



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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

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

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

APRIL 5, 2013 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. Greg Waite**

A.

#### **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 to amend or repeal Substantive Policy #5: Guidelines for imposing sanctions of Licensees and Certificate Holders.
- C. Review, discussion and possible action on request for voluntary surrender of dental license of Dr. David M. Chei.
- D. Presentation of American Association of Dental Board's Assessment Services Program by Dr. Bruce Horn

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- E. Review, discussion and possible action on Five-year Review Report for Arizona Administrative Code Title 4, Chapter 11, Article 17
- F. Review, discussion, and possible action on the following 2012 Continuing Education Audit – Jonathan A. Amberg, DMD
- G. Legislative Update – Review and discussion regarding current proposed legislation for the 2013 Session:
  - a) HB2398 Dental Board; Omnibus – Amending sections 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.
  - c) 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
  - d) HB2409 Dental Hygienists; examinations – Amending section 32-1285; relating to dental hygienists
  - e) SB1045 Specialty status claim – Amending Title 32, chapter 32, Article 1
  - f) HB2513 Dentistry – Amending sections 32-1236 and 32-1263 relating to retired status and the definition of unethical conduct.
  - g) HB2231 – payment; alternative methods; state fees
- 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 FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG**

- A. Administrative Appeals
  - i. Nishith S. Shah, DMD v. ASBDE (Case 201100033) (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. Susie Adams – Legal Assistant

**7. RULES**

- A. CE Rules Committee – Dr. Robert Foster
  - i. Review, discussion and possible action regarding recommendations of the CE Rules Committee for revisions to Arizona Administrative Code Title 4, Chapter 11, Article 1 Definitions and Article 12 Continuing Dental Education and Renewal Requirements.
  - ii. Review, discussion and possible action regarding opening a docket and forwarding proposed rules to the Governor’s Regulatory Review Council.
- B. Review, discussion and possible action regarding staff recommendations for revision to Arizona Administrative Code, Title 4, Chapter 11, Article 1 Definitions to delete “triage”.

*ACTION ON LICENSING*

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

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

- A. Andrew D. Adams, RDH – 2010 disclosure of retail theft.

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

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

- A. Dr. Basilios Constantine Costaras – Application was tabled from February Board meeting; requesting documentation of repayment of student loans.
- B. Dr. Marc Balson – Board approved exam; discipline on New Jersey license; disclosure of malpractice action
- C. Dr. Jungwoo Lee – 2004 IN State exam prior to a regional
- D. Kimberlee Jo Otto, RDH – 1985 WA 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. Frank A. Sharp – 1993 CRDTS

**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. Andrea Marie Wirth, RDH – 2012 NERB
- B. Dr. Dorrance Dean Clark – 2011/2012 CITA

**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:

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- A. Dr. John A. Piakis – Review, discussion and possible action regarding Dr. Piakis' request to change his license status from Retired to Active.

***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.	201200106	Mr. Arthur Silva	Proposed Board Order from February 1, 2013 Formal Interview
B.	201200097	Dr. Arthur J. Porter	Proposed Board Order from February 1, 2013 Formal Interview

**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 a rehearing or conduct an immediate rehearing.

Item No.	Case No.	Licensee	Comments
A.	201200060	Dr. Amy Jo McKeever	
B.	201200084	Dr. James Cornelius Spurgeon	

***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.

**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.	201200177	Dr. Salvatore F. Perna	
B.	201200178-MP	Dr. Stan Lavell Covington	
C.	201200216	Dr. Robert A. Masters	
D.	201300003	Dr. Harry E. Collins, Jr.	

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Item No.	Case No.	Licensee	Comments
E.	201200200-MP	Dr. Michael J. Killebrew	
F.	201200219	Dr. Omaira S. Samain	

**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 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.	201200170	Dr. James Sungil Baik	4 hours of risk management
B.	201200204	Dr. Frank H. Brinkman	4 hours of risk management
C.	201200221	Dr. Matthew T. Gunnell	6 hours of crown and bridge
D.	201200175	Dr. Mark S. Sinnard	4 hours of risk management

**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.	201200224	Dr. Brad M. Johnson	"Dr. Johnson should ensure the records for a patient shall include documentation (either written or oral) of informed consent for the procedures to be completed including the risks, benefits of the treatment and the alternatives available to the patient."
B.	201200215	Dr. David M. Hamblin	"Dr. Hamblin should ensure preparations for restorations have proper retention."
C.	201200227	Dr. Craig S. Howden	"Dr. Howden should ensure accurate and timely documentation of all treatment and tests performed on patients."
D.	201200236	Dr. Sung Lee	"Dr. Lee should ensure that patient records contain all necessary health information and it should be clear, concise, and understandable."
E.	201300021	Dr. Danny Salem	"Dr. Salem should take pre-op periapical

Item No.	Case No.	Licensee	Comments
			x-rays of any tooth possibly needing root canal treatment. Additionally, a rubber dam should be used during endodontic procedures."

**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.	201300010	Dr. Shaun Patrick Gardner	Per patient letter
B.	201300006	Dr. Lisa Marie Loving	Per patient letter
C.	201200240	Dr. Hedayat B. Harsini	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 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. Richard J. Calabrese – Malpractice report. Recommendation – Take no action
- B. Dr. Scott P. Gunnell – Malpractice report. Recommendation – Take no action

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

- A. Bobby L. Raber, DMD – Anesthesia Evaluator
- B. Fred B. Olsen, DDS – Dental Consultant
- C. Jerry P. Sparks, DDS – Dental Consultant

**22. APPROVAL OF MINUTES  
 CONSENT AGENDA**

- A. February 1, 2013 – Board Meeting Minutes
- B. February 5, 2013 – Telephonic Board Meeting Minutes

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

*FORMAL INTERVIEWS – 10:30 AM*

**23. FORMAL INTERVIEW CASES – Roll Call Vote *is required***

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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.	201200183	Dr. Sung Lee	

*OTHER BUSINESS – 10:00 AM*

**24. 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.	201200191-ED	Dr. Nicholas J. Meyer	
B.	201200223-ED	Dr. Kevin D. Givens	
C.	201300002-ED	Dr. Keith W. Hodgkin	
D.	201200231-ED	Dr. William G. Halliday, III	
E.	201200207-ED	Dr. Ishaq G. Ali	
F.	201300017-ED	Dr. Kevin Brian Cebrynski	

*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).

**25. MEMBERS OF THE PUBLIC**

**26. FUTURE AGENDA ITEMS**

**27. NEXT MEETING DATE – June 7, 2013**

**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.

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).