



## OPEN SESSION MINUTES

### January 24, 2025 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 through V.B.4, V.C.1, V.C.2, V.K.1 and V.K.2 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
X	Aditya Dynar	Public Member
X	Tamer El-Gendy, DMD	Licensed Dentist Member
	Nick Goodman	Public Member
	Jaselyn K. Karmo, RDH	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
	John W. Dovgan, DDS	Chief Investigator
	<i>Sherrie Biggs</i>	Assistant Deputy Director
	<i>April Romero</i>	Chief Compliance Officer
	<i>Mercedes Mesa</i>	Compliance Officer
	<i>Yazmin Bustamante</i>	Executive Assistant

*Staff members in italics participated in-person*

#### GUESTS PARTICIPATING AND/OR PRESENT

Jeffery J. Tonner, Esq.	Attorney for Respondents
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Michele Thompson, Esq.	Attorney for Respondents
Leah Schachar, Esq.	Attorney for Respondents
Anthony Fernandez, Esq.	Attorney for Respondent
Jodie Sloan	Respondent
W.R.	Complainant
Mark Budovitch, DMD	Licensee
Jefferson Hayden, Esq.	Attorney for Respondents
Sergio Souza	Respondent
Minseok Kang	Respondent
David Thielen	Respondent
Li Gang	Respondent
Krishna Desai	Respondent
Bonjung Koo	Respondent
Robert Balcar	Respondent
S.B.	Complainant
Kate Corcoran, Esq.	Attorney for Respondent
Maximilian Shumake	Respondent
Brandon Wentz	Respondent
Jae Cho	Respondent
Thomas Schuh	Respondent
Ryan Smith	Respondent
Steve Poulos	Respondent
Elizabeth Persky	Respondent
Gianira Lopez	Respondent
Lee Sung	Respondent
Jason Nordean	Respondent
Robert Kethcart, Esq.	Attorney for Respondent
Todd Shatkin	Respondent
D.B.	Complainant
Keith Cooper	Respondent
Kristi Deela	Guest

**I. CALL TO ORDER AND ROLL CALL**

Dr. Herro called the Board’s meeting to order at 8:03 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. V.B.2, V.C.1, V.G.3 and V.K.1.

Dr. Morrow declared a conflict of interest with agenda item no. IV.C.14.

Ms. Rossi declared conflicts of interest with agenda item nos. V.F.9 and V.E.3.

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

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

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

**Audio Start Time:** 0:02:00

**Motion:** Dr. Herro moved to approve the open session and executive session minutes from the August 2, 2024 board meeting.

**Second:** Dr. Bienstock

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

*Dr. Christensen joined the meeting at 8:06 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. Andronikou, Kyriacos, DDS (*by Credentials*)

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

1. 202200249; Janisse, Robert
2. 202200264 & 202200265; Mann, Roopinder
3. 202300317; Dodd, Michael

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

1. 202300390; Barney, Christopher
2. 202400023; Raiffe, David
3. 202400035; Vacanti, Noah
4. 202400050; Shousha, Mark
5. 202400105-AO; Allen, Trevor
6. 202400235; Lee, Scott
7. 202400251; Western Dental F123
8. 202400252; Poidmore, Khristi
9. 202400253; Valdes, Abelardo
10. 202400254; Munoz, Lourdes
11. 202400255; Taylor, Carlton
12. 202400258; Clark, Joel
13. 202400276; Bollwinkel, Samuel
14. 202400289; Laskis, Stacey
15. 202400306; Armstrong, Adam
16. 202400309; Ahir, Khushbu
17. 202400310; Kelly, Michael
18. 202400317; Arias, Lenny
19. 202400319; Bensoussan, Jonathan
20. 202400328; Swensen, Eric
21. ~~202400332; Hansen, Preston~~
22. ~~202400333; Krizman, Jeanne~~
23. 202400335; Gustus, Colin

24. 202400336; Slovan, Jared
25. 202400337; Aljanabi, Noor
26. 202400339; Mathur, Sumir
27. 202400344; Arthurs, Jason
28. 202400354; Clausen, Charles
29. 202400355; Vander Schaaf, Beth
30. 202400364; Raiffe, Joshua
31. 202400365; Halliday, William III
32. 202400366; Morejon, Kimball
33. 202400382; Gastelum, Jossen
34. 202400383; Vander Schaaf, Beth
35. 202400393; Basset, Peter
- ~~36. 202400399; Sloan, Jodie~~
37. 202400406; Nay, John
38. 202400417; Lytle, John
- ~~39. 202400423; Keber, Kristine~~
- ~~40. 202400424; Rudisill, Edward~~
41. 202400367; Western Dental F 83
- ~~42. 202400465; Badger, Steven~~

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

1. 202400334; Poor, Lilly
2. 202400340; Bull, Joseph

**Audio Start Time:** 0:03:45

The Board pulled cases IV.C.21, IV.C.22, IV.C.36, IV.C.39, IV.C.40 and IV.C.42. from the consent agenda for separate action.

