




OPEN SESSION MINUTES

February 28, 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, V.D.4, V.D.6, V.E.1 through V.E.9 and V.G.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
 Aditya Dynar	Public Member
 Tamer El-Gendy, DMD	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/depanded 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>Jessica Solis</i>	Compliance Officer
Yazmin Bustamante	Executive Assistant
Jessica Thomas	Contracted Rulewriter

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

Amber Dresslar, Esq.	Attorney for Respondents
Logan Cornwell	Respondent
Leah Schachar, Esq.	Attorney for Respondents
Michele Kidney	Respondent
Jeffrey Collins	Respondent
Jeffery J. Tonner, Esq.	Attorney for Respondents
David Eccker	Respondent
Gianara Lopez	Respondent
Saeid Badie	Respondent
Jefferson Hayden, Esq.	Attorney for Respondents
Chad Achatz	Respondent
Lori Metcalf, Esq.	Attorney for Respondent
Brian Griffiths	Respondent
Brian McCartin	Respondent
Jonghan Park	Respondent
Michele Thompson, Esq.	Attorney for Respondents
Braydon Haskell	Respondent
Rosie Eich	Respondent
Mark Eich	Respondent
Leanne Hay, Esq.	Attorney for Respondents
Chantelle	Guest
Calvin Brown	Respondent
Tiffany Nguyen	Respondent
Mandi Karvis, Esq.	Attorney for Respondent

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 8:04 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.3, V.F.2 and V.G.4.

Ms. Rossi declared conflicts of interest with agenda item nos. IV.C.13 and V.H.1.

Dr. Morrow declared conflicts of interest with agenda item nos. IV.B.2, V.D.6, V.D.7, V.E.7 and V.G.2.

Dr. Christensen declared a conflict of interest with agenda item no. V.C.2.

Dr. El-Gendy joined the meeting at 8:09 am.

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

A. Discussion and approval of the Open Session Minutes from the January 24, 2025 board meeting.

B. Discussion and approval of the Executive Session Minutes from the January 24, 2025 board meeting.

Audio Start Time: 0:04:20

Motion: Dr. Herro moved to approve the open session and executive session minutes from the January 24, 2025 board meeting.

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

IV. **CONSENT AGENDA**

A. Approval for PHP Assessors List

1. Joshua Simpson, LISAC

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

1. 202200235; Cook, Sean
2. 202300019; Brown Jr., Calvin
3. 202300506; Tong, Brian
4. 202400007; Murray, Nicholas
5. 202400082; Zuniga, Jacob
6. 202400238; Souza, Sergio

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

1. ~~202400129; Brown Jr., Calvin~~
2. 202400314; Sheth, Aditi
3. 202400323; Golding, Michael
4. 202400329; Chang, Doug
5. 202400331; Pospisil, Brent
6. 202400345; Pradhan, Rajas
7. ~~202400346; Bedoya, Manuel~~
8. ~~202400358; Cornwell, Logan~~
9. 202400368; Packer, Spencer
10. 202400370; Muul, Michael
11. 202400373; Yang, Kimberly
12. 202400379; Dole, Justin
13. 202400380; Kim, Sean
14. 202400395; Gentle Dental Tempe
15. 202400435; Le, Loan
16. 202400453; Hansen, Michael
17. 202400484; Cook, Andrew

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

1. 202400243-AO; Wilson, Ralph
2. 202400321; Barney, Ryan
3. 202400374; Valenzuela, Carlos
4. 202400452; Mitic, Marija

Audio Start Time: 0:05:10

The Board pulled cases IV.C.1, IV.C.7 and IV.C.8 from the consent agenda.

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

Second: Dr. Christensen

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

Dr. Bienstock, Dr. Morrow and Ms. Rossi were recused.

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

1. 202400129; Brown Jr., Calvin

Audio Start Time: 0:06:35

The Board was informed that the respondent is on his way. The Board tabled the matter to later in the meeting to allow the respondent to be present.

7. 202400346; Bedoya, Manuel

Audio Start Time: 0:08:50

Motion: Dr. Herro moved to direct staff to agendize the case for a letter of concern at a future meeting.

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

8. 202400358; Cornwell, Logan

Audio Start Time: 0:10:30

Motion: Dr. Bienstock moved to dismiss the case against the respondent and open an investigation against the business owner.

Second: Dr. Herro

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

1. 202400129; Brown Jr., Calvin

Audio Start Time: 0:16:25

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

Second: Dr. Bienstock

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

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

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

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

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Audio Start Time: 0:19:35

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice for agenda item nos. V.A.1, V.B.1, V.D.6 and V.E.1 through V.E.9, pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

The Board entered into executive session at 8:25 a.m.

