

OPEN SESSION MINUTES

October 25, 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 IV.A.1, IV.A.3 IV.C.32, V.A.1, V.A.2, V.B.1, V.B.2, V.B.3, V.B.4, V.D.6, V.F.1 and V.I.3 as stated herein.

BOARD MEMBERS

🕒	<i>Anthony Herro, DDS</i>	President and Licensed Dentist Member
	<i>Lisa B. Bienstock, DMD</i>	Vice-President and Licensed Dentist Member
	<i>Mary T. Rossi</i>	Business Entity Member
	<i>Edward H. Christensen, DDS</i>	Licensed Dentist Member
	<i>Aditya Dynar</i>	Public Member
X	<i>Tamer El-Gendy, DMD</i>	Licensed Dentist Member
	<i>Nick Goodman</i>	Public Member
	<i>Jaselyn K. Karmo, RDH</i>	Licensed Hygienist Member
	<i>Russell Jeffrey Morrow, DDS</i>	Licensed Dentist Member
	<i>Vicki B. Penna, RDH</i>	Licensed Hygienist Member
	<i>Leslie D. Seaman, DDS</i>	Licensed Dentist Member
🕒	Joined/deperted as denoted in the body of the minutes	
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>Seamus Monaghan, Esq.</i>	Assistant Attorney General
<i>Julie Cutler, DMD</i>	Deputy Chief Investigator
<i>Sherrie Biggs</i>	Assistant Deputy Director
<i>April Romero</i>	Chief Compliance Officer
<i>Mercedes Meza</i>	Compliance Officer
<i>Yazmin Bustamante</i>	Executive Assistant
<i>Jessica Thomas</i>	Rules Administrator

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Jeffery J. Tonner, Esq.	Attorney for Respondents
Christie A. Oyler	Applicant
Mahr F. Elder	Applicant
Brian R. Schoenly	Applicant
Amber Dresslar, Esq.	Attorney for Respondents
Leeza Birto, Esq.	Attorney for Respondents
John Emery Antonio	Respondent
Steven Poulos	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Jefferson Hayden, Esq.	Attorney for Respondent
Sergio Souza	Respondent
Bill O'Neill	Guest Speaker
Daniel Marinic	Respondent
K.W.	Complainant
Manu Arora	Respondent
Angela Dotson	Respondent
Leah Schachar, Esq.	Attorney for Respondents
Justin Bortz	Respondent
Amanda Sparacino	Respondent
Kristin Basha, Esq.	Attorney for Respondent
Nadia Chernyavskaya	Respondent
Callie Maxwell, Esq.	Attorney for Respondents
Roya Zojaji	Respondent
Phillip Garrett	Respondent
Bradley Brittain	Respondent
Jana Kubicek	Respondent
Arthur Porter	Respondent
Fatima Badreddine, Esq.	Attorney for Respondent
Rasha Al-Kaabi	Respondent
Calvin Brown Jr.	Respondent
Jessie Armendt	Guest
Regina Cobb	Guest
Kathy Cilia	Guest
Michael McCarty	Guest
James Fidler	Guest
Alexander Riabkov	Respondent
Leanne Hay, Esq.	Attorney for Respondents
Parvin Dhaliwal	Respondent
Blake Whiteman, Esq.	Attorney for Respondent
Najmeh Shahbazi	Respondent
Bonjung Koo	Respondent

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 8:02 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. Bienstock declared conflicts of interest with agenda item nos. IV.C.9, IV.C.22, IV.C.24, V.C.4, V.D.11, V.D.12 and V.I.1.

Ms. Rossi declared conflicts of interest with agenda item nos. V.D.5, V.D.9, V.D.11, V.D.12 and V.I.1.

Dr. Morrow declared conflicts of interest with agenda item nos. IV.C.22, IV.C.25, IV.C.26, V.C.2, V.H.1, V.I.4 and V.M.1.

Dr. Christensen declared a conflict of interest with agenda item no. V.D.14.

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

A. Discussion and approval of the Open Session Minutes from the September 6, 2024 board meeting.

B. Discussion and approval of the Executive Session Minutes from the September 6, 2024 board meeting.

Audio Start Time: 0:04:10

Motion: Dr. Herro moved to approve the open session and executive session minutes from the September 6, 2024 board meeting.

Second: Dr. Morrow

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

Mr. Dynar abstained.