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

**Second:** Dr. Bienstock

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

*Dr. Morrow was recused.*

**IV. CONSENT AGENDA**

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

21. 202400332; Hansen, Preston

**Audio Start Time:** 0:06:30

**Motion:** Dr. Bienstock moved to dismiss the case against Dr. Hansen and direct staff to open a new case against Dr. Levingston.

**Second:** Dr. Herro

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

22. 202400333; Krizman, Jeanne

**Audio Start Time:** 0:08:30

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

36. 202400399; Sloan, Jodie

**Audio Start Time:** 0:12:50

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

42. 202400465; Badger, Steven

**Audio Start Time:** 0:21:15

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

**Second:** Dr. Christensen

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

*The Board took a break from 8:27 a.m. to 8:50 a.m.*

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

39. 202400423; Keber, Kristine

**Audio Start Time:** 0:47:20

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Bienstock

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

40. 202400424; Rudisill, Edward

**Audio Start Time:** 0:52:30

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Bienstock

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

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

**Audio Start Time:** 0:54:00

**Motion:** Dr. Herro moved for the Board to enter into executive session to obtain legal advice and discuss confidential information for all agenda items listed under V.A, V.B, V.C. and V.K pursuant to A.R.S. § 38-431.03(A)(2) and (3).

**Second:** Dr. Bienstock

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

*The Board entered into executive session at 8:58 a.m.*

*The Board returned to open session at 10:05 a.m.*

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

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

**A. Review of Renewal Application(s)**

1. Budovitch, Mark, DMD

**Audio Start Time:** 2:03:00

**Motion:** Dr. Herro moved to grant the license renewal.

**Second:** Dr. Bienstock

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

**B. Initial Review**

1. 202400455

**Audio Start Time:** 2:03:10

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Ms. Penna

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

2. 202400503

**Audio Start Time:** 2:03:30

**Motion:** Dr. Herro moved to dismiss the case.

**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.*

3. F.T.

**Audio Start Time:** 2:04:10

**Motion:** Dr. Herro moved to open an investigation.

**Second:** Dr. Bienstock

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

4. M.H.

**Audio Start Time:** 2:04:30

**Motion:** Dr. Herro moved to re-open and continue the investigation; based on the new evidence.

**Second:** Dr. Bienstock

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

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

1. 202200246-C

**Audio Start Time:** 2:05:05

**Motion:** Dr. Herro moved to terminate the order.

**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.*

2. 202300072-AO; Souza, Sergio

**Audio Start Time:** 2:05:35

**Motion:** Dr. Herro moved to take no action.

**Second:** Dr. Christensen

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

C. Review of Investigation(s)

2. 202400481; Brown, Roy

**Audio Start Time:** 2:13:50

**Motion:** Dr. Herro moved to take no action.

**Second:** Dr. Bienstock

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

1. 202400441; Villanueva, Walter

**Audio Start Time:** 2:14:15

**Motion:** Dr. Herro moved, based on the discussion held today and the findings in the consultant report, to offer an interim consent agreement for a full practice restriction until the criminal case has been adjudicated, with terms that will allow the board's investigation to stay ongoing. In addition, to institute a chart audit to assess how many potential patients were affected by the individual who is currently in custody. Also, to institute a chaperone system in all dental practices

owned by Dr. Villanueva, by a third party monitoring company that is pre-approved by the Board so that no patient is alone in a room without a chaperone at any time. The respondent has five days to sign the agreement. If the agreement is not signed, the Board will prepare for an emergency board meeting to move forward with a summary suspension with the intention to revoke.

