



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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www.azdentalboard.us

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 1, 2013 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. Greg Waite

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 and discussion of information from the American Academy of Sleep Medicine and American Academy of Dental Sleep Medicine Joint Policy Statement on the Diagnosis and Treatment of Obstructive Sleep Apnea.
- C. Presentation by Vincent L. DiCianni of Affiliated Monitors, Inc.
- D. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and Board President to attend the mid-year AADB meeting in Chicago, April 21-22, 2013.
- E. Review, discussion and possible action to amend or repeal Substantive Policy #5: Guidelines for imposing sanctions of Licensees and Certificate Holders.

ARIZONA STATE BOARD OF DENTAL EXAMINERS
FEBRUARY 1, 2013
BOARD MEETING
PAGE 2

- F. Current Proposed Legislation – Review and discussion regarding current proposed legislation for the 2013 Session:
 - i. Dental Board Proposed Legislation
 - a) HB2398 Dental Board; Omnibus – Amending sections amending 32-1207 to add the licensee, certificate holder or applicant bears the cost of an evaluation; amending 32-1263.02 to add a statute of limitation on filing a dental complaint.
 - b) HB 2426 Mobile Dentistry – Amending sections 32-1299.25 relating to informed consent.
 - ii. Other Proposed Legislation relating to the Dental Board
 - a) HB2064 Training; military health professions – Amending sections Title 32, Chapter 11, Article 2 by adding section 32-1241; amending Title 32, Chapter 13, Article 2, by adding section 32-1437; amending Title 32, Chapter 25, Article 2 by adding section 32-2529; relating to health professions
 - b) HB2076 Separating service members; licensure – Changing the designation of Title 32, Chapter 43 to Military Members; Amending Title 32, Chapter 43, Article 1 by adding section 32-4303 relating to military members
 - c) HB2304 Physicians; free clinics; licensure exemption – Amending section 12-571; Amending Title 32, Chapter 32, Article 1 by adding 32-3216 relating to health professionals.
 - d) HB2316 Licensing Boards; composition; professions; occupations – Amending Title 32 by adding chapter 45; relating to professions and occupations
 - e) HB2409 Dental Hygienists; examinations – Amending section 32-1285; relating to dental hygienists
 - f) HB2003 Specialty status – Amending Title 32, Chapter 32, Article 1 by adding section 32-3216; Amending Title 32, Chapter 44, Article 1 by adding section 32-4405; relating to professions and occupations.
 - g) SB1045 Specialty status – Amending Title 32, chapter 32, Article 1 by adding section 32-3216 (Striker)
 - h) HB2513 Dentistry – Amending sections 32-1236 and 32-1263 relating retirement age and grounds for disciplinary action.
- G. Review, discussion, and possible action to administratively adjust complaint number 201200195 against Southwest Dental Group
- H. Review, discussion and possible action on the following 2012 Continuing Education Audits.
 - i. Preddis L. Sullivan, DDS
 - ii. Frank S. Winfield, DMD
 - iii. Todd B. Krekow, DDS
 - iv. Randall J. Johnson, DDS
- I. Vacant

- J. Review, discussion and possible action regarding approval of CE Course – Dental Ethics provided by Frederick Cummings
- K. 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 FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG

- A. Administrative Appeals
 - i. Nishith S. Shah, DMD v. ASBDE (Case 201100032) (Court Case LC2011-000735)
 - ii. Jack I. Lipton, DMD v. ASBDE (Cases 201000254 & 201100259) (Court Case LC2011-000713)
 - iii. Rosalyn D. Keith, DDS v. ASBDE (Case 270098).

