



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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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
DECEMBER 5, 2014 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. Appointment of Board Members (One Dentist and one Dental Hygienist) to the Dental Hygiene Committee.

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 State Board Participation on Accreditation Site Visits for Phoenix College
- C. Board Officer Elections
- D. Arizona Administrative Code (AAC), Title 4, Chapter 11, Article 17 Rehearing or Review
 - i. Review, discussion and possible action regarding staff recommendations for revisions to AAC, Title 4, Chapter 11, Article 17 Rehearing or Review

- ii. Review, discussion and possible action regarding opening a docket for proposed revisions to AAC, Title 4, Chapter 11, Article 17 Rehearing or Review
- E. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and the Board President or designee to attend the mid-year AADB meeting
- F. 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

- A. Administrative Appeals
 - i. Dr. Nishith S. Shah v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Status Update
 - ii. Dr. Jack I. Lipton v. ASBDE (Cases No. 20100254 & 201100259) (Maricopa County Superior Court Case LC2011-000713; Court of Appeals Case 1CA-CV 13-0746) – Status update
 - iii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Status update
 - iv. Dr. Michael Wassef v. ASBDE (Case No. 201400061) (Maricopa County Superior Court Case LC2014-000547-001) – Status Update

6. PERSONNEL ISSUES

- A. Review, discussion and possible action regarding the Executive Director's performance evaluation and salary.
- B. Review, discussion and possible action regarding the Deputy Director's performance evaluation and salary.

The Board may vote to go into Executive Session on agenda items 6A and 6B pursuant to A.R.S. § 38-431.03(A)(1) (Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of a public body.)

7. COMMITTEE REPORTS

- A. Dental Hygiene Selection Committee – Marilyn J. McClain, RDH

Review, discussion and possible action regarding the appointment of two Dental Hygienists to the Dental Hygiene Committee:

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- i. The Dental Hygiene Selection Committee recommends the appointment of Peggi J. Rohner, RDH
 - ii. The Dental Hygiene Selection Committee recommends the reappointment of April Lynette Pohlman, RDH
 - iii. The Dental Hygiene Selection Committee recommends Deborah S. Kappes, RDH as an alternate choice for the appointment to the Dental Hygiene Committee
- B. Dental Hygiene Committee – Heather N. Hardy, RDH
- i. Review, discussion and possible action regarding the 2014 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:
 - a. Raquel A. Rojas, RDH
 - b. Jeanne M. Bohman, RDH
 - c. Amy Goodman, RDH
 - d. Laurie A. Kramer, RDH
 - e. Kimberly L. Gomez, RDH
 - f. Suzanne M. Sanchez, RDH
 - g. Michelle Lynn Smith, RDH
 - h. Michele King, RDH
 - i. Denise Clelland, RDH
 - j. Vonda Jo Kopfmann, RDH
 - k. Cynthia Lee Matte, RDH
 - l. Kelly D. Peck, RDH
 - m. Robert A. Ellender, RDH
 - n. Heather D. Rogers, RDH
 - ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Pima Medical Institute-Albuquerque, NM.
 - iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Santa Rosa Junior College – Santa Rosa, CA
 - iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from State Fair Community College – Sedalia, MO – Course does not include at least three experiences of the MSA, ASA injections or at least three experiences of nitrous oxide analgesia.
 - v. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Kirkwood Community College – Cedar Rapids, IA – Course does not include at least three experiences of nitrous oxide analgesia.
- C. Continuing Education Audit for Dentists Committee – Dr. Robert H. Foster
- Review, discussion and possible action regarding the 2014 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval of the CE Audit responses from the following:
- a. Dr. Bradley P. Western
 - b. Dr. Sumir P. Mathur
 - c. Dr. Marvin D. Goldenstein
 - d. Dr. Eunice Jungmin Hong
 - h. Dr. Cory G. Wooff
 - i. Dr. Virginia Alix Phillips
 - j. Dr. John Joseph Septer
 - k. Dr. Monika A. Barakat