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. ~~Elder, Mahr F., DDS (by Credentials)~~
2. LeSueur, Marcell L., DMD (by Credentials)
3. ~~Oyler, Christie A., DMD (by Credentials)~~
4. Schoenly, Brian R., DMD (by Credentials)
5. Tariq, Nomaan, DMD (by Examination)

B. Termination of Board Orders(s)/Consent Agreements(s)

1. 201900062-C
2. 201900167-C
3. 202000107-C
4. 202300032; Paukune, Kim
5. 202300083; Gerace, Kenneth
6. 202300089; Perfect Teeth Frank Lloyd Wright PC
7. 202300246-AO; Donovan, Dirk
8. 202300307; Chang, Paul
9. 202300329; Rodriguez, Cassandra
10. 202300343; Ison, Kevin
11. 202300373; Vaghari, Bitu

12. 202300375; Spring, David
13. 202300478; Hall, Jonathan
14. 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

C. Review of Investigation(s) – Case(s) Recommended for Dismissal

1. 202300180; Van Dusen, Justin
2. 202300320; Griffiths, Brian
3. 202300438; Antzcak, Christopher
4. 202300487; Manchanda, Janica
5. 202300490; The B.L.H.G. Group, LLC
6. 202300498; Koolick, Ben
7. 202300503-AO; Orton, Justin
8. 202300510; Parker, Don
9. 202400001; Vu, Tram
10. 202400008; Bhadriraju, Ravi
11. 202400009; Abraham, Melvin
12. 202400058; Gwilt, Gary
13. 202400066; Patel, Hetal
14. 202400069; Snee, John
15. 202400076; Clatanoff, Collin
16. 202400078; Trang, Hai
17. 202400079; Danyluk, Kenneth
18. 202400084; Murray, Nicholas
19. 202400098; Thompson, Kenneth
20. 202400103; Whitney, Paul
21. 202400115; Roe, Phillips
22. 202400121; Velangi, Amogh
23. 202400134; Stein, Bruce
24. 202400140; Watkins, David
25. ~~202400193; Heil, Brian~~
26. 202400196; Sant, Jeremy
27. 202400199; Amato, Emmanuel
28. 202400200; Tucker, Anshelle

29. 202400203; Reid, Christopher
30. 202400204; Keys, Elizabeth
31. 202400205; Mueller, Kathryn
- ~~32. 202400211; Harmon, Matthew~~
- ~~33. 202400218; Antonio, John Emery~~
34. 202400225; Collins, Jeffrey
35. 202400234; Drabs, Julia
36. 202400241; Athari, Christopher
37. 202400261; Larece, Phillip
38. 202400293; Veeranki, Sireesha
39. 202400294; Myers, James

D. Review of Investigation(s)– Case(s) Recommended for a Letter of Concern

1. 202400037-AO, Balsmeier, Robert
2. 202400038; Ahmed, Mahdiya
3. 202400206; Kramarczyk, Karen
4. 202400217; Hammond, Bradley

Audio Start Time: 0:05:07

The Board pulled cases IV.A.1, IV.A.3, IV.C.25, IV.C.32 and IV.C.33 from the consent agenda.

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

Second: Dr. Christensen

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

Drs. Bienstock and Morrow were recused.

Motion: Dr. Herro moved for the Board to enter into executive session for agenda item nos. IV.A.1, IV.A.3 and IV.C.32 to obtain legal advice and discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Dr. Bienstock

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

The Board entered into executive session at 8:10 a.m.

The Board returned to open session at 8:32 a.m.

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

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. Elder, Mahr F., DDS (*by Credentials*)

Audio Start Time: 0:30:50

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Morrow

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

3. Oyler, Christie A., DMD (*by Credentials*)

Audio Start Time: 0:31:30

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Morrow

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

C. Review of Investigation(s) – Case(s) Recommended for Dismissal

32. 202400211; Harmon, Matthew

Audio Start Time: 0:32:10

Motion: Dr. Herro moved to dismiss the case against the respondent and directed staff to open a case against the licensed complainant, J.M. for submitting a complaint with false allegations.

Second: Dr. Morrow

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

33. 202400218; Antonio, John Emery

Audio Start Time: 0:32:50

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Goodman

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

V. **ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

Audio Start Time: 0:33:10

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

Second: Mr. Goodman

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

The Board entered into executive session at 8:36 a.m.

The Board returned to open session at 9:03 a.m.

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

A. Initial Review

1. 202400392 and

2. 202400397

Audio Start Time: 1:02:12

Motion: Dr. Herro moved to take no action for agenda item nos. V.A.1 and V.A.2.

