



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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[www.azdentalboard.us](http://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 7, 2012 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. PUBLIC COMMENT ON CASES**

#### **3. PRESIDENT'S REPORT – Dr. Greg Waite**

- A. Appointment of Board Members (One Dentist and one Dental Hygienist) to the Dental Hygiene Committee.
- B. Appointment of Members for Committee to review Arizona Administrative Code, Title 4, Chapter 11 Article 2 Licensure by Credential, Article 3 Examinations, Licensing Qualifications, Application and Renewal, Time-Frames and Article 8 Denturists.
- C. Report regarding AADB Meeting held October 16 – 18, 2012.
- D. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and Board President to attend the mid-year AADB meeting in Chicago April 2013.
- E. Expiration of Board Member terms: Ms. Laurie Buckles, Mr. Joshua Greer, Dr. Scott Morrison, Dr. Benjamin Whiting

**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. Election of Officers.
- C. Review, discussion and possible action regarding the following proposed legislative changes:
  - i. Amend Arizona Revised Statutes (ARS) § 32-1207(B)(6) to clarify that the licensee, certificate holder or applicant bears the cost of physical, psychological, psychiatric and competency evaluations.
  - ii. Amend ARS § 32-1263.02 to add a statute of limitations for filing a complaint.
- D. Report regarding AADB and AADA Meeting held October 15-18, 2012
- E. Review, discussion and possible action regarding joining the American Board of Dental Examiners (ADEX) and consideration of other clinical testing agencies.
  - i. Presentation by ADEX
  - ii. Presentation by WREB
- F. Review, discussion and possible action on Commission on Dental Accreditation (CODA) correspondence regarding State Board participation on accreditation site visits.
- G. Discussion regarding announcement from the Joint Commission on National Dental Examinations regarding Vacancies on National Board Test Construction Committee for 2014.
- H. 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 R4-11-1301 – 1307 relating to Anesthesia and Sedation Permits.
- I. 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 R4-11-1501 – 1504 relating to the Board's complaint process.
- J. Review, discussion and possible action to amend Substantive Policy Statement #3 Continuing Education Extensions.
- 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 FOR BOARD DIRECTION & POSSIBLE ACTION – Mary DeLaat Williams, AAG**

- A. Administrative Appeals
- i. Nishith S. Shah, DMD v. ASBDE (Case 201100032) (Court Case LC2011-000735)
  - ii. Jack I. Lipton, DMD v. ASBDE (Cases 201000254 & 201100259) (Court Case LC2011-000713) Review, discussion and possible action on settlement proposal.

The Board may vote to go into Executive Session on this item under A.R.S. § 38-431.03(A)(4) 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

- iii. Rosalyn D. Keith, DDS v. ASBDE (Case 270098).

**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 – Laurie Buckles, RDH
  - i. Review, discussion and possible action regarding candidates for one Dental Hygiene Committee Member:
    - a. The Dental Hygiene Selection Committee recommends the appointment of Susan J. Smedley, RDH to the Dental Hygiene Committee.
    - b. The Dental Hygiene Selection Committee recommends Tricia A. Conrad, RDH as an alternate choice for appointment to the Dental Hygiene Committee.

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**B. Dental Hygiene Committee – Laurie Buckles, RDH**

- i. Review, discussion and possible action regarding the 2012 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:
  - a. Robyn M. Darvis, RDH
  - b. Pamela A. De Corte, RDH
  - c. Judith L. Gordon, RDH
  - d. Rebecca M. Horton, RDH
  - e. Melissa J. Lindblom, RDH
  - f. Jennica M. Lopez, RDH
  - g. Judith A. Lopez, RDH
  - h. Kathleen K. McGough, RDH
  - i. Rikki L. Merrill, RDH
  - j. Nancy A. Miller, RDH
  - k. Karyn E. Norton, RDH
  - l. Kori M. Reed, RDH
  - m. Denise A. Strand, RDH
  - n. Richelle D. Trafton, RDH
  - o. Tamara Jo E. Thurber, RDH
  - p. Brookie L. Williams, RDH
- ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from Fortis College, Phoenix, AZ.
- iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia/Nitrous Oxide continuing education coursework from Weber State University, Ogden, UT. The course does not include at least three experiences of the MSA, ASA, NP, GP, Mental or Long Buccal injections.

