



Douglas A. Ducey,
Governor

Arizona State Board of Dental Examiners

“Caring for the Public’s Dental
Health and Professional Standards”

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AMENDED NOTICE OF BOARD MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS’

Pursuant to Arizona Revised Statute (“A.R.S”) § 38-431.02, notice is hereby given to the members of the Arizona State Board of Dental Examiners’ (“Board”) and to the general public that the Board will hold a meeting open to the public on **Friday, January 29, 2021 at 8:00 a.m.** The meeting will be held virtually and telephonically. Board members and members of the public may access the meeting by dialing 617.675.4444 followed the meeting pin – 445 925 210 0385# or virtually, by video conferencing through this link: <https://meet.google.com/bvr-wpgu-xei>. After the start of the meeting, the Board chairperson and/or staff will request that members of the public place their phones/devices on mute.

The meeting is open to the public. However, during the course of the meeting, the Board, upon a majority vote of a quorum of the members, may, when necessary, hold an executive session pursuant to A.R.S. § 38-431.03(A)(2) and/or (3) as indicated on the Board’s Agenda. The executive session is not open to the public.

Information concerning the Board’s Agenda, including a copy of the Agenda and any amendments, can be obtained at the Board’s office, through the Board’s website at <https://dentalboard.az.gov/> or by calling the Board’s office at 602.241.1492 The Board Agenda is subject to change up to 24 hours prior to the meeting. Agenda items are noted by number and letter for convenience and reference. The Board may address the agenda items in any order within the time frame, if any, indicated and may set over matters to a later time when necessary. The Board reserves the right to change the order of the agenda items, except for matters set for a specific time.

Title 2 of the Americans with Disabilities Act prohibits the Board from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Board staff at 602.242.1492. Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE BOARD OF DENTAL EXAMINERS

Ryan P. Edmonson, Executive Director

Posted:

<https://dentalboard.az.gov/>

<https://publicmeetings.az.gov/>

on January 27, 2021



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January 29, 2021 Amended Board Meeting Agenda

The Arizona State Board of Dental Examiners’ (“Board”) President reserves the right to change the order of items on the agenda, except for public hearings set for a specific time.

During the Board meeting and upon a vote of the majority of a quorum, the Board may go into executive session to obtain legal advice from the Board’s attorney(s) pursuant to Arizona Revised Statute (“A.R.S.”) § 38-431.03(A)(3) on any agenda items listed on the agenda. All meeting attendees whose presence is not required in an executive session will be required to leave the meeting room during executive session. Any and all legal action will take place in open session.

I. CALL TO ORDER AND ROLL CALL

II. CALL TO THE PUBLIC

Pursuant to A.R.S. § 38-431.01(H), the Board may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. However, members of the Board are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. The Board, however, may ask staff to review a matter or may ask that a matter be put on a future agenda.

III. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

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

- A. Discussion and approval of the Open Session Minutes from the December 4, 2020 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the December 4, 2020 board meeting.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Upon a vote of the majority of a quorum, the Board may go into executive session, pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law

- A. Application(s) for Licensing of Dentist(s) or Hygienist(s) – A.R.S. §§ 32-1231 et seq. and 32-1281 et. seq. respectively

Board to review, discuss and take possible action on the following application(s):

