

## OPEN SESSION MINUTES

**December 17, 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
X	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
X	Katie Lee Martin, DMD, MPH, MS	Committee Member
	Mindy Motahari, DMD, MA Edu	Committee Member
	Vacancy	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
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**

Dr. Fukami declared conflicts of interest with agenda item nos. IV.B.6 and IV.B.14.

Dr. Imtiaz declared a conflict of interest with agenda item no. IV.B.21.

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

A. Discussion and approval of the Open Session Minutes from the October 29, 2024 committee meeting.

**Audio Start Time:** 0:06:35

**Motion:** Ms. Kappes moved to approve the Open Session Minutes from the October 29, 2024 committee meeting.

**Second:** Dr. Kalamchi

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

*Dr. Motahari abstained.*

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

**Audio Start Time:** 0:07:30

**Motion:** Dr. Kalamchi moved to recommend that the Board dismiss cases for agenda item nos. IV.A.2.202400367, IV.B.2.202300390, IV.B.3.202400023, IV.B.4.202400035, IV.B.5.202400050, IV.B.6.202400105-AO, IV.B.9.202400235, IV.B.10.202400251, IV.B.11.202400252, IV.B.12.202400253, IV.B.13.202400254, IV.B.14.202400255, IV.B.16.202400258, IV.B.17.202400276, IV.B.20.202400289, IV.B.21.202400306, IV.B.23.202400309, IV.B.24.202400310, IV.B.26.202400317, IV.B.27.202400319, IV.B.28.202400328, IV.B.32.202400335, IV.B.34.202400337, IV.B.35.202400339, IV.B.38.202400342, IV.B.39.202400344, IV.B.41.202400354, IV.B.42.202400355, IV.B.44.202400364, IV.B.45.202400365, IV.B.46.202400366, IV.B.49.202400382, IV.B.50.202400383, IV.B.51.202400393, IV.B.52.202400399, IV.B.53.202400406, IV.B.55.202400423, IV.B.56.202400424 and IV.B.57.202400465.

**Second:** Dr. Martin

**Vote:** 6-aye, 0-nay, 0-abstain, 2-recuse, 2-absent, 1-vacancy. Motion passed.

*Drs. Fukami and Imtiaz were recused.*

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

A. Open Investigation Case(s)

1. 202400139

**Audio Start Time:** 0:18:50

**Motion:** Dr. Harris moved to recommend that the Board issue a non-disciplinary order to Ms. K, requiring the completion of 3 hours of CE in perio diagnosis and treatment planning and 4 hours in risk management. In addition, to recommend a non-disciplinary order for Dr. G.K, requiring the completion of 4 hours of CE in risk management.

**Second:** Dr. Kalamchi

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

B. Review of Investigation(s)

1. 202300363

**Audio Start Time:** 0:26:20

**Motion:** Dr. Caputo moved to identify violation of A.A.C. R4-11-1303(E) for an incomplete record and recommended that the Board offer disciplinary action, requiring the completion of 15 hours of CE in enteral moderate sedation, patient evaluation, patient selection, local anesthesia dosing, monitoring and charting. In addition, to impose a practice restriction on any enteral sedation until the CE is completed.

**Second:** Dr. Harris

The Committee also directed staff to have a sedation expert review the case with their recommendation prior to forwarding the matter to the Board.

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

7. 202400227

**Audio Start Time:** 0:39:00

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

**Second:** Dr. Motahari

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 2-absent, 1-vacancy. 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 for restorative, including single unit crowns, occlusion and treatment with appliances. In addition, to order restitution in the amount of \$356.40 to the patient and \$300.60 to the insurance. Also, to impose a \$500 penalty for non-compliance with a subpoena.

**Second:** Dr. Motahari

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

8. 202400231

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

**Motion:** Dr. Caputo moved to identify violation of A.A.C. R4-11-702(A)(4) as it relates to A.R.S. § 32-1263(A)(4) and violations of A.R.S. § 32-1201.01(14), (19) and (24).

**Second:** Dr. Kalamchi

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 20 hours of CE through the CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning for dental implants, placement of implants based on osseous diagnosis, periodontal diagnosis and charting, recordkeeping and scope of care for dental assistants. In addition, to order restitution in the amount of \$16,917. Also, to recommend a practice restriction in implants until the CE in the area of implants is completed.

**Second:** Dr. Motahari

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

15. 202400256

**Audio Start Time:** 0:53:00

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

**Second:** Dr. Harris

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 16 hours of CE through the CRDTS C.A.R.E.S. program in the areas of diagnosis, treatment planning for fixed partial dentures, including partially edentulous arches, occlusion, use of occlusal appliances, recordkeeping, informed consent and ethics. In addition, to order restitution in the amount of \$1,656.

**Second:** Dr. Harris

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

18. 202400282

**Audio Start Time:** 0:55:35

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

19. 202400283

**Audio Start Time:** 0:56:55

**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. Motahari

After further discussion, the Committee concurred to expedite the matter to the Board and direct staff to request an interim order for a substance abuse evaluation considering that the types of medications prescribed are outside of the scope of dental practice.

