









OPEN SESSION MINUTES

December 6, 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 V.A.1, V.B.1, V.B.2, V.B.3, V.I.2, V.I.3, V.J.1, XII, XIII and XIV 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
	<i>Tamer El-Gendy, DMD</i>	Licensed Dentist Member
X	<i>Nick Goodman</i>	Public Member
	<i>Jaselyn K. Karmo, RDH</i>	Licensed Hygienist Member
X	<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>John W. Dovgan, DDS</i>	Chief Investigator
<i>Sherrie Biggs</i>	Assistant Deputy Director
<i>April Romero</i>	Chief Compliance Officer
<i>Jessica Solis</i>	Compliance Officer
<i>Yazmin Bustamante</i>	Executive Assistant

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Adam Michael Schaefer

Licensee

Mandi Karvis, Esq.	Attorney for Respondents
Robert Janisse	Respondent
Michael Thomas	Respondent
Jeffery J. Tonner, Esq.	Attorney for Respondents
Angela Dotson	Respondent
Leah Schachar, Esq.	Attorney for Respondents
Ashwin Gulati	Respondent
Tiffany Nguyen	Respondent
Eric Van Sluyters	Respondent
Rajas Pradhan	Respondent
Bradley Brittain	Respondent
Neal Jones	Respondent
Aditya Pandya	Respondent
E.M.	Complainant
Shung Joh	Respondent
Stuart Garber	Respondent
Nathan Smith	Respondent
Arman Nafisi, Esq.	Attorney for Respondent
Kyrah Lawson	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Philip Cook	Respondent
Brigham Baker	Respondent
Ann Yasso	Respondent
Richard Huynh	Respondent
Jefferson Hayden, Esq.	Attorney for Respondent
Rabia Memon	Respondent
Caesar Butura	Respondent
L.S.	Complainant
Abraham Miller	Respondent
Kate Corcoran, Esq.	Attorney for Respondents
Manu Arora	Respondent
Carrie Gauntt	Guest

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 8:06 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. Herro declared conflicts of interest with agenda item nos. IV.C.10, IV.C.33, and V.E.11.

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.C.18, IV.C.33, IV.C.34, and V.A.1.

Ms. El-Gendy declared conflicts of interest with agenda item nos. IV.C.32 and IV.C.33.

Ms. Rossi declared conflicts of interest with agenda item nos. V.D.5 and V.E.15.

Dr. Christensen joined the meeting at 8:09 a.m. and confirmed he does not have any conflicts.

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

- A. Discussion and approval of the Open Session Minutes from the October 25, 2024 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the October 25, 2024 board meeting.

Audio Start Time: 0:03:08

Motion: Dr. Herro moved to approve the open session and executive session minutes from the October 25, 2024 board meeting.

Second: Dr. Bienstock

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

Ms. Moffett joined the meeting at 8:12 a.m.

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. Mickelson, J. Ryan, DDS (*by Credentials*)

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

1. 202200345; Garfield, Dean
2. 202300013; Connell, Scott
3. 202300217; Shaw, Natalie
4. 202300228; Zandieh, Hassan
5. 202300240; Garrett, Matthew
6. 202300293-AO; Lyons, Chad
7. 202300309; Anderson, Charles
8. 202300374; Du Mond, Erika

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

1. 202300262; Tagle III, Henry
2. 202300275; McKee, Andrew
3. 202300313; Bond, David
4. 202300315; Rizberg, Lily
5. 202300349; Suncoast Dental, Inc.
6. 202300365; Kener, Chester
7. 202300486; Gomez, Robert
8. ~~202400020; Heske, Marie~~
9. 202400025; Fehmi, Nabil
10. 202400138; Ayoub, George
11. 202400201; Wentz, Brandon

