



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 10, 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. Appointment of Dental Hygiene Selection Committee Members
- B. Report from the American Association of Dental Boards Annual Meeting, October 7-8, San Antonio, TX

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.) Review and discussion of information regarding the FY2014 Annual Report to the Governor
- B. Review and discussion of information regarding the FY2014 Annual Report to the Governor
- C. Review and discussion of information regarding the Arizona State Board of Dental Examiners FY 2016 budget and strategic plan.
- D. Review and discussion regarding the Arizona Dental Association Sunrise report requesting the consideration of a change in the scope of practice of dental assistants in Arizona and to

ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 10, 2014
BOARD MEETING
PAGE 2

provide the Arizona Board of Dental Examiners the statutory authority to register and to establish training and examination standards for the Expanded Function of Dental Assistants.

- E. Vacant
- F. Review, discussion and possible action regarding modifying the Board's current subpoena to produce documents.
- G. Review, discussion, and possible action regarding mandated Board Member Training; approval of Council on Licensure and Enforcement Regulation training
- H. Arizona Administrative Code (AAC) R4-11-1202 Continuing Education Compliance and Renewal requirements
 - i. Review, discussion and possible action regarding staff recommendations for revisions to AAC R4-11-1202.
 - ii. Review, discussion and possible action regarding opening a docket and filing a notice of proposed rulemaking for proposed amendment to AAC R4-11-1202.
- I. Review, discussion and possible action regarding amendments to Substantive Policy Statement #4 – Continuing Education Random Audit.
- J. Dr. Glenn H. Featherman - Review, discussion and possible action to open an investigation based on the information from the Office of Inspector General
- K. Dr. Robert N. Hoskyns – Review, discussion and possible action on acceptance of Dr. Hoskyns' voluntary surrender.
- L. Vacant
- M. Dr. Lee W. Harding – Review, discussion and possible action regarding additional information received from the complainant in case 201300153.
- N. Review, discussion, and possible action regarding approval of CE Course – Record Keeping provided by Dr. Gregory Loeben
- O. Arizona Administrative Code (AAC), Title 4, Chapter 11, Article 4 Fees
 - i. Review, discussion and possible action regarding staff recommendations for revisions to AAC, Title 4, Chapter 11, Article 4 Fees
 - ii. Review, discussion and possible action regarding opening a docket for proposed revisions to AAC, Title 4, Chapter 11, Article 4 Fees
- P. Report from the American Association of Dental Administrators Annual Meeting, October 5 – 6, San Antonio, TX.
- Q. 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
- iii. 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
- iii. 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. Legislative Committee Report – Dr. Michael R. Hauer

Review, discussion and possible action on committee recommendations for the following proposed changes to the Dental Practice Act for the 2015 legislative session: ARS § 32-1201 (21) (k) – Unprofessional conduct definition, ARS § 32-1263.01 (C) – Types of disciplinary action; letter of concern; judicial review; notice; removal of notice; violation; classification; ARS § 32-1201 (21) (v) – unprofessional conduct definition; ARS § 32-1289 (B) – Employment of dental hygienist by public agency, institution or school; definition; ARS § 32-1207 (B)(6) – Powers and duties; Executive Director; immunity; fees; definition; ARS § 32.1264 (D) – Maintenance of records; ARS § 32-1236 (A) – Dentist triennial licensure; continuing education; license reinstatement; license for each place of practice; notice of change of address or place of practice; retired and disabled licensees penalties; ARS § 32-1287 (A) – Dental hygienist triennial licensure; forfeiture of license; reinstatement; notice of change of address; penalties; retired and disabled licenses; ARS § 32.1297.06 (A) Denturist certification; continuing education; certificate reinstatement; ARS § 32-1299 – Substance abuse treatment and rehabilitation program; private contract; funding; confidential stipulation agreement; ARS § 32-1232 – Qualifications of applicant; application fee; ARS § 32-1284 – Qualifications of applicant; application; fee; rules; denial or suspension of application; ARS § 32.1297.01 – Application for certification; denial; suspension

- B. Review, discussion and possible action regarding the Rules Review Committee proposed amendments to ARS § 32-1240 Licensure by credential; examinations; waiver; fee and ARS §32-1292.01 Licensure by credential; examinations; waiver; fee.

ACTION ON LICENSING

8. REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL

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

- A. Dr. Kevin James Kwiecien – Board approved exam, allegedly practicing dentistry in Arizona without a license
- B. Dr. David Jay Birdwell – Board approved exam; disclosure of disciplinary action in Oklahoma
- C. Dr. Kenneth Allan Chernow – 1970 California State Exam prior to a regional
- D. Dr. David James Hill – 1976 Idaho State Exam prior to a regional
- E. Dr. Eric Wayne Smith – 2003 Indiana State Exam prior to a regional
- F. Judith Ann Davison, RDH – 1973 Indiana State Exam prior to a regional
- G. Deborah Straine, RDH – 2008 California Dental Hygiene Exam prior to a regional

9. REQUEST FOR ACTION ON LICENSURE BY EXAMINATION

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

- A. VACANT

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. VACANT

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. Review, discussion, and possible action regarding medical disclosure and proposed consent agreement for Dr. Sterling A. Wall.
- B. Review, discussion, and possible action regarding medical disclosure and proposed consent agreement for Ms. Lisa L. Grant, RDH.

