



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 7, 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 AND INTRODUCTIONS

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. Appointment of a Board Member to WREB Dental Exam Review Board
- C. Review, discussion and possible action regarding license renewal fees for dentists, dental consultants, dental hygienists, and denturists pursuant to Arizona Revised Statutes §§§ 32-1236(A) – 1287(A), and -1297.06(A)
- D. Arizona Administrative Code (AAC), Title 4, Chapter 11, Article 4 Fees.
 - i. Review, discussion and possible action regarding staff recommendations for revisions to AAC, Title 4, Chapter 11, Article 4 Fees.

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- ii. Review, discussion, and possible action regarding forwarding ACC Title 4, Chapter 11, Article 4 Fee proposed rules to the Governor's Regulatory Review Council.
- E. Current Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2014 session:
 - i. Proposed Legislation
 - a) HB 2087 Health regulatory boards; training requirements – Amending Title 32, Chapter 32, Article 1 Arizona Revised Statutes, by adding section 32-3217; relating to health professions regulatory board
 - b) SB 1042 Health professionals; specialty status claims – Amending Title 32, Chapter 32, Article 1, Arizona Revised Statutes, by adding section 32-3217; relating to health professionals.
 - c) HB 2529 Cosmetic laser procedures; supervision; dentists – Amending sections 32-516 and 32-3233, Arizona Revised Statutes; Relating to Cosmetic Laser Procedures
 - d) HB 2561 Private certification; occupations – Amending Title 32, Arizona Revised Statutes, by adding Chapter 45; Relating to private certification
 - e) SB 1343 Dentists; business entities – Amending sections 32-1213 and 32-1262, Arizona Revised Statutes; Relating to dental business entities
 - f) HB 2260 Small business bill of rights – Amending sections 41-1001.01, 41-1009 and 41-1376, Arizona Revised Statutes; relating to regulatory enforcement
 - g) Dental Hygienists; regulation; discipline; education – Amending sections 32-1201, 32-1263, 32-1263.01, 32-1263.02, 32-1266 and 32-1282, Arizona Revised Statutes; Amending Title 32, Chapter 11, Article 4, Arizona Revised Statutes, by adding section 32-1282.01; Amending sections 32-1287 and 32-1290, Arizona Revised Statutes; relating to the Dental Hygienist Commission.
- F. Dr. Daniel J. Gibbons – Case No. 201400003: Review, discussion and possible action on 1) Dr. Gibbons' voluntary suspension and 2) Stipulation Agreement and Order for participation in the monitored aftercare treatment program.
- G. Dr. Earl Bruce Weisbrod – Case no. 201300273: Review, discussion, and possible action to administratively adjust complaint number 201300273.
- H. Dr. Thomas A. Endicott – Case Nos. 201300213/201400011: Review, discussion, and possible action to administratively adjust complaint numbers 201300213/201400011.
- I. Dr. Alexander C. Hatch – Case No. 201100145 – Review, discussion, and possible action regarding removal of DEA restriction from MATP Stipulation Agreement and AA meeting log requirements based upon the recommendation from the Board's MATP Medical Director.

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 4I, pursuant to A.R.S. §38-431.03(A)(2).

- J. Dr. Wade A. Mendenhall – Case No. 201400012: Review, discussion and possible action including adding an allegation of substance abuse, issuance of interim order for in-patient substance abuse evaluation and possible summary suspension of license. **To be heard at 8:30am**
- 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 – Mary DeLaat Williams, AAG

- 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. 201000254 & 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. Arthur J. Porter v. ASBDE (Case No. 201200097) (Maricopa County Superior Court Case LC2013-000370-001DT) – 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 2013 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. Mary M. Johnson, RDH
 - b. Rebecca A. Pavey, RDH
 - c. Danielle F. Kamberos, RDH
 - d. Kendra L. Ayers-Valdiviezo, RDH
- B. Continuing Education Audits for Dentist Committee – Dr. Robert H. Foster
 - i. Review, discussion and possible action regarding the 2013 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit responses from the following:
 - a. Dr. Jonathan T. Schultz

b. Dr. Katie C. Julien

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

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

- A. Dr. Eric LaMont Mack – Discipline on Colorado license; Disclosure of malpractice action
- B. Dr. Vincent Arthur Martinez – Review, discussion and possible action regarding disciplinary action in New Mexico

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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 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

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 12A through 12D, pursuant to A.R.S. §38-431.03(A)(2).

