



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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www.dentalboard.az.gov

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

AUGUST 1, 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. WREB – Dental Examiners Review Board Report

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 2015 Board meeting dates.

Board Meetings
February 6, 2015
April 10, 2015
June 5, 2015
August 7, 2015
October 2, 2015
December 4, 2015

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- C. Dr. Wayne G. Thorpe – Review, discussion and possible action on acceptance of Dr. Thorpe’s voluntary surrender and possible termination of case no. 201400101.
- D. Review, discussion, and possible action regarding Prescriber Prescription Report Cards
- E. Update on legislation from the 2014 legislative session:
 - i. A.R.S. §§32-1213 and -1262: Business entities; registration; renewal; civil penalty; exceptions and ARS 32-1262: Corporate practice; display of name and license receipt or license; duplicate licenses; fees
 - ii. A.R.S. 32-3217: Health Profession Regulatory Board; Members; Training; Definitions
 - iii. A.R.S. 41-1001.01 and A.R.S. 41-1376.01: Regulatory Bill of Rights, Small Businesses
 - iv. A.R.S. 32-3217: Volunteer Health Services Registration; Health Professionals; Free Medical Clinic
- F. Review, discussion and possible action regarding draft guidelines for imposing sanctions against licensees and adopting as a substantive policy statement.
- G. Review, discussion and possible action on the Board’s response to Representative Heather Carter’s committee of reference questions
- H. Review, discussion, and possible action regarding HB 2087– Board Member Training Requirements
- 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.

5. ASSISTANT ATTORNEY GENERAL’S REPORT

- 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. 20100254 & 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. Continuing Education Audit of Dentists Committee – Dr. Robert Foster
Upon recommendation of the Continuing Education Audit for Dentists Committee, the Board may consider the following continuing education extension request recommendations:

- i. Dr. Steven T. Avery – Grant extension until September 30, 2014
- ii. Dr. Nathan J. Bartschi – Grant extension until September 30, 2014
- iii. Dr. Gary L. Brennan – Grant extension until December 30, 2014
- iv. Dr. Frank H. Brinkman – Grant extension until June 30, 2015
- v. Dr. Jeffery L. Bundy – Grant extension until October 1, 2014
- vi. Dr. John Scott Coleman – Grant extension until September 30, 2014
- vii. Dr. Yolanda Contreras – Grant extension until September 30, 2014
- viii. Dr. David B. Foley – Grant extension September 30, 2014
- ix. Dr. Daniel J. Gibbons – Grant extension until September 30, 2014
- x. Dr. David P. Griffith – Grant extension until December 30, 2014
- xi. Dr. Jason D. Lee – Grant extension until September 30, 2014
- xii. Dr. Martin E. Maxon – Grant extension until June 30, 2015
- xiii. Dr. Geeta Mokhashi – Grant extension until August 30, 2014
- xiv. Dr. Jack E. Wilson – Grant extension until September 30, 2014
- xv. Mr. Benjamin H. Stone – Grant extension until September 30, 2014

- B. Dental Hygiene Committee – Heather N. Hardy, RDH
Upon recommendation of the Dental Hygiene Committee, the Board may consider the following continuing education extension request recommendations:

- i. Shannon E. Boulton, RDH – Grant extension until September 30, 2014
- ii. Kim R. Britton, RDH – Deny no extenuating circumstances
- iii. Jennifer M. Denham, RDH – Grant extension until September 30, 2014
- iv. Amanda M. Figueroa, RDH – Grant extension until September 30, 2014
- v. Gina M. Marcelli-Munk, RDH – Grant extension until September 30, 2014
- vi. Heather K. Shafer, RDH – Grant extension until September 30, 2014
- vii. Gail M. Widner, RDH – Grant extension until December 31, 2014

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. Scott Paul Taylor – Disclosure of malpractice action in 2005

9. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Brent Jacob Gardner – Board approved exam, Disclosure of shoplifting charge in 2007.
- B. Dr. Douglas Leon Sheram – 1984 New Mexico State Exam prior to a regional.
- C. Mr. Adam Lister Luikens, RDH – 2006 North Carolina State Exam prior to a regional.

