



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING FEBRUARY 1, 2013

#### **Board Members Present:**

Gregory A. Waite, DDS, President  
Michael R. Hauer, DDS, Vice President  
Laurie A. Buckles, RDH  
Ms. Carole A. Crevier  
Robert H. Foster, DDS  
Gary M. Gradke, DDS  
Mr. Joshua Greer  
Mr. Charles E. Jackson  
Marilyn J. McClain, RDH  
D. Benjamin Whiting, DDS

#### **Board Members Absent:**

#### **Staff Present:**

Ms. Elaine Hugunin, Executive Director  
Ms. Nancy Chambers, Deputy Director  
Ms. Mary Williams, Assistant Attorney General  
Ms. Terry Bialostosky, Investigations Supervisor  
Ms. Sherrie Biggs, Licensure Manager  
Ms. Jill Barenbaum, Legal Assistant  
Ms. Yubeka James, Legal Administrator

#### **NOTICE:**

Roll Call votes are recorded and provided as an attachment to these minutes pursuant to A.R.S. §32-3205 which reads "If a disciplinary action requires a vote of Board members, the health professional regulatory Board shall conduct that vote by roll call. The Board shall maintain a record of each member's vote. This section does not prohibit a Board from using a Consent Agenda."

#### **GENERAL BUSINESS**

##### **Agenda Item No. 1      Call to Order and Introductions**

Dr. Waite called the meeting to order at 8:00a.m.

##### **Agenda Item No. 6      Personnel Issues**

Executive Director Elaine Hugunin welcomed the new legal administrator Yubeka James, as well as announcing the promotions of Monica Crowley to Program Project Specialist; and Jill Barenbaum to Legal Assistant.

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**Agenda Item No. 3      President's Report**

VACANT

**Agenda Item No. 4      Executive Director's Report**

- A. Summary of current events that affect the Arizona State Board of Dental Examiners

No current events reported

- B. Review and discussion of information from the American Academy of Sleep Medicine and American Academy of Dental Sleep Medicine Joint Policy Statement on the Diagnosis and Treatment of Obstructive Sleep Apnea.

The Board reviewed material on the diagnosis and treatment of Obstructive Sleep Apnea which was developed by collaboration of the American Academy of Sleep Medicine and American Academy of Dental Sleep Medicine. The material provided was for review and no discussion took place.

- C. Presentation by Vincent DiCianni of Affiliated Monitors

Mr. DiCianni presented the Board with verbal information regarding Affiliated Monitors. The company was formed in 2004 to form a bridge between regulatory agencies and practitioners. Affiliated Monitors work with many different boards around the country and within the state of Arizona. In addition to healthcare, Affiliated Monitors works with federal agencies such as the Army, Navy, and the Department of Defense. Affiliated Monitors provide services to dental boards such as monitoring of deficiencies within practice management, clinical skills, safety, infectious control and chart monitoring. The monitoring is revenue neutral to the Board as the services provided by Affiliated Monitors are paid by the practitioner. Local practitioners are employed to monitor cases. Monitors are trained, screened and required to sign a conflict of interest form. The reports completed by the monitors are very detailed and used by the Board to determine compliance with a Board Order. Affiliated Monitors may also make recommendations to the Board if necessary. The Board inquired about the cost of over-the-shoulder monitoring. Mr. DiCianni responded that the cost is \$250 per hour and monitors are provided with the Board Orders. Affiliated Monitors has the ability to monitor DEA compliance. Mr. DiCianni stated that the Board Order determines the type of the monitoring done.

- 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 21-22, 2013.

Upon MOTION by Ms. Crevier, second by Mr. Jackson, APPROVED 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 21-22, 2013. MOTION PASSED UNANIMOUSLY.

- E. Review, discussion and possible action to amend or repeal Substantive Policy #5: Guidelines for imposing sanctions of Licensees and Certificate Holders.

Due to a technical error, the Board TABLED this item.

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F. Current Proposed Legislation – Review and discussion regarding current proposed legislation for the 2013 Session.

i. Dental Board Proposed Legislation

- a) HB2398 Dental Board; Omnibus – Amending sections amending 32-1207 to add the licensee, certificate holder or applicant bears the cost of an evaluation; amending 32-1263.02 to add a statute of limitation on filing a dental complaint.

The committee heard the bill this week and it passed unanimously.

