



Jan Brewer, Governor

## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### 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 7, 2011 AT 8:00 AM

4205 NORTH 7<sup>th</sup> 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. PRESIDENT'S REPORT – Dr. Greg Waite**

A. VACANT

**3. 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 to change the April 2012 Board meeting from April 6 to April 13.

C. Review, discussion and possible action regarding changes to the following statutes:

i. Amend ARS §32-1207(C) to authorize Executive Director to refer cases to formal interview.

ii. Amend ARS §32-1299(E) to authorize the Executive Director on behalf of the Board, to enter into stipulated agreements with persons for the treatment, rehabilitation and monitoring of chemical substance abuse or misuse.

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- iii. Amend ARS §32-1233(1) and 32-1234(A)(7) to delete "Parts I and II" before "National Dental Board examinations."
- iv. Amend ARS §32-1271 to add "or other identifying number" and delete "and the patient may choose which marking is to appear on the dentures."
- D. Review, discussion and possible action regarding revisions to renewal application questions.
- E. Review, discussion, and possible action regarding approval of Executive Director's entrance into confidential stipulation agreement for substance abuse treatment and monitoring.
- F. Arizona State Board of Dental Examiners FY2010-2011 Annual Report - For information only.
- G. Dr. Paul L. Brandt, Jr. – Review, discussion and possible action regarding the voluntary surrender of Dr. Brandt's license.
- H. Dr. Martin E. Maxon - Review, discussion and possible action regarding Dr. Maxon's request for a Continuing Education extension for license renewal.
- I. Flying Samaritans – Review, discussion and possible action regarding Flying Samaritans request for Board recognition as a Charitable Organization.
- J. Review, discussion and possible action regarding approval of the confidential stipulation agreement for the 2-year Abuse Track Program.
- K. Review, discussion and possible action regarding new complaint process including procedures for complainant participation in Formal Interviews.
- L. Arizona State Board of Dental Examiners FY 2013 Budget – For information only.
- M. Arizona State Board of Dental Examiners 5-year rule review report – For information only.
- N. 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.

**4. ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG**

- A. VACANT

**5. PERSONNEL ISSUES**

- A. VACANT

*ACTION ON LICENSING*

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

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

- A. Dr. Blake J. Olson – Disclosure of shoplifting conviction.

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

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

- A. Annamaria Orlando, RDH – Board approved exam, disclosure of DUI and recommendation by the MATP Medical Director for entrance into the two-year Substance Abuse Track Program

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

**Clinical Examination taken more than 5 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. Thomas Francis Helbert – 1976 CRDTS  
B. Suzanne Marie Piersak, RDH – 1978 CRDTS

**9. 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. VACANT

**10. 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. VACANT
- B. Dr. Mike C.Y. Lee – Review, discussion and possible action regarding opening an investigation for alleged substance abuse and recommendation by the MATP Medical Director for entrance into the two-year Substance Abuse Track Program.
- C. Nancy Nordlund, RDH – Review, discussion and possible action regarding request for renewal of dental hygiene license involving disclosure of a DUI arrest and recommendation by MATP Medical Director. Review, discussion and possible action regarding opening an investigation for failure to timely disclose.

**11. VACANT**

**12. VACANT**

**MORNING AGENDA**

**ACTION ON CASES – 8:30 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 20A, pursuant to A.R.S. §38-431.03(A)(2). The Board usually allows 3 – 5 minutes per person for public comment; however, depending on the issue presented, the Board has the discretion to expand that time.

**13. ACTION ON 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.	201000288	Dr. Enrique G. Wismann	
B.	201000301	Dr. Brent Tyler Robison	
C.	201100072	Dr. Hong Xia	Proposed Consent Agreement
D.	201100094	Dr. Peter J. Lee	
E.	201100109	Dr. Scott A. Darlington	
F.	201100111	Dr. Naman B. Patel	
G.	201000238 201100022 201100042 201100047	Dr. Ralph L. Juriansz	Action on previous action: Review, discussion and possible action regarding Motion to Deem Allegations Admitted and adjudication of case.
H.	201100172	Dr. Ronald J. Moon	Recommend Administrative Penalty for non-compliance with a Board Order.
I.	201000213	Dr. Sathish Bhadra Chari	Proposed Consent Agreement; Vacate order to Formal Hearing