The Board returned to open session at 8:57 a.m.

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

A. Initial Review

1. N.P.

Audio Start Time: 0:53:35

Motion: Dr. Herro moved to open an investigation and subpoena the licensee to attend the meeting.

Second: Dr. Morrow

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

B. Review of Investigation(s) and Signed ICA

1. 202400476; Estrada, Luis

Audio Start Time: 0:54:05

Motion: Ms. Penna moved to offer a disciplinary consent agreement with a five-year practice restriction with a non-confidential SRA program until successfully completed. The respondent has 10 days to sign the agreement.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion.

VI. BOTOX NOTICE OF PROPOSED RULEMAKING (“NPR”)

and

VII. ASSISTANCE & ADVICE NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING (“NSPR”)

Audio Start Time: 0:59:00

Motion: Dr. Herro moved to forward the BOTOX and the Assistance & Advice rulemakings to the Governor’s Regulatory Review Council.

Second: Ms. Penna

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

IX. FIVE-YEAR RULE REVIEW

Audio Start Time: 1:01:55

Motion: Dr. Herro moved to approve the draft Five-Year Rule Review – Title 4, Chapter 11, Articles 11-12, 14-15, & 18 and submit it to the Governor’s Regulatory Review Council.

Second: Dr. Bienstock

Amended Motion: Dr. Herro moved to approve the draft Five-Year Rule Review – Title 4, Chapter 11, Articles 11-12, 14-15, & 18 and submit it to the Governor’s Regulatory Review Council. In addition, to allow staff to work with the rule writer to amend any demographic information.

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

VIII. ANESTHESIA & SEDATION NOTICE OF FINAL RULEMAKING (“NFR”)

Audio Start Time: 1:05:40

Motion: Dr. Herro moved to file a Notice of Supplemental Proposed Rulemaking with the Secretary of State’s Office and include an oral proceeding. If there are no comments during the oral proceeding, to direct staff to submit the rulemaking package to the Governor’s Regulatory Review Council.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion because he believes the changes are not substantive.

Mr. Goodman voted against the motion.

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. 202400139; Kidney, Michelle

Audio Start Time: 1:23:35

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

Second: Dr. El-Gendy

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

2. 202400180; Gafni, Tal

Audio Start Time: 1:29:30

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

Second: Dr. Bienstock

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

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

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

Motion: Dr. Morrow moved to accept the Investigative Committee's recommendation and issued a non-disciplinary order, requiring the completion of 4 hours of CE in risk management. In addition, to refer the matter to the Attorney General's Consumer Protection Division for investigation. 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, 1-recuse, 0-absent. Motion passed.

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

3. 202400282; Collins, Jeffrey

Audio Start Time: 1:34:35

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

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

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

Second: Dr. Morrow

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

4. 202400307; Cho, Jae

Audio Start Time: 1:39:35

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

Second: Dr. Morrow

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

Motion: Dr. Herro moved to issue a letter of concern for lack of rubber dam and consent for endo.

Second: Dr. Morrow

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

5. 202400312; Edwards, David

Audio Start Time:1:44:00

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

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 4 hours in fixed pros and 3 hours in supervising auxiliary staff; 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. Christensen

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

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

6. 202400341; Martin, Brett

Audio Start Time: 1:50:45

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

Second: Ms. Penna

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 6 hours of CE in diagnosis and treatment planning for full mouth restorations including occlusion and periodontal evaluation and 4 hours in risk management. 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: 10-aye, 1-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

Ms. Rossi voted against the motion.

7. 202400356; Eccker, David

Audio Start Time: 1:58:30

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

1. 202400089; Lopez, Gianara

Audio Start Time: 2:03:15

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

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

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

Second: Dr. Herro

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

Ms. Penna voted against the motion.

2. 202400227; Shah, Fawad

Audio Start Time: 2:11:55

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

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement, 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 and 4 hours in risk management. In addition, to direct staff to work with the investigator to ensure proper restitution is paid to the patient and the insurance company. Also, to impose a \$500 penalty for non-compliance with a subpoena.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion because he is opposed to the \$500 civil penalty.

3. 202400231; Badie, Saeid

Audio Start Time: 2:17:45

Motion: Dr. Morrow moved to dismiss the case.

Second: Mr. Goodman

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

4. 202400381; Achatz, Chad

Audio Start Time: 2:30:20

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: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

The Board entered into executive session at 10:39 a.m.

The Board returned to open session at 10:49 a.m.