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

- i. Review, discussion and possible action regarding the 2012 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval of the CE Audit responses from the following:
  - a. Dr. Michael S. Cavender
  - b. Dr. Patrick L. Dobash
  - c. Dr. A. Joe Gerard
  - d. Dr. Terry J. Hanely
  - e. Dr. Alan P. Kawakami
  - f. Dr. Kuong C. Kov
  - g. Dr. Katherine Lee Lughes
  - h. Dr. Ronald L. McCormick
  - i. Dr. Philip C. Mooberry
  - j. Dr. Lincoln I. Pace
  - k. Dr. Erik A. Pease
  - l. Dr. Micah D. Rolfe
  - m. Dr. Andrew T. Rosen
  - n. Dr. Stuart S. Sanders
  - o. Dr. Todd J. Sick
  - p. Dr. Walter Villanueva
  - q. Dr. Jared B. Williams
  - r. Dr. Christina L. Zeigler

**D. Legislative Committee – Dr. Michael Hauer**

- i. Review, discussion and possible action regarding amending ARS § 32-1299.25 to require a written informed consent for an examination and preventative treatment; require written or verbal informed consent before a specific irreversible procedure is performed and require the consent form to include contact information to a public health department if a minor's care is excluded by the mobile permit holder due to lack of insurance or the ability to pay.

*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. Thomas A. Endicott – Review, discussion and possible action on proposed consent agreement regarding license denial.
- B. Camelia M. Sandoval, RDH – Review, discussion and possible action regarding disclosure of arrest for falsification of a driver license.

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

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

- A. Dr. Paul Martin Stec – Review, discussion and possible action regarding reconsideration of license denial.
- B. Dr. Alma Arredondo-Lynch- 1988 Texas State Exam prior to a regional.
- C. Dr. Thomas Ross Pitts-1969 Washington State Exam prior to a regional.
- D. Dr. Richard Don Blanchard- 1963 California State Exam prior to a regional exam, discipline on Nevada dental license
- E. Dr. Nicholas Benjamin LaFeber – Previously licensed in Arizona; discipline on Arizona license; Board approved examination (2002 WREB).

**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. Gilda Potter Ferguson- 1986 SRTA 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. Dr. Skylar Alan Lighthall- 2012 SRTA 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. Douglas R. Ludens – Review, discussion and possible action regarding medical disclosure on renewal application
- B. Dr. Daryl K. Reavis – Review, discussion, and possible action regarding DUI disclosure on renewal application and surrender of Oregon license allowing Dr. Reavis in lieu of disciplinary action.

*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 21A, 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.	201200087	Dr. Gregory E. Graber	Appeal of ED Termination; Board remanded for further review at the October 2012 Meeting
B.	201200060	Dr. Amy Jo McKeever	Proposed Board Order from October Formal Interview

*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 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	Recommendation
A.	201200131	Dr. Erica N. Bigos	6 hours in crown and bridge
B.	201200153-MP	Dr. Hyrum G. Hatch	4 hours in record keeping
C.	201200134	Dr. Daniel D. Luisi	6 hours in crown and bridge

**15. 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.	201200132	Dr. Julie S. Cutler	Stating "Dr. Cutler is responsible for reviewing the patient charts and timely reading x-rays as well as documentation of discussions with patients."
B.	201200159-MP	Dr. David R. Hunsaker	Stating "Dr. Hunsaker should verify the integrity of all margins of crowns with pre and post cementation x-rays."
C.	201200171	Dr. Bradley K. Brittain	Stating "Dr. Brittain should maintain a complete and accurate chart including a health history, periodontal charting and reference to the informed consent discussion."
D.	201200176	Dr. L. Hunter Nash	Stating "Dr. Nash should obtain informed consent from a parent/guardian prior to any procedure on a minor."
E.	201200190	Dr. Luis G. Keys	Stating "Dr. Keys is responsible for knowing the license or certification status of his employees."

**16. 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.	201200187	Dr. David C. Grieb	Per patient letter

**17. 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.	VACANT		

**18. 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.	201200114	Dr. George R. Ayoub	
B.	201200097	Dr. Arthur J. Porter	

**19. 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. Dennis E. Hanna – Malpractice report. Recommendation – Take no action.
- B. Dr. Kenneth L. Reed – Adverse occurrence. Recommendation – Take no action

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

- A. Vacant

**21. APPROVAL OF MINUTES  
 CONSENT AGENDA**

- A. October 5, 2012 – Board Meeting Minutes
- B. October 5, 2012 – Executive Session Minutes

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

*FORMAL INTERVIEWS – 10:00 AM*

**22. 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.	201200084	Dr. James Cornelius Spurgeon	
B.	201200173	Dr. Clayton Wainwright	

*OTHER BUSINESS – 10:00 AM*

**23. 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.	201200110-ED	Dr. Omer K. Reed	
B.	201200111-ED	Dr. Stephen J. Conrad	
C.	201200147-ED	Dr. Jennifer M. Matzen	
D.	201200148-ED	Dr. Bernard M. Florento	
E.	201200162-ED	Dr. George H. Master	

*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).

**24. MEMBERS OF THE PUBLIC**

**25. FUTURE AGENDA ITEMS**

**26. NEXT MEETING DATE – February 1, 2013**

**27. 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).