



Jan Brewer, Governor

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 5, 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**
4. **PRESIDENT'S REPORT – Dr. Greg Waite**
 - A. Review, discussion and possible action with regarding joining the American Board of Dental Examiners (ADEX) and consideration of other clinical testing agencies.
 - B. Review, discussion and possible action regarding Ms. Marilyn McClain's appointment to the Hygiene Exam Review Board (HERB) committee.
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. Review, discussion and possible action regarding report from Sharalyn Mikolajcyk, RDH from the WREB hygiene exam board.

- C. Review, discussion and possible action regarding evaluations for licensees who report a first time driving under the influence (DUI) offense.
- D. Dr. Denis J. Froehlich (Case #: 201200074) - Review, discussion and possible action regarding non-compliance with a Board Order and forward to a Formal Hearing.
- E. Review, discussion and possible regarding automating the Jurisprudence Exam.
- F. Review, discussion and possible action regarding proposed changes to the Dental Practice Act:
 - i. Appointment of Legislative Committee to address amending A.R.S. 32-1299.25 regarding informed consent requirements.
- G. Arizona State Board of Dental Examiners FY 2012-2013 Annual Report – For information only.
- H. Arizona State Board of Dental Examiners FY 2014 Budget – For information only.
- I. 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. Roberta C. Catalan, RDH – Review, discussion and possible action regarding disclosure of a misdemeanor conviction for writing a bad check.
- B. Amy L. Blau, RDH - Review, discussion and possible action regarding disclosure of convictions for underage consumption, minor in possession of alcohol, using a false ID, and giving a false report to law enforcement.
- C. Cynthia M. Perez, RDH - Review, discussion and possible action regarding disclosure of shoplifting.
- D. Catalina Gonzalez, DDS - Review, discussion and possible action regarding disclosure of shoplifting conviction.
- E. Thomas A. Endicott, DDS - Review, discussion and possible action regarding disclosure of conviction for criminal sexual conduct, violation of student safety zone, healthcare fraud, and delivery and manufacture of a controlled substance; two malpractice actions; and disciplinary actions in Michigan and Illinois.

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. John Mark Anderson – 1970 Minnesota State exam prior to a regional
- B. Dr. Enrique A. Santiago – 1979 Puerto Rico exam prior to a regional
- C. Dr. Dale Lawrence Petrich – 1976 Washington State exam prior to a regional
- D. Dr. Robert Todd Kramer – Board approved exam; Disclosure of physical limitations that could affect practice on patients
- E. Dr. Patrick James Crawford – Board approved exam; discipline on Wisconsin dental license; Multiple malpractice payment reports
- F. Dr. Lee Roy Turner – Board approved exam; discipline on Nevada dental license
- G. Dr. Paul Martin Stec – Board approved exam; Multiple malpractice payment reports

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. Dr. Lawrence Duffy – 1985 Florida Dental Exam

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. Candice Elizabeth Zimmer, RDH – 2012 CITA Dental Hygiene Exam

**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. Dr. Richard C. Menz – Review, discussion and possible action regarding disclosure of disciplinary action in Texas.
- B. Dr. Gary M. Lemarr – Review, discussion and possible action on request to withdrawal renewal application.
- C. Ms. Ashley Rose Winningham – Review, discussion and possible action regarding DUI disclosure on renewal application.
- D. VACANT

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 19C, 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.	201100240	Dr. Mu-Hun Kim	Modified Consent Agreement

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.

**14. 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.	201200027	Kelly Povar, RDH	
B.	201200039	Dr. Allen S. Honigman	
C.	201200058	Dr. E. Scott Connell	
D.	201200069	Dr. Stan Lavell Covington	
E.	201200120	Dental World of Arizona	

F.	201200098	Dr. Harry E. Collins	
G.	201200071	Dr. Tung B. Bui	

**15. CASES RECOMMENDED FOR NON-DISCIPLINARY 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	Recommendation
A.	201200041	Dr. Elizabeth Irene Katz	
B.	201200078	Dr. James S. Trichak	
C.	201200079	Dr. Rohit R. Joshi	
D.	201200082	Dr. Jupneesh Singh	
E.	201200085	Dr. Karl J. Baker	
F.	201200094	Dr. Brooke A. Zoumbaris	
G.	VACANT	VACANT	
H.	201200103	Dr. Manu Alexander	
I.	201200112	Dr. Lam G. Ngo	
J.	201200155	Dr. Robert B. Goldenberg	

**16. 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.	201200102	Kona Dental	Stating Kona Dental must be aware of their contractual obligations when billing insurance companies.
B.	201200135	Dr. Shawn M. Fuller	Stating Dr. Fuller should provide full disclosure of all possibilities associated with the placement of an implant.

**17. 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).

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 5, 2012
BOARD MEETING
PAGE 6**

Item No.	Case No.	Licensee	Recommendation
A.	201200097	Dr. Arthur J. Porter	Per patient letter
B.	201200124	Dr. Danny Salem	Per patient letter
C.	201200125	Dr. Jeffrey P. Ward	Per patient letter

**18. 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	Recommendation
A.	201200126	Dr. Robert N. Hoskyns	
B.	201200100	Dr. Stephen Samuel Baer	Dismiss without prejudice
C.	201200129	Dr. Clarence C. Schmidt, Jr.	Dismiss without prejudice
D.	201200130	Dr. Clarence C. Schmidt, Jr.	Dismiss without prejudice
E.	201200146	Dr. Clarence C. Schmidt, Jr.	Dismiss without prejudice

**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	Recommendation
A.	201200084	Dr. James Cornelius Spurgeon	
B.	201200106	Mr. Arthur Silva	
C.	201000103 & 201200173	Dr. Clayton Wainwright	

**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. Brian D. Birtcher – Malpractice Report: Take no action
- B. Dr. Anthony Charles Caputo – Adverse Occurrence: Take no action
- C. Dr. Lisa E. Chinn – Adverse Occurrence: Take no action

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

- A. Dr. Stephen Kozak
- B. Dr. Ronald Eugene Fritz

22. APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

- A. Dr. Khanh P. Chu – Dental Consultant
- B. Dr. Angelle M. Casagrande – Anesthesia Evaluator
- C. Dr. Olga Dolghier – Anesthesia Evaluator

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 5, 2012
BOARD MEETING
PAGE 7**

23. APPROVAL OF MINUTES – CONSENT AGENDA

A. August 3, 2012 – Board Meeting Minutes

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

OTHER BUSINESS – 10:00 AM

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 25I, pursuant to A.R.S. §38-431.03(A)(2).

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.	201200060	Dr. Amy Jo McKeever	

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.	201200080-ED	Dr. Dara Kimia	
B.	201200087-ED	Dr. Gregory E. Graber	
C.	201200091-ED	Dr. Tyler N. Davis	
D.	201200096-ED	Dr. Robert G. Renfro	
E.	201200101-ED	Dr. Qun Collins	
F.	201200105-ED	Dr. Aaron Dennis Laws	
G.	201200113-ED	Dr. Mu-Hun Kim	
H.	201200117-ED	Dr. Christina M. Kopsky	
I.	201200118-ED	Dr. Zachary M. Roth	

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).

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 5, 2012
BOARD MEETING
PAGE 8**

- 26. MEMBERS OF THE PUBLIC**
- 27. FUTURE AGENDA ITEMS**
- 28. NEXT MEETING DATE – December 7, 2012**
- 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).