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| e. | Dr. Sameet S. Koppikar | l. | Dr. Dale R. Hallberg |
| f. | Dr. Richard J. Calabrese | m. | Dr. Lucius N. Butler, IV |
| g. | Dr. Gregory William Olson | n. | Dr. Victor L. Nitu |

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 October 10, 2014 Board meeting
- B. Dr. James Michael Kelly – Board approved exam, Pennsylvania disciplinary action. Colorado allowed Dr. Kelly to surrender in lieu of disciplinary action
- C. Dr. Carl Edward Branyan – 1963 Michigan State exam prior to a regional
- D. Dr. Robert Tomas Cadalso Jr. – 1982 California State Exam prior to a regional
- E. Dr. Lisa Irish Deese – 2010 Florida State Exam prior to a regional
- F. Lorraine Mary Sack, RDH 2006 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. Dr. Lini Cai – 2009 SRТА

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 and 14A 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.	201400021	Daniel A. Ramirez, RDH	Review, discussion, and possible action regarding Motion to Deem Allegations Admitted and adjudication of case.

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 a Formal Interview or an immediate rehearing and determination.

Item No.	Case No.	Licensee	Comments
A.	201300291/ 201400004	Dr. Rosalyn D. Keith	

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.	201400143	Dr. Donna Ann Ash	
B.	201400182	Dr. Daniel M. Tee	

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

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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.	201400142	Dr. Keith H. Eskanos	6 hours in the area of ethics
B.	201400149	Dr. Omaira S. Samain	4 hours of risk management and 6 hours in the area of prescribing of controlled substances
C.	201400154	Dr. Maria A. Fuentes	6 hours in the area of diagnosis and treatment planning of high risk pediatric patients
D.	201400159	Dr. Robert V. Noone	3 hours of record keeping
E.	201400180	Dr. Robert W. Ruge	4 hours of risk management
F.	201400181	Dr. Justin J. Philipp	3 hours in the area of crown and bridge and 4 hours in the area of risk management
G.	201400183	Dr. Enrique A. Santiago	3 hours in the area of record keeping
H.	201400185	Dr. Percy B. Twine	6 hours in the area of endodontics

**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.	201400178	Dr. Mehrdad Mehranfar	"Dr. Mehranfar should document telephonic conversations confirming treatment recommendations."
B.	201400205	Dr. Jesse R. DeBaker	"Dr. DeBaker should document the discussion with the patient of the proposed treatment and obtain informed consent prior to treatment."
C.	201400214	Dr. David T. Sung	"Dr. Sung should make sure to provide and document informed consent to ensure the patient understands the need for treatment."
D.	201400222	Dr. Kenneth H. Davis	"Dr. Davis should ensure his records are clear, concise and understandable."
E.	201400229	Dr. B. Austin Willcox	"Prior to treatment Dr. Willcox should document endodontic testing to confirm the pulpal diagnosis and periodontal probings for the tooth to be treated."

**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.	201400199	Dr. Robert John Balcar	Per patient letter
B.	201400209	Dr. Bonjung Jane Koo	Per patient letter
C.	201400220	Dr. Jason Paul Acuff	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 OCCURENCE 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. Jupneesh Singh – Malpractice Report Recommendation – Take no action
- B. Dr. Yakov S. Khaydatov – Malpractice Report Recommendation – Take no action
- C. Dr. Garth W. Holyoak – Malpractice Report Recommendation – Take no action
- D. Dr. Nicholas J. Coles – Adverse Occurrence Recommendation – Take no action

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

- A. VACANT

**22. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. October 10, 2014 – Board 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 22A 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 23F, pursuant to A.R.S. §38-431.03(A)(2).

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

Item No.	Case No.	Licensee	Comments
A.	201400157-ED	Dr. Troy C. Jones	
B.	201400161-ED	Dr. Steven G. Reitan	
C.	201400175-ED	Dr. Lori Karen Anderson	
D.	201400192-ED	Dr. Paul J. Kelly	
E.	201400196-ED	Dr. Brent R. Stanley	
F.	201400219-ED	Dr. Ashkan Eskandari	

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.	201400147	Dr. Ian Ikhyun Cho	

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 – February 6, 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.