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

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

5. 202400256; Griffiths, Brian

Audio Start Time: 2:46:05

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Vote: 6-aye, 5-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

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

6. 202400283; McCartin, Brian

Audio Start Time: 2:54:53

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice and discuss confidential information for agenda item nos. V.D.6, V.E.6 and V.G.3, pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Dr. Bienstock

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

The Board entered into executive session at 11:00 a.m.

The Board returned to open session at 11:21 a.m.

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

Motion: Ms. Penna moved to issue a letter of concern for writing prescriptions outside the scope of dentistry.

Second: Dr. Herro

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

Dr. Bienstock, Dr. Christensen, Dr. El-Gendy, Mr. Goodman, Ms. Karmo, Ms. Rossi and Dr. Seaman voted against the motion.

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

Motion: Dr. Bienstock moved to adopt the violations of A.R.S. § 32-1201.01(3) and (14).

Second: Ms. Penna

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

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

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

Motion: Dr. Bienstock moved to adopt the violations of A.R.S. § 32-1201.01(3) and (14).

Second: Dr. Herro

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

Mr. Dynar voted against the motion.

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

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

Motion: Dr. Bienstock moved to offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 4 hours in pharmacology; 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. The respondent has 30 days to sign the agreement.

Second: Dr. Herro

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

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

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

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 pharmacology; 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 three months.

Second: Dr. Bienstock

Vote: 8-aye, 2-nay, 0-abstain, 1-recuse, 0-absent. Motion passed.
Mr. Dynar and Mr. Goodman voted against the motion.
Dr. Morrow was recused and did not participate in the matter.

7. 202400351; Park, Jonghan

Audio Start Time: 3:34:40

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, 1-recuse, 0-absent. Motion passed.

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

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 8 hours of CE in fixed pros, 4 hours in diagnosis and treatment planning for perio and restorative and 4 hours in risk management; 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. El-Gendy

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

Ms. Karmo voted against the motion.

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

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

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

Audio Start Time: 3:47:00

Motion: Dr. Herro moved to forward the matter to a formal interview.

Second: Dr. Christensen

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

3. 202300306; The B.L.H.G. Group

Audio Start Time: 3:48:00

Motion: Dr. Herro moved to forward the matter to a formal interview and combined this case with case no. 202300174.

Second: Dr. Morrow

Vote: 11-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

2. 202300185 & 202300187; Haskell, Braydon

Audio Start Time: 3:48:45

Motion: Dr. Bienstock moved to combine both cases to issue one non-disciplinary order with the same terms as discussed.

Second: Dr. Herro

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

Mr. Goodman voted against the motion.

4. 202300359; Eicon Dental

Audio Start Time: 3:56:45

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

Dr. Bienstock, Dr. El-Gendy, Mr. Goodman, Ms. Karmo, Dr. Morrow, Ms. Penna, Ms. Rossi and Dr. Seaman voted against the motion.

Motion: Dr. Morrow moved to re-offer the disciplinary consent agreement and maintain all the findings and facts as written, with a change of the monetary fine to \$2,000 instead of \$6,000.

Second: Dr. Bienstock

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

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

Mr. Dynar voted against the motion because he is opposed to the civil penalty in this case and would be in favor of dismissing the case.

5. 202300505; Associated Dental Care Providers

Audio Start Time: 4:10:15

Motion: Dr. Herro moved to re-offer the consent agreement and if rejected to move forward with a formal interview.

Second: Dr. Christensen

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

Mr. Dynar voted against the motion.

6. 202400137; Raiffe, David

Audio Start Time: 4:15:25

Motion: Dr. Herro moved to modify the agreement to allow the CE to be completed through Spear or a dental school. Also, to amend the CE requirements to include 4 hours in risk management and 12 hours of hands-on crown and bridge. The respondent has 15 days to sign the agreement and six months to complete CE.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion because he would remove the \$500 administrative penalty.

Dr. El-Gendy departed the meeting at 12:30 p.m.

7. 202400194; Dental Care on Watson

Audio Start Time: 4:26:35

Motion: Dr. Herro moved to amend the order to reduce the penalty from \$2,000 to \$1,000 and remove coronal polishing.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion because he is opposed to the penalty.

Ms. Goodman and Ms. Rossie voted against the motion.

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

8. 202400202; Yang, David

Audio Start Time: 4:43:00

Motion: Dr. Herro moved to re-offer the agreement, if not signed within five days, move to a formal interview.

Second: Ms. Karmo

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

Mr. Dynar voted against the motion because he is opposed to the penalty.

Ms. Rossi voted against the motion.

9. 202400405; Lybbert, Brady

Audio Start Time: 4:44:35

Motion: Dr. Herro moved to re-offer the agreement, if not signed within five days, move to a formal interview.

Second: Ms. Penna

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

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

1. 202500010-AO

Audio Start Time: 4:45:55

Motion: Dr. Herro moved to assign to a consultant who has a 1301 Permit.