- b) HB 2426 Mobile Dentistry – Amending sections 32-1299.25 relating to informed consent.

The House has not heard this bill as of yet. For information, the staff did meet with some stakeholders about the proposed language and a minor change is going to be made as a result of the meeting. It was a very successful meeting. The language does not change the bill or the intent of the bill.

ii. Other Proposed Legislation relating to the Dental Board

- a) HB2064 Training; military health professions – Amending sections Title 32, Chapter 11, Article 2 by adding section 32-1241; amending Title 32, Chapter 13, Article 2, by adding section 32-1437; amending Title 32, Chapter 25, Article 2 by adding section 32-2529; relating to health professions

- b) HB2076 Separating service members; licensure – Changing the designation of Title 32, Chapter 43 to Military Members; Amending Title 32, Chapter 43, Article 1 by adding section 32-4303 relating to military members

- c) HB2304 Physicians; free clinics; licensure exemption – Amending section 12-571; Amending Title 32, Chapter 32, Article 1 by adding 32-3216 relating to health professionals.

- d) HB2316 Licensing Boards; composition; professions; occupations – Amending Title 32 by adding chapter 45; relating to professions and occupations

This bill is proposing that the Board may not have a majority of its profession or occupation on the Board. It was proposed last year and is being supported by the Goldwater Institute.

- e) HB2409 Dental Hygienists; examinations – Amending section 32-1285; relating to dental hygienists

The Board was unaware that the hygienists were proposing a bill as we were never approached to discuss prior to the hygienists dropping it. After staff review, the Board's lobbyist contacted their lobbyist and the bill has been held. The Hygiene Association representative will be meeting with Representative Carter today to discuss. The bill as originally presented did not make sense and we are unclear as to the objective of the bill. Ms. Buckles, asked to provide further clarification, stated that the language was contradictory and would make it impossible for the Board to move forward in its current capacity. It was decided that the representative would go back

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to its originators and regroup. Ms. Buckles spoke briefly to the representative about the need to involve the board in an upfront manner about these kinds of things.

- f) HB2003 Specialty status – Amending Title 32, Chapter 32, Article 1 by adding section 32-3216; Amending Title 32, Chapter 44, Article 1 by adding section 32-4405; relating to professions and occupations.

We have communicated to our lobbyist that our statutes already cover unprofessional conduct as it relates to advertising. We do not believe it is necessary, additionally we do not license by specialty.

- g) SB1045 Specialty status – Amending Title 32, chapter 32, Article 1 by adding section 32-3216 (Striker)

We have communicated to our lobbyist that our statutes already cover unprofessional conduct as it relates to advertising. We do not believe it is necessary, additionally we do not license by specialty.

- h) HB2513 Dentistry – Amending sections 32-1236 and 32-1263 relating retirement age and grounds for disciplinary action.

This bill was dropped by the Arizona Dental Association. Board staff supports the language relating to business entities. However, there are concerns related to eliminating the age for retired status. We have queried other dental boards and few even have a retired status. The ADA uses the age 65 for retired as well. We have communicated to our lobbyist. The potential for abuse exists and at a minimum an affidavit from the licensee should be obtained. Additionally, it has the potential of having a significant impact on the Board's finances as a retired license is \$15. Board staff will still need to maintain the same information for a retired licensee as it does for other licensees. A fee increase for this license may be necessary

- G. Review, discussion, and possible action to administratively adjust complaint number 201200195 against Southwest Dental Group.

The memo to the Board reflects the case be dismissed; however, after further analysis, staff is asking the Board to administratively adjust the case because it never should have been opened.

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to ADMINISTRATIVELY ADJUST complaint no. 201200195. MOTION PASSED UNANIMOUSLY.

- H. Review, discussion and possible action on the following 2012 Continuing Education Audits.

Ms. Biggs addressed the Board. At the November 9, 2012 Continuing Education Audit for Dentists Committee asked Ms. Biggs to obtain information from the licensees listed below. These audit responses are before the Board because the Committee could not meet to review and make recommendations.

- i. Preddis L. Sullivan, DDS

Dr. Sullivan had taken a course which was not recognized continuing education.

