



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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www.dentalboard.az.gov

MISSION STATEMENT

To provide professional, courteous service and information to the dental professional and the general public through the examination, licensure, complaint adjudication and enforcement process; to protect the health, safety and welfare of Arizona citizens through a fair and impartial system.

A G E N D A

BOARD OF DENTAL EXAMINERS MEETING
FEBRUARY 6, 2015 AT 8:00 AM
4205 NORTH 7th AVENUE, SUITE 205
PHOENIX, ARIZONA 85013

The Board President reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03 (A) (3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on any agenda item.

The Board usually allows 3 – 5 minutes per person for public comment on any agenda item; however, depending on the issue presented, the Board President has the discretion to expand that time. Cases will be called in order as indicated on the sign-in sheet.

GENERAL BUSINESS

1. CALL TO ORDER AND INTRODUCTIONS

2. PUBLIC COMMENT ON CASES

3. PRESIDENT'S REPORT – Dr. Michael R. Hauer

A. VACANT

4. EXECUTIVE DIRECTOR'S REPORT – Ms. Elaine Hugunin

A. Summary of current events that affect the Arizona State Board of Dental Examiners
(This is the time for the Board President or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.)

B. Arizona Administrative Code (AAC)

i. Review, discussion and possible action regarding Notice of Final Rule Making - Title 4, Chapter 11, Article 4 Fees

ii. Review, discussion and possible action regarding Notice of Final Rule Making - Title 4, Chapter 11, Article 12 Continuing Education Rules

C. Current Proposed Legislation – Review and discussion regarding current proposed legislation for the 2015 session:

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- i. Proposed Legislation
 - a) HB 2034 – Repealing Section 41-3015.03, Arizona Revised Statutes; Amending Title 41, Chapter 27, Article 2, Arizona Revised Statutes, by adding section 41-3025.03; Relating to the State Board of Dental Examiners.
 - b) HB 2297 – Amending Title 41, Chapter 6, Article 3, Arizona Revised Statutes, by Adding Section 41-1038; Relating to State Agency Rulemaking
 - c) HB 2496 – Amending Sections 32-1201, 32-1207, 32-1232, 32-1236, 32-1240, 32-1263.01, 32-1264, 32-1284, 32-1287, 32-1292.01, 32-1297.01, 32-1297.06 and 32-1299, Arizona Revised Statutes; Relating to the State Board of Dental Examiners
 - d) VACANT
 - e) SB 1370 – controlled substances prescription monitoring program – Amending Title 32, Article 1, Arizona Revised Statutes by adding section 32-3219; amending sections 36-2601, 36-2604 and 36-2606, Arizona Revised Statutes; repealing section 36-2611, Arizona Revised Statutes; relating to the controlled substances prescription monitoring program.
 - f) SB 1282 – Teledentistry; dental hygienists; dental assistant – Amending Title 20, Chapter 4, Article 3, Arizona Revised Statutes by adding section 20-848; Amending Title 20, Chapter 4, Article 9, Arizona Revised Statutes, by adding section 20-1057.15; Amending Title 20, Chapter 6, Article 4, Arizona Revised Statutes, by adding section 20-1376.07; Amending Title 20, Chapter 6, Article 5, Arizona Revised Statutes, by adding section 20-1406.07; Amending Section 32-1201, Arizona Revised Statutes; Amending Title 32, Chapter 11, Article 1, Arizona Revised Statutes, by adding section 32-1201.01; Amending sections 32-1263; 32-1281 and 32-1289, Arizona Revised Statutes; Amending Title 32, Chapter 11, Article 4, Arizona Revised Statutes, by adding sections 32-1289.01 and 32-1291.01; Amending Title 36, Arizona Revised Statutes, by adding chapter 36.1; relating to dental services.
- D. Dr. Jack I. Lipton – Case No. 201300103: Review, discussion and possible action regarding proposed consent agreement.
- E. Board Member Training – Dr. Michel Sucher
- F. Review, discussion and possible action to approve continuing education course provided by CNA for 3 hours of Ethics as required in R4-11-1203(6).
- G. Dr. Rosalyn D. Keith – Case nos. 201400156 and 201400233 – Review, discussion, and possible action to dismiss without prejudice case nos. 201400156 and 201400233.
- H. Auditor General Initial Follow Up Report – For information only
- I. Review and discussion regarding the Executive Director Complaint Terminations. Pursuant to A.R.S. § 32-1263.03(C), the Executive Director has provided a list of each complaint terminated under A.R.S. § 32-1263.03(A) to the Board. The list of complaints is confidential pursuant to A.R.S. § 32-1207(A)(3). The Board may vote to go into Executive Session on this agenda item, pursuant to A.R.S. § 38-431.03(A)(2), to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law.

