



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

1740 West Adams Street, Suite 2470 • Phoenix, Arizona 85007

Telephone (602) 242-1492

[www.dentalboard.az.gov](http://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  
FEBRUARY 2, 2018 AT 8:00 AM  
1740 WEST ADAMS STREET, SUITE 2470  
PHOENIX, ARIZONA 85007

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. President's report from the annual Commission on Dental Competency Assessments (CDCA) meeting.

#### **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. Current Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2018 session
  - i. HB 2402 – Dental Board; teeth whitening services
  - ii. SB 1031 – health professionals; penalties; prohibition
  - iii. SB 1184 – state compact; temporary professional licenses

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- iv. SB 1377 – Dental therapy; licensure; regulation
  - v. HB 2001 – Controlled substances; regulation; appropriation
  - vi. HB 2129 – DHS; Radiation regulatory Boards, repeal
  - vii. HB2257 – Radiation regulatory Boards; repeal; DHS
  - viii. HB 2403 – Athletic Trainers; regulation; repeal
  - ix. HB 2405 – Board of Barbers; repeal
  - x. HB 2406 – Behavioral Health Board; regulation; repeal
  - xi. HB 2407 – Dispensing Opticians; repeal of regulation
  - xii. HB 2408 – Board of Funeral Directors; repeal
  - xiii. HB 2409 – Massage Therapy; regulation; repeal
  - xiv. HB2410 – Geologists; landscape architects; regulatory repeal
  - xv. HB 2411 – Homeopathic Physicians Board; repeal
  - xvi. HB 2207 – Public meetings; audiovisual recordings; posting
- C. D0411 – Review, and discussion regarding HbA1c in-office point of service testing for diabetes
- D. Dr. Roy Daniels – Review, discussion and possible action on opening an investigation for disclosure of a felony conviction.
- E. Smile Direct Club – Review, discussion and possible action regarding services provided by Smile Direct.
- F. Expanded Function Dental Assistants – Review, discussion and possible action regarding correspondence from the Arizona Dental Association and EFDA applicant Carrie Gaunt.
- G. 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. Sathish Bhadra Chari v. ASBDE (Case No. 201500190) (Maricopa County Superior Court Case LC2017-000082) – Status update

**6. PERSONNEL ISSUES**

A. VACANT

**7. COMMITTEE REPORTS**

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

i. Review, discussion and possible action regarding the 2017 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. Emilia Andujo, RDH         | i. Shirley M. Wall, RDH        |
| b. Amy Lynn Arnold, RDH       | j. LaShell C. Fitterer, RDH    |
| c. Jenine M. Blondeau, RDH    | k. Cori Alyce Hendricks, RDH   |
| d. Wendi L. Campa, RDH        | l. Misty Cherie Matsumura, RDH |
| e. Denise Marie Cartier, RDH  | m. Steven John Smith, RDH      |
| f. Lisa M. Lynch, RDH         | n. Marisela Venegas, RDH       |
| g. Chantal L. McIver, RDH     | o. LaNae Rodgerson, RDH        |
| h. Laurie Michele Murphy, RDH |                                |

*ACTION ON LICENSING*

**8. REQUEST FOR ACTION ON LICENSURE**

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

A. VACANT

**9. 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. VACANT

*ACTION ON CASES – 9:00 AM*

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**10. 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.	VACANT		

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**11. PETITION TO REHEAR – Roll Call Vote *is required***

The Board will review, discuss and vote to take action on the Petition(s) for Rehearing or Review for following case(s). If GRANTED, the Board may remand for a rehearing or conduct an immediate rehearing/review 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 12A – 17.1-C, 19B and D and 20A – C, pursuant to A.R.S. §38-431.03(A)(2).

**12. 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.	201500275 - 201700215	Dr. John M. McLaughlin	Review, discussion and possible action on consent agreement for voluntary surrender of his license.
B.	201700216	Ms. Jennafer M. Long, RDH	Review, discussion and possible action on consent agreement for voluntary surrender of her license.

**13. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS**

**CONSENT AGENDA – Roll Call Vote *is not 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.	201700134	Dr. Maryam Beyramian	3 hours of CE in record keeping
B.	201700173	Dr. Douglas S. Pospisil	3 hours of CE in record keeping
C.	201700193	Dr. Jay H. Spiegel	4 hours of CE in risk management

**14. CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN  
 CONSENT AGENDA – Roll Call Vote *is not required***

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.	201700180	Dr. Marshall W. Hanson	“Dr. Hanson should completely document all discussions of proposed treatment with the patient.”
B.	201700204	Dr. Forrest J. Filippi	“Dr. Filippi should have complete documentation of the diagnosis.”
C.	201700209	Dr. Lidieth R. Libby	“Dr. Libby, when making corrections to a treatment record, should clearly indicate they are corrections or addendums and the corrections should be dated.”
D.	201700227	Dr. Eric P. Wendelschafer	“Dr. Wendelschafer’s records should be complete and accurate regarding procedures performed.”

**15. 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.	201700094	Dr. Korinne M. Grieger	Terminate Per Patient
B.	201700167	Dr. Jamie B. Woodfill	Terminate Per Patient
C.	201700185	Dr. Benjamin M. Berschler	Terminate Per Patient
D.	201700197	Dr. Mark S. Montana	Terminate Per Patient

**16. 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		

**17. MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND DISCIPLINARY ACTION IN ANOTHER STATE  
 CONSENT AGENDA – Roll Call Vote *is not required***

The Board will consider the facts and allegations and may vote to take the action indicated.

- A. Dr. Kenneth E. Danyluk – Malpractice Report Recommendation – Take No Action

**17.1 CASES RECOMMENDED FOR APPROVAL OF CONTINUING EDUCATION AUDIT AND 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 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.	201700234	Dr. David J. Jones	“Dr. Jones should be aware of the Board’s continuing education renewal requirements.”
B.	201700241	Dr. Chad Colby Gage	“Dr. Gage should respond in a timely manner to his licensing Board and should know the continuing education requirements for license renewal.”
C.	201700242	Dr. Andrew Douglas Lewis	“Dr. Lewis should be aware of the Board’s continuing education renewal requirements.”

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

- A. Farzam Maleki, DDS – Dental Consultant

**19. APPROVAL OF MINUTES  
 CONSENT AGENDA**

- A. December 1, 2017 – Board Meeting Minutes
- B. December 1, 2017 – Executive Session Board Meeting Minutes
- C. December 18, 2017 – Special Board Meeting Minutes
- D. December 18, 2017 – Executive Session Board Meeting Minutes

**20. 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.	201700161-ED	Dr. Charles B. Jakobsen	Recommendation to approve ED-Termination
B.	201700196-ED	Dr. Michael G. Greenberg	Recommendation to approve ED-Termination
C.	201700198-ED	Dr. Hudson S. Johnston	Recommendation to approve ED-Termination

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

*FORMAL INTERVIEWS – 9:30 AM*

**21. 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 21A, pursuant to A.R.S. §38-431.03(A)(2).

Item No.	Case No.	Licensee	Comments
A.	201700259	Dr. Gregory J. Valacich	

*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).

**22. MEMBERS OF THE PUBLIC**

**23. FUTURE AGENDA ITEMS**

**24. NEXT MEETING DATE – April 6, 2018**

**25. 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 602 542-4450. 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).