The Continuing Education Audit for Dentists Committee asked Ms. Biggs to obtain more information from Dr. Sullivan. Dr. Sullivan responded with documentation from the

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course provider that erroneously stated the provider was approved by the Arizona Dental Board. Since Dr. Sullivan took the course in good faith, the Board may approve Dr. Sullivan's audit response and direct Staff to include a letter reminding Dr. Sullivan to make sure it meets the definition of "Recognized Continuing Dental Education." The provider of the course has since removed the statement that they are approved by the Arizona Dental Board from their website.

- ii. Frank S. Winfield, DMD
- iii. Todd B. Krekow, DDS
- iv. Randall J. Johnson, DDS

The Board discussed making a motion to approve each item individually or if the CE has been substantiated and there aren't any questions, they can be approved in a group.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to APPROVE the CE Audit Responses for Preddis L. Sullivan, Frank S. Winfield, Todd B. Krekow and Randall J. Johnson and send a letter to Dr. Sullivan reminding him to make sure CE courses meet the definition of "Recognized Continuing Dental Education." MOTION PASSED UNANIMOUSLY

- I. Vacant
- J. Review, discussion and possible action regarding approval of CE Course – Dental Ethics provided by Frederick Cummings

Upon MOTION by Mr. Greer, duly seconded, the Board voted to APPROVE the CE Course – Dental Ethics provided by Frederick Cummings. MOTION PASSED UNANIMOUSLY.

- K. Review and discussion regarding the Executive Director Complaint Terminations.

Dir. Hugunin stated the Board's additional material contains the number of Executive Director Terminations since the last Board meeting. Of the 17 listed there are 10 possible appeals. We have seen a trend in not having as many appeals.

**Agenda Item No. 2 PUBLIC COMMENT ON CASES**

Complainant MR was present and spoke about case no. 201200174-ED (Agenda Item 23A).

**Agenda Item No. 8 REQUEST FOR ACTION ON LICENSURE BY EXAMINATION**

- A. VACANT

**Agenda Item No. 9 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL**

- A. Dr. Brian Joseph Blocher - Board approved exam; discipline on Wisconsin license

Dr. Blocher was present to respond to questions by the Board. The Board asked about Dr. Blocher's disciplinary action in Wisconsin. Dr. Blocher is not under any supervision for past medical problems, nor is he currently attending meetings regularly. He stated that he has interaction with other people in recovery daily. No clinical or hospital restrictions at this time. Any previous restrictions have been reinstated since 1998.

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Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to GRANT licensure to Dr. Blocher. MOTION PASSED UNANIMOUSLY

- B. Dr. Tri Minh Le - 1987 Texas State exam prior to a regional; discipline on Texas license

Dr. Le was present to respond to questions by the Board. The Board did not have any questions for Dr. Le.

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to GRANT licensure to Dr. Le. MOTION PASSED UNANIMOUSLY

- C. Dr. Basilios Constantine Costaras - Board approved exam; discipline on Ohio license; malpractice action; lists exclusion from Medicare and state health care programs; default on health education loans

Dr. Costaras was present to respond to questions from the Board. Dr. Costaras informed the Board that he had documentation stating that the outstanding student loans were paid in full; however they are not showing as paid. The action with Medicaid was due to the defaulting on the loans. There are currently no loans in default, even though only 2 show on the student database as being in default. The Board does not have primary documentation as Dr. Costaras brought the documentation this morning. Copies were made for the Board. Per Ms. Biggs, historically, staff has received a letter from Health and Human Services, verifying that student loans have been paid in full. The applicant must request the verification. Dr. Costaras stated that he would pursue the letter.

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to TABLE Dr. Costaras' request for licensure until additional information, as requested, is provided. MOTION PASSED UNANIMOUSLY.

- D. Dr. David Mark Raiffe - Board approved exam; discipline on Ohio and Pennsylvania licenses; malpractice action; denial of clinical privileges

Dr. Raiffe, and his attorney Jeffrey Tonner were present. Mr. Tonner proposed that the Board enter into a Consent Agreement with Dr. Raiffe based upon disciplinary action in a previous state. In 2004, Dr. Raiffe entered into a Consent Agreement with the Ohio Dental Board to not practice endodontic and orthodontics and complete CE. He was licensed in Pennsylvania, New Jersey, and Maine. Pennsylvania discipline was based on the Ohio consent agreement. No disciplinary action has been taken in the states of New Jersey and Maine. He currently only holds one active license and that is in the state of Ohio.

The consent agreement will not have to come back to the board.

