



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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

Telephone (602) 242-1492 • Fax (602) 242-1445

[www.dentalboard.az.gov](http://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 3, 2017 AT 8:00 AM

4205 NORTH 7<sup>th</sup> 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. Gregory A. Waite**

A. Western Regional Examining Board (WREB) and Dental Exam Review Board (DERB) report

#### **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. Current Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2017 session

i. SB 1362 – Dental Board; dentists; dental hygienists

ii. SB 1452 – Health profession regulatory boards and SB 1437 – Agencies; review; GRRC; occupational regulation

iii. SB 1123 – Lobbyist Restriction – State contract lobbyists; prohibition

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- iv. HB 2307 – Controlled substances prescription monitoring program
    - v. HB 2372 – Public Benefits; fee waivers; requirements
  - C. Appointment of a Board member to WREB and Dental Exam Review Board.
  - D. Review, discussion and possible approval for the Executive Director to attend the midyear AADB and AADA meeting, and the Board President to attend the midyear AADB meeting in Chicago, IL., April 23 – 24, 2017.
  - E. Review, discussion and possible action on informal meeting held on January 11, 2017 regarding fee reductions and reduction of reserve funds.
  - F. Executive Order 2017-02 – Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer Service Oriented Agencies
  - G. Kenton B. Covington, DDS – Review, discussion and possible action, including possible summary suspension and/or interim order for substance abuse evaluation, regarding ability to safely practice and violation of confidential stipulated rehabilitation agreement.
  - H. 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. Michael Wassef v. ASBDE (Case No. 201400061) (Maricopa County Superior Court Case LC2014-000547-001) – Status update
- 6. PERSONNEL ISSUES**
  - A. VACANT
- 7. COMMITTEE REPORTS**
  - A. Dental Hygiene Committee – Heather N. Hardy, RDH
    - i. Review, discussion and possible action regarding the 2016 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. Megan Jones, RDH
      - b. Adrian Joy Wilson, RDH
  - B. Continuing Education Audit for Dentists Committee – Dr. Robert Foster
    - i. Review, discussion and possible action regarding the 2016 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. James Arnold Jerman

***ACTION ON LICENSING***

**8. REQUEST FOR ACTION ON LICENSURE**

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

- A. Dr. Andre Dariush Zargar – Disclosure of misdemeanor theft conviction, and felony convictions for aggravated assault and solicitation to commit kidnapping.
- B. Dr. Scott Lewis Siegel – Voluntary Surrender of DEA License & Disclosure of Malpractice Claim

**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***

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 10A through 11A, pursuant to A.R.S. §38-431.03(A)(2).

**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.	201600113-MP	Dr. James R. Chaffin	Proposed Consent Agreement

**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 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.	201500190	Dr. Sathish Bhadra Chari	

***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.**

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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 – 17.1B and 19B – 20D, 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.	VACANT		

**13. 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.	201600137	Dr. Gary Michael Gwilt	3 hours of CE in occlusion
B.	201600141	Dr. Gabriel T. Woodruff	3 hours of CE in occlusion
C.	201600142	Dr. Carter A. Grampp	6 hours of CE in record keeping, 4 hours of CE in risk management
D.	201600143	Dr. Kyle Ryan Cordner	3 hours of CE in record keeping
E.	201600149	Dr. Manpreet S. Badyal	3 hours of CE in orthodontic record keeping
F.	201600158	Dr. Lowell Frank Arbuckle	6 hours of CE in treatment planning in restoration of implants, 3 hours of CE in record keeping

**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.	201600128-MP	Dr. Henry Joe Tagle III	"Dr. Tagle should timely refer patients when complications occur."
B.	201600156	Dr. Joseph Marion Allred	"Dr. Allred should thoroughly document conversations with the patient related to the treatment."

**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.	201600150	Dr. Erik M. Unger	Terminate per patient
B.	201600162	Dr. Grace Ji Yeon Park Lee	Terminate per patient
C.	201600165	Dr. Joseph R. Bentley	Terminate per patient
D.	201600183	Dr. Nicholas P. Heiner	Terminate per patient
E.	201600184	Dr. Daniel Cole Sluyk	Terminate per patient
F.	201600123	Dr. Michael D. Margolis	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 Vote *is not required***

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

- A. Dr. Long K. Bui – Malpractice Report Recommendation – Take No Action

**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
A.	201600185	Dr. Robert Joseph Benzell	“Dr. Benzell should be aware of the definition of “Recognized Continuing Dental Education.”
B.	201600188	Jennifer L. Nielsen, RDH	“Ms. Nielsen should be aware of the Board’s continuing education renewal requirements.”

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

A. Dr. Matthew B. Kahn – Dental Consultant

**19. APPROVAL OF MINUTES  
 CONSENT AGENDA**

A. December 2, 2016 – Board Meeting Minutes

B. December 2, 2016 – Board Meeting Executive Session Minutes

**20. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS  
 CONSENT AGENDA**

The Board will review, discuss and vote to approve, reject or modify the following appealed case(s):

Item No.	Case No.	Licensee	Comments
A.	201600129-ED	Dr. Matthew David Phillips	
B.	201600130-ED	Dr. Salvatore F. Perna	
C.	VACANT		
D.	201600176-ED	Dr. Michael A. Prost	

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

Item No.	Case No.	Licensee	Comments
A.	201600125	Dr. Robert C. Bingham	
B.	201600140/ 201500120	Dr. Wayne O. Baldon	

*FORMAL INTERVIEWS – 10:15 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.

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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 22A, 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).

**23. MEMBERS OF THE PUBLIC**

**24. FUTURE AGENDA ITEMS**

**25. NEXT MEETING DATE – March 31, 2017**

**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.