- ~~12. 202400222; Western Dental F-120~~
13. 202400224; Sabino Smiles Dentistry
14. 202400230; Mencini, Alyssa
15. 202400245; Arthurs, Jason
16. 202400246; Costes, Mark
17. 202400247; Charon, David
18. 202400249; Berger, Lior
19. 202400250; Spader, Earl
20. 202400259; Seiler, Truman IV
21. 202400260; Lewis, Maria
22. 202400266; Maslovich, Emily
23. 202400268; Lucero, Matthew
24. 202400269; Espinoza, Mark
25. 202400278; Klein, Daniel
26. 202400290; Garrett, Phillip
27. 202400295; Miramonte Dental Group
28. 202400301; Shah, Nishith
29. 202400302; Pema, Rakesh
30. 202400304; Ambridge, Marina
31. 202400308; Fountain, Kiley
32. 202400318; Ziadat, Feras
- ~~33. 202400338; Waters, Caitlin~~
34. 202400369; Mabry, Todd

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

1. 202400053-AO; Jensen, Trevor
2. 202400207; Tam, Dominic
3. 202400210; Roe, Phillip
4. 202400232; Wall, Gary
5. 202400265; Green, Danielle
6. 202400291; Jatoi, Harris

Audio Start Time: 0:05:30

The Board pulled cases IV.C.8, IV.C.12, and IV.C.33 from the consent agenda.

Motion: Ms. Rossi moved to approve the consent agenda with the exception of cases for agenda item nos. IV.C.8, IV.C.12, and IV.C.33.

Second: Mr. Dynar

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

Drs. Herro, Bienstock and El-Gendy were recused.

33. 202400338; Waters, Caitlin

Audio Start Time: 0:08:55

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Christensen

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

Drs. Herro, Bienstock and El-Gendy were recused.

8. 202400020; Heske, Marie

Audio Start Time: 0:12:40

Motion: Ms. Penna moved to issue a letter of consent for improper diagnosis of periodontal disease.

Second: Dr. Herro

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

12. 202400222; Western Dental F 120

Audio Start Time: 0:13:40

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Herro

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

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Request for License Status Change

1. Schaefer, Adam Michael, DMD

Audio Start Time: 0:16:30

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

Second: Ms. Penna

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

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

The Board entered into executive session at 8:23 a.m.

The Board returned to open session at 8:34 a.m.

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

Motion: Dr. Herro moved to grant a full active licensure status provided that the fee difference is paid between the current license status and full active license status.

Second: Dr. Christensen

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

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

G. Informal Settlement Conference(s) - 8:30am

1. Pursuant to A.R.S. § 41-1092.06, Informal Settlement Conference in Case No. 202300482; Janisse, Robert, as it relates to Case No. 24F-202300482-DEN.

Audio Start Time: 0:30:45

Motion: Dr. Herro moved to reject the proposed settlement and move forward with a formal hearing with the intent to revoke.

Second: Dr. Bienstock

Roll Call

Herro -aye

Bienstock -aye

Christensen -aye

Dynar- vote not recorded

El-Gendy -aye

Karmo -aye

Penna -aye

Seaman -aye

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 2-absent, 1-vote not recorded. Motion passed.

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

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

Second: Dr. Bienstock

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

The Board entered into executive session at 8:47 a.m.

The Board returned to open session at 9:00 a.m.

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

G. Informal Settlement Conference(s) - 8:30am

1. Pursuant to A.R.S. § 41-1092.06, Informal Settlement Conference in Case No. 202300482; Janisse, Robert, as it relates to Case No. 24F-202300482-DEN; discussion, consideration and possible action on matters relating to the Informal Settlement Conference.

Audio Start Time: 0:54:10

The Board directed staff to refer the case to the appropriate local government agency for criminal investigation for criminal assault against the patient.

B. Initial Review

1. 202400456

Audio Start Time: 0:55:20

Motion: Dr. Herro moved to dismiss this case.

Second: Dr. Bienstock

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

The Board further indicated that there has been new evidence that was provided to board staff, but the Board has not received it.

Motion: Dr. Herro directed staff to agendize opening a case against the licensed dentist that was named; based on the new evidence.

Second: Dr. Christensen

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

2. B.M.

Audio Start Time: 0:56:35

Motion: Ms. Karmo moved to take no action.

Second: Dr. Christensen

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

3. J.W.

Audio Start Time: 0:57:24

Motion: Dr. Christensen moved to take no action.