5. ASSISTANT ATTORNEY GENERAL'S REPORT – Mary DeLaat Williams, AAG

A. Administrative Appeals

- i. Dr. Jack I. Lipton v. ASBDE (Cases No. 201000254 & 201100259) (Maricopa County Superior Court Case LC2011-000713; Court of Appeals Case 1CA-CV 13-0746) – Status update
- ii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Status update
- ii. Dr. Michael Wassef v. ASBDE (Case No. 201400061) (Maricopa County Superior Court Case LC2014-000547-001) – Status update
- iii. Dr. Rosalyn D. Keith v. ASBDE (Case No. 201300291/201400004) (Maricopa County Superior Court Case LC2015-000017-001) – Status update

6. PERSONNEL ISSUES

A. VACANT

7. COMMITTEE REPORTS

A. Rules Review Committee – Dr. Michael Hauer

- i. Arizona Administrative Code (AAC) Title 4, Chapter 11, Articles 2, 3 and 8. Review, discussion and possible action regarding the Rules Review Committee's recommended, proposed revisions to AAC Title 4, Chapter 11, Article 2 Clinical Examinations; Requirements, Article 3 Examinations, Licensing Qualifications, Application and Renewal, Time-Frames and Article 8 Denturists

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

The Board will review, discuss and take action on the following applications.

A. VACANT

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

The Board will review, discuss and take action on the following applications:

- A. Dr. Kevin James Kwiecien – Board approved exam, allegedly practicing dentistry in Arizona without a license – Tabled from December 5, 2014 Board Meeting
- B. Dr. Edward Martin Reifman – 1978 California State Exam prior to a regional.
- C. Dr. Russell Leon Harrison – 1966 Missouri State Exam prior to a regional
- D. Dr. Charles Zanders, III – 1984 California State Exam prior to a regional
- E. Marjorie Sue Rankin, RDH – 1988 Washington State Exam prior to a regional

10. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

Clinical Examination taken more than five years ago

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The following applicants for licensure by credential have, as part of their application, had a detailed report prepared by a Board-recognized organization and forwarded to the Board on their behalf. The Board will review, discuss and take action on the following applications.

A. VACANT

**11. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL
 Clinical Examination taken less than five years ago**

The following applicants for licensure by credential have submitted documentation of successful completion of a clinical examination taken less than five years. The Board will review, discuss and take action on the following applications.

A. VACANT

**12. REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE
 Roll Call Vote is required**

The Board will review, discuss and take action on the following renewal applications:

A. VACANT

ACTION ON CASES – 9:00 AM

The Board president reserves the right to change the order of items on the agenda, except for public hearing set for a specific time. The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law on agenda items 13A through 13B, pursuant to A.R.S. §38-431.03(A)(2).

13. ACTION ON PREVIOUS ACTION – Roll Call Vote is required

The Board will review, discuss and may vote to take action on the previous action for the following case(s):

| Item No. | Case No. | Licensee | Comments |
|----------|--------------|------------------------|--|
| A. | 201400147 | Dr. Ian Ikhyun Cho | Proposed Board Order from December 5, 2014 Formal Interview |
| B. | 201400200-MP | Dr. Yakov S. Khaydatov | Non-disciplinary consent agreement from December 5, 2014 Board meeting |

14. PETITION TO REHEAR – Roll Call Vote is required

The Board will review, discuss and vote to take action on the Petition(s) for Rehearing for the following case(s). If GRANTED, the Board may remand for rehearing at an Investigative Interview or an immediate rehearing and determination.

| Item No. | Case No. | Licensee | Comments |
|----------|----------|----------|----------|
| A. | VACANT | | |

CONSENT AGENDA – 9:00 AM

The Consent Agenda items may be considered for approval as a single action unless a Board member or any other interested party wishes to remove an item for discussion.

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law on agenda items 15A through 22B, pursuant to A.R.S. §38-431.03(A)(2).