Upon MOTION BY Dr. Hauer, seconded by Dr. Whiting, the Board voted to GRANT licensure to Dr. Raiffe and enter into a Consent Agreement. Dr. Foster, Dr. Gradke, Ms. Crevier OPPOSED. MOTION PASSED.

- E. Dr. Donald Eugene Bortz, DDS – 1975 Illinois State exam prior to a regional exam

Dr. Bortz was present to respond to questions from the Board. There were no questions by the Board.

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Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to GRANT licensure to Dr. Bortz. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 10      REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL  
Clinical Examination taken more than five years ago**

A. VACANT

**Agenda Item No. 11      REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL  
Clinical Examination taken less than five years ago**

A. VACANT

**Agenda Item No. 12      REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE  
Roll Call Vote *is required***

A. VACANT

**Agenda Item No. 7      COMMITTEE REPORTS**

A. 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. Rachel Rodriguez, RDH
- b. Cozi R. Pond, RDH
- c. David R. Lebo, RDH

Upon MOTION by Ms. Buckles, second by Mr. Greer, the Board voted to APPROVE the CE responses. MOTION PASSED UNANIMOUSLY

ii. Review, discussion, and possible action on recommendation of the Dental Hygiene Committee, to consider recognizing the Local Anesthesia and Nitrous Oxide coursework from College of Southern Idaho.

Upon MOTION by Ms. Buckles, second by Mr. Greer, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from College of Southern Idaho. MOTION PASSED UNANIMOUSLY

iii. Review, discussion, and possible action on recommendation of the Dental Hygiene Committee, to consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from University of Maryland School of Dentistry-Course does not include the 36 hours of instruction

Upon MOTION by Ms. Buckles, second by Ms. Crevier, the Board voted to DENY recognition of the Local Anesthesia and Nitrous Oxide coursework from University of Maryland School of Dentistry. MOTION PASSED UNANIMOUSLY

iv. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying recognition of the Local Anesthesia and Nitrous Oxide coursework from Seattle Central

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Community College-Course does not include at least three experiences of the MSA, ASA, NP, GP, Lingual, Mental or Long buccal injections or at least three experiences of nitrous oxide analgesia.

Upon MOTION by Ms. Buckles, second by Ms. Crevier, the Board voted to DENY recognition of the Local Anesthesia and Nitrous Oxide coursework from Seattle Central Community College. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 5 ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION & POSSIBLE ACTION**

A. Administrative Appeals

- i. Nishith S. Shah, DMD v. ASBDE (Case 201100032) (Court Case LC2011-000735)

Ms. Williams informed the Board that oral argument has been postponed until April.

- ii. Jack I. Lipton, DMD v. ASBDE (Cases 201000254 & 201100259) (Court Case LC2011-000713)

Ms. Williams informed the Board that this case has been briefed

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

Ms. Williams informed the Board that this case has been petitioned for review by the Supreme Court.

**CONSENT AGENDA**

The following items were pulled from the Consent Agenda either at the request of a Board Member or by the public. These items will be discussed individually:

**Cases pulled from the Consent Agenda:**

**Agenda Item No. 15B Case No. 201200159-MP Dr. David R. Hunsaker**

**Agenda Item No. 15C Case No. 201200208 Dr. Scott N. Calev**

**Agenda Item No. 16B Case No. 201200220 Dr. Carter A. Grampp**

**Cases ADJUDICATED:**

**Agenda Item No. 14 – Cases Recommended for Non-Disciplinary Continuing Education Consent Agreements – Consent Agenda**

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to ACCEPT the Non-Disciplinary Continuing Education Consent Agreements on the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 14A Case No. 201200197 Dr. Brooke A. Zoumaris**  
Non-Disciplinary Continuing Education Consent Agreement – 4 hours of risk management

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**Agenda Item No. 14B Case No. 201200181**

**Dr. Salvatore F. Perna**

Non-Disciplinary Continuing Education Consent Agreement – 6 hours of mouth preparation for full immediate dentures

**Agenda Item No. 14C Case No. 201200165**

**Dr. Uni Kim Lidner**

Non-Disciplinary Continuing Education Consent Agreement – 4 hours of risk management

**Agenda Item No. 14D Case No. 201200165**

**Dr. Keith A. Holm**

Non-Disciplinary Continuing Education Consent Agreement – 4 hours of risk management