**14. PETITION TO REHEAR – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the Petitions for Rehearing on 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.	201000306	Dr. Nicholas J. Meyer	
B.	201000254	Dr. Jack I. Lipton	
C.	201000259	Dr. Jack I. Lipton	
D.	201100033	Dr. Nishith S. Shah	

*CONSENT AGENDA – 9:30 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 DISMISSAL**

**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):

Item No.	Case No.	Licensee	Recommendation
A.	201100084	Dr. Mohammad Khaknegar	
B.	201100090	Dr. Prashanthi Baddam	
C.	201100093	Dr. Daniel Kang	

**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.	201100044	Dr. Leslie I. Davis	Stating timeliness of biopsy and communication of urgency for potential pathology.
B.	201100132	Dr. Xavier Andres Mata	Stating Dr. Mata should insure a patient's record contains documentation of a review of the health history and specifically a discussion with the patient of any allergies to medications noted on the health history.
C.	201100137	Dr. William A. Gibbons	Stating Dr. Gibbons should insure a patient's records contain clinical charting documenting the decayed, missing and filled teeth and a complete periodontal charting prior to any treatment.
D.	201100139	Dr. Timothy R. Avedovech	Stating Dr. Avedovech should document in the record all discussions with the patient informing them of complications during treatment and its consequences.

**17. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION**

**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). 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.

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Item No.	Case No.	Licensee	Recommendation
A.	201100032	Dr. Roya Zojaji	Non-disciplinary Continuing Education – 3 hours in Anesthesia Record Keeping 6 months to complete
B.	201100095	Dr. Barry James Nestlerode	Non-disciplinary Continuing Education – 4 hours in the area of Risk Management 12 months to complete

**18. CASES RECOMMENDED FOR TERMINATION  
CONSENT AGENDA - Roll Call Vote *is not required***

The Board will review and vote to take action on the following case(s).

Item No.	Case No.	Licensee	Recommendation
A.	201100136	Dr. Stephen K. Gabrielsen	Per patient letter

**19. CASES RECOMMENDED FOR TERMINATION – LACK OF SUPPORTING EVIDENCE  
CONSENT AGENDA - Roll Call Vote *is not required***

The Board will review and vote to take action on the following case(s). These cases have been recommended for Termination because the evidence reviewed is insufficient to support the allegations found in the complaint.

Item No.	Case No.	Licensee	Recommendation
A.	VACANT	VACANT	

**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 set forth in these reports and vote to take the action indicated.

A. Dr. John M. Roskos – Malpractice Report: Take No Action

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

A. VACANT

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

A. Dr. Jeffrey N. Brownstein - Anesthesia Permit Evaluator

**23. APPROVAL OF MINUTES – CONSENT AGENDA**

- A. August 5, 2011 - Board Meeting Minutes
- B. August 5, 2011 - Executive Session Minutes
- C. August 9, 2011 - Board Meeting Minutes
- D. September 16, 2011 - Board Meeting Minutes

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

*OTHER BUSINESS*

**24. 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.	201100088-ED	Dr. Eric L. Kerbs	
B.	201100101-ED	Dr. Yati K. Yadav	
C.	201100110-ED	Dr. Sharad N. Pandhi	
D.	201100113-ED	Dr. Jonathan I. Kalika	
E.	VACANT	VACANT	
F.	201100115-ED	Dr. Owen J. Hibbert	
G.	201100117-ED	Dr. Donald J. Gass, Jr.	
H.	201100118-ED	Dr. Robert A. Masters	
I.	201100097-ED	Arizona Dental Service	

**25. OTHER COMMITTEE REPORTS**

- A. VACANT

*CALL TO THE PUBLIC*

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance; however, a call to the public form will need to be completed. The Board may not discuss or take any action on any public comment at this meeting except to direct staff to study the matter or reschedule the matter for further consideration and decision at a later date.

Note: This is not the time set aside on the meeting agenda to discuss those specific cases that are listed on today's agenda.

**26. MEMBERS OF THE PUBLIC**

**27. ASSOCIATIONS**

**28. FUTURE AGENDA ITEMS**

**29. NEXT MEETING DATE – December 9, 2011**

**30. 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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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).