Second: Dr. Morrow

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

B. Review of Investigation(s)

1. 202300269; Lee, Sung

Audio Start Time: 1:02:30

Motion: Dr. Herro moved to adopt statutory violation of A.R.S. § 32-1264(A) and 32-1201.01(24).

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to invite Dr. Lee for a formal interview; based on the previously adopted statutory violations, the discussion held today and the history of prior cases adjudicated.

Second: Dr. Morrow

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

2. 202300464; Poulos, Steven

Audio Start Time: 1:08:35

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Goodman

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

3. 202400017; Bernard, Gary

Audio Start Time: 1:10:33

Motion: Dr. Bienstock moved to dismiss the case.

Second: Dr. Herro

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

4. 202400285; Souza, Sergio

Audio Start Time: 1:12:10

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. Herro

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

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

18. 202400238; Souza, Sergio

Audio Start Time: 1:15:05

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in endodontics; based on the discussion held and the findings in the investigator report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 90 days.

Second: Dr. Christensen

Dr. Herro rescinded the motion.

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

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 4 hours in endodontics; based on the aforementioned substantiated violations, the discussion held and the findings 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.

Second: Dr. Christensen

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

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

Audio Start Time: 1:26:50

Mr. O'Neill provided the Board an overview of CPEP's PROBE and PIP Programs. Mr. O'Neill explained that the courses focus on professional ethics and boundary education. Individuals can only participate in PROBE through a Board order and participants are graded at the conclusion of the course. Mr. O'Neill also pointed out that the programs are solely for healthcare professionals.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

C. 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. 202400006; Marinic, Daniel

Audio Start Time: 1:38:00

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

Ms. Karmo, Ms. Penna and Ms. Rossi voted against the motion.

Mr. Goodman abstained.

2. 202400022; Arora, Manu

Audio Start Time: 1:51:15

Motion: Dr. Herro moved to add this case to the existing consent agreement for case 202300427 that counsel is working on.

Second: Dr. Bienstock

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

Dr. Morrow was recused and did not participate in the matter.

3. 202400027; Dotson, Angela

Audio Start Time: 1:55:40

The Board tabled the matter at the respondents request to have legal counsel present.

4. 202400030; Bortz, Justin

Audio Start Time: 1:56:35

Motion: Dr. Morrow moved to dismiss the case.

Second: Mr. Goodman

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

Dr. Bienstock was recused and did not participate in the matter.

5. 202400111; McCarthy-Krisanits, Deborah

Audio Start Time: 2:02:10

Motion: Dr. Herro moved to issue a letter of concern for marginal integrity of the crown and bridge.

Second: Dr. Morrow

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

6. 202400184; Bui, Long

Audio Start Time: 2:06:40

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(24).

Second: Dr. Morrow

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

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

Second: Dr. Morrow

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

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

1. 202300174; The B.L.H.G. Group, LLC

Audio Start Time: 2:11:00

Motion: Dr. Herro moved to adopt violations of A.R.S. § 32-1263(D)(8) and (9); based on the consultant report and the Investigative Committee’s findings.

Second: Dr. Bienstock

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

Motion: Dr. Morrow moved to offer a disciplinary consent agreement to impose a \$4,000 penalty and order restitution in the amount of \$786.52 to the patient; based on the consultant report. In addition, to order a financial chart audit of implant cases done in the past six months. Five chart audits are to be done on a quarterly basis through Affiliated Monitors, Inc.

Second: Dr. Herro

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

Mr. Dynar voted against the motion and stated that he would not impose a penalty.

2. 202300241; Donnelly, Colleen
and

3. 202300257; Donnelly, Colleen

Audio Start Time: 2:16:45

Motion: Mr. Goodman moved to dismiss the cases.

Second: Ms. Penna

Vote: 5-aye, 5-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Dr. Herro, Dr. Bienstock, Ms. Karmo, Dr. Morrow and Ms. Rossi voted against the motion.

Motion: Dr. Herro moved to issue a letter of concern for failing to timely release patient records.

Second: Dr. Morrow

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

Mr. Goodman voted against the motion.

4. 202300274; Sparacino, Amanda

Audio Start Time: 2:22:50

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

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 4 hours in endodontics; based on the aforementioned statutory violations, the discussion held today 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. Karmo

Amended Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management, 4 hours in endodontics and 3 hours of fixed partial denture; based on the aforementioned statutory violations, the discussion held today 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. Karmo

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

Dr. Bienstock voted against the motion.

