



Jan Brewer, Governor

## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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[www.azdentalboard.us](http://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 3, 2012 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. PRESIDENT'S REPORT – Dr. Greg Waite**

- A. Appointment of committee to review Board's administrative rules on continuing education.
- B. Review, discussion and possible action regarding the appropriate level of supervision under which dental assistants should apply topical fluoride and sealants.
- C. Review, discussion and possible action regarding required examination for dental assistants to do coronal polishing.

#### **3. 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. Approval for the Executive Director to attend the State Bar Administrative Law Section seminar "Healthcare Professionals and Their Licensing Boards" on February 10, 2012.
- C. Robert H. Mercier, DDS (Case #201200002) – Review, discussion and possible action regarding issuance of interim order for psychological testing.

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- D. Sarah G. Morones, RDH - Review, discussion and possible action regarding the voluntary interim suspension of Ms. Morones' dental hygiene license.
- E. Review, discussion and possible action regarding Board's policy on reviewing disclosures on initial or renewal license applications.
- F. Current Proposed Legislation – Review and discussion regarding current proposed legislation for the 2012 Session:
  - i. HB 2259 Dental Board; Omnibus – Amending sections 32-1207, 32-1233, 32-1234 and 32-1299.
  - ii. SB 1004 Dental Hygienists; Local Anesthetics – Amending section 32-1281
  - iii. HB 2070 License Eligibility; Authorized Presence – Amending section 41-1080
  - iv. HB 2080 Health Professions; Sunrise Process – Amending sections 32-3101, 32-3102 and 32-3104
  - v. HB 2244 Professions and Occupations; Board Members – Amending Title 32, Arizona Revised Statutes, by adding Chapter 45
  - vi. SB 1189 Health Professionals; State Regulation; Exception – Amending Title 32, Chapter 32, Article 1 Arizona Revised Statutes, by adding Section 32-3215
- G. 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.

**4. ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG**

- A. Administrative Appeals
  - i. Nishith S. Shah, D.M.D. v. ASBDE (Case 201100032) (Court Case LC2011-000735)
  - ii. Jack I Lipton, D.M.D. v. ASBDE (Case 201000254 & 201100259) (Court Case LC2011-000713)
  - iii. Rosalyn D. Keith, D.D.S. v. ASBDE (Case 270098) Appeal of superior court's decision affirming Board order.

**5. PERSONNEL ISSUES**

- A. VACANT

*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).

**6. MEMBERS OF THE PUBLIC**

*ACTION ON LICENSING*

**7. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION**

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

- A. Sara M. Saba, RDH - Disclosure of shoplifting conviction

**8. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL**

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

- A. Dr. Perry Joel Damiani - Board approved exam, disclosure of multiple malpractice actions.

- B. Dr. Shlaimon T. Sawa - Board approved exam (application was tabled from the October 9, 2009 Board meeting, pending resolution of complaint in California)

**9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL**

**Clinical Examination taken more than 5 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

**10. 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. Dr. Alaina Kathleen Pancio - 2010 CRDTS

**11. 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

**12. VACANT**

**13. VACANT**

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***ACTION ON CASES – 9:30 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).

**14. ACTION ON CASES - Roll Call Vote *is required***

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

Item No.	Case No.	Licensee	Recommendation
A.	201100200	Dr. Ryan D. Cullinan	

**15. 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.	VACANT	VACANT	

**16. ACTION ON PREVIOUS ACTION – Roll Call Vote *is required***

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

Item No.	Case No.	Licensee	Comments
A.	201100174	Dr. Jenny V. Wang	Proposed Consent Agreement

***CONSENT AGENDA – 9:30 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.**

**17. CASES RECOMMENDED FOR CONSENT AGREEMENTS**

**CONSENT AGENDA – Roll Call Vote *is required if case is pulled***

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

Item No.	Case No.	Licensee	Comments
A.	201000306	Dr. Nicholas J. Meyer	
B.	201100160	Dr. Joseph T. Nielsen	
C.	201100165	Dr. Daniel M. Tee	
D.	201100186	Dr. Orville S. Diggs	
E.	201100209	Dr. Harry E. Collins	
F.	201100218	Dr. Gerald D Halbach	

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**18. 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	Recommendation
A.	201100192	Dr. Clayton Wainwright	Stating Dr. Wainwright should ensure a denture patient's records contain radiographs necessary to visualize the supporting bone structure.
B.	201100236	Dr. Rodger S. Sears	Stating Dr. Sears needs to be aware of the statutes which govern the supervision of assistants, technicians and denturists.

**19. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION  
 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). 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.	VACANT	VACANT	

**20. CASES RECOMMENDED FOR TERMINATION  
 CONSENT AGENDA - Roll Call Vote *is not required***

The Board will review and vote to take action on the following case(s).

Item No.	Case No.	Licensee	Recommendation
A.	201100157	Dr. Nathan W. Smith	Per patient letter
B.	201100175	Dr. David Kloss	Per patient letter
C.	201100185	Dr. Tonya L. Phillips	Per patient letter
D.	201100197	Dr. Kenneth E. Holland, Jr.	Per patient letter
E.	201100203	Dr. Robert C. Bingham	Per patient letter

**21. VACANT**

**22. APPROVAL OF RESTRICTED PERMIT(S) (APPLICATION/RENEWAL) – CONSENT AGENDA**

A. Dr. John Paul Mitchell

**23. APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA**

A. VACANT

**24. APPROVAL OF MINUTES – CONSENT AGENDA**

- A. December 9, 2011 - Board Meeting Minutes
- B. December 20, 2011 - Board Meeting Minutes
- C. December 20, 2011 - Executive Session Minutes

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

*OTHER BUSINESS*

**25. 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.	201100151-ED	Dr. Carter A. Grampp	
B.	201100159-ED	Dr. Tatiana V. Trowbridge	
C.	201100176-ED	Dr. Payman Tasvibi-Tanha	
D.	201100179-ED	Dr. Tori Sandoval	

**26. OTHER COMMITTEE REPORTS – 9:00 AM**

- A. Dental Hygiene Committee – Laurie Buckles, RDH
  - i. Dental Hygiene Committee Report of meeting held January 13, 2012 to include requests for future agenda items.
  - ii. Review, discussion and possible action regarding the 2011 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. Maggie Dobai, RDH
    - b. Melissa H. Gardner, RDH
    - c. Cara Lynn Thomas, RDH
    - d. Maretta G. Zuercher, RDH
  - iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Carrington College - Portland, OR.
  - iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from John A. Logan College - Course does not include nitrous oxide.
- B. Continuing Education Audit for Dentists Committee – Dr. Robert Foster

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- i. Review, discussion and possible action regarding the 2011 Dental Continuing Education Audits. Upon recommendation of the Continuing Education Audit for Dentists Committee, the Board may consider approval of the following CE Audit responses from the following:
  - a. Dr. Robert R. Barnes
  - b. Dr. Robert B. Goldenberg
  - c. Dr. Michael S. Grams
  - d. Dr. Christopher E. Schomaker
  - e. Dr. Martin H. Zais

**27. ASSOCIATIONS**

**28. FUTURE AGENDA ITEMS**

**29. NEXT MEETING DATE – April 13, 2012**

**30. 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).