**Agenda Item No. 14E Case No. 201200114**

**Dr. George R. Ayoub**

Vacated vote for Formal Interview; Non-Disciplinary Continuing Education Consent Agreement – 12 hours of Orthodontic Diagnosis and Treatment Planning

**Agenda Item No. 15 – Cases Recommended for Issuance of Letter of Concern – Consent Agenda**

Upon a MOTION by Dr. Foster, second by Ms. Crevier, the Board voted to ISSUE a Letter of Concern for the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 15A Case No. 201200184**

**Dr. Larry F. Wheeler**

Issued a Letter of Concern stating: “Dr. Wheeler should be aware the records for a patient shall include ARS 32-1264A periodontal charting.”

**Agenda Item No. 16 – Cases recommended for termination – Consent Agenda**

Upon a MOTION by Dr. Foster, second by Ms. Crevier, the Board voted to TERMINATE the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16A Case No. 201200218**

**Dr. Jenny V. Wang**

Terminate – per patient letter

**Agenda Item No. 16C Case No. 201200217**

**Dr. Cody H. Skinner**

Terminate – per patient letter

**Agenda Item No. 17 – Cases Recommended for Dismissal – Consent Agenda**

Agenda Item No. 17A - VACANT

**Agenda Item No. 18 – Cases Recommended for Formal Interview – Consent Agenda**

Agenda Item No. 18A – VACANT

**Agenda Item No. 19 Malpractice and Adverse Occurrence Reports - Consent Agenda**

Upon a MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to ACCEPT the recommendation to take no action on the following cases. MOTION PASSED UNANIMOUSLY

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**Agenda Item No. 19A**

**Dr. Brannon J. Gunell**  
Malpractice report. Took no action.

**Agenda Item No. 19B**

**Dr. Chet L. Jenkins**  
Malpractice report. Took no action.

**Agenda Item No. 20 APPROVAL OF CONSULTANTS AND EXAMINERS**

Upon a MOTION by Dr. Foster, second by Ms. Crevier, the Board voted to APPROVE the following dentists as consultants. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 20A**

**Dr. Michael LaCorte**

**Agenda Item No. 20B**

**Dr. David S. Dodell**

**Agenda Item No. 21 Consent Agenda.** Upon a MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 21A December 7, 2012 Board Meeting Minutes**

**Agenda Item No. 21B December 7, 2012 Executive Session Minutes**

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

**Agenda Item No. 15B**

**Case No. 201200179  
Dr. Sin Hui Lee**

This case was pulled by Dr. Hauer. More than a Letter of Concern is warranted in this case. It should be non-disciplinary CE in the area of diagnosis and treatment planning of crown and bridge.

Upon MOTION by Dr. Hauer, duly seconded, the Board voted to IMPOSE 6 hours of non-disciplinary CE in the area of diagnosis and treatment planning of crown and bridge. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 15C**

**Case No. 201200208  
Dr. Scott N. Calev**

This item was pulled by the public. Dr. Calev addressed the Board stating that the pharmacy filled the prescription in error and provided documentation stating that. Dr. Palmer stated that the employee of the practice knew that she had placed the wrong doctor's identifier on the prescription.

Upon a MOTION by Dr. Hauer, second by Ms. McClain, the Board voted to ISSUE a Letter of Concern stating "Dr. Calev, the owner of the practice, should not allow his staff to use another dentist's identity or identifiers to authorize prescriptions." Mr. Jackson RECUSED. MOTION PASSED.

**Agenda Item No. 16B**

**Case No. 201200220  
Dr. Carter A. Grampp**

This item was pulled by Dr. Waite. Dr. Waite stated that a Letter of Concern was warranted in this case.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to ISSUE a Letter of Concern stating "When performing an extraction, Dr. Grampp should verify the entire tooth has been removed and if it is not, the patient must be informed." MOTION PASSED UNANIMOUSLY.

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**ACTION ON CASES**

**Agenda Item No. 13 – Action on Previous Action**

**Agenda Item No. 13A**

**Case No. 201200173  
Dr. Clayton Wainwright**

Dr. Wainwright and his attorney, Jeffrey Tonner, were present. Mr. Tonner stated that Dr. Wainwright completed CE Courses in the underlying case 201000103. At the December 2012 meeting, the Board discussed the possibility of removing the Administrative Penalty from the order. Finances prevented Dr. Wainwright from complying with CE Courses in a timely manner.

