



ARIZONA STATE BOARD OF DENTAL EXAMINERS

1740 West Adams Street, Suite 2470 • Phoenix, Arizona 85007

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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

APRIL 6, 2018 AT 8:00 AM

1740 WEST ADAMS STREET, SUITE 2470

PHOENIX, ARIZONA 85007

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. Gregory A. Waite

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. Review, discussion and possible approval for the Executive Director, Board President, and Assistant Attorney General to attend the American Association of Dental Boards (AADB) meeting in Chicago, IL, September 22 – 23, 2018
- C. Executive Order 2018-02 – Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer Service Oriented Agencies – For Information Only
- D. SmileDirectClub, LLC – Review, discussion, and possible action regarding SmileDirectClub, LLC

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- E. Dr. Vincent Arthur Martinez – Case No. 201700169 – Review, discussion and possible action regarding dismissing this case without prejudice
- F. Update on Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2018 session
 - i. HB 2207 – Public meetings; audiovisual recordings; postings
 - ii. HB 2001 – Controlled Substances; regulation; appropriation
 - iii. SB 1377 – Dental therapy; licensure; regulation
 - iv. SB 1470 – Sunrise Process
 - v. SB 1436 – Prohibition; criminal history; occupational regulation
- G. Review, discussion and approval for Executive Director to attend AZDA fall conference September 14 -15, 2018 in Tucson, Arizona.
- H. Recognition of outgoing Board Members: Mr. Joshua Greer, Dr. Darren Flowers, and Dr. Robert Foster.
- I. Review, discussion and possible action regarding proposed Agency Substantive Policy Statement for Diabetes Testing and Reporting.
- J. Review, discussion and possible action regarding proposed Agency Substantive Policy Statement for Arizona Opioid Epidemic Act.
- K. Review, discussion and approval to request rulemaking exemption from Executive Order 2018-02 for Article 12, Continuing Dental Education and Renewal Requirements
- L. 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. Sathish Bhadra Chari v. ASBDE (Case No. 201500190) (Maricopa County Superior Court Case LC2017-000082) – Status update
- B. Legal Advice Memorandum regarding the Arizona Opioid Epidemic Act

6. PERSONNEL ISSUES

- A. VACANT

7. COMMITTEE REPORTS

- A. Dental Hygiene Committee – Heather N. Hardy, RDH
 - i. Review, discussion and possible action regarding the 2017 Dental Hygiene Continuing Education Audits. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:
 - a. Mary Ann Anderson, RDH
 - b. Emily A. Gibbons, RDH
 - c. Lisa Michelle Urwin, RDH
 - d. April Dawn Peyer, RDH
 - e. Jodi L. Merrill, RDH
- B. Continuing Education Audit for Dentists Committee – Dr. Robert Foster
 - ii. Review, discussion and possible action regarding the 2017 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval for the CE Audit responses from the following:
 - a. Dr. Lois Maro
 - b. Dr. Shahab Ardalan
 - c. Dr. David Rickard Ostler
 - d. Dr. Olivia Ria Flores Tamayo

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE

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

- A. Dr. Richard Victor Eidelson – Discipline on New York and Pennsylvania licenses; disclosure of malpractice actions.
- B. Carly Marie Beard, RDH – Conviction for facilitation of trafficking in stolen property.
- C. Amber Marie Roberts, RDH – Conviction for possession of a controlled substance with intent to deliver.

9. 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

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10. 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.	VACANT		

11. PETITION TO REHEAR – Roll Call Vote is required

The Board will review, discuss and vote to take action on the Petition(s) for Rehearing or Review for following case(s). If GRANTED, the Board may remand for a rehearing or conduct an immediate rehearing/review 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 12A – 17A, 19B and 20A – 20F, pursuant to A.R.S. §38-431.03(A)(2).

**12. 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.	201700150 - 201700259	Dr. Gregory J. Valacich	Review, discussion and possible action on consent agreement for voluntary surrender of his license.

13. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS

CONSENT AGENDA – Roll Call Vote is not 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.	201700162	Dr. Aaron B. Kleiner	3 hours of CE in record keeping
B.	201700210	Dr. Chitra N. Gidwani	6 hours of CE in crown and bridge

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Item No.	Case No.	Licensee	Comments
C.	201700211	Dr. Jeffrey Neil Penfil	4 hours of CE in risk management
D.	201700214-MP	Dr. Kathleen Ann Conderato	3 hours of CE in record keeping
E.	201700231	Dr. Troy L. Richins	3 hours of CE in endodontics 3 hours of CE in crown and bridge

14. CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN
CONSENT AGENDA – Roll Call Vote is not required

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.	201700221-MP	Dr. S. Todd Sadowski	“Dr. Sadowski should ensure complete documentation of all procedures.”
B.	201700225	Dr. Payam Abedi	“Dr. Abedi should thoroughly document the informed consent.”
C.	201700229	Mr. Arthur Silva	“Mr. Silva should ensure that all records are clear, concise and legible.”
D.	201700236	Dr. Arlyn Berns Levy	“Dr. Levy should inform the patient and document all adverse events that occur.”
E.	201700245	Dr. Sara S. Mosley	“Dr. Mosley should not write prescriptions outside the scope of practice.”
F.	201800004	Dr. Daniel Richard Gano	“Dr. Gano should document the type and amount of anesthetic administered to the patient.”

15. 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.	201700257	Dr. Avis M. Sadre	Terminate Per Patient

16. CASES RECOMMENDED FOR DISMISSAL
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.	VACANT		

17. MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE
CONSENT AGENDA – Roll Call Vote is not required

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

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A. Dr. Gerard M. Schmidtke – Malpractice Report Recommendation – Take No Action

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

A. Max Almodovar, DMD – Dental Consultant

**19. APPROVAL OF MINUTES
 CONSENT AGENDA**

A. February 2, 2018 – Board Meeting Minutes

B. February 2, 2018 – Executive Session Minutes

20. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

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

Item No.	Case No.	Licensee	Comments
A.	201700206-ED	Dr. Karun Gaba	Recommendation to approve ED-Termination
B.	201700222-ED	Dr. Gwen Huynh	Recommendation to approve ED-Termination
C.	201700233-ED	Dr. Scott A. Darlington	Recommendation to approve ED-Termination
D.	201700235-ED	Dr. Harjot K. Brar	Recommendation to approve ED-Termination
E.	201700238-ED	Dr. Michael L. Bleeker	Recommendation to approve ED-Termination
F.	201700223-ED	Dr. Derek V. Schop	Recommendation to approve ED-Termination

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

FORMAL INTERVIEWS – 9:30 AM

21. 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 21A and 22A - B, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201700175-MP	Dr. Victor E. Trujillo	Referral to Formal Hearing per Respondent's request

FORMAL INTERVIEWS – 10:00 AM

22. 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 21A - B, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201700145	Desert Valley Dental	
B.	201700170	Desert Valley Dental	

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).

23. MEMBERS OF THE PUBLIC

24. FUTURE AGENDA ITEMS

25. NEXT MEETING DATE – June 1, 2018

26. 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 602 542-4450. 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.

The Board President reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. The Board may vote to go into Executive Session on any of the above agenda items to review and discuss confidential records and/or obtain legal advice from its attorney pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03 (A)(3) or to discuss statutorily confidential matters pursuant to A.R.S. § 38-431.03 (A)(2).