



ARIZONA STATE BOARD OF DENTAL EXAMINERS

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

Telephone (602) 242-1492 • Fax (602) 242-1445

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
DECEMBER 6, 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. Report regarding the American Association of Dental Boards (AADB) Meeting held October 30-31, 2013 in New Orleans, LA.
- B. Appointment of Board Members (One Dentist and one Dental Hygienist) to the Dental Hygiene Selection Committee
- C. Appointment of Board Member to the Rules Review Committee

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. Report regarding the American Association of Dental Administrators (AADA) Meeting held October 28-29, 2013 in New Orleans, LA.
- C. Board Officer Elections

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- D. Review, discussion and possible action regarding opening of rule making docket for proposed rules Arizona Administrative Code Title 4, Chapter 11, Article 4 Fees
- E. Review, discussion, and possible action regarding accepting the voluntary surrender of Dr. Monte R. Bosch.
- F. Review, discussion and possible action regarding opening a case against Dr. Glenn H. Featherman based upon his felony conviction
- G. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and the Board President to attend the mid-year AADB meeting in Chicago, April 2014.
- H. Discussion, status update and report from Auditor General's Audit team on Board Sunset Review Audit

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 4H, pursuant to A.R.S. §38-431.03(A)(2).

- I. For information – proposed legislation: cosmetic laser procedures; supervision; dentists
- J. Dr. Mark Castle, case no. 201300185 – Review, discussion, and possible action regarding dismissal based on subsequent consultant review
- K. 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) – Status Update
 - 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) – Status update
 - iv. Dr. Arthur J. Porter v. ASBDE (Case No. 201200097) (Maricopa County Superior Court Case LC2013-000370-001DT) – Status update

6. PERSONNEL ISSUES

- A. Review, discussion and possible action regarding the Executive Director's performance evaluation and salary.

- B. Review, discussion and possible action regarding the Deputy Director's performance evaluation and salary.

The Board may vote to go into Executive Session on agenda items 6A and 6B pursuant to A.R.S. § 38-431.03(A)(1) (Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of a public body.)

7. COMMITTEE REPORTS

- A. Dental Hygiene Selection Committee – Heather N. Hardy, RDH

Review, discussion and possible action regarding candidates for one Dental Hygienist and one Public Dental Hygiene Committee Members:

- i. The Dental Hygiene Selection Committee recommends the appointment of Jennifer F. Bereckis, RDH to the Dental Hygiene Committee
- ii. The Dental Hygiene Selection Committee recommends Leann R. DuVall, RDH as an alternate choice for appointment to the Dental Hygiene Committee.
- iii. The Dental Hygiene Selection Committee recommends the appointment of Ms. Paula D. Aguayo as the Public Member of the Dental Hygiene Committee.

- B. Dental Hygiene Committee – Heather N. Hardy, RDH

- i. Review, discussion and possible action regarding the 2013 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:

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| a. Patricia A. Rush, RDH | i. Cindy B. Gabriel, RDH |
| b. Deborah Ann Tinsley, RDH | j. Lucille M. Goldberg, RDH |
| c. Taya L. Rosen, RDH | k. Asia M. Deck, RDH |
| d. Sandra K. Robinette, RDH | l. Catherine J. DeMumbrum, RDH |
| e. Lauri Neil Malolo, RDH | m. Mary Katherine Schultz, RDH |
| f. Barbara W. Kurth, RDH | n. Tamera L. Smith, RDH |
| g. Sara Lynne David, RDH | o. Linda K. Williams, RDH |
| h. Gina M. Merola, RDH, with a letter that CE used in this audit may not be used for the 2016-2019 renewal | |

- ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from the University of Michigan, School of Dentistry.