**Second:** Dr. Christensen

Roll Call

Herro -aye

Christensen -aye

Goodman -aye

Karmo -aye

Morrow -nay

Penna -nay

Rossi -aye

Seaman -aye

**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 took a break from 10:46 a.m. to 11:06 a.m.*

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

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

1. 202400451-AO

**Audio Start Time:** 3:03:15

**Motion:** Dr. Herro moved to take no action.

**Second:** Ms. Penna

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

2. 202400485-AO

**Audio Start Time:** 3:05:15

**Motion:** Dr. Herro moved to take no action.

**Second:** Dr. Christensen

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

E. 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. 202300323; Kang, Minseok

**Audio Start Time:** 3:05:40

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



**Second:** Dr. Bienstock

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to issue a non-disciplinary order requiring the completion of 3 hours of CE in substance use disorder, specifically regarding prescribing pain medication and opioids. The order is based on the previously established violation, the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

**Second:** Dr. Christensen

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

2. 202400183; Thielen, David

**Audio Start Time:** 3:15:30

**Motion:** Dr. Herro moved to issue a letter of concern for recordkeeping.  
*Motion failed due to lack of a second.*

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

*Mr. Goodman departed the meeting at 11:24 a.m.*

3. 202400221; Li, Gang

**Audio Start Time:** 3:20:50

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

*Ms. Penna voted against the motion.*

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

4. 202400353; Ripplinger, Michael

**Audio Start Time:** 3:29:45

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

**Second:** Dr. Christensen

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to issue a non-disciplinary order, requiring the completion of the PROBE program; based on the previously established violation, the discussion held during the meeting and the consultant report. The respondent has 12 months to complete the program.

**Second:** Dr. Christensen

**Amended Motion:** Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in ethics; based on the previously established violation, the discussion held during the meeting 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:** Dr. Christensen

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

5. 202400223; Desai, Krishna

**Audio Start Time:** 3:33:55

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Dr. Morrow

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

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

1. 202200314; Koo, Bonjung

**Audio Start Time:** 3:40:40

**Motion:** Dr. Herro moved to grant the request for review as it relates to restitution only and to deny the rehearing because the information was already reviewed by the Board.

**Second:** Dr. Christensen

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

*Ms. Penna voted against the motion.*

**Motion:** Dr. Herro moved to amend the order to reflect there is no restitution pending that all restitution information is accurate.

**Second:** Dr. Morrow

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

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

1. 202400176; Balcar, Robert

**Audio Start Time:** 3:50:00

**Motion:** Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(24) for failure to maintain adequate records.

**Second:** Dr. Bienstock

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management; based on the previously established violation, the discussion held during the meeting 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:** Dr. Bienstock

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

2. 202400179; Collins, Jeffrey

**Audio Start Time:** 3:59:50

**Motion:** Dr. Binestock moved to dismiss the case against Dr. Collins and to open a complaint against Perfect Teeth.

**Second:** Dr. Herro

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

3. 202400212; Shumake, Maximilian

**Audio Start Time:** 4:02:10

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

*Dr. Herro rescinded the motion.*

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

4. 202400213; Higgs, Richard

**Audio Start Time:** 4:12:30

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

5. 202400220; Smith, Alexander

**Audio Start Time:** 4:21:10

**Motion:** Dr. Herro moved to adopt violations 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.

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to adopt the investigative committee's recommendation to offer a disciplinary consent agreement, 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. The agreement is based on the previously established violations, the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has 30 days to sign the agreement.

**Second:** Dr. Bienstock

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

6. 202400242; Wentz, Brandon

**Audio Start Time:** 4:24:55

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

**Second:** Dr. Morrow

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

7. 202400262; Cho, Jae

**Audio Start Time:** 4:31:30

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

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

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

8. 202400267; Schuh, Thomas

**Audio Start Time:** 4:37:30

**Motion:** Dr. Bienstock moved to issue a letter of concern for miscommunication.

**Second:** Dr. Herro

*Dr. Bienstock rescinded her motion.*

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Ms. Penna

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

9. 202400274; Smith, Ryan

**Audio Start Time:** 4:42:50

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Ms. Penna

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

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

10. 202400279; Poulos, Steven

**Audio Start Time:** 4:49:50

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

**Second:** Ms. Penna

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 8 hours of CE in endodontics, 4 hours in risk management and 4 hours in crown and bridge; based on the previously established violations, the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Dr. Morrow

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

*Dr. Seaman voted against the motion.*

11. 202400280; Pristine Dental

**Audio Start Time:** 5:01:00

**Motion:** Dr. Herro moved to impose a \$2,000 penalty against Pristine Dental for violation of A.R.S. § 32-1263(D)(15). The business entity has 30 days to pay the penalty.

