



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

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

JUNE 1, 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. COMMITTEE REPORTS

- A. Injecting Substances for Cosmetic Purposes Committee – Joshua Greer
 - i. Review, discussion and possible recommendation from the Injecting Substances for Cosmetic Purposes to amend Substantive Policy Statement #15: Injecting Anesthesia, Injecting Other Substances or Prescribing for Non-Dental Treatment.
- B. Dental Hygiene Committee – Laurie Buckles, RDH
 - i. Discussion and possible action regarding the Dental Hygiene Committee's recommendation to add a Dental Hygienist Certification for Local Anesthesia only and add a Dental Hygienist Certification for Nitrous Oxide only to the Dental Practice Act.
 - ii. Discussion and possible action regarding the Dental Hygiene Committee's recommendation to add Dental Hygienist Local Anesthesia Certification by Credential and add Dental Hygienist Nitrous Oxide Certification by Credential to the Dental Practice Act.

4. PRESIDENT'S REPORT – Dr. Greg Waite

- A. Report from the mid-year American Association of Dental Boards meeting in Chicago on April 22 – 23, 2012.
- B. Review, discussion and possible action regarding the American Association of Dental Boards Assessment Services Program.

5. 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. Report from the mid-year American Association of Dental Administrators meeting in Chicago on April 22 – 23, 2012.
- C. Review, discussion and approval for the Executive Director to attend the State Bar Convention on Thursday, June 21, 2012.
- D. Dr. Doug Chang (Case #: 100030) – Review, discussion, and possible action on Affiliated Monitors Inc. Audit Reports.
- E. Dr. Vincent G. Colosimo (Case #: 201000149) - Review, discussion and possible action regarding reinstatement of his dental license.
- F. Dr. Robert H. Mercier (Case #: 201200002) – Review, discussion and possible action regarding non-compliance of an interim order and forwarding case to a formal hearing.
- G. Mr. Trevor Neate – Review, discussion and possible action regarding acceptance of the Stipulated Agreement to Resolve Allegations of Uncertified Practice.
- H. Review, discussion and possible action regarding approval of the confidential stipulation agreement for two licensees in the 2-year Abuse Track Program and two licensees in the 5-year Monitoring Program.

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 this agenda item pursuant to A.R.S. §38-431.03(A)(2).

- I. Review, discussion and possible action regarding stakeholder comments and suggestions to revise proposed changes to Arizona Administrative Code (AAC), Title 4, Chapter 11, Articles 1 and 13 relating to general anesthesia and sedation.
- J. Review, discussion and possible action regarding an omission in the proposed revision to AAC R4-11-1302(E).
- K. Review, discussion and approval for the Executive Director and Board President to attend the AADB Annual Meeting on October 17-18, 2012 in San Francisco, CA.

- L. 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.

6. 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.

7. PERSONNEL ISSUES

- A. VACANT

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

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

- A. Samantha A. Roberge, RDH – Disclosure of shoplifting arrest in 1998.

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Frank Aker - 1975 Kentucky State exam prior to a regional
- B. Dr. Dennis Allen Johnson - Board approved exam, discipline on Oregon license
- C. Dr. Kimberly Ann Baker - Board approved exam, disclosure of 3 malpractice actions that occurred over ten years ago

10. 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

**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. Brittni Michelle Hardy, RDH - 2011 Florida State Exam

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

The Board will review, discuss and take action on the following restricted permits:

- A. Dr. Donald J. Meis
- B. Dr. Maynard Charles Anderson
- C. Dr. Howard Allen Gerstein
- D. Dr. Victor A. Palmieri

STIPULATION CONSENT AND ENFORCEMENT

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

13. RECOMMENDATION(S) FROM BOARD MATP MEDICAL DIRECTOR

- A. Dr. Michael W. Dodd – Review discussion and possible action regarding removal of the DEA restriction from his Stipulation Agreement. (Case #: 280303)

ACTION ON CASES

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 22A, 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.	VACANT	VACANT	

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.