Second: Dr. El-Gendy

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

C. Review of Investigation(s)

1. 202200348; Thomas, Michael

Audio Start Time: 0:57:45

Motion: Dr. Herro moved to follow the Investigative Committee's recommendation and issue a letter of concern for charting.

Second: Dr. Christensen

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

D. 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. 202400027; Dotson, Angela (*tabled from 10/25/24 meeting*)

Audio Start Time: 1:01:35

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Dr. Herro rescinded the motion.

The Board further discussed the billing irregularities.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

Ms. Rossi voted against the motion.

2. 202400061; Gulati, Ashwin

Audio Start Time: 1:08:05

Motion: Dr. Herro moved to issue a letter of concern for proper supervision of staff and for failure to have an address of record with the Board.

Second: Dr. Christensen

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

Dr. Binestock, Mr. Dynar, Dr. El-Gendy and Dr. Seaman voted against the motion.

3. 202400174; Nguyen, Tiffany

Audio Start Time: 1:12:05

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263(A)(4).

Second: Dr. Bienstock

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

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

Second: Dr. Bienstock

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

4. 202400186; Van Sluyters, Eric

Audio Start Time: 1:18:45

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

Second: Ms. Penna

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

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1264(A) for maintenance of records.

Second: Ms. Penna

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 6 hours in fixed prosthodontic restorations. In addition to order restitution in the amount of \$1,031.20 to the insurance and \$895.60 to the patient. The agreement is based on the previously established statutory violations and the discussion held today.

Second: Dr. El-Gendy

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

Ms. Karmo voted against the motion.

5. 202400277; Hahn, Christopher

Audio Start Time: 1:32:50

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

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

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

6. 202400431; Pradhan, Rajas

Audio Start Time: 1:34:20

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263(A)(4) for maintenance of records.

Second: Ms. Penna

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

Motion: Dr. Herro moved to issue a letter of concern in recordkeeping.

Second: Dr. Bienstock

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

The Board took a break from 9:43 a.m. to 9:57 a.m.

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

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

1. 202400085; Brittain, Bradley

Audio Start Time: 1:50:45

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: Dr. Bienstock

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

The Board entered into executive session at 10:00 a.m.

The Board returned to open session at 10:11 a.m.

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

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. El-Gendy

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

Dr. Herro, Ms. Karmo, Ms. Penna, Ms. Rossi and Dr. Seaman voted against the motion.

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

Second: Dr. Bienstock

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

Dr. Christensen, Mr. Dynar and Dr. El-Gendy voted against the motion.

2. 202400110; Jones, Neal

Audio Start Time: 2:08:53

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

Second: Ms. Rossi

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

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

Second: Dr. Christensen

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

Mr. Dynar temporarily departed the meeting at 10:20 a.m.

3. 202400112; Pandya, Aditya

Audio Start Time: 2:18:30

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263(D)(14).

Second: Dr. Bienstock

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

The Board discussed the rules and regulations regarding dental assistants scope.

Motion: Dr. Bienstock moved to table the matter until the Board gets clarification on the rule.

Second: Dr. Herro

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

The Board further directed staff to get clarification on the administrative rule in question.

4. 202400131; Sinnard, Mark

Audio Start Time: 2:26:50

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

Second: Ms. Penna

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

5. 202400132; Surprise Modern Dentistry

Audio Start Time: 2:29:25

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

Dr. Herro rescinded the motion.

The Board further discussed the matter.

Motion: Dr. Herro moved to dismiss the case and direct staff to investigate if there was a hygienist involved in the care, if so to open a complaint.

Second: Ms. Penna

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

6. 202400177; Joh, Shung

Audio Start Time: 2:34:55

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

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 20 hours of CE through CRDTS' C.A.R.E.S. program in risk management, diagnosis, treatment planning and treatment for crown and bridge and root canals. Also, to complete the PIP program. In addition, to order restitution in the amount of \$1,463.10 to the insurance company and \$6,212.40 to the patient. In addition, to impose a \$500 penalty for non-compliance with a subpoena. The agreement is to be signed within 30 days and the CE is to be completed within 12 months.