Second: Dr. Bienstock

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

2. 202500039-AO

Audio Start Time: 4:47:00

Motion: Ms. Penna moved to take no action.

Second: Dr. Herro

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

Ms. Rossi voted against the motion.

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

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

1. 202000239; Phillips, Matthew

Audio Start Time: 4:48:25

Motion: Dr. Herro moved to terminate the probation.

Second: Dr. Morrow

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

2. 202100131; Brown Jr., Calvin

Audio Start Time: 4:49:50

Motion: Dr. Herro moved to modify the order to give the respondent six months to pay restitution.

Second: Dr. Bienstock

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

Ms. Rossi voted against the motion.

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

3. 202400327-C

Audio Start Time: 4:53:00

Motion: Dr. Herro moved to lift the practice restriction.

Second: Dr. Bienstock

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

Mr. Goodman abstained.

4. 202400441; Villanueva, Walter (*Bienstock conflicted*)

Audio Start Time: 4:54:00

Motion: Dr. Herro moved to ratify the final agreement.

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.

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

1. 202400174; Nguyen, Tiffany

Audio Start Time: 4:55:50

Motion: Dr. Herro moved to grant the review.

Second: Dr. Morrow

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

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

Motion: Dr. Herro moved to dismiss the case and rescind the issuance of a non-disciplinary order.

Second: Dr. Morrow

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

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

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

1. 202400186; Van Sluyters, Eric

Audio Start Time: 5:01:15

Motion: Dr. Herro moved to re-offer the original agreement. The respondent has five days to sign the agreement.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion.

X. **CALL TO THE PUBLIC**

Mr. Tonner addressed the Board on behalf of a client and requested that the Board form a sub-committee of 5-9 members to address substance abuse issues.

XI. **ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT**

Mr. Monaghan provided the Board an update of cases that have moved to a hearing.

XII. **EXECUTIVE DIRECTOR’S REPORT**

- A. Budget Update

The Board reviewed the budget.

- B. Agency Operations

Mr. Edmonson informed the Board of current compliance staff turnover.

- C. Complaint Log

The Board did not have questions on the complaint log.

XIII. **LEGISLATIVE UPDATE**

Mr. Edmonson provided the Board an update on the following bills:

1. Dental Specific Bills

- a. SB1037 Health boards; fund balances; fees
- b. SB1124 Dental board; oral preventive assistants
- c. SB1235 Health profession regulatory boards; membership

Motion: Dr. Bienstock moved to oppose SB1235.

Second: Dr. Herro

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

Mr. Dynar abstained.

- d. SB1335 AHCCCS; teledentistry; report
- e. SB1347 AHCCCS; comprehensive dental care
- f. HB2026 Dental board; formal hearings
- g. HB2137 Dental board; licensure; renewal
- h. HB2173 Mental health inquiry; prohibition

Motion: Ms. Karmo moved to oppose HB2173.

Second: Dr. Morrow

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

- i. HB2190 Dentists; dental hygienists; compact
- j. HB2250 AHCCCS; preventative dental care
- k. HB2312 Dental board; continuation
- l. HB2828 Dental board; fingerprint card; maintenance

2. Other Impactful Bills

- a. SB1587 Health boards; third-party contracting

Motion: Dr. Morrow moved to oppose SB1587.

Second: Dr. Bienstock

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

- b. HB2031 Boards and commissions; repeal
- c. HB2061 Administrative proceedings; jury trials
- d. HB2276 Legislative ratification; rulemaking; regulatory costs
- e. HB2351 Health professionals; website; time limitation
- f. HB2632 Regulatory costs; rulemaking; legislative ratification
- g. HB2708 Trial by jury; regulatory proceedings
- h. HB2874 Excessive health insurance claims; notification
- i. HB2875 Health professionals; unprofessional conduct
- j. HB2927 Public meetings; records; requirements; penalties

Motion: Mr. Goodman moved to oppose HB2927.

Second: Dr. Herro

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

Dr. Bienstock abstained.

Dr. Morrow voted against the motion.

XIV. ASSISTANCE AND ADVICE

No one addressed the Board.

XV. SUMMARY OF CURRENT EVENTS

Mr. Edmonson informed the Board that the R.A.G.E. committee dropped a bill to no longer allow state employees to work remotely. Board staff will track the progress of the bill throughout the legislative session.

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

Dr. Bienstock directed staff to place the request for a sub-committee on a future agenda.

XVII. NEXT BOARD MEETING DATE

A. April 11, 2025

XVIII. ADJOURNMENT

Dr. Herro adjourned the meeting at 1:50 p.m.