AGENDA

BOARD OF DENTAL EXAMINERS MEETING
AUGUST 2, 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. 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. Review, discussion and possible action regarding 2014 Board Meeting dates.
      Board Meetings:
      February 7, 2014
      April 11, 2014
      June 6, 2014
      August 1, 2014
      October 10, 2014
      December 5, 2014
   C. Review, discussion and possible action regarding opening an investigation based on voyeurism conviction against Dr. Scott Dee Wallin.
ARIZONA STATE BOARD OF DENTAL EXAMINERS
AUGUST 2, 2013
BOARD MEETING
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D. Review, discussion and possible action regarding Dr. Kenneth E. Holland Jr.:
   i. Interim Order regarding practice location – Case no. 201300122
   ii. Request for CE Extension

E. Review, discussion, and possible action regarding Substantive Policy Statements #7
   (Continuing Education Ordered by the Board) and #11 (Failure to Comply).

F. Vacant

G. Review, discussion and possible action regarding the following continuing education
   extension requests:
   i. Albert E. Crusco, DDS
   ii. Ryan D. Cullinan, DDS
   iii. Paul A. Gosar, DDS
   iv. Vacant
   v. Paul J. Pease, DDS
   vi. Paul A. Savino, DDS
   vii. Monte Begay Wells, DDS
   viii. Robert S. Wilke, DDS

H. Vacant

I. Vacant

J. Update on legislation from the 2013 legislative session:
   - HB 2513/A.R.S. § 32-1263.02 – amended to add a statute of limitations for filing complaints;
     added requirements for filing a complaint against a business entity
   - HB 2513/A.R.S. § 32-1263 – definition of “unethical conduct” expanded for business entities
   - HB 2513/A.R.S. § 32-1213 – changed age requirement for retirement; added requirement for
     affidavit
   - HB 2409/A.R.S. § 32-1285 – amended examination requirements for hygienist
   - HB 2064/A.R.S. § 32-1241 – authorizes training permits for qualified military health
     professionals

K. Review, discussion and possible approval of Notice of Final Rulemaking and Economic
   Impact Statement on Arizona Administrative Code (AAC) R4-11-101 Definitions and AAC R4-
   11-1201 – 1209 relating to continuing dental education and renewal requirements.

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.
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)

6. **PERSONNEL ISSUES**

   A. VACANT

7. **COMMITTEE REPORTS**

   A. Dental Hygiene Committee – Heather N. Hardy, RDH
      i. Upon recommendation of the Dental Hygiene Committee, the Board may consider the following continuing education extension request recommendations:
         a. Andrea L. Boles, RDH – Grant extension until September 30, 2013
         b. Vacant
         c. Joan S. Novally, RDH – Grant extension until December 31, 2013
         d. Jemma F. Sweezy, RDH – Grant extension until September 30, 2013
         e. Mara D. Talamantes, RDH – Grant extension until September 30, 2013
         f. Holly R. Tanner, RDH – Grant extension until September 30, 2013
         g. Jessica M. Walker-Livingston – Grant extension until September 30, 2013
         h. Laura C. Valdez, RDH – Grant extension until September 30, 2013
      ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the following Local Anesthesia and Nitrous Oxide coursework:
         a. Argosy University
         b. West Coast University
      iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying request for recognition of the following Local Anesthesia and Nitrous Oxide coursework:
         a. Seattle Central Community College – Course does not include three injections of the Mental Injection and three administrations of nitrous oxide.

**ACTION ON LICENSING**

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

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

   A. Dr. Paul Truong Nguyen; disclosure of misdemeanor conviction for petty theft

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

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

   A. Dr. Mark Edward Beehner – Board approved exam; multiple malpractice payments reports on NPDB
B. Dr. Lisa Michelle Thomas – Board approved exam; Disclosure of physical limitations that could affect practice on patients

C. Dr. Gregory Joseph Daniels – 1977 IN State exam prior to a regional

D. Dr. Kent Arnold Giauque – 1972 UT State exam prior to a regional

E. Dr. Douglas Brigham Cochran – 1983 GA 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. 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. Nathan Daniel Vassiliades – 2013 CRDTS

B. Dr. Rebecca Anne Lehman – 2013 CRDTS

C. Viktoriya Yagudayeva, RDH – 2013 NERB

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. Review, discussion, and possible action regarding medical disclosure and proposed consent agreement for Dr. Frederic L. Davidson

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. 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.

A. Dr. David Kloss – Case No. 201100146
B. Dr. Timothy J. Bashara – Case No. 201100100

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 21E, 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):

<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>201200074</td>
<td>Dr. Denis J. Froehlich</td>
<td>Review, discussion, and possible action regarding Motion to Deem Allegations Admitted and adjudication of case</td>
</tr>
<tr>
<td>B.</td>
<td>201200106</td>
<td>Mr. Arthur Silva</td>
<td>Status Update</td>
</tr>
<tr>
<td>C.</td>
<td>201300007</td>
<td>Dr. Lance P. Schneider</td>
<td>Review, discussion, and possible action regarding termination based on subsequent consultant review.</td>
</tr>
</tbody>
</table>

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.

