a second.

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

Second: Dr. Harris

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

54. 202400347

Audio Start Time: 4:51:10

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

Second: Dr. Harris

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-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, 30 hours in pediatric oral sedation, patient selection, patient management and monitoring, recordkeeping, 8 hours in pediatric local anesthesia and completion of CPEP's PIP program. In addition, to recommend a practice restriction for no sedation until the CE is completed.

Second: Dr. Harris

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

55. 202400353

Audio Start Time: 5:01:35

Motion: Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of CPEP's PROBE program.

Second: Dr. Fukami

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

VI. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VII. 2025 COMMITTEE MEETING DATES

1. January 21, 2025
2. February 25, 2025
3. April 1, 2025
4. May 13, 2025
5. June 24, 2025
6. August 5, 2025
7. September 16, 2025
8. October 28, 2025
9. December 9, 2025

Audio Start Time: 5:02:53

The Committee approved the meeting dates for 2025.

VIII. SUMMARY OF CURRENT EVENTS

None were discussed.

IX. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

X. NEXT COMMITTEE MEETING DATE

- A. December 17, 2024

XI. ADJOURNMENT

Dr. Caputo adjourned the meeting at 6:05 p.m.