The Board took a break from 10:34 a.m. to 10:50 a.m.

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

IV. CONSENT AGENDA

C. Review of Investigation(s) – Case(s) Recommended for Dismissal

25. 202400193; Heil, Brian

Audio Start Time: 2:48:55

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Herro

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

Dr. Morrow was recused and did not participate in the matter.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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

5. 202300382; Miramonte Dental Group

Audio Start Time: 2:49:40

The Board tabled the matter until the results of the audit come in.
Ms. Rossi was recused and did not participate in the matter.

6. 202300482; Janisse, Robert

Audio Start Time: 3:05:25

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: Mr. Goodman

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

The Board entered into executive session at 11:09 a.m.

The Board returned to open session at 11:23 a.m.

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

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to adopt findings of facts as stated in the consultant report for using a non-sterile non-dental instrument to perform oral surgery on a patient, not complying with the 1302 permit recordkeeping requirements, leaving a sedated patient unmonitored for eight hours with no intraoperative vital signs, overdiagnosing, gross overtreatment, exceeding the maximum dose of local anesthetic, not presenting evidence that the team is CPR or ACLS certified, the length of time of IV sedation, not notifying the patient that a non-sterile instrument was used on them, potentially overexceeding the depth of sedation allowed by a 1302 permit holder, compromising a medically compromised patient to cross-contamination with a needle and potential fraudulent billing error for billing all the extractions as surgical.

Second: Dr. Morrow

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

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to issue a summary suspension pursuant to A.R.S. § 32-1263.02(E). The Board's legal counsel has authority to negotiate an interim consent agreement and a potential voluntary surrender. Based on the findings of facts and conclusions of law the respondent poses an immediate threat and emergency action is imperative to protect public health and safety.

Second: Dr. Bienstock

The Board further pointed out that the issues presented are not something that the patient would recognize or know to complain about and the fact that the Board has not received another complaint is not indicative that the respondent is safe to practice.

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

7. 202400014; Chernyavskaya, Nadia

Audio Start Time: 3:46:35

The respondents legal counsel, Ms. Basha disclosed that Dr. Herro is her treating dentist and confirmed there is no conflict of interest.

Motion: Dr. Morrow moved to issue a letter of concern for documentation issues and short margin on tooth number 18.

Second: Dr. Herro

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

8. 202400032; Zojaji, Roya

Audio Start Time: 3:53:30

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

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

9. 202400044; Garrett, Phillip

Audio Start Time: 4:01:10

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Herro

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

Ms. Rossi was recused and did not participate in the matter.

10. 202400083; Brittain, Bradley

Audio Start Time: 4:09:10

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

Second: Dr. Morrow

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

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

12. 202400097; Kubicek, Jana

Audio Start Time: 4:25:30

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

Dr. Bienstock and Ms. Rossi were recused and did not participate in the matter.

11. 202400086; Dentists of Apache Junction

Audio Start Time: 4:32:00

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

Dr. Bienstock and Ms. Rossi were recused and did not participate in the matter.

14. 202400136; Couser, Blaine

Audio Start Time: 4:33:45

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

Second: Dr. Morrow

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

Dr. Christensen was recused and did not participate in the matter.

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 3 hours in insurance billing. The agreement is to be signed within 30 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 90 days.

Second: Ms. Karmo

Vote: 7-aye, 0-nay, 2-abstain, 1-recuse, 1-absent. Motion passed.

Mr. Goodman and Ms. Penna abstained.

Dr. Christensen was recused and did not participate in the matter.

13. 202400101; Porter, Arthur

Audio Start Time: 4:37:50

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

Second: Dr. Morrow

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 6 hours in oral surgery; based on the previously adopted violations, the discussion held today and the consultant report. The agreement is to be signed within 30 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 90 days. In addition, to order restitution for the amount that was paid by the patient for tooth number 19. Restitution is to be paid within 30 days.

Second: Dr. Morrow

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

15. 202400137; Raiffe, David

Audio Start Time: 4:56:00

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

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of a minimum of 12 hours of CE with the CRDTS C.A.R.E. program in the areas of diagnosis, treatment planning, restoration of crown and bridge, risk management and recordkeeping. In addition, to impose a \$500 fine for failure to comply with a subpoena and order restitution in the amount of \$2,057.99; based on the previously adopted statutory violations, the discussion held today and the consultant report. The agreement is to be signed within 30 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Bienstock

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

16. 202400202; Yang, David

Audio Start Time: 5:03:50

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 8 hours of CE with the CRDTS C.A.R.E. 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. The agreement is to be signed within 30 days. The penalty and restitution are to be paid within 30 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The agreement is based on the violations in the consultant report and the discussion held today.