**15. CASES RECOMMENDED FOR 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):

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
 JUNE 1, 2012
 BOARD MEETING
 PAGE 5**

Item No.	Case No.	Licensee	Comments
A.	201100233	Dr. Glen E. Doyon	
B.	201200005	Dr. George Edward Boughan	
C.	201200011	Dr. Edward W. Galapeaux	
D.	201100189	Dr. Jaleh Keyhani	

**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	Recommendation
A.	201200017	Dr. David Kloss	4 hours in Risk Management - 6 Months to complete

**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	Recommendation
A.	201100238	Dr. Erica N. Bigos (AKA Erica El-Annan)	Stating Dr. El-Annan's records shall be clear, concise, legible and understandable to any dentist.
B.	201200013	Dr. Mark L. Moss	Stating Dr. Moss should ensure the patient's record contains documentation of all procedures.
C.	201200023	Dr. Kevin H. Otteson	Stating that the health history should be reviewed before any treatment, especially before prescribing any medication.
D.	201200045	Dr. Bruce David Schwartz	Stating Dr. Schwartz must only allow certified dental assistants to take x-rays.
E.	201200052	Dr. Christopher S. Payne	Stating Dr. Payne should complete a periodontal evaluation and probing prior to restorative treatment.
F.	201200075	Dr. David R. Beeson	Stating Dr. Beeson should be diligent in making sure he is treating the appropriate tooth.

**18. CASES RECOMMENDED FOR DISMISSAL
 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.	201200022	Dr. Thomas D. Wais	

B.	201200048	Dr. Nishith S. Shah	
----	-----------	---------------------	--

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

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

Item No.	Case No.	Licensee	Comments
A.	201100240	Dr. Mu-Hun Kim	
B.	201200028	Dr. Barry J. Uldrikson	
C.	201200029	Western Dental	
D.	201200034	Western Dental	

**20. REVIEW AND FILING OF CASES FOR INVESTIGATION
 CONSENT AGENDA – Roll Call 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. David A. Curtis (Case #: 201200037) – Dismiss without prejudice
- B. Dr. Richard E. Feldhake - Malpractice Report: Take No Action

21. APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

- A. Dr. Jason J. Augustine – Dental Consultant
- B. Dr. Douglas G. Bening – Dental Consultant
- C. Dr. Alyssa S. Levin – Dental Consultant
- D. Dr. Kendrick Doron Gray – Anesthesia Evaluator
- E. Dr. Jeffrey L. Martin – Anesthesia Evaluator
- F. Dr. Masih Shahlaie – Anesthesia Evaluator
- G. Dr. Happy Grewal – Anesthesia Evaluator
- H. Dr. Angela M. Wolfman – Anesthesia Evaluator
- I. Dr. Umar Imtiaz – Anesthesia Evaluator
- J. Dr. John W. Dovgan – Anesthesia Evaluator
- K. Dr. Brian L. Cullen – Anesthesia Evaluator
- L. Dr. Douglas William Beals – Anesthesia Evaluator
- M. Dr. Brian J. Dorfman – Anesthesia Evaluator

22. APPROVAL OF MINUTES – CONSENT AGENDA

- A. April 13, 2012 – Board Meeting Minutes

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

OTHER BUSINESS – 10:00 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.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
 JUNE 1, 2012
 BOARD MEETING
 PAGE 7**

Item No.	Case No.	Licensee	Comments
A.	201100239	Dr. Frank M. Nelson	Proposed Consent Agreement

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.	201100243-ED	Dr. Franklin T. Nguyen	
B.	201100244-ED	Dr. Franklin T. Nguyen	
C.	201200010-ED	Dr. Xavier Andres Mata	
D.	201200030-ED	Dr. Donald J. Johnson	
E.	201200031-ED	Dr. Paul R. Snow	

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 – August 3, 2012

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).