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.

AGENDA
BOARD OF DENTAL EXAMINERS MEETING
APRIL 5, 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
   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
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:
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):

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Case No.</th>
<th>Licensee</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200106</td>
<td>Mr. Arthur Silva</td>
<td>Proposed Board Order from February 1, 2013 Formal Interview</td>
</tr>
<tr>
<td>B.</td>
<td>201200097</td>
<td>Dr. Arthur J. Porter</td>
<td>Proposed Board Order from February 1, 2013 Formal Interview</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Case No.</th>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200060</td>
<td>Dr. Amy Jo McKeever</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>201200084</td>
<td>Dr. James Cornelius Spurgeon</td>
<td></td>
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</table>

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):

<table>
<thead>
<tr>
<th>Item No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200177</td>
<td>Dr. Salvatore F. Perna</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>201200178-MP</td>
<td>Dr. Stan Lavell Covington</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>201200216</td>
<td>Dr. Robert A. Masters</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>201300003</td>
<td>Dr. Harry E. Collins, Jr.</td>
<td></td>
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</tbody>
</table>
### Item No. | Case No. | Licensee | Comments |
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<tbody>
<tr>
<td>E.</td>
<td>201200200-MP</td>
<td>Dr. Michael J. Killebrew</td>
<td></td>
</tr>
<tr>
<td>F.</td>
<td>201200219</td>
<td>Dr. Omaima S. Samain</td>
<td></td>
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### 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.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200170</td>
<td>Dr. James Sungil Baik</td>
<td>4 hours of risk management</td>
</tr>
<tr>
<td>B.</td>
<td>201200204</td>
<td>Dr. Frank H. Brinkman</td>
<td>4 hours of risk management</td>
</tr>
<tr>
<td>C.</td>
<td>201200221</td>
<td>Dr. Matthew T. Gunnell</td>
<td>6 hours of crown and bridge</td>
</tr>
<tr>
<td>D.</td>
<td>201200175</td>
<td>Dr. Mark S. Sinnard</td>
<td>4 hours of risk management</td>
</tr>
</tbody>
</table>

### 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.

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200224</td>
<td>Dr. Brad M. Johnson</td>
<td>“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.”</td>
</tr>
<tr>
<td>B.</td>
<td>201200215</td>
<td>Dr. David M. Hamblin</td>
<td>“Dr. Hamblin should ensure preparations for restorations have proper retention.”</td>
</tr>
<tr>
<td>C.</td>
<td>201200227</td>
<td>Dr. Craig S. Howden</td>
<td>“Dr. Howden should ensure accurate and timely documentation of all treatment and tests performed on patients.”</td>
</tr>
<tr>
<td>D.</td>
<td>201200236</td>
<td>Dr. Sung Lee</td>
<td>“Dr. Lee should ensure that patient records contain all necessary health information and it should be clear, concise, and understandable.”</td>
</tr>
</tbody>
</table>
| E. | 201300021 | Dr. Danny Salem | “Dr. Salem should take pre-op periapical
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).

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300010</td>
<td>Dr. Shaun Patrick Gardner</td>
<td>Per patient letter</td>
</tr>
<tr>
<td>B.</td>
<td>201300006</td>
<td>Dr. Lisa Marie Loving</td>
<td>Per patient letter</td>
</tr>
<tr>
<td>C.</td>
<td>201200240</td>
<td>Dr. Hedayat B. Harsini</td>
<td>Per patient letter</td>
</tr>
</tbody>
</table>

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).

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>Vacant</td>
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20. **MALPRACTICE AND ADVERSE OCCURRENCE 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**
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.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201200183</td>
<td>Dr. Sung Lee</td>
<td></td>
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</table>

**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):

<table>
<thead>
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<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>A.</td>
<td>201200191-ED</td>
<td>Dr. Nicholas J. Meyer</td>
<td></td>
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<tr>
<td>B.</td>
<td>201200223-ED</td>
<td>Dr. Kevin D. Givens</td>
<td></td>
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<tr>
<td>C.</td>
<td>201300002-ED</td>
<td>Dr. Keith W. Hodgkin</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>201200231-ED</td>
<td>Dr. William G. Halliday, III</td>
<td></td>
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<tr>
<td>E.</td>
<td>201200207-ED</td>
<td>Dr. Ishaq G. Ali</td>
<td></td>
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<tr>
<td>F.</td>
<td>201300017-ED</td>
<td>Dr. Kevin Brian Cebrynski</td>
<td></td>
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</tbody>
</table>

**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).