



ARIZONA STATE BOARD OF DENTAL EXAMINERS

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

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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

JUNE 5, 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, INTRODUCTIONS AND ANNOUNCEMENTS

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. Review, discussion and possible action regarding the termination of complaint 201500066 against Happy Smiles Dental.

C. Report from the mid-year AADB and AADA meeting held in Chicago April 26-27, 2015

D. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration – Central Services Bureau, MATP Medical Director, Legislative Liaison, Investigator, and Rule Writer

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- E. Board Training – Stuart Goodman, Board Legislative Liaison
- F. Review, discussion, and approval for the Executive Director to attend the Arizona Bar Association Administrative Law Session June 25, 2015 at the Arizona Biltmore
- G. Review, discussion and possible action on implementation of SB 1282 relating to Expanded Function Dental Assistants, including but not limited to, presentation by the Dental Assisting National Board on training programs.
- H. Review, discussion and possible approval for the Executive Director and Board President to attend the Annual Meeting of the American Association of Dental Boards November 3-4, 2015, Washington, D.C. and for the Executive Director to attend the AADA meeting
- 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. Discussion on U.S. Supreme Court decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission

Pursuant to 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 this agenda item.
- B. Administrative Appeals
 - i. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484; Arizona Court of Appeals case no. 1CA-CV 14-0533) – 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. VACANT

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

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

- A. Matthew David Mercer, RDH – disclosure of misdemeanor convictions in 2009

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Ronald Clyde Shrum – Board approved exam, disclosure of Missouri disciplinary action
- B. Dr. Eugene Jung Kim – Board approved exam, previously licensed in Arizona with disciplinary action
- C. Margaret Ann Spencer, RDH – 1989 Indiana State Exam prior to a regional

10. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

Clinical Examination taken more than five years ago.

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 – Equivalency Reports

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. Dr. Gang Li – 2015 CRDTS
- B. Dr. Joshua Kent Nagao – 2015 CDCA/NERB
- C. Dr. Jennifer Lorene Martin – 2015 CDCA/NERB
- D. Dr. Brian Josef Martin – 2015 CDCA/NERB – Disclosure of misdemeanor conviction for possession of paraphernalia and possession of controlled substance in June 2006

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 13E, 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):

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Item No.	Case No.	Licensee	Comments
A.	201300153	Dr. Lee W. Harding	Proposed non-disciplinary consent agreement
B.	201400227	Dr. Salvatore F. Perna	Proposed Board Order from April 10, 2015 Formal Interview; Review, discussion and possible action on proposed consent agreement
C.	201400250	Dr. Michael Wassef	Proposed Board Order from April 10, 2015 Formal Interview
D.	201400256	Dr. Minseok Kang	Proposed Board Order from April 10, 2015 Formal Interview
E.	201400265	Dr. Neda E. Delavari	Proposed Board Order from April 10, 2015 Formal Interview

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 21A, 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.	201500023	Dr. Barry J. Uldrikson	
B.	201500025	Dr. Kristine P. Thomas	

**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.

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Item No.	Case No.	Licensee	Comments
A.	201400311	Dr. David A. Foreman	4 hours of risk management
B.	201400312	Dr. Paul D. Whitney	3 hours of record keeping
C.	201400313	Dr. Gary A. Smith	4 hours of risk management
D.	201500009	Dr. Richard L. Saran	6 hours in the area of crown and bridge
E.	201500012-MP	Dr. Pankaj R. Goyal	6 hours of record keeping with emphasis on informed consent and 6 hours of diagnosis and treatment planning of complex restorative cases
F.	201500016	Dr. Jerry L. Sullivan	6 hours of record keeping
G.	201500020	Dr. Enrique A. Santiago	6 hours in the area of crown and bridge and 6 hours in the area of diagnosis and treatment planning
H.	201500038	Dr. Jaleh Keyhani	4 hours of risk management
I.	201500039	Dr. Andrew T. Kunstman	6 hours of record keeping
J.	201500050	Dr. Paul Alan Varda	6 hours of record keeping

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.	201500021	Dr. Gary D. Oreskovich	"Dr. Oreskovich should discuss specific risk factors prior to operative dentistry."
B.	201500028	Dr. Omaina S. Samain	"Dr. Samain should ensure the x-rays for a new patient are of sufficient quantity and quality to do an adequate and thorough diagnosis."
C.	201500035	Dr. James B. Rohen	"Dr. Rohen should examine a patient, document the reason for the prescription and only write prescriptions appropriate for dental treatment."
D.	201500048	Dr. Brian D. Birtcher	"Dr. Birtcher should document periodontal probing scores on all patients and update the health history on a regular basis."
E.	201500073	Dr. Ali H. Nia	"Dr. Nia should adequately document informed consent for the treatment in the patient's record."
F.	201500098	Dr. Michael W. Golding	"Dr. Golding should confine his prescribing of medications for conditions related to dentistry."

**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.	201500022	Dr. Robert B. Goldenberg	Per patient letter
B.	201500026	Dr. Osama I. Abadi	Per patient letter

**19. 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		

**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. Lawlay Naeimasa Azizi – Malpractice Report Recommendation – Take no action
- B. Dr. David S. Hancock – Malpractice Report Recommendation – Take no action
- C. Dr. Omer K. Reed – Malpractice Report Recommendation – Take no action

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

- A. Laurie A. Buckles, RDH – Dental Hygiene Consultant

**22. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. April 10, 2015 – Board Meeting Minutes
- B. April 10, 2015 – Executive Session Meeting Minutes

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 item 22B 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 23D, 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.	201400303-ED	Dr. Neal L. Jones	
B.	201500013-ED	Dr. George P. Spine, III	
C.	201500027-ED	Dr. James M. Ransdell	
D.	201500037-ED	Dr. Michael G. Greenberg	

FORMAL INTERVIEWS – 10:00 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 – August 7, 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 602 542-4450. 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).