12. 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.	201300217	Mr. Arthur Silva	Recommendation to Terminate
B.	201300124	Dr. Shahin Madi	Proposed Board Order from December 6, 2013 Formal Interview
C.	201300156	Dr. L. Mitchell Thomas	Proposed Board Order from December 6, 2013 Formal Interview

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Item No.	Case No.	Licensee	Comments
D.	201300155	Dr. Kristine P. Thomas	Proposed Board Order from December 6, 2013 Formal Interview

13. 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 14A through 19A, pursuant to A.R.S. §38-431.03(A)(2).

**14. 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.	201300205	Dr. Kevin M. Harris	
B.	201300256	Dr. Kelly B. Wettstein	
C.	201300224	Dr. Michael A. Kaye	
D.	201300247-MP	Dr. Mu-Hun Kim	
E.	201300191	Dr. Steven T. Nguyen	
F.	201300084	Dr. Massoud Eftekhari	

**15. 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
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Item No.	Case No.	Licensee	Comments
A.	201300221-MP	Dr. Alvin J. Coon, Jr.	4 hours of risk management
B.	201300197	Dr. John M. Roskos	6 hours of crown and bridge and 4 hours of record keeping
C.	201300211	Dr. Franklin D. Hulme	6 hours of crown and bridge
D.	201300222	Dr. James B. Edwards	6 hours in the area of diagnosis and treatment planning
E.	201300269	Dr. Steven K. Nelson	6 hours in the area of diagnosis and treatment planning and 4 hours of risk management
F.	201300257	Dr. Kyle J. Huish	6 hours of record keeping
G.	VACANT		
H.	201300239	Dr. Manu Arora	4 hours of risk management
I.	201300186	Dr. Peter J. Badalamenti	6 hours in the area of diagnosis and sequencing of treatment and 4 hours of record keeping

**16. 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.	201300267	Dr. Keith R. Norton	"Dr. Norton should ensure that the parent have adequate informed consent for any treatment provided to a minor."
B.	201300255	Dr. Marissa L. Rubio-Ellis	"Dr. Rubio-Ellis should not halt treatment due to an unpaid balance."
C.	201300202	Dr. Jerome C. Cutler	"Dr. Cutler should ensure there is complete documentation of the comprehensive exam."
D.	201300260	Dr. Sabrina K. Dhanjal	"Dr. Dhanjal should ensure all treatment documentation is complete and all radiographs are of diagnostic quality."
E.	VACANT		

**17. 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.	201300252	Dr. Bonjung Jane Koo	Per patient letter

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Item No.	Case No.	Licensee	Comments
B.	201300215	Dr. Jesse C. Engle	Per patient letter
C.	201300254	Dr. Carl C. Fairchild	Per patient letter
D.	201300268	Dr. Paul S. Gebhart	Per patient letter
E.	201300293	Dr. Todd F. Jorgenson	Per patient letter
F.	201300251	Dr. Jared B. Williams	Per patient letter

**18. 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		

**19. 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. Ernest L. Stromeyer – Malpractice Report Recommendation – Take no action

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

- A. VACANT

**21. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. October 4, 2013 – Board Meeting Minutes – AMENDED
- B. December 6, 2013 – Board Meeting Minutes
- C. December 6, 2013 – 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 21C pursuant to A.R.S. §38-431.03(A)(2).

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

OTHER BUSINESS – 9:00 AM

22. 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 22A through 22H, 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.	201300212-ED	Dr. Shawn M. Fuller	
B.	201300210-ED	Dr. Nathan M. Easton	
C.	201300207-ED	Dr. Omaira S. Samain	
D.	201300223-ED	Dr. Manpreet S. Badyal	
E.	201300225-ED	Dr. Cory R. Christensen	
F.	201300240-ED	Dr. Anthony J.E. Herro	
G.	201300232-ED	Dr. Erik D. Kuhlman	
H.	201300243-ED	Dr. Frank W. Wolf	

FORMAL INTERVIEWS – 9:30 AM

23. 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 23A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201300153	Dr. Lee W. Harding	

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 item 24B, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	VACANT		
B.	201300238	Dr. Thomas A. Endicott	

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 – April 11, 2014

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.