- 1. Karapetian; Alex
- 2. Jackson; Kyle Spencer

- B. Formal Interview(s)
Board to review, discuss and take possible action on the following cases, which may include discipline, dismissal of the complaint, issuance of a letter of concern, non-disciplinary continuing education, termination of the complaint, table action pending further investigation and/or refer the matter to a formal hearing for the following case(s):
1. 201900128; Collins, Harry
- C. Review of Investigation(s) – Cases Recommended for a Letter of Concern
Board to review and discuss the results of the investigation(s) and take possible action to *issue* Letters of Concern on the following case(s):
1. 201900290; Acomb, Donald
 2. 201900323; Han, Sang Bum
 3. 202000311; Devgun, Puneet
- D. Review of Investigation(s) – Case(s) Recommended for Issuance/Offer of Non-Disciplinary Consent Agreements for Continuing Education – A.R.S. § 32-1263.02(F)(3)
Board to review and discuss the results of the investigation(s) and take possible action to *issue/offer* Non-Disciplinary Consent Agreements on the following case(s):
1. 201900271; Raiffe, David Mark
 2. 201900339; Gardner, Brent Jacob
- E. Review of Investigation(s) – Cases Recommended for Offer of Disciplinary Consent Agreements
Board to review and discuss the results of the investigation(s) and take possible action to *offer* Disciplinary Consent Agreements on the following case(s):
1. 201900152; Phillips, Matthew David
 2. 201900216; Hawke, Robert
- F. Response/Non-response to Offered Consent Agreement(s)
Update on the status of an offered consent agreement. Board to review, discuss and take possible action on any response/counteroffer or failure to respond on the case(s):
1. 201900113; Ferraris, Valentine
 2. 201900325-AO; Arnall, Matthew
- G. Notice of Violation(s) – A.R.S. §§ 32-1288 & 32-3227
Board to review and discuss the response(s) received regarding the unauthorized practice of dentistry as a hygienist and may take possible action to refer the unauthorized practice of a health profession to the county attorney or attorney general for prosecution on the following case(s):
1. 202000260; Dang, Peter
- H. Failure to Notify the Board of Criminal Charges – A.R.S. § 32-3208
Board to review, discuss and take possible action regarding the following licensee's conduct and failure to notify the Board of their criminal charges:

1. 202000123; Nolen, Matthew C.

- I. Failure to Respond to a Board Issued Subpoena for Patient Records – A.R.S. §§ 32-1213(H), 32-1263(C) and (D) (8) & (12)
Board to review and discuss the entities' failures to provide records pursuant to the Board issued subpoenas and may take possible action to refer the matter to Formal Hearing for Suspension and Civil Penalty up to \$2,000.00 per violation, on the following cases:
 1. 201900118; Gentle Dental
 2. 201900299; Wellness Dental

- J. Failure to Respond to a Board Issued Subpoena for Patient Records – A.R.S. §§ 32-1201.01(23) and (24), 32-1263(A)(1) and (4), 32-1264(C), 32-1208
Board to review and discuss the licensees' failures to provide records pursuant to the Board issued subpoenas and may take possible action to refer the matter to Formal Hearing for Suspension and Non-Disciplinary Civil Penalty up to \$500.00 per violation, on the following cases:
 1. 202000160; Paukune; Kim
 2. 202000232; Botar, Andrea
 3. 202000301; Gardner, Shaun

- K. Malpractice, Adverse Occurrence Report and/or Disciplinary Action
Board to review, discuss and take possible action for the following case(s):
 1. 202000162-AO; Hollen, Kyla N.

- L. Review of Executive Director Complaint Terminations and Subsequent Complainant Appeals – A.R.S. § 32-1263.03
Board to review, discuss and take possible action to *approve, modify or reject* the executive director's termination based on submitted appeals, from the complainants, for the following case(s):
 1. 201900233: Pulsipher, Douglas
 2. 201900277; Drummer, Dino

VI. CONSENT AGENDA

Upon a vote of the majority of a quorum, the Board may go into executive session pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. (All items listed under the Consent Agenda are considered to be routine or have been previously reviewed by the Board or the Board's Designee and may be considered for approval as a single action, unless a Board Member wishes to remove an item for independent review, discussion, and possible action).

- A. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)
Board to review, discuss and take possible action regarding approval of the following individual(s) to perform consulting and/or evaluating services for the Board:
 1. Hauschildt, Amy (*anesthesia and sedation evaluator*)

2. Foulk, Bryan (*dental consultant*)

B. Executive Director Complaint Terminations A.R.S. § 32-1263.03

Board to review, discuss and take possible action on the following confidential list of complaints that were terminated by the executive director, with the concurrence of the Board's investigative staff due to the complaints being without merit and termination being appropriate:

1. 201900174;
2. 201900246;
3. 201900265;
4. 201900269;
5. 201900275;
6. 201900294;
7. 201900307 and
8. 201900338.

