



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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

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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

JUNE 7, 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. Gregory A. Waite

A. Report from AADB Mid-Year Meeting

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 from AADB and AADA Mid-Year Meeting

C. Glenda Iness (Wells) - Review, discussion and possible action regarding referring Ms. Iness to the Maricopa County Attorney Office.

D. Review, discussion and possible action regarding interim voluntary suspension of dental license of Dr. Robert N. Hoskyns.

E. Review, discussion and possible action regarding interim voluntary suspension of license of Dr. Christopher R. Reavis.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
JUNE 7, 2013
BOARD MEETING
PAGE 2**

- F. Review, discussion and possible action regarding interim voluntary suspension of license of Dr. William S. Hickman.
- G. Review, discussion and possible approval for the Executive Director and Board President to attend the Annual Meeting of the American Association of Dental Boards in New Orleans, October 30-31, 2013.
- H. Review, discussion and possible approval for the Executive Director to attend AADA meeting, October 28-29, 2013.
- I. Review, discussion and possible approval for the Executive Director to attend the State Bar of Arizona Annual Convention, June 20, 2013.
- J. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration – Central Services Bureau, and Legislative Liaison.
- 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 FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG

- A. Administrative Appeals
 - i. Dr. Nishith S. Shah v. ASBDE (Case 201100032) (Court Case LC2011-000735)
 - ii. Dr. Jack I. Lipton v. ASBDE (Cases 201000254 & 201100259) (Court Case LC2011-000713)
 - iii. Dr. Rosalyn D. Keith v. ASBDE (Case 270098).

6. PERSONNEL ISSUES

- A. Vacant

7. COMMITTEE REPORTS

- 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. Vacant

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Walter Fombin Foto – Board approved exam, discipline on Washington license, terminated from Washington State Medicaid & Premera Blue Cross
- B. Dr. Brent Cloyd Sonnenberg – Board approved exam, discipline on Utah license, malpractice action disclosure
- C. Dr. Kevin Joseph Marshall – Board approved exam, malpractice action disclosure
- D. Dr. Roy Emery Howard – 1977; California State exam prior to a regional, malpractice action disclosure

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. Dr. Jacob Elwood Spendlove – 2011 SRTA
- B. Dr. Kylee Ann Bishop – 2013 NERB
- C. Dr. Jeffrey Marc Salatino – 2013 NERB

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

- 12.** Dr. Enrique G. Wismann – Case No. 201000298 – 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.

FORMAL HEARING – 9:00 AM

The Board may vote to go into Executive Session to review and discuss confidential records and/or obtain legal advice from the Board's attorney on the following agenda item, pursuant to A.R.S. §32-431.03(A)(2) & (3).

The Board will review the Recommended Decision of the Administrative Law Judge. After review and consideration the Board may take action on the recommended decision of the Administrative Law Judge including accepting, rejecting or modifying the recommended decision.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
 JUNE 7, 2013
 BOARD MEETING
 PAGE 4**

Item No.	Case No.	Licensee	Board Action Taken
13.	201000301	Dr. Brent Tyler Robison	

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 14A through 21B, pursuant to A.R.S. §38-431.03(A)(2).

14. 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.	201200183	Dr. Sung Lee	Proposed Board Order from April 5, 2013 Formal Interview

15. 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.	201200106	Mr. Arthur Silva	Table
B.	201200097	Dr. Arthur J. Porter	

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.

16. 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.	201300049	Dr. Erica N. Bigos	
B.	201300023	Dr. William G. Halliday, III	
C.	201300039-MP	Dr. Clark E. Melstrom	
D.	201200219	Dr. Omaima S. Samain	Vacate previous vote to1) add an allegation 2) invite licensee to Formal Interview

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
 JUNE 7, 2013
 BOARD MEETING
 PAGE 5**

Item No.	Case No.	Licensee	Comments
E.	201200237	Dr. Michael D. Margolis	
F.	201300028	Dr. Dominic Cheng-Wei Tam	

17. 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.	201300018	Dr. Bruce E. Westover	6 hours of record keeping
B.	201300011	Dr. Robert John Balcar	4 hours of risk management
C.	201200221	Dr. Matthew T. Gunnell	6 hours of crown and bridge; Vacate previous vote to amend the Consent Agreement

18. 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.	201300004	Dr. Thomas J. Cipriano	"Dr. Cipriano is responsible for complete documentation of the patient's treatment."
B.	201300031	Dr. Tony J. Dalton	"Dr. Dalton should provide and document adequate informed consent for all procedures."
C.	201300024	Dr. Burke D. Frei	"Dr. Frei should provide the patient information relating to the change of a treatment plan before proceeding and completing treatment."
D.	201300057	Dr. Leon B. Reed, II	"Dr. Reed should timely document any discussion with a patient of the possible adverse consequences of the proposed treatment."

**19. 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.	201300020	Dr. Edward W. Galapeaux	Per patient letter
B.	201300025	Dr. Golinaz M. Asadi	Per patient letter
C.	201300071	Dr. Joy L. Brauer	Per patient letter

**20. 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		

**21. 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. Sanjay Nigam – Malpractice report Recommendation – Take no action
- B. Dr. Trent Wilsey Smallwood – Malpractice Report Recommendation – Take no action

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

- A. Dr. J. Brent Sanders – Dental Consultant

**23. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. April 5, 2013 – Board Meeting Minutes

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

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.

Item No.	Case No.	Licensee	Comments
A.	Vacant		

OTHER BUSINESS – 10:00 AM

25. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

The Board will review, discuss and vote to take action on the following appealed case(s): 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 items 25A through 25E, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201200015-ED	Dr. David G. Burros	
B.	201300007-ED	Dr. Lance P. Schneider	
C.	201300037-ED	Dr. Craig A. Young	
D.	201300048-ED	Dr. Michael E. Steinberg	
E.	201300029-ED	Dr. James A. Weaver	

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).

26. MEMBERS OF THE PUBLIC

27. FUTURE AGENDA ITEMS

28. NEXT MEETING DATE – August 2, 2013

29. 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).