



Jan Brewer, Governor

ARIZONA STATE BOARD OF DENTAL EXAMINERS

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

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

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 13, 2012 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. VACANT
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. VACANT
 - C. Board interim appointment of hygienist to serve on the WREB Hygiene Exam Board.
 - D. VACANT

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- E. Review, discussion, and possible action regarding delegation of authority to Executive Director to enter into confidential stipulation agreements with licensees for substance abuse treatment and monitoring.
- F. Dr. Hong Xia (Case #: 201100072) – Review, discussion and possible action regarding proposed amendment to Consent Agreement.
- G. Dr. Vincent G. Colosimo (Case #: 201000149) - Review, discussion and possible action regarding reinstatement of his dental license.
- H. VACANT
- I. Five Year Rule Review Report – Arizona Administrative Code Title 4, Chapter 11, Articles 5, 6, 7, 8, 9, & 10.
- J. 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, 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.

6. PERSONNEL ISSUES

- A. VACANT

ACTION ON LICENSING

7. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

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

- A. Thanhha T. Pham, DDS – Disclosure of disciplinary actions in WA and OR

8. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Shawn Martin Keller - Board approved exam; Disclosure of malpractice action and disciplinary action in WA
- B. Dr. Soo Bin Kim - Board approved exam; Disclosure of disciplinary action in TX
- C. Dr. George Thomas Marks - 1968 IL State exam prior to a regional
- D. Angela Kay McCulloch, RDH - Board approved exam; Disclosure of misdemeanor and felony offense as a juvenile.
- E. Dr. Donald Edward McNamara - 1983 IN State exam prior to a regional

**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. VACANT

**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

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 20A, pursuant to A.R.S. §38-431.03(A)(2).

12. 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.	VACANT	VACANT	

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

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

Item No.	Case No.	Licensee	Recommendation
A.	201000301	Dr. Brent Tyler Robison	Formal Hearing

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.

14. CASES RECOMMENDED FOR APPROVAL OF DISCIPLINARY CONSENT AGREEMENTS – CONSENT AGENDA – Roll Call Vote *is required*

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.	201100200	Dr. Ryan D. Cullinan	

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	Recommendation
A.	201100198	Dr. Ernest Franklin Delmoe	Stating Dr. Delmoe should document all conditions present including open and short margins.
B.	201100211	Dr. Erica El-Annan	Stating Dr. El-Annan should not amend treatment records subsequent to additional patient treatment.
C.	201100235	Dr. Ryan T. Stanger	Stating complete documentation of all endodontic tests should be made in the treatment notes.
D.	201100241	Dr. Michael Brian Muscato	Stating Dr. Muscato should ensure a patient's record contains documentation of the patient's complete treatment.
E.	201100242	Dr. Jonathan George Lovell	Stating Dr. Lovell should ensure a patient's record contains documentation of the patient's complete treatment.
F.	201100249	Dr. Massoud Eftekhari	Stating Dr. Eftekhari should more thoroughly document the informed consent, diagnostic findings, treatment procedures, and radiographic confirmation of the cone seat.
G.	201100250	Dr. Luke J. Jacobsen	Stating Dr. Jacobsen should ensure a patient's record contain documentation of all tests performed to confirm a patient's diagnosis.
H.	201200015	Dr. Lee R. Raddatz	Stating Dr. Raddatz cannot self-prescribe by writing, authorizing or ordering refills for medications outside

			the scope of dentistry.
I.	201200016	Dr. Ralph L. Juriansz	Stating Dr. Juriansz should not prescribe controlled substances without a valid DEA registration.
J.	201200043	Dr. Marshall B. Golan	Stating Dr. Golan should ensure the patient records include all prescription and dispensing information and prescribe only within the scope of the practice of dentistry.

**16. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION
 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.	201100157	Dr. Nathan W. Smith	Consent Agreement
B.	201100185	Dr. Tonya L. Phillips	Consent Agreement
C.	201100206	Dr. Kenneth A. Magri	Consent Agreement
D.	201100220	Dr. Tushara L. Gunatilaka	Consent Agreement
E.	201100221	Dr. Charles A. Loschiavo	Consent Agreement
F.	201200007	Dr. Steven T. Nguyen	Consent Agreement

**17. 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	Comments
A.	201200006	Dr. Ronald E. Ward	Per patient letter
B.	201200017	Dr. David Kloss	Per patient letter
C.	201200020	Dr. Bradley T. Hammond	Per patient letter

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

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

Item No.	Case No.	Licensee	Comments
A.	201100189	Dr. Jaleh Keyhani	
B.	201100239	Dr. Frank M. Nelson	

19. APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

- A. Dr. J. Brent Sanders - Anesthesia Evaluator

20. APPROVAL OF MINUTES – CONSENT AGENDA

A. February 3, 2012 - Board Meeting Minutes

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

OTHER BUSINESS

21. 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.	201100201-ED	Dr. Ernest Franklin Delmoe	
B.	201100204-ED	Dr. Jason C. Campbell	
C.	201100205-ED	Dr. Ronald D. Walker	
D.	201100208-ED	Dr. Richard M. Freimuth	
E.	201100212-ED	Dr. Nathan W. Smith	
F.	201100215-ED	Dr. John H. Upton	
G.	201100223-ED	Dr. Maureen M. Toal	
H.	201100231-ED	Dr. Gregory J. Mikszta	
I.	201100232-ED	Dr. Stan Lavell Covington	
J.	201100234-ED	Dr. Pouria Owtad	
K.	201100248-ED	Dr. Diana A. Batoon	
L.	201100252-ED	Dr. Brown Harris III	

22. COMMITTEE REPORTS

A. Complaint Rules Committee – Scott Morrison, DDS – 8:30 AM

- i. Review, discussion and possible action regarding recommendations of the Complaint Rules Committee for revisions to Arizona Administrative Code Title 4, Chapter 11, Article 15.
- ii. Review, discussion and possible action regarding staff recommendations for revisions to Arizona Administrative Code, Title 4, Chapter 11, Article 1.
- iii. Review, discussion and possible action regarding opening a docket and forwarding proposed rules to the Governor’s Regulatory Review Council.

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B. Anesthesia Committee – Gary Gradke, DDS

Review, discussion and possible action regarding recommendations of the Anesthesia Committee for revisions to Arizona Administrative Code Title 4, Chapter 11, Articles 1 and 13; Review discussion and possible action regarding opening a docket and forwarding proposed rules to the Governor's Regulatory Review Council.

C. Dental Hygiene Committee – Laurie Buckles, RDH – 8:30 AM

- i. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Carrington College - Mesa, AZ
- ii. Discussion and possible action regarding the Dental Hygiene Committee's recommendation to amend the Dental Practice Act to add credentialing for Dental Hygienist Local Anesthesia/Nitrous Certification and to separate the certification into two parts, Local Anesthesia Certification and Nitrous Oxide Certification.

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).

23. MEMBERS OF THE PUBLIC

24. FUTURE AGENDA ITEMS

25. NEXT MEETING DATE – June 1, 2012

26. 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).