



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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

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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

JUNE 6, 2014 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. Michael R. Hauer

- A. Review, discussion, and possible action regarding the appointment of a legislative 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. Review, discussion and possible action regarding Title 4. Chapter 11. Article 4 - Fees Economic, small business and consumer impact summary; Notice of Final Rulemaking Professions and Occupations State Board of Dental Examiners
- C. Dr. Andrew T. Brown – Case No. 201400107: Review, discussion, and possible action to administratively adjust complaint number 201400107.
- D. Dr. Leonard Bryan Gerken – Case No. 201300277: Review, discussion, and possible action to subpoena additional records or alternatively review, discussion, and possible action regarding the non-disciplinary consent agreement

ARIZONA STATE BOARD OF DENTAL EXAMINERS
JUNE 6, 2014
BOARD MEETING
PAGE 2

- E. Review, discussion and possible approval for the Executive Director and Board President to attend the Annual Meeting of the American Association of Dental Boards in San Antonio, TX, October 7-8, 2014, and for the Executive Director to attend the AADA meeting October 5-6, 2014
- F. VACANT
- G. VACANT
- H. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, and Department of Administration – Central Services Bureau.
- I. Review, discussion and possible action regarding recognition of the course "Dental Enteral Sedation" for a section 1303 Oral Sedation Permit.
- J. 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; Court of Appeals Case 1CA-CV 13-0746) – 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. 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. Robert James Houchin – Board approved exam, NPDB lists two malpractice settlements
- B. Dr. David Stanley McCann – Board approved exam, NPDB lists four malpractice settlements. Discipline on California license
- C. Dr. Howard Keith Couch – 1996 Washington State Exam prior to a regional, NPDB lists two malpractice settlements. Discipline on Idaho license
- D. Stacy Lynn Morales, RDH – Board approved exam, Discipline on Missouri 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. VACANT

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. Brent Jason Hawkes – 2014 NERB
- B. Dr. Kevin Jordan Beyea – 2014 NERB
- C. Dr. Kristopher Robert Alpers – 2014 CRDTS

STIPULATION CONSENT AND ENFORCEMENT

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 pursuant to A.R.S. §38-431.03(A)(2).

12. RECOMMENDATION(S) FROM BOARD MATP MEDICAL DIRECTOR

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, 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.	201400061	Dr. Michael Wassef	Review, discussion and possible action on a settlement proposal from Michael Wassef, DDS. Hearing on this matter at the Office of Administrative Hearings has been continued to allow the Board to consider the proposal and take action.

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.	201300153	Dr. Lee W. Harding	

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 15A through 20E, 22B and 22D, pursuant to A.R.S. §38-431.03(A)(2).

**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.	201400011	Dr. Thomas A. Endicott	
B.	201400052	Dr. Eric J. Swensen	

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.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
 JUNE 6, 2014
 BOARD MEETING
 PAGE 5**

Item No.	Case No.	Licensee	Comments
A.	201400001	Dr. Sean Y. Kim	6 hours in the area of crown and bridge 3 hours of record keeping
B.	201400023	Donna Rose Sharman, RDH	6 hours in the area of appropriate laser treatment of periodontal disease
C.	201400033	Dr. Robert L. Donaldson	6 hours of record keeping
D.	201400068	Dr. Edward H. Carlson	6 hours in the area of appropriate prescribing and documentation of controlled substances

**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.	201400006	Western Dental F 123	"Western Dental should not charge for services not rendered."
B.	201400062	Dr. Jason R. Melashenko	"Dr. Melashenko should completely and thoroughly document treatment at the time it is completed."

**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.	201300306	Dr. Dawnie L. Kildoo	Per patient letter
B.	201400019	Dr. Peter J. Badalamenti	Per patient letter
C.	201400020	Dr. Dositej Stulic	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, 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. Arthur J. Porter – Malpractice Report Recommendation – Take no action
- B. Dr. Brent D. Pulley – Malpractice Report Recommendation – Take no action
- C. Dr. Elwyn A. Montierth – Malpractice Report Recommendation – Take no action
- D. Dr. Mark D. Stumphy – Malpractice Report Recommendation – Take no action
- E. Dr. Sonia Kumar – Adverse Occurrence Recommendation – Take no action

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

- A. Dr. R. Brinks Austin – Anesthesia Evaluator
- B. Dr. Burton E. Becker – Anesthesia Evaluator
- C. Dr. Brent R. Boyse – Anesthesia Evaluator
- D. Dr. Robert D. Carpenter – Anesthesia Evaluator
- E. Dr. Ashutosh Kaushesh – Anesthesia Evaluator
- F. Dr. Jean A. Lewis – Anesthesia Evaluator
- G. Dr. Sheila Rao – Anesthesia Evaluator
- H. Dr. Lawrence H. Shults – Anesthesia Evaluator
- I. Dr. Heath C. Snell – Anesthesia Evaluator
- J. Dr. Ray William Tuckett – Anesthesia Evaluator
- K. Dr. Brent C. Call – Anesthesia Evaluator
- L. Dr. John A. Janicke – Anesthesia Evaluator
- M. Dr. Jerry R. Pearson – Anesthesia Evaluator
- N. Dr. Vaughn E. Perkins III – Anesthesia Evaluator
- O. Dr. Darrell B. Sims – Anesthesia Evaluator

**22. APPROVAL OF MINUTES
CONSENT AGENDA**

- A. April 11, 2014 – Board Meeting Minutes
- B. April 11, 2014 – Executive Session Meeting Minutes
- C. May 22, 2014 – Telephonic Board Meeting Minutes
- D. May 22, 2014 – Telephonic 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 22B pursuant to A.R.S. §38-431.03(A)(2).

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

OTHER BUSINESS – 9:00 AM

23. 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 23A through 23G, 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):

ARIZONA STATE BOARD OF DENTAL EXAMINERS
JUNE 6, 2014
BOARD MEETING
PAGE 7

Item No.	Case No.	Licensee	Comments
A.	201300307-ED	Dr. Allen S. Honigman	
B.	201400009-ED	Dr. Jessica C. Watkins	
C.	201400010-ED	Dr. Sara S. Mosley	
D.	201400017-ED	Dr. Tam T. Le	
E.	201400029-ED	Dr. Manuel C. Bedoya	
F.	201400038-ED	Dr. Michael C. Fair	
G.	201400051-ED	Dr. Saeid Badie	

FORMAL INTERVIEWS – 9:30 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 through 24C, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201300298	Dr. Lonnie C. Eckman	

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 – August 1, 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.