FORMAL HEARING – 9:00 AM

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 10, 2014
BOARD MEETING
PAGE 5**

The Board may vote to go into Executive Session to review and discuss confidential records and/or obtain legal advice from the Board's attorney on any of the following agenda items, pursuant to A.R.S. § 32-431.03(A)(2) & (3). 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.

Roll Call Vote is required

The Board will review the Recommended Decision of the Administrative Law Judge. After review and consideration the Board may take action on the recommended decision of the Administrative Law Judge.

Item No.	Case No.	Licensee	Comments
13.	201300291/ 201400004	Dr. Rosalyn D. Keith	Review, discussion and possible action regarding the ALJ decision

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 14A and 14B pursuant to A.R.S. §38-431.03(A)(2).

14. 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.	201400067	Dr. Kevin Brian Cebrynski	Review, discussion, and possible action regarding termination based on subsequent consultant review.

15. 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.	201400061	Dr. Michael Wassef	

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 16A through 22A pursuant to A.R.S. §38-431.03(A)(2).

**16. CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS
CONSENT AGENDA – Roll Call Vote is required**

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 10, 2014
BOARD MEETING
PAGE 6**

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		

17. 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.	201400072	Dr. Stuart S. Sanders	6 hours in the area of implant placement
B.	201400088-MP	Dr. Scott Dee Wallin	6 hours of record keeping
C.	201400127	Dr. Keith Stewart West	3 hours of record keeping
D.	201400128	Dr. Leon B. Reed, II	4 hours of risk management and 3 hours of record keeping
E.	201400129	Dr. David Kloss	6 hours of diagnosis and treatment planning of orthodontics
F.	201400141	Dr. Neelama P. Muthanna	6 hours of crown and bridge and 4 hours of risk management
G.	201400147	Dr. Ian Ikhyun Cho	3 hours of diagnosis and treatment planning of implants and 3 hours of record keeping
H.	201400148	Dr. Navid Zamani	6 hours of crown and bridge
I.	201400158	Dr. Ralph L. Juriansz	6 hours of record keeping
J.	201400173	Dr. Javier E. Portocarrero	6 hours of crown and bridge and 6 hours in the area of endodontics

18. 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.	201400103	Dr. Francine J. Vickers	"Dr. Vickers should document a pulpal and periapical diagnosis prior to treatment."

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
OCTOBER 10, 2014
BOARD MEETING
PAGE 7**

Item No.	Case No.	Licensee	Comments
B.	201400135	Dr. Cody H. Skinner	"Dr. Skinner should completely and thoroughly document the patient's condition and the refusal to follow treatment recommendations and provide appropriate treatment."
C.	201400136	Dr. Richard E. Feldhake	"Dr. Feldhake should not modify records to justify his diagnosis."
D.	201400140	Dr. Bradley K. Brittain	"Dr. Brittain should document diagnostic testing and the working lengths when doing root canal treatment."
E.	201400151	Dr. Christopher A. Lienau	"Dr. Lienau should ensure that all margins are closed and records are clear, concise, and legible."
F.	201400177	Dr. Paul Alan Varda	"Dr. Varda should maintain clear, concise, and understandable records and adequate informed consent should be documented in the patient record."

**19. 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.	201400126	Dr. Lori Karen Anderson	Per patient letter
B.	201400139	Dr. Christopher A. Lienau	Per patient letter
C.	201400172	Dr. Jenny V. Wang	Per patient letter
D.	201400174	Dr. Brooke A. Zoumbaris	Per patient letter

**20. 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		

21. MALPRACTICE, ADVERSE OCCURENCE 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. Brian K. Kniff – Malpractice Report Recommendation – Take no action
- B. Dr. Salvatore F. Perna – Malpractice Report Recommendation – Take no action
- C. Dr. Michele A. Bibeau – Malpractice Report Recommendation – Take no action
- D. Dr. Donald Arthur Gage – Malpractice Report Recommendation – Take no action
- E. Dr. Jungwoo Lee – Disclosure of action taken in another State – Take no action

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

- A. Dr. Hargrow Dexter Barber – Anesthesia Evaluator

**23. APPROVAL OF MINUTES
 CONSENT AGENDA**

- A. August 1, 2014 – Board Meeting Minutes
- B. August 20, 2014 – Board Meeting Minutes
- C. August 20, 2014 – Executive Session 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 23A through 23C pursuant to A.R.S. §38-431.03(A)(2).

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

OTHER BUSINESS – 9:00 AM

24. 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 24A through 23D, 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.	201400134-ED	Dr. Cade S. Smith	
B.	201400152-ED	Dr. Shawn M. Fuller	
C.	201400160-ED	Dr. Patrick T. Carter	
D.	201400165-ED	Dr. Ashkan Eskandari	

FORMAL INTERVIEWS – 9:30 AM

25. 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).

26. MEMBERS OF THE PUBLIC

27. FUTURE AGENDA ITEMS

28. NEXT MEETING DATE – December 5, 2014

29. 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.