**Amended Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(3) and (14).

**Second:** Dr. Harris

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

**Second:** Dr. Harris

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

**Motion:** Dr. Caputo directed staff to request an interim order for a substance abuse evaluation.

**Second:** Dr. Kalamchi

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

22. 202400307

**Audio Start Time:** 1:22:20

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in appropriate root canal therapy, including informed consent, appropriate rubber dam use, completion of working lengths and obturation determinations.

**Second:** Dr. Asrari

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

25. 202400312

**Audio Start Time:** 1:28:00

**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. Kalmachi

**Vote:** 7-aye, 1-nay, 0-abstain, 0-recuse, 2-absent, 1-vacancy. Motion passed.  
*Dr. Harris voted against the motion.*

29. 202400332

**Audio Start Time:** 1:30:00

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

**Second:** Dr. Harris

**Amended Motion:** Dr. Kalmachi moved to recommend that the Board dismiss the case against P.H.

**Second:** Dr. Fukami

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

**Motion:** Dr. Caputo moved to open a new investigation against R.L. as identified in the consultant report.

**Second:** Dr. Harris

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

30. 202400333

**Audio Start Time:** 1:48:00

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

**Second:** Dr. Harris

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

*Dr. Caputo voted against the motion.*

31. 202400334

**Audio Start Time:** 1:54:10

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern emphasizing that the appropriate approach and standard of care is to utilize rubber dam isolation when doing root canals.

**Second:** Dr. Harris

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

33. 202400336

**Audio Start Time:** 1:57:30

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

**Second:** Ms. Kappes

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

*Dr. Kalamchi abstained.*

**Motion:** Ms. Kappes moved to identify violations of A.R.S. § 32-1263(D)(5) and 32-1213 regarding business registration requirements and recommended that the Board impose a \$2,000 fine.

**Second:** Dr. Fukami

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

36. 202400340

**Audio Start Time:** 2:08:20

**Motion:** Dr. Harris moved to recommend that the Board issue a letter of concern.

**Second:** Ms. Kappes

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

*Dr. Caputo voted against the motion.*

The Committee further indicated that the letter of concern should emphasize the importance of proper assessment of patient pain and that care should be taken to take patient pain credibly when managing root canal therapy. Also, to indicate that regardless of the dentist's position, the ADA and AAE consider the use of a rubber dam for root canal therapy as the standard of care.

37. 202400341

**Audio Start Time:** 2:12:30

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in diagnosis and treatment planning for full mouth restorations, including occlusion and periodontal evaluation.

**Second:** Dr. Motahari

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

40. 202400351

**Audio Start Time:** 2:19:20

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

**Second:** Dr. Harris

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 16 hours of CE through the CRDTS C.A.R.E.S. program in the areas of diagnosis and treatment planning for perio and restorative, restorations of fillings and crowns including carries removal, cavity preparation and recordkeeping. In addition, to order restitution in the amount of \$1,023.20 to the patient and \$336.80 to insurance.

**Second:** Dr. Kalamchi

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

43. 202400356

**Audio Start Time:** 2:22:50

**Motion:** Dr. Caputo moved to recommend that the Board issue non-disciplinary action, requiring the completion of 6 hours of CE in root canal therapy in the areas of diagnosis, treatment planning including referral, treatment of root canal procedure for rubber dam isolation, access, file length, obturation and final assessment.

**Second:** Dr. Harris

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

47. 202400376

**Audio Start Time:** 2:25:30

**Motion:** Dr. Harris moved to recommend that the Board issue a letter of concern to both the business entity and licensee in this matter, emphasizing the importance of positive communication with patients and timely responsiveness to requests regarding refunds.

**Second:** Ms. Kappes

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

48. 202400381

**Audio Start Time:** 2:33:45

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

**Second:** Dr. Harris

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 12 hours of CE in diagnosis, treatment planning and restoration of All-On-X procedures and occlusion. In addition, to order restitution in the amount of \$18,000.

**Second:** Dr. Motahari

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



54. 202400417

**Audio Start Time:** 2:37:40

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

**Second:** Ms. Kappes

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

**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1263(D)(5) and 32-1213 regarding business registration requirements and recommended that the Board impose a \$2,000 fine.

**Second:** Dr. Fukami

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

*Dr. Kalamchi departed the meeting at 3:43 p.m.*

**V. COMMITTEE MEMBER VACANT POSITION(S)**

The Committee concurred to accept curriculum vitae/résumés from prosthodontists to fill the current vacancy.

**VI. COMPLAINT LOG**

The Committee reviewed the Board's open complaints.

**VII. SUMMARY OF CURRENT EVENTS**

Mr. Edmonson informed the committee that licensing renewal fees increased.

**VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

Dr. Caputo requested that the committee discuss the IC Assessment survey at the next meeting.

**IX. NEXT COMMITTEE MEETING DATE**

A. January 21, 2025

**X. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 4:09 p.m.