



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

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.

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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

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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):

Item No.	Case No.	Licensee	Comments
A.	201200074	Dr. Denis J. Froehlich	Review, discussion, and possible action regarding Motion to Deem Allegations Admitted and adjudication of case
B.	201200106	Mr. Arthur Silva	Status Update
C.	201300007	Dr. Lance P. Schneider	Review, discussion, and possible action regarding termination based on subsequent consultant review.

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.	201000301	Dr. Brent Tyler Robison	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.

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.	201300042	Dr. Waleed S. Al-Hassan	
B.	201300116	Dr. Mark D. Maklin	
C.	201300034	Dr. David M. Chei	

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.	201300043	Dr. Kenneth H. Davis	3 hours of record keeping
B.	201300076	Dr. John A. Patterson	3 hours of record keeping
C.	201300070	Dr. John A. Janicke	6 hours of treatment and documentation related to endodontics
D.	201300058	Dr. Cade S. Smith	6 hours of appropriate administration of local anesthetic
E.	201300067	Dr. Spencer D. Peoples	3 hours of record keeping and 6 hours in the area of crown and bridge
F.	201300016	Dr. Richard E. Feldhake	4 hours of risk management
G.	201300082	Dr. Eric J. Swensen	6 hours in the area of endodontics.
H.	201300040	Dr. Michael Wilkinson	3 hours of record keeping
I.	201300088	Dr. Ryan D. Cullinan	6 hours in the area of crown and bridge
J.	201300073	Dr. Brad L. Cottle	3 hours of record keeping and documentation

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.	201300098	Dr. Michael C. Anderson	"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."

**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.	201300096	Dr. J. Mark LaVoy	Per Patient Letter
B.	201300097	Dr. Sanjay Nigam	Per Patient Letter
C.	201300107	Dr. Robert A. Masters	Per Patient Letter
D.	201300089	Dr. Trent Wilsey Smallwood	Per Patient Letter
E.	201300139	Dr. Massoud Eftekhari	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. Mark L. Moss – Malpractice Report Recommendation – Take no action
- B. Dr. Paul Eric Brenchley – Malpractice Report Recommendation – Take no action
- C. Dr. Thomas P. Lamot – 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.

Item No.	Case No.	Licensee	Comments
A.	201300085	Dr. Anthony J. Oliveri	

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):

Item No.	Case No.	Licensee	Comments
A.	201300047-ED	Dr. H. Kendall Scholes	
B.	201300066-ED	Dr. Justin Wong	
C.	201300062-ED	Dr. Michael Wassef	
D.	201300053-ED	Dr. Peter A. Spanganberg	
E.	201300094-ED	Dr. John A. Patterson	
F.	201300086-ED	Dr. James R. Chaffin	
G.	201300055-ED	Dr. Luke W. Denton	

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.

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