Second: Dr. Morrow

During discussion, the Board concurred to extend the timeframe for the respondent to pay the penalty and restitution within 60 days.

Amended Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 8 hours of CE with the CRDTS C.A.R.E. 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. The agreement is to be signed within 30 days. The penalty and restitution are to be paid within 60 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The agreement is based on the violations in the consultant report and the discussion held today.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion.

17. 202400233; Al-Kaabi, Rasha

Audio Start Time: 5:07:30

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

19. 202400239; Sahuarita Modern Dentistry and Orthodontics

Audio Start Time: 5:17:55

Motion: Dr. Morrow moved to dismiss the case.

Second: Dr. Herro

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

Dr. Bienstock abstained.

The Board took a break from 1:30 p.m. to 1:40 p.m.

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

G. Review – A.A.C. R4-11-1701

1. 202300060-AO; Barrett, Christopher

Audio Start Time: 5:40:55

Motion: Dr. Herro moved to grant the request to review the order.

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to not modify the existing order.

Second: Dr. Morrow

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

H. Petition for Rehearing/Review – A.A.C. R4-11-1701

1. 202100131; Brown Jr., Calvin

Audio Start Time: 5:52:50

Motion: Dr. Herro moved to deny the petition for rehearing as it does not meet the requirements for A.A.C. R4-11-1701(C).

Second: Mr. Goodman

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

Dr. Bienstock, Mr. Dynar, Ms. Karmo and Ms. Penna voted against the motion.

Dr. Morrow was recused and did not participate in the matter.

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

4. 202300019; Brown Jr., Calvin

Audio Start Time: 5:55:00

Motion: Dr. Herro moved to grant a three month extension to complete pre-approved CE courses.

Second: Dr. Bienstock

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

Mr. Goodman voted against the motion.

Dr. Morrow was recused and did not participate in the matter.

VI. **ASSISTANCE & ADVICE NOTICE OF PROPOSED RULEMAKING (“NPR”)**

Audio Start Time: 6:07:50

Motion: Dr. Herro moved to authorize staff to work with the rules consultant to amend the proposed rulemaking consistent with the comments discussed during the meeting.

Second: Dr. Bienstock

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

Mr. Dynar and Mr. Goodman voted against the motion.

VIII. **AMERICAN MEDICAL TECHNOLOGISTS (“AMT”) DENTAL ASSISTING RADIOGRAPHY (“DAR”) CERTIFICATION**

Audio Start Time: 6:30:45

Motion: Dr. Herro moved to approve AMT’s request for recognition.

Second: Dr. Bienstock

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

V. **ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

F. Formal Interview(s)

2. 202300302; Riabkov, Alexander

Audio Start Time: 6:35:45

Motion: Ms. Penna moved to issue a letter of concern for a one month lapse with the business entity registration and rescind the offer for a disciplinary consent agreement.

Second: Dr. Herro

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

Dr. Bienstock, Mr. Goodman and Ms. Rossi voted against the motion.

M. Review Draft Board Order(s)/Consent Agreement(s)

1. 202300427; Arora, Manu

Audio Start Time: 6:52:45

Motion: Dr. Herro moved to approve the edits made by Ms. Hay and the changes discussed during the meeting.

Second: Dr. Bienstock

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

Dr. Morrow was recused and did not participate in the matter.

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

1. 202000306; Hossieni, Rozbeh

Audio Start Time: 6:57:00

Motion: Dr. Herro moved to approve the request for termination.

Second: Dr. Morrow

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

Dr. Bienstock and Ms. Rossi were recused and did not participate in the matter.

2. 202000317-MP; Grampp, Carter

Audio Start Time: 6:58:30

Motion: Dr. Herro moved to grant the petition for termination.

Second: Dr. Morrow

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

H. Petition for Rehearing/Review – A.A.C. R4-11-1701

2. 202300120; Dhaliwal, Parvin

Audio Start Time: 7:00:30

Motion: Dr. Morrow moved to grant the petition for a review of the order.

Second: Dr. Bienstock

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

Dr. Herro temporarily departed the meeting at 3:04 p.m.

Motion: Ms. Penna moved to dismiss the case and rescind the order.