**15. CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS
 CONSENT AGENDA – Roll Call Vote *is required***

The Board will review, discuss and may vote to take action on the Consent Agreements for the following case(s):

| Item No. | Case No. | Licensee | Comments |
|----------|----------|----------|----------|
| A. | VACANT | | |

**16. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS
 CONSENT AGENDA – Roll Call Vote *is required***

The Board will review and vote to take action on the following case(s). While the evidence does not warrant disciplinary action, the Board believes that the licensee should modify or eliminate certain practices through Continuing Education and that continuation of the activities that led to the information being submitted to the Board may result in the Board action against the practitioner's license.

| Item No. | Case No. | Licensee | Comments |
|----------|-----------|----------------------------|---|
| A. | 201400208 | Dr. Tzuyu Meng | 6 hours in the area of crown and bridge and 6 hours in the area of record keeping |
| B. | 201400218 | Dr. Robert O. Caseldine | 6 hours in the area of traditional implants (not mini-implants) and 3 hours in the area of record keeping |
| C. | 201400225 | Dr. Kathleen Ann Conderato | 6 hours in the area of crown and bridge |
| D. | 201400228 | Dr. Morteza Zamani | 6 hours in the area of crown and bridge |
| E. | 201400234 | Dr. Saeid Badie | 3 hours of record keeping |
| F. | 201400242 | Dr. Sepideh Malekpour | 3 hours in the area of crown and bridge |

**17. CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN
 CONSENT AGENDA – Roll Call Vote *is required if case is pulled***

The Board will review and vote to take action on the following case(s). Letters of Concern are advisory letters to notify the licensee that, while the evidence does not warrant disciplinary action, the Board believes that the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in the Board action against the practitioner's license. A Letter of Concern is not a disciplinary action, but is a public record.

| Item No. | Case No. | Licensee | Comments |
|----------|-----------|---------------------------|---|
| A. | 201400223 | Dr. Christopher A. Lienau | "Dr. Lienau should ensure patient records are complete, concise and understandable to any dentist." |
| B. | 201400240 | Dr. Randall S. Ruminson | "Dr. Ruminson should complete periodontal charting prior to treatment and |

| Item No. | Case No. | Licensee | Comments |
|----------|------------------|------------------------|---|
| | | | thoroughly document all discussion with the patient concerning treatment options.” |
| C. | 201400241 | Dr. Glen E. Doyon | “Dr. Doyon’s records should be clear, concise and understandable to any dentist and the use of a rubber dam should be evident in the record.” |
| D. | 201400257 | Dr. Burke D. Frei | “Dr. Frei should verify the cement is completely removed from all restorations and ensure follow-up x-rays are diagnostic.” |
| E. | 201400260 | Dr. John A. Patterson | “Dr. Patterson should ensure that all patients seen in his office have a dental treatment plan.” |
| F. | 201400261 | Dr. John Scott Coleman | “Dr. Coleman should have better communication with the surgeon regarding the number and positioning of the implants and the prosthetic treatment plan.” |
| G. | 201400262- MP | Dr. Paul W. Sharbo | “Dr. Sharbo should have more complete documentation of informed consent for surgical extractions.” |

17.1 CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION AUDIT AND ISSUANCE OF LETTER OF CONCERN

CONSENT AGENDA – Roll Call Vote *is required if case is pulled*

The Board will review and vote to take action on the following case(s). Letters of Concern are advisory letters to notify the licensee that, while the evidence does not warrant disciplinary action, the Board believes that the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in the Board action against the practitioner’s license. A Letter of Concern is not a disciplinary action, but is a public record.

| Item No. | Case No. | Licensee | Comments |
|----------|-----------|-------------------------|--|
| H. | 201400278 | Ms. Tina M. Jerome, RDH | “Ms. Jerome should ensure she is knowledgeable regarding the continuing education requirements.” |
| I. | 201400283 | Ms. Erin C. Konyon, RDH | “Ms. Konyon should ensure she complies with continuing education requirements.” |
| J. | 201400288 | Dr. Prabidhi Adhikari | “Dr. Adhikari should be aware of the continuing education renewal requirements.” |
| K. | 201400289 | Dr. Martha L. Duchon | “Dr. Duchon should timely respond to the Board’s continuing education audit.” |
| L. | 201400290 | Dr. Yuriy Nektalov | “Dr. Nektalov should be aware of the dental continuing education renewal timeframe requirements.” |
| M. | 201400291 | Dr. David E. Spring | “Dr. Spring should timely respond to the Board’s continuing education audit.” |
| N. | 201400295 | Dr. Gerald Paik | “Dr. Paik should submit the appropriate documentation to the Board for continuing education renewal requirements.” |

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| Item No. | Case No. | Licensee | Comments |
|----------|-----------|-----------------------|--|
| O. | 201400296 | Dr. Michael J. Gengle | "Dr. Gengle should be aware of the definition of "Recognized Continuing Dental Education." |

**18. CASES RECOMMENDED FOR TERMINATION
 CONSENT AGENDA – Roll Call Vote *is not required***

The Board will review and may vote to take action on the following case(s).

