



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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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
OCTOBER 4, 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. Appointment of Dental Hygiene Selection Committee Members

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 and discussion of information regarding the FY2013 Annual Report to the Governor

C. FY 2015 budget and strategic plan - information

D. Dr. Edward W. Galapeaux – Review, discussion and possible action on the following:

- i. Acceptance of voluntary surrender as final resolution in case no. 201300102;
- ii. Case Nos. 201300193, 201300195, 201300208, and 201300209 – consideration of dismissal without prejudice.

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- E. Review, discussion and possible action regarding approval of CE Course – Record Keeping provided by Roy S. Shelburne, DDS
- F. Daniel J. Gibbons, DDS – Review, discussion and possible action regarding the interim voluntary suspension of Dr. Gibbons license
- G. Review and discussion regarding Auditor General process
- H. 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 – Mary DeLaat Williams, AAG

- A. Administrative Appeals
 - i. Dr. Nishith S. Shah v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Review, discussion and possible action on settlement proposal
 - ii. Dr. Jack I. Lipton v. ASBDE (Cases No. 201000254 & 201100259) (Maricopa County Superior Court Case LC2011-000713) – Status update
 - iii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Request for stipulation for stay of Board order pending appeal.

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(4) on items 5 A i and 5 A iii to discuss or consult with its attorney in order to consider its position and instruct its attorney regarding its position in pending litigation or in settlement discussions conducted in order to avoid or resolve litigation.

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. Lisa Michelle Thoms - Review, discussion and possible action on proposed consent agreement or withdrawal of application
- B. Dr. David Peter Browdy – Board approved exam; disclosure of malpractice settlement in 2012
- C. Dr. Angel Rafael Pagan – 1979 Puerto Rico prior to a regional exam

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. Elizabeth Day Washington, RDH – 1986 SRTA
- B. Patricia Ann Saxon, RDH – 1975 CRDTS

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. Julie Anne Jaeger, RDH – 2013 CRDTS

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 application:

- A. Dr. Robert D. Carpenter - Review, discussion, and possible action regarding disclosure of disciplinary action in New York.

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 13A through 20B, pursuant to A.R.S. §38-431.03(A)(2).

13. 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.	201300085	Dr. Anthony J. Oliveri	Proposed Board Order

14. 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.	Vacant		

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.

**15. 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.	201300046	Dr. Rosalyn D. Keith	
B.	201300120	Dr. Ralph L. Juriansz	
C.	201300115	Dr. Rudolph G. Bruehl	
D.	201300176	Dr. Scott D. Wallin	

16. 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.	201300092	Dr. Mu-Hun Kim	6 hours in the area of documentation of diagnosis and treatment planning of implants
B.	201300052	Dr. John A. Garza	3 hours of record keeping
C.	201300162	Dr. Brian B. Roberts	6 hours in the area of appropriate prescribing of controlled substances
D.	201300083	Dr. Paige T. Bafus	6 hours in the area of crown and bridge
E.	201300075	Dr. Kyle J. Huish	4 hours of risk management
F.	201300134	Dr. Scott R. Lee	4 hours of risk management and 6 hours in the area of managing endodontic complications

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Item No.	Case No.	Licensee	Comments
G.	201300128	Dr. Mitchell W. Ellingson	6 hours record keeping and documentation

**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	Comments
A.	201300118	Dr. Kenneth A. Magri	"Dr. Magri should provide and document adequate informed consent for surgical procedures."
B.	201300091	Dr. Hai Q. Trang	"Dr. Trang should ensure all records submitted to the Board are provided in a timely manner."
C.	201300117	Dr. Jerome C. Cutler	"Dr. Cutler should record complete periodontal probings on all patients receiving treatment."
D.	201300158	Dr. David W. Tambor	"Dr. Tambor should ensure the placement of margins for crowns or onlays be placed on a sound tooth structure and not existing restorative material."
E.	201300122	Dr. Kenneth E. Holland, Jr.	"Dr. Holland will ensure that all patients are seen only in a dental office."
F.	201300159	Dr. Chad F. Fine	"After treatment is completed, Dr. Fine should advise the patient of possible complications."
G.	201300148	Dr. Ali Akbar Bipar	"Dr. Bipar should ensure he complies with all CDC guidelines."

**18. 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.	201300084	Dr. Massoud Eftekhari	Per patient letter
B.	201300121	Dr. Santosh K. Saini	Per patient letter
C.	201300152	Dr. Michael D. Walbom	Per patient letter
D.	201300123	Dr. Jonathan I. Kalika	Per patient letter
E.	201300164	Dr. Steven T. Nguyen	Per patient letter
F.	201300150	Dr. John Van	Per patient letter

Item No.	Case No.	Licensee	Comments
G.	201300184	Dr. Peter J. Badalamenti	Per patient letter
H.	201300185	Dr. Mark Castle	Per patient letter

**19. 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		

**20. 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. Ronald A. Foeldi – Malpractice Report Recommendation – Take no action
- B. Dr. Jeffrey A. Abramowitz – Malpractice Report Recommendation – Take no action

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

- A. Dr. Bruce A. White – Dental Consultant

**22. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. June 7, 2013 – Board Meeting Minutes – Amended
- B. August 2, 2013 – Executive Session Minutes
- C. August 2, 2013 – Board Meeting Minutes
- D. August 28, 2013 – Board Meeting Minutes

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 22B pursuant to A.R.S. §38-431.03(A)(2).

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

FORMAL INTERVIEWS – 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.

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 23A and 23B, pursuant to A.R.S. §38-431.03(A)(2).

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Item No.	Case No.	Licensee	Comments
A.	201300114	Dr. Lori Karen Anderson	
B.	201300103	Dr. Jack I. Lipton	Review, discussion and possible action on Dr. Lipton's request to refer this case to a formal hearing.

OTHER BUSINESS – 10:00 AM

24. REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

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 24A through 24I, pursuant to A.R.S. §38-431.03(A)(2).

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

Item No.	Case No.	Licensee	Comments
A.	201300105-ED	Dr. Howard N. Lee	
B.	201300130-ED	Dr. My-Anh T. Tran	
C.	201300104-ED	Dr. Victor E. Trujillo	
D.	201300069-ED	Dr. Robert John Balcar	
E.	201300113-ED	Dr. Kristen M. Mayorga	
F.	201300132-ED	Dr. John J. Chen	
G.	201300106-ED	Dr. Douglas E. McMaster	
H.	201300133-ED	Dr. Krystal J. Miles	
I.	201300136-ED	Dr. Pankaj R. Goyal	

CALL TO THE PUBLIC

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance. 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 – December 6, 2013

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

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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.