6. PERSONNEL ISSUES

- A. Yubeka James – New Legal Administrator
- B. Monica Crowley – Promotion to Programs and Projects Specialist
- C. Jill Barenbaum – Promotion to Legal Assistant

7. COMMITTEE REPORTS

- A. Dental Hygiene Committee – Laurie Buckles, RDH
 - i. Review, discussion and possible action regarding the 2012 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. Rachel Rodriguez, RDH
 - b. Cozi R. Pond, RDH
 - c. David R. Lebo, RDH
 - ii. Review, discussion, and possible action on recommendation of the Dental Hygiene Committee, to consider recognizing the Local Anesthesia and Nitrous Oxide coursework from College of Southern Idaho.
 - iii. Review, discussion, and possible action on recommendation of the Dental Hygiene Committee, to consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from University of Maryland School of Dentistry-Course does not include the 36 hours of instruction
 - iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Seattle Central Community College-Course does not include at least three experiences of the MSA, ASA, NP, GP, Lingual, Mental or Long buccal injections or at least three experiences of nitrous oxide analgesia.

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. Brian Joseph Blocher - Board approved exam; discipline on Wisconsin license

B. Dr. Tri Minh Le - 1987 Texas State exam prior to a regional; discipline on Texas license

C. Dr. Basilios Constantine Costaras- Board approved exam; discipline on Ohio license; malpractice action; lists exclusion from Medicare and state health care programs; default on health education loans

D. Dr. David Mark Raiffe - Board approved exam; discipline on Ohio and Pennsylvania licenses; malpractice action; denial of clinical privileges

E. Dr. Donald Eugene Bortz, DDS – 1975 Illinois State exam prior to a regional exam

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

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 21A, 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.	201200173	Dr. Clayton Wainwright	Proposed Board Order from December 7, 2012 Formal Interview
B.	201200084	Dr. James Cornelius Spurgeon	Proposed Board Order from December 7, 2012 Formal Interview

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.

14. 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	Recommendation
A.	201200197	Dr. Brooke A. Zoumbaris	4 hours of risk management
B.	201200181	Dr. Salvatore F. Perna	6 hours of mouth preparation for full immediate dentures
C.	201200165	Dr. Uni Kim Lidner	4 hours of risk management
D.	201200172	Dr. Keith A. Holm	4 hours of risk management
E.	201200114	Dr. George R. Ayoub	Vacate vote for Formal Interview; 12 hours of CE Courses in the area of Orthodontic Diagnosis and Treatment Planning

**15. 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.	201200184	Dr. Larry F. Wheeler	Stating “Dr. Wheeler should be aware the records for a patient shall include ARS 32-1264A periodontal charting.”
B.	201200179	Dr. Sin Hui Lee	Stating “Dr. Sin Lee should be aware of the consequences of treatment planning long span bridges with inadequate abutment support.”
C.	201200208	Dr. Scott N. Calev	Stating “Dr. Calev, the owner of the practice, should not allow his staff to use another dentist’s identity or identifiers to authorize prescriptions.”

**16. 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.	201200218	Dr. Jenny V. Wang	Per patient letter
B.	201200220	Dr. Carter A. Grampp	Per patient letter
C.	201200217	Dr. Cody H. Skinner	Per patient letter

**17. 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	Recommendation
A.	Vacant		

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

The Board will review and may vote to send the following case(s) to a Formal Interview.

Item No.	Case No.	Licensee	Recommendation
A.	Vacant		

**19. MALPRACTICE AND ADVERSE OCCURANCE REPORTS
 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. Brannon J. Gunnell – Malpractice report. Recommendation – Take no action.
- B. Dr. Chet L. Jenkins – Malpractice report. Recommendation – Take no action

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

- A. Dr. Michael LaCorte – Dental Consultant
- B. Dr. David S. Dodell – Dental Consultant

**21. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. December 7, 2012 – Board Meeting Minutes
- B. December 7, 2012 – Executive Session Minutes

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

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.

Item No.	Case No.	Licensee	Comments
A.	201200106	Mr. Arthur Silva	
B.	201200097	Dr. Arthur J. Porter	

OTHER BUSINESS – 10:30 AM

23. 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.	201200174-ED	Dr. John R. Lee	

CALL TO THE PUBLIC

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance; however, they must sign-in. 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).

24. MEMBERS OF THE PUBLIC

25. FUTURE AGENDA ITEMS

26. NEXT MEETING DATE – April 5, 2013

27. 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.

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).