Second: Dr. Bienstock

Dr. Herro rescinded the motion.

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: Dr. Bienstock

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

The Board entered into executive session at 11:01 a.m.

The Board returned to open session at 11:10 a.m.

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 20 hours of CE through CRDTS' C.A.R.E.S. program in risk management, diagnosis, treatment planning and treatment for crown and bridge and root canals. Also, to complete the PIP program. In addition, to order restitution in the amount of \$1,463.10 to the insurance company and \$6,212.40 to the patient. Additionally, to impose a \$500 penalty for non-compliance with a subpoena. The agreement is to be signed within 30 days and the CE is to be completed within 12 months. The penalty and restitution are to be paid within 90 days. The agreement is based on the discussion held today and the findings in the consultant's report.

Second: Dr. Bienstock

Vote: 5-aye, 3-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Dr. El-Gendy, Ms. Karmo and Ms. Rossi voted against the motion.

7. 202400178; Garber, Stuart

Audio Start Time: 3:14:10

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

8. 202400189; Smith, Nathan

Audio Start Time: 3:18:35

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

Second: Dr. Bienstock

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

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

Second: Dr. Christensen

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

9. 202400192; Lawson, Kyrh

Audio Start Time: 3:26:10

Mr. Dynar rejoined the meeting at 11:33 a.m.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

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

Mr. Dynar abstained because he was not present for the full discussion.

10. 202400194; Dental Care on Watson

Audio Start Time: 3:29:15

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263(D)(14).

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement and impose a \$2,000 penalty for the previously adopted violation.

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

Mr. Dynar voted against the motion.

11. 202400197; Cooke, Phillip

Audio Start Time: 3:34:15

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

Second: Dr. El-Gendy

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

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

Motion: Dr. Bienstock moved to follow the Investigative Committee's recommendation to offer a disciplinary consent agreement, requiring the completion of 30 hours of CE through CRDTS' C.A.R.E.S. program in the areas of risk management, diagnosis and treatment planning, restorative, crown and bridge or fixed prosthodontics and local anesthesia administration. Additionally, to require the completion of the PIP program for recordkeeping and management. In addition, to place a practice restriction for no crown and bridge until the CRDTS program is completed and a practice restriction for 5 years of no sedation at any level for any patient, which will also require the completion of the CE training as listed above. The agreement is based on findings of facts, the consultant report, the discussion held today and the previously adopted violations. The respondent has 30 days to sign the agreement and 12 months to complete the CE and programs.

Second: Dr. El-Gendy

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

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

12. 202400216; Taylor, Timothy

Audio Start Time: 3:54:00

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(14), (16) and (23).

Second: Dr. El-Gendy

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

Ms. Penna voted against the motion.

Motion: Dr. Herro moved to issue a letter of concern in the area of diagnosis and treatment planning.

Second: Dr. Christensen

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

Dr. Bienstock and Ms. Rossi voted against the motion.

13. 202400228; Baker, Brigham

Audio Start Time: 4:02:10

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

Second: Dr. El-Gendy

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

14. 202400237; Yasso, Ann

Audio Start Time: 4:05:51

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

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

15. 202400244; Huynh, Richard

Audio Start Time: 4:10:00

Motion: Dr. El-Gendy moved to dismiss the case.

Second: Dr. Christensen

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

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

16. 202400404; Scott, Robin

Audio Start Time: 4:15:10

Motion: Ms. Penna moved to issue a letter of concern for periodontal treatment and documentation.

Second: Dr. Herro

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

Dr. Bienstock and Ms. Karmo voted against the motion.

17. 202400405; Lybbert, Brady

Audio Start Time: 4:19:16

Mr. Dynar temporarily departed the meeting at 12:28 p.m.

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263, 1201.01(14) and (24).

Second: Dr. Bienstock

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

Motion: Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 6 hours in crown restoration. In addition, to order restitution in the amount of \$462 to the insurance and \$386.90 to the patient. The agreement is based on the previously adopted violations, the consultant report and the discussion held today. The agreement is to be signed within 30 days. The respondent has 90 days to pay the restitution and complete the CE.