- C. Continuing Education Audit for Dentists Committee – Dr. Robert H. Foster

- i. Review, discussion and possible action regarding the 2013 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval for the CE Audit responses from the following:

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| a. Dr. Utpal C. Patel | l. Dr. Jon M. Delsnyder |
| b. Dr. Ralph E. Umali | m. Dr. Aaron C. Verbarq |

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| c. Dr. Jeffrey E. Wold | n. Dr. Frederick C. Turley |
| d. Dr. Lisa E. Chinn | o. Dr. Hsin Yi Lin |
| e. Dr. Kavita Kulkarni | p. Dr. Robert Jared Sachs |
| f. Dr. Karen Annette Teeters | q. Dr. Douglas A. Tomlinson |
| g. Dr. Cameron Skaugrud | r. Dr. Joseph Robert Mikulicz |
| h. Dr. Stacy H. Pham | s. Dr. Robert L. Baker |
| i. Dr. Mark H. Ryan | t. Dr. David S. McGee |
| j. Dr. Chad R. Foster | u. Dr. Greig M. Florento |
| k. Dr. Forbes E. Morse | |

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. William F. Thornell – 1985 Texas State exam prior to a regional
- B. Natalie Roner Everitt, RDH – Board approved exam; Ohio suspended license for failure to renew dental hygiene license

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. Janet Lagasca Baker, RDH – 2003 SRТА

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. 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 12A and 13A, pursuant to A.R.S. §38-431.03(A)(2).

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12. 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.	290363	Dr. Rosalyn D. Keith	Proposed consent agreement; vacate vote to Formal Hearing

13. 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.	201200106	Mr. Arthur Silva	

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.

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 19B, pursuant to A.R.S. §38-431.03(A)(2).

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.	VACANT		
B.	201300138	Dr. Paul R. Sandstrom	
C.	201300154	Dr. Ben M. Koolick	
D.	201300227	Dr. Ronald D. Walker	
E.	201300147	Dr. Alex W. Yuen	
F.	201300171	Dr. Michael D. Margolis	
G.	201300173	Dr. William G. Halliday, III	

15. 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

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information being submitted to the Board may result in the Board action against the practitioner's license.

Item No.	Case No.	Licensee	Comments
A.	201300172	Dr. Trent Wilsey Smallwood	6 hours of record keeping
B.	201300137	Dr. Michael S. Catlett	6 hours in the area of diagnosis and treatment planning
C.	201300149	Dr. Bindi N. Patel	4 hours of risk management
D.	201300234	Dr. David G. Burros	6 hours in the area of appropriate prescribing
E.	201300170	Dr. Paul Burton	4 hours of record keeping
F.	201300182	Dr. Craig Douglas Thompson	4 hours of risk management

**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	Comments
A.	201300204	Dr. Earl L. Lord	"Dr. Lord should ensure periodontal probing scores are documented in a timely manner."
B.	201300178	Dr. Stephen J. Harkins	"Dr. Harkins should be more timely in his follow-up visit when complications arise."
C.	201300183	Dr. James R. Chaffin	"Dr. Chaffin should document any discussion with the patient relating to the proposed treatment and possible complications especially for IMMEDIATE dentures."

**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).

Item No.	Case No.	Licensee	Comments
A.	201300163	Dr. Brandon J. Kroll	Per patient letter
B.	201300180	Dr. Lori Karen Anderson	Per patient letter
C.	201300199	Dr. Wayne Allen Greenwood	Per patient letter
D.	201300200	Dr. Jonathan I. Kalika	Per patient letter
E.	201300237	Dr. John Van	Per patient letter

Item No.	Case No.	Licensee	Comments
F.	201300192	Dr. Tzuyu Meng	Per patient letter
G.	201300236	Dr. Carlos R. Ruiz	Per patient letter
H.	201300217	Mr. Arthur Silva	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	Comments
A.	VACANT		

**19. MALPRACTICE, ADVERSE OCCURANCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE
 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. Peter Manesh – Malpractice Report Recommendation – Take no action
- B. Dr. Shahram Karimi – Disclosure of disciplinary action in Massachusetts – Take no action

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

- A. Dr. Pankaj R. Goyal – Anesthesia/Sedation Evaluator

**21. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. October 4, 2013 – Board Meeting Minutes
- B. October 4, 2013 – Executive Session 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 21B pursuant to A.R.S. §38-431.03(A)(2).

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

OTHER BUSINESS – 9:00 AM

22. 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 22A and 22B, 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.	201300135-ED	Dr. Howard M. Steinberg	
B.	201300167-ED	Dr. Payam Abedi	

FORMAL INTERVIEWS – 9:30 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, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201300124	Dr. Shahin Madi	

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.

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 and 24B, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201300155	Dr. Kristine P. Thomas	
B.	201300156	Dr. L. Mitchell Thomas	

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 – February 7, 2014

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 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.