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. Akhil Mehta – 2014 SRTA
- B. Ms. Emily Rae VanDusen, RDH – 2014 NERB
- C. Ms. Kathleen Ann Lindsay, RDH – 2014 CRDTS; Disclosure of petty theft charge

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 on agenda items 13A and 13B 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.	201300298	Dr. Lonnie C. Eckman	Proposed Board Order from June 6, 2014 Formal Interview
B.	201300277	Dr. Leonard Bryan Gerken	Additional records subpoenaed. Vote to approve non disciplinary consent agreement for 4 hours of risk management

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 a Formal Interview or an immediate rehearing and determination.

Item No.	Case No.	Licensee	Comments
A.	VACANT		

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 21D 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.	201400024	Dr. Nathan W. Smith	
B.	201400086	Dr. Ryan J. Porter	
C.	201400100	Dr. Paige T. Bafus	

**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.

Item No.	Case No.	Licensee	Comments
A.	201400016	Dr. Glenn H. Featherman	3 hours of record keeping
B.	201400042	Dr. Ryan J. Porter	6 hours in the area of documentation of diagnosis and treatment planning of implants and 6 hours in the area of placement of implants
C.	201400045	Dr. Carter A. Grampp	3 hours of record keeping
D.	201400074	Dr. Nathan W. Smith	3 hours of record keeping
E.	201400076-MP	Dr. Jeffrey P. Ward	6 hours in the areas of diagnosis and treatment planning of impacted third molars and 3 hours of record keeping
F.	201400078	Dr. Noel A. Williams	6 hours in the area of diagnosis and treatment planning of orthodontics with

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Item No.	Case No.	Licensee	Comments
			impacted cuspids
G.	201400095	Dr. Daniel C. Chiara	4 hours of risk management
H.	201400097	Dr. Jeffrey Allen Moeller	6 hours of fabrication of dentures

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.	201400049-MP	Dr. James B. Edwards	"Dr. Edwards should have a process in place to verify the tooth being extracted is the proper tooth."
B.	201400083	Dr. Gordon Kenneth Wilson	"Dr. Wilson should provide adequate retention form and ferrule to retain all crowns."
C.	201400084	Dr. Thomas J. Prade	"Dr. Prade should ensure all crown margins are closed and sealed."
D.	201400091	Dr. Cory R. Christensen	"Dr. Christensen should record in the treatment notes full documentation, including post-operative x-rays of any implants placed."
E.	201400123-MP	Dr. Irma Iskandar	"Dr. Iskander should have a process in place to verify the tooth being extracted is the proper tooth."
F.	201400133	Dr. Ehsan Pourshirazi	"Dr. Pourshirazi should ensure a patient's records are clear, concise, and understandable."

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.	201400104	Dr. Massoud Eftekhari	Per patient letter
B.	201400106	Dr. Tzuyu Meng	Per patient letter
C.	201400112	Dr. Abraham T. Setoodeh	Per patient letter
D.	201400115	Dr. James A. Weaver	Per patient letter
E.	201400130	Dr. Hana K. Mansoor	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. Erica N. Bigos – Malpractice Report Recommendation – Take no action
- B. Dr. Marjan Nejad – Malpractice Report Recommendation – Letter of Concern stating “Dr. Nejad should inform patients of the risks involved when performing a root canal.”
- C. Dr. Kevin M. Harris – Malpractice Report Recommendation – Take no action

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

- A. Dr. Michelle Lynn Cabret-Carlotti – Anesthesia Evaluator
- B. Dr. Nishant Chauhan – Anesthesia Evaluator
- C. Dr. Edward H. Christensen – Anesthesia Evaluator
- D. Dr. Jeffrey G. Robinson – Anesthesia Evaluator

**22. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. June 6, 2014 – Board Meeting Minutes
- B. June 20, 2014 – Telephonic Board 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 items 22A and 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 23F, 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):

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Item No.	Case No.	Licensee	Comments
A.	201400027-ED	Dr. Mark J. Castle	
B.	201400067-ED	Dr. Kevin Brian Cebrynski	
C.	201400077-ED	Dr. James Wayne Jenista	
D.	201400087-ED	Dr. David J. Bernath	
E.	201400109-ED	Dr. Giang M. Dang	
F.	201400116-ED	Dr. Stephen J. Harkins	

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

Item No.	Case No.	Licensee	Comments
A.	VACANT		

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 – October 10, 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.