Second: Dr. El-Gendy

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

3. 202400112; Pandya, Aditya

Audio Start Time: 4:22:45

Motion: Dr. Herro moved to issue a letter of concern for having unauthorized staff do procedures that they were not certified to do.

Second: Dr. Christensen

Vote: 5-aye, 3-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Dr. Bienstock, Ms. Rossi and Dr. Seaman voted against the motion.

19. 202400432; Memon, Rabia

Audio Start Time: 4:29:25

Motion: Dr. Herro moved to issue a letter of concern for allowing an assistant to practice hygiene without the appropriate credentials.

Second: Dr. El-Gendy

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

Dr. Bienstock and Ms. Rossi voted against the motion.

18. 202400407; Butara, Caesar

Audio Start Time: 4:34:00

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Herro

Dr. Christensen rescinded the motion.

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Herro

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

Drs. Bienstock and El-Gendy voted against the motion.

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

1. 202300233; Nester, Fredrick *(carried over from 10/25/24 meeting)*

Audio Start Time: 4:59:30

Motion: Dr. Herro moved to uphold the offer for a disciplinary consent agreement.

Second: Dr. Christensen

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

H. Review of Investigation(s) - Unauthorized Practice - A.R.S. § 32-3227

1. 202400273; Ochoa, Gisel *(carried over from 10/25/24 meeting)*

Audio Start Time: 5:00:55

Dr. Bienstock briefly departed the meeting at 1:10 p.m.

Motion: Dr. Herro moved to issue a cease and desist order and ensure further consequences in the event the respondent does not stop the unauthorized practice.

Also pursuant to A.R.S. § 32-3227, refer the matter to the Attorney General's Office and post on the Board's website for five years.

Second: Ms. Penna

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

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

1. 202200263; Miller, Abraham

Audio Start Time: 5:04:35

Motion: Dr. Herro moved to release from the requirement for the respondent's counselor to submit reports to the Board every 60 days as a component of the consent agreement.

Second: Dr. El-Gendy

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

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

Second: Ms. Penna

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

Dr. Bienstock rejoined the meeting at 1:13 p.m.

The Board entered into executive session at 1:13 p.m.

Mr. Dynar rejoined the meeting at 1:22 p.m.

The Board returned to open session at 1:36 p.m.

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

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

2. 202200330; Svoboda, Christina (*carried over from 10/25/24 meeting*)

Audio Start Time: 5:30:30

Motion: Dr. Herro moved to direct staff to procure the appropriate documents related to this matter and give counsel the opportunity to discuss voluntary surrender of license.

Second: Dr. Christensen

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

3. 202300427 & 202400022; Arora, Manu

Audio Start Time: 5:31:35

Motion: Dr. Herro moved to not approve the proposed mentor and have the licensee find a different independent mentor, that is not related to the respondent by blood or marriage, that has not had a social or professional relationship with the respondent prior to the execution of the order, that does not receive compensation of any nature from the respondent outside of a contract for audit services, that does not have any other conflict-of-interest to disclose to the Board and is not within the organization that the respondent practices in.

Second: Dr. Christensen

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

J. Failure to Respond/Timely Respond to Subpoena – A.R.S. § 32-1208

1. 202400375; Griffiths, Brian (*carried over from 10/25/24 meeting*)

Audio Start Time: 5:42:55

Motion: Herro moved to issue a non-disciplinary order with a \$500 civil penalty; to be paid within 60 days.

Second: Dr. Christensen

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

Mr. Dynar voted against the motion.

VI. **ARIZONA EXPANDED FUNCTION DENTAL ASSISTANT (“EFDA”) CLINICAL REQUIREMENTS**

Audio Start Time: 5:44:25

Ms. Gauntt addressed the Board and requested that the Board remove the five pre-formed crowns from the clinical form.

Motion: Dr. Bienstock moved to remove the five pre-formed crowns from the DANBE form.

Second: Dr. Herro

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

VIII. ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT

Mr. Monaghan provided a brief update of five current hearings.