**Second:** Ms. Karmo

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

12. 202400298; Persky, Elizabeth

**Audio Start Time:** 5:05:25

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

**Second:** Dr. Morrow

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement, 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; to be paid within 60 days. Also, to open an investigation against S.U. as identified in the consultant report for the open margin. The agreement is based on the previously established violation, the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 12 months.

**Second:** Dr. Bienstock

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

13. 202400347; Bui, Long

**Audio Start Time:** 5:18:10

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

**Second:** Dr. Herro

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

The Board inquired on whether the respondent has had prior board action taken.

**Motion:** Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 30 hours in pediatric oral sedation which should include patient selection, patient management, monitoring, recordkeeping and completion of CPEP's PIP program. In addition, to recommend a practice restriction for no sedation until the CE is completed. The agreement is based on the previously established violations, the discussion held during the meeting and the consultant report and the Investigative Committee's recommendation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has seven days to sign the agreement.

**Second:** Dr. Bienstock

**Amended Motion:** Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 30 hours in pediatric oral sedation which should include patient selection, patient management, monitoring, recordkeeping and completion of CPEP's PIP program. In addition, to recommend a practice restriction for no sedation until the CE is completed. The agreement is based on the previously established violations, the discussion held during the meeting and the consultant report and the Investigative Committee's recommendation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has seven days to sign the agreement. Dr. Herro further moved to include an audit of 10 charts of pediatric patients that were under sedation.

**Second:** Dr. Bienstock

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

*The Board took a break from 1:32 p.m. to 1:53 p.m.*

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

G. Formal Interview(s)

1. 202300311; Lopez, Gianira

**Audio Start Time:** 5:50:00

**Motion:** Dr. Seaman moved to adopt the findings of facts as written in the disciplinary consent agreement with the omission of the periodontal examination.

**Second:** Ms. Penna

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

**Motion:** Dr. Seaman moved to adopt the conclusions of law as written in the original disciplinary consent agreement.

**Second:** Ms. Penna

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

**Motion:** Dr. Seaman moved to keep the CE requirements and restitution as written in the original disciplinary consent agreement and add a term to have the restitution paid within 12 months.

**Second:** Ms. Penna

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

*Ms. Rossi voted against the motion.*

2. 202300269; Lee, Sung

**Audio Start Time:** 6:39:10

**Motion:** Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 3 hours of CE in recordkeeping; based on the discussion held during

the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

**Second:** Dr. Herro

**Amended Motion:** Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in risk management and 3 hours in local anesthesia; based on the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

**Second:** Dr. Herro

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

3. 202300331; Nordean, Jason

**Audio Start Time:** 6:57:40

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 3 hours of CE in treatment planning; based on the discussion held during the meeting and the consultant report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

**Second:** Dr. Herro

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

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

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

1. 202300247; Shatkin, Todd

**Audio Start Time:** 7:12:45

**Motion:** Dr. Herro moved to uphold the original disciplinary consent agreement that was offered.

**Second:** Dr. Morrow

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

*Ms. Karmo voted against the motion.*

2. 202300347; Creekview Family Dental

**Audio Start Time:** 7:18:50

**Motion:** Dr. Herro moved to amend the civil penalty to \$500 and include the correct statutory violation of A.R.S. § 32-1263(D)(5).

**Second:** Dr. Bienstock

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



I. Review of Case(s) Moved to Hearing

1. 202300346; Masters, Robert

**Audio Start Time:** 7:29:45

**Motion:** Dr. Herro moved to rescind the previous motion to move the matter to a formal hearing.

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to dismiss the case against Dr. Masters and to open a case against Dr. Setoodeh; based on the allegations on the complaint that was filed.

**Second:** Dr. Morrow

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

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

2. 202300459; Van Dusen, Justin

**Audio Start Time:** 7:44:10

**Motion:** Dr. Herro moved to deny the petition because there is no new evidence that warrants changing the previous board action.

**Second:** Ms. Penna

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

3. 202300086; Cooper, Keith

**Audio Start Time:** 7:44:40

**Motion:** Dr. Herro moved to grant the request for a rehearing.

**Second:** Dr. Morrow

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

**Motion:** Dr. Herro moved to amend the order to a non-disciplinary order with the same terms and the facts as discussed during the meeting.

**Second:** Dr. Bienstock

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

*Drs. Morrow and Seaman voted against the motion.*

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

1. 202400101; Porter, Arthur

**Audio Start Time:** 7:54:50

Staff informed the Board that the matter was postponed to a later date.