Second: Ms. Karmo

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

Dr. Christensen, Mr. Goodman, Ms. Rossi and Dr. Seaman voted against the motion.

Dr. Herro rejoined the meeting at 3:08 p.m.

F. Formal Interview(s)

1. 202300126; Shahbazi, Najmeh

Audio Start Time: 7:09:00

Motion: Dr. Herro moved to adopt findings of facts as stated in the consultant report and the discussion held today.

Second: Dr. Morrow

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

Dr. Bienstock was recused and did not participate in the matter.

Motion: Dr. Herro moved to adopt as conclusions of law violations of A.R.S. § 32-1201.01(14), (15) and 32-1263(A)(4) as it relates to 32-1236(A).

Second: Dr. Morrow

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

Mr. Dynar voted against the motion and stated he is in support of including 15, but not 14 because the only harm was to the insurance companies; not to the public.

Dr. Bienstock was recused and did not participate in the matter.

Motion: Dr. Herro moved for the Board to enter into executive session for this case and agenda item no. V.I.3 to obtain legal advice and discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Mr. Goodman

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

Dr. Bienstock was recused and did not participate in the matter.

The Board entered into executive session at 3:43 p.m.

The Board returned to open session at 3:59 p.m.

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

Motion: Mr. Dynar moved to add A.R.S. § 32-1201.01(12) to the conclusions of law.

Second: Dr. Morrow

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

Dr. Bienstock was recused and did not participate in the matter.

Motion: Dr. Morrow moved to issue a disciplinary order to successfully complete the PROBE course, with an unconditional pass within 12 months; based on the findings of facts and conclusions of law. In addition, to issue a \$2,000 civil penalty to be paid within 90 days. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

Second: Ms. Penna

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

Dr. Herro, Mr. Dynar, Mr. Goodman, Ms. Karmo and Ms. Rossi voted against the motion.

Dr. Bienstock was recused and did not participate in the matter.

Motion: Dr. Herro moved to issue a disciplinary order, requiring the completion of CPEP's PROBE course with an unconditional pass within 12 months. In addition, to impose a \$6,000 penalty which is to be paid within six months.

Second: Dr. Morrow

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

Dr. Christensen, Mr. Dynar, Mr. Goodman, Ms. Karmo, Ms. Penna and Dr. Seaman voted against the motion.

Dr. Bienstock was recused and did not participate in the matter.

Motion: Dr. Herro moved to issue a disciplinary order and impose a \$3,000 penalty to be paid within six months. In addition, to require the completion of CPEP's PROBE course with an unconditional pass within 12 months.

Second: Dr. Morrow

Vote: 7-aye, 2-nay, 0-abstain, 1-recuse, 1-absent. Motion passed.

Mr. Dynar and Mr. Goodman voted against the motion.

Dr. Bienstock was recused and did not participate in the matter.

The Board further directed staff to open a case against Dr. Bland for billing practices.

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

1. 202400378-AO

Audio Start Time: 8:14:00

Motion: Dr. Herro moved to take no action.

Second: Ms. Penna

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

2. 202400403-AO

Audio Start Time: 8:16:25

Motion: Dr. Herro moved to take no action.

Second: Ms. Penna

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

F. Formal Interview(s)

3. 202300444; Koo, Bonjung

Audio Start Time: 8:19:00

Motion: Dr. Bienstock moved to adopt violations of A.R.S. § 1201.01(14), (15), (16), (23) and (24) as it relates to 32-1264(A).

Second: Dr. Herro

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

Motion: Dr. Bienstock moved to adopt findings of facts as listed in the consultant report, the disciplinary consent agreement that was offered as well as the discussions held in the meetings for this case.

Second: Dr. Herro

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

Motion: Dr. Bienstock moved to adopt violations of A.R.S. 1201.01(14), (15), (16), (23) and (24) as it relates to 32-1264(A) as conclusions of law.

Second: Dr. Herro

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

Motion: Dr. Bienstock moved to hold a formal hearing with OAH for revocation of license.

Second: Dr. Herro

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

Mr. Dynar and Mr. Goodman voted against the motion.

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

1. 202000324; Nelson, Amanda

Audio Start Time: 8:46:40

Motion: Dr. Morrow moved to reoffer the consent agreement with the amended hours of ortho back to fifteen. The agreement is to be signed within five days.

Second: Dr. Herro

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

XIX. NEXT BOARD MEETING DATE

A. December 6, 2024

XX. ADJOURNMENT

Dr. Herro adjourned the meeting at 4:51 p.m.