IX. DEPARTMENT OF VETERAN AFFAIRS’ (“VA”) DENTAL HYGIENIST NATIONAL STANDARD OF PRACTICE

Audio Start Time: 5:48:50

Motion: Mr. Dynar moved for the Board to submit a comment to the VA to the effect that they consider adding a provision that the higher standard governs and not promulgate a provision that says that the VA’s standard governs over any state standard.

Second: Mr. Karmo

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

X. REVIEW OF CURRENT LICENSING FEE STRUCTURES UNDER A.R.S. §§ 32-1236, -1276.02, -1287, -1297.06 AND A.A.C. R4-11-403”, INCLUDING STATUTORY CHANGES EFFECTING LICENSING FEE MATTERS

Audio Start Time: 5:54:30

Mr. Edmonson informed the Board that the \$2 million fund sweep and the change of the shared revenue structure to 85/15 has left the Board in a position that it won’t be able to financially sustain itself. As a result, Mr. Edmonson requested that the Board increase its fees starting January 1, 2025 to the statutory maximum.

Motion: Dr. Binestock moved to increase the Dentist triennial renewal fee to \$650, the Dental therapist triennial renewal fee to \$375; the Dental hygienist triennial renewal fee to \$325; and the Denturist triennial renewal fee to \$300.

Second: Ms. Penna

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

Amended Motion: Dr. Binestock moved to make the renewal fee change effective starting January 1, 2025.

Second: Ms. Penna

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

XI. EXECUTIVE DIRECTOR’S REPORT

A. Budget Update

The Board did not have questions for the budget.

B. Agency Operations

1. Review and Possible Adoption of Internal Revised Guidelines for Adjudicating Complaints

Audio Start Time: 6:02:10

Motion: Dr. Bienstock moved to adopt the updated version of the guidelines for adjudicating complaints.

Second: Dr. Herro

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

C. Complaint Log

The Board did not have questions for the complaint log.

XII. RESTRICTED PERMIT PROCESS UNDER A.R.S. §§ 32-1201; -1231; -1237; -1238; AND -1239, INCLUDING STATUTORY CHANGES

Audio Start Time: 6:05:10

Motion: Dr. Herro moved to seek to repeal anything related to restricted permits in the board's statutes and operate on the volunteer health registration.

Second: Dr. Bienstock

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

XIII. REQUEST TO ADD QUESTIONS TO LICENSURE APPLICATIONS RELATED TO ORGAN DONOR INFORMATION AND HEALTH PROFESSIONAL SHORTAGE AREAS

A. Board to review, discuss, and take possible action on the request to place a question on the Board's applications for licensure/certification related to the Donor Network of Arizona and the ability to become an organ donor. Action may include directing staff to include the question on the Board's applications.

B. Board to review, discuss, and take possible action on the request to place a question on the Board's applications for licensure/certification related to an applicant's interest in practicing in a health professional shortage area (HPSA). Action may include directing staff to include the question on the Board's applications.

Audio Start Time: 6:12:15

Motion: Mr. Dynar moved to not approve adding questions to the licensing applications related to organ donor information and health professionals shortage areas.

Second: Dr. Herro

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

XIV. BOARD LICENSING DATABASE SOLUTION(S)

Audio Start Time: 6:15:00

The Board tabled the matter.

XV. BOARD ELECTIONS – A.R.S. § 32-1205

Audio Start Time: 6:15:05

A. Nomination and Election of Board President

Motion: Dr. Bienstock moved to nominate and elect Dr. Herro as board president.

Second: Mr. Dynar

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

B. Nomination and Election of Board Vice-President

Motion: Dr. Herro moved to nominate and elect Dr. Bienstock as vice-president.

Second: Ms. Rossi

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

XVI. ASSISTANCE AND ADVICE

No one addressed the Board.

XVII. SUMMARY OF CURRENT EVENTS

Mr. Edmonson informed the Board that the legislative session will soon start.

XVIII. DISCUSSION REGARDING FUTURE MEETINGS AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

VII. CALL TO THE PUBLIC

No one addressed the Board.

XIX. NEXT BOARD MEETING DATE

A. January 24, 2025

XX. ADJOURNMENT

Dr. Herro adjourned the meeting at 2:25 p.m.