| Item No. | Case No. | Licensee | Comments |
|----------|-----------|-----------------------------|--------------------|
| A. | 201400238 | Dr. Keith David Johnson | Per patient letter |
| B. | 201400246 | Dr. Vincent Arthur Martinez | Per patient letter |

**19. CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION AUDIT AND
 DISMISSAL**

CONSENT AGENDA – Roll Call Vote *is not required*

The Board will review and may vote to take action on the following continuing education case(s).

| Item No. | Case No. | Licensee | Comments |
|----------|-----------|--------------------------|------------------------------|
| A. | 201400279 | Ms. Kara Boone, RDH | Continuing Education Renewal |
| B. | 201400282 | Ms. Sarah D. Tolman, RDH | Continuing Education Renewal |
| C. | 201400286 | Ms. Judith A. Berry, RDH | Continuing Education Renewal |
| D. | 201400293 | Dr. Laura P. Robison | Continuing Education Renewal |
| E. | 201400297 | Dr. Peter M. Dellios | Continuing Education Renewal |
| F. | 201400298 | Dr. Richard Brian Higgs | Continuing Education Renewal |
| G. | 201400299 | Dr. Devin T. Matsumori | Continuing Education Renewal |

**20. MALPRACTICE, ADVERSE OCCURANCE REPORTS, AND DISCIPLINARY ACTION IN
 ANOTHER STATE**

CONSENT AGENDA – Roll Vote is required if case is pulled

The Board will consider the facts and allegations and may vote to take the action indicated.

- A. Dr. Raymond A. Skinner – Malpractice Report Recommendation – Take no action
- B. Dr. David P. Terlizzi – Malpractice Report Recommendation – Take no action
- C. Dr. Michael G. Allard – Malpractice Report Recommendation – Take no action
- D. Dr. Sid S. Stevens – Malpractice Report Recommendation – Take no action
- E. Dr. Therese A. Murphy – Malpractice Report Recommendation – Take no action
- F. Dr. Kimberly J. Fulton – Adverse Occurrence Recommendation – Take no action

**21. APPROVAL OF CONSULTANTS AND EXAMINERS
 CONSENT AGENDA**

- A. Ms. Ellen L. Gohlke, RDH – Dental Hygiene Consultant
- B. Dr. Tannaz Z. Malekzadeh – Periodontist Consultant

- C. Dr. Sonia Kumar – Anesthesia Consultant
- D. Dr. Nagesh H. Gidwani – Dental Consultant

**22. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. December 5, 2014 – Board Meeting Minutes
- B. December 5, 2014 – Executive Session Meeting Minutes for Agenda Item 9B
- C. December 5, 2014 – Executive Session Meeting Minutes for Agenda Item 6

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law on agenda items 22B and 22C pursuant to A.R.S. §38-431.03(A)(2).

***** END OF CONSENT AGENDA *****

OTHER BUSINESS – 9:00 AM

23. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law on agenda items 23A through 23E, pursuant to A.R.S. §38-431.03(A)(2).

The Board will review, discuss and vote to take action on the following appealed case(s):

| Item No. | Case No. | Licensee | Comments |
|----------|--------------|-------------------------|----------|
| A. | 201400195-ED | Dr. Mark J. Castle | |
| B. | 201400206-ED | Dr. Keith A. Holm | |
| C. | 201400215-ED | Dr. Jack I. Lipton | |
| D. | 201400224-ED | Dr. Matthew A. DeFelice | |
| E. | 201400243-ED | Dr. Sepideh Malekpour | |

FORMAL INTERVIEWS – 9:30 AM

24. FORMAL INTERVIEW CASES – Roll Call Vote *is required*

The Board will review, discuss and vote to take action on the following cases and may impose discipline, dismiss, issue a letter of concern, terminate, table for further investigation, postpone, and/or forward for further administrative review.

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law on agenda items 24A, pursuant to A.R.S. §38-431.03(A)(2).

| Item No. | Case No. | Licensee | Comments |
|----------|----------|----------|----------|
| A. | VACANT | | |

CALL TO THE PUBLIC

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. The Board shall not discuss or take action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(H).

25. MEMBERS OF THE PUBLIC

26. FUTURE AGENDA ITEMS

27. NEXT MEETING DATE – April 10, 2015

28. ADJOURNMENT

In accordance with Title II of the Americans with Disabilities Act (ADA), this Board does not discriminate on the basis of disability in admission to and participation in Board Meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Terry Bialostosky at 602 242-1492. Requests should be made as early as possible to allow time to arrange the accommodation. This Notice and Agenda may be made available in an alternative form.