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

1. 201800174; Endicott, Thomas
2. 201800224; Coleman, John
3. 201900010; Poll, Jeremy
4. 201900059; Waite, Jay
5. 201900105; Heap, Kristopher
6. 201900109; Givens, Kevin
7. 201900115; Montes, Sergio
8. 201900308; Jones, Joshua
9. 201900096; Wallin, Derek
10. 201900102; Barrett, Clayton
11. 201900140 & 201900163; Eskanos, Keith
12. 202000031; Merchant, Birju

VII. PRESENTATION BY ARIZONA DENTAL ASSOCIATION (“AzDA”)

Board to meet with a representative(s) from AzDA to discuss a Continuing Education monitoring system and take possible action regarding the administration of the same.

VIII. AUTOMATED EXTERNAL DEFIBRILLATOR (“AED”)

Board to review, discuss and take possible action to adopt the Anesthesia & Sedation Committee's recommendation to seek a statutory and/or rule change to require all dental practices to have at least one AED available at all dental practices for patient safety.

IX. AMERICAN ASSOCIATION OF DENTAL BOARDS (“AADB”)

Consideration for the approval of a board member and staff attendance at the 2021 AADB Mid-Year Meeting held virtually from Saturday, February 27, 2021 – Sunday, February 28, 2021.

X. WESTERN REGIONAL EXAMINING BOARD (“WREB”)

Board to review and discuss WREB's Dental Exam Review Board's Executive Summary.

XI. COMMISSION ON DENTAL ACCREDITATION (“CODA”)

Board to review, discuss and take possible action to approve CODA's 2021 Annual Report.

XII. COVID – 19

Board to review, discuss and take possible action to continue to extend the allowance of online continuing education for the following types of matters due to the ongoing COVID-19 pandemic

1. License renewals and the completion of required continuing education; and
2. Completion of continuing education as it relates to board orders.

XIII. ARIZONA ASSOCIATION OF NURSE ANESTHETISTS (“AZANA”)

After reviewing the document presented and hearing a presentation by the AZANA regarding their request for changes to the Board's Anesthesia and Sedation Rules in Arizona and their possible amendments to the current rules, the Board may discuss and take possible action to amend, add or eliminate rules based on the AZANA's viewpoint(s).

XIV. GOVERNOR'S REGULATORY REVIEW COUNCIL (“GRRC”)

Board to review, discuss and take possible action regarding GRRC's request to assist the Board in determining if the Board's rule waivers and relaxations due to COVID-19 and the Governor's Executive Order 2020-17 can and should be made permanent.

XV. EXECUTIVE DIRECTOR'S REPORT

Executive Director to provide an update and/or summary on the following items: the listed items are subject to Board discussion and may result in action by the Board.

- A. Budget update
- B. Agency operations
- C. Legislation update on the following Bills:
 1. Dental Specific:
 - a. HB2102;
 - b. HB2258 (*current Board bill*);
 - c. HB2547;
 - d. SB1013(*mirrors HB2258*);
 - e. SB1034;
 - f. SB1140;
 - g. SB1160; and
 - h. SB1372 (*specifically changes statutes related to sedation*).
 2. Other impactful bills:
 - a. HB2014;
 - b. HB2029;
 - c. HB2067;
 - d. HB2092;
 - e. HB2128;
 - f. HB2242;
 - g. HB2243;
 - h. HB2265;
 - i. HB2267;
 - j. HB2422;
 - k. HB2433;
 - l. HB2454;

- m. HB2471;
- n. HB2535;
- o. HB2570;
- p. HB2663;
- q. SB1063;
- r. SB1145;
- s. SB1149 (*mirrors HB2243*);
- t. SB1272; and
- u. SB1373 (*Board may seek an amendment to the bill to include a requirement that all dental practices have an AED*).

XVI. SUMMARY OF CURRENT EVENTS

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

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

XVIII. NEXT BOARD MEETING DATE

- A. March 5, 2021

XIX. ADJOURNMENT