**VI. CALL TO THE PUBLIC**

**Audio Start Time:** 7:55:10

Ms. Deela addressed the Board on behalf of several members of the dental assisting community and provided the Board with additional details about AMT's Dental Assistant Radiography Exam. Ms. Deela explained that the examination requires paying an annual fee and completion of certification continuation points in order to maintain the certification. In addition, the exam has an expiration date if the annual payment is not made. Although the exam is more affordable initially, it presents higher long term fees, risks higher fail rates from dental assistants and creates a financial barrier in order for the public and dentists to verify that the dental assistant meets state qualifications. As a result, Ms. Deela urged the Board to reconsider its decision of accepting AMT as an option for licensure until it has undergone further evaluation and proven to meet or exceed the standards that have been expressed by the dental community.

**VII. ASSISTANT ATTORNEY GENERAL ("AAG") REPORT**

Ms. Monaghan provided the Board an update regarding cases 202000111, 202300346, 202300444, 202300482.

**VIII. 24-MONTH AUDIT FOLLOW-UP REPORT**

**Audio Start Time:** 8:03:55

Mr. Edmonson informed the Board that the 24-month audit follow-up report was published and the Board received a six year continuation recommendation.

**IX. RECOMMENDATIONS FOR INVESTIGATIVE COMMITTEE**

**Audio Start Time:** 8:05:20

**Motion:** Dr. Herro moved to approve Dr. Shah to serve in the investigative committee.

**Second:** Dr. Bienstock

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

**X. EXECUTIVE DIRECTOR'S REPORT**

**Audio Start Time:** 8:06:10

**A. Budget Update**

The Board did not have questions regarding the budget.

**B. Agency Operations**

1. Review, discussion and possible action to adopt the Continuing Education Audit Policy and Protocol. Action is not limited to, but may include modification of the Continuing Education Audit Policy before adoption.

**Motion:** Dr. Herro moved to approve the CE Audit policy and protocol.

**Second:** Ms. Karmo

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

C. Complaint Log

The Board did not have questions regarding the budget.

D. Legislative Update

1. Dental Specific Bills

Mr. Edmonson requested the Board's position on the following bills:

a. SB1037

**Motion:** Dr. Herro moved to direct Mr. Edmonson to support SB1037.

**Second:** Ms. Penna

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

b. SB1124

**Motion:** Dr. Herro moved to direct Mr. Edmonson to be neutral on SB1124.

**Second:** Dr. Bienstock

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

*Ms. Karmo voted against the motion.*

c. HB2026 and d. HB2137

Mr. Edmonson informed the Board that staff will work diligently to move the bills to allow the board to move matters to a formal hearing, to reduce the expiration timeframe and remove a reference to WREB.

**Motion:** Dr. Herro moved to direct Mr. Edmonson to support HB2026 and HB2137.

**Second:** Dr. Bienstock

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

d. HB2190

**Motion:** Dr. Herro moved to direct Mr. Edmonson to oppose HB2190.

**Second:** Dr. Bienstock

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

*Dr. Morrow was recused.*

e. HB2250

**Motion:** Dr. Herro moved to direct Mr. Edmonson to support HB2250.

**Second:** Dr. Bienstock

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

f. HB2312

**Motion:** Dr. Herro moved to direct Mr. Edmonson to support HB2312.

**Second:** Dr. Bienstock

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

2. Other Impactful Bills

a. HB2031

The Board concurred to remain neutral on HB2031.

b. HB2061

The Board concurred to remain neutral on HB2061.

c. HB2351

The Board concurred to remain neutral on HB2351.

Mr. Edmonson further informed the Board that SB1235 recently dropped and requested the Board's tentative position on the bill. The Board expressed opposition to the bill and concurred to agendize it for the next meeting to take a formal position.

**XI. ASSISTANCE AND ADVICE**

No one addressed the Board.

**XII. SUMMARY OF CURRENT EVENTS**

Mr. Edmonson informed the Board that a compliance officer resigned and staff will look into hiring someone to fill the vacant position.

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

The Board considered having a special board meeting for the Implant Pathway cases. In addition, the Board directed staff to agendize the AMT matter for a future meeting.

**XIV. NEXT BOARD MEETING DATE**

A. February 28, 2025

**XV. ADJOURNMENT**

Dr. Herro adjourned the meeting at 4:38 p.m.