<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>201000301</td>
<td>Dr. Brent Tyler Robison</td>
<td>The Board will consider, discuss, and take action on the Petition for Rehearing or Review filed by Respondent. The Board may request the parties to provide oral argument related to the Request. Each party will have 5 minutes to address the Board. If the Board grants the Petition, it may conduct the Rehearing or Review at the meeting or schedule further proceedings at a future date.</td>
</tr>
</tbody>
</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.

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):

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Case No.</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300042</td>
<td>Dr. Waleed S. Al-Hassan</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>201300116</td>
<td>Dr. Mark D. Maklin</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>201300034</td>
<td>Dr. David M. Chei</td>
<td></td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Item No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300043</td>
<td>Dr. Kenneth H. Davis</td>
<td>3 hours of record keeping</td>
</tr>
<tr>
<td>B.</td>
<td>201300076</td>
<td>Dr. John A. Patterson</td>
<td>3 hours of record keeping</td>
</tr>
<tr>
<td>C.</td>
<td>201300070</td>
<td>Dr. John A. Janicke</td>
<td>6 hours of treatment and documentation related to endodontics</td>
</tr>
<tr>
<td>D.</td>
<td>201300058</td>
<td>Dr. Cade S. Smith</td>
<td>6 hours of appropriate administration of local anesthetic</td>
</tr>
<tr>
<td>E.</td>
<td>201300067</td>
<td>Dr. Spencer D. Peoples</td>
<td>3 hours of record keeping and 6 hours in the area of crown and bridge</td>
</tr>
<tr>
<td>F.</td>
<td>201300016</td>
<td>Dr. Richard E. Feldhake</td>
<td>4 hours of risk management</td>
</tr>
<tr>
<td>G.</td>
<td>201300082</td>
<td>Dr. Eric J. Swensen</td>
<td>6 hours in the area of endodontics.</td>
</tr>
<tr>
<td>H.</td>
<td>201300040</td>
<td>Dr. Michael Wilkinson</td>
<td>3 hours of record keeping</td>
</tr>
<tr>
<td>I.</td>
<td>201300088</td>
<td>Dr. Ryan D. Cullinan</td>
<td>6 hours in the area of crown and bridge</td>
</tr>
<tr>
<td>J.</td>
<td>201300073</td>
<td>Dr. Brad L. Cottle</td>
<td>3 hours of record keeping and documentation</td>
</tr>
</tbody>
</table>

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.

<table>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300098</td>
<td>Dr. Michael C. Anderson</td>
<td>“Dr. Anderson should provide and document adequate informed consent for all procedures and the treatment notes should be detailed and clear in what and why the procedures are being done.”</td>
</tr>
</tbody>
</table>
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).

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300096</td>
<td>Dr. J. Mark LaVoy</td>
<td>Per Patient Letter</td>
</tr>
<tr>
<td>B.</td>
<td>201300097</td>
<td>Dr. Sanjay Nigam</td>
<td>Per Patient Letter</td>
</tr>
<tr>
<td>C.</td>
<td>201300107</td>
<td>Dr. Robert A. Masters</td>
<td>Per Patient Letter</td>
</tr>
<tr>
<td>D.</td>
<td>201300089</td>
<td>Dr. Trent Wilsey Smallwood</td>
<td>Per Patient Letter</td>
</tr>
<tr>
<td>E.</td>
<td>201300139</td>
<td>Dr. Massoud Eftekhari</td>
<td>Per Patient Letter</td>
</tr>
</tbody>
</table>

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).

<table>
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<tbody>
<tr>
<td>A.</td>
<td>VACANT</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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. Mark L. Moss – Malpractice Report Recommendation – Take no action
B. Dr. Paul Eric Brenchley – Malpractice Report Recommendation – Take no action
C. Dr. Thomas P. Lammot – Malpractice Report Recommendation – Take no action
D. Dr. Wayne K. Goodner – Adverse Occurrence Recommendation – Take no action
E. Dr. Stuart Boyse – Malpractice Report Recommendation – Take no action

22. APPROVAL OF CONSULTANTS AND EXAMINERS
CONSENT AGENDA
A. Dr. Lonny D. Carmichael – Anesthesia Consultant

23. APPROVAL OF MINUTES
CONSENT AGENDA
A. June 7, 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.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300085</td>
<td>Dr. Anthony J. Oliveri</td>
</tr>
</tbody>
</table>

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):

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>201300047-ED</td>
<td>Dr. H. Kendall Scholes</td>
</tr>
<tr>
<td>B.</td>
<td>201300066-ED</td>
<td>Dr. Justin Wong</td>
</tr>
<tr>
<td>C.</td>
<td>201300062-ED</td>
<td>Dr. Michael Wassef</td>
</tr>
<tr>
<td>D.</td>
<td>201300053-ED</td>
<td>Dr. Peter A. Spanganberg</td>
</tr>
<tr>
<td>E.</td>
<td>201300094-ED</td>
<td>Dr. John A. Patterson</td>
</tr>
<tr>
<td>F.</td>
<td>201300086-ED</td>
<td>Dr. James R. Chaffin</td>
</tr>
<tr>
<td>G.</td>
<td>201300055-ED</td>
<td>Dr. Luke W. Denton</td>
</tr>
</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).

26. MEMBERS OF THE PUBLIC

27. FUTURE AGENDA ITEMS

28. NEXT MEETING DATE – October 4, 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).