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to DISMISS the case. Dr. Foster, Dr. Gradke, Ms. McClain, and Ms. Crevier OPPOSED. MOTION PASSED.

**Agenda Item No. 13B**

**Case No. 201200084  
Dr. James Cornelius Spurgeon**

Dr. Gradke has some concerns with the language of the Board Order. Finding of Fact #4 should be deleted as it was not previously discussed and it has no bearing on the case. Finding of Fact #8 should read "By mixing two different Benzodiazepines with different half-lives, Dr. Spurgeon made it impossible to calculate the correct dosage of medication".

Upon MOTION by Dr. Gradke, second by Dr. Hauer, the Board voted to ACCEPT the Board Order with changes to the wording. Whiting RECUSED. MOTION PASSED.

**FORMAL INTERVIEWS**

**Agenda Item No. 22 – Formal Interview Cases**

**Agenda Item No. 22A**

**Case No. 201200106  
Mr. Arthur Silva**

Mr. Silva and his attorney, Mr. Jeffrey Tonner, were present. The Court Reporter swore in Mr. Silva. Dr. Waite read the Formal Interview process.

Dir. Hugunin stated the Board received a complaint on June 6, 2012 alleging Mr. Silva fabricated inadequate dentures for patient JV. Mr. Silva assessed the patient and then fabricated and delivered lower and upper dentures without having a dentist complete an initial evaluation and certify the delivery. In a telephonic conference call with the Chief Investigator, Dr. Palmer, Mr. Silva stated the supervising dentist never examined the patient before treatment and could not certify the delivery.

Dr. Hauer is the lead Board Member. He reviewed violations of unprofessional conduct and questioned Mr. Silva regarding violating A.R.S.32.9-1294B in that there was no dentist that either saw the patient before treatment or wasn't there at the seat appointment.

Staff listed no prior violations.

Dr. Hauer moved for probation for two years, the terms of which are an administrative penalty of \$2,000.00 and monitoring every 6 months. Dr. Foster seconded, MOTION FAILED.

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Upon MOTION by Dr. Foster, second by Dr. Whiting, the Board voted to FIND a violation of A.R.S. 32-1201 21(n) and 32-1294B and order probation for 2 years with practice monitoring every 6 months. Dr. Foster OPPOSED. MOTION PASSED.

**Agenda Item No. 22B**

**Case No. 201200097  
Dr. Arthur J. Porter**

Dr. Porter and his attorney, Jeffrey Tonner, were present. The Court Reporter swore in Dr. Porter. He waived the opening statement by Dr. Waite.

Dir. Hugunin stated the Board reviewed this case at the October 5, 2012 Board Meeting as the patient requested that the Board terminate the complaint. Based upon the Board's concerns the treatment fell below the standard of care, it was sent to an outside dental consultant. A report and summary was provided to the Board members. The outside dental consultant concurred the implant placement fell below the standard of care and documented concerns about Dr. Porter's treatment records. This may constitute unprofessional conduct.

Dr. Porter provided an article to the Board during his opening statement. It was brought to the attention of Dr. Porter that the article provided stated that unauthorized reproduction was prohibited.

Dr. Gradke is the lead Board Member. He reviewed the violations of unprofessional conduct and questioned Dr. Porter regarding violating not completing a comprehensive exam and operating outside of the scope of his practice by performing orthodontics of A.R.S. 32-1201 (l)(n)(x) and 32-1264A.

Upon MOTION by Dr. Gradke, second by Ms. Crevier, the Board voted to FIND a violation of A.R.S. 32-1201 (l)(n)(x) and 32-1264A, and ordered the following CE: 12 hours in anatomy of the mandible and maxilla, 12 hours in bone physiology and osseointegration, 30 hours in hands-on implant placement and restoration at a dental school, 6 hours in Cone Beam CT use in dentistry, 4 hours of risk management and 3 hours in orthodontic recordkeeping for a total of 67 CE hours; a restriction of his license in placing or restoring implants until the completion of CE, an administrative penalty of \$1,000.00. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 23 – REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

**Agenda Item No. 23A      Case No. 201200174-ED  
Dr. John R. Lee**

Upon MOTION by Dr. Foster, second by Mr. Jackson, the Board voted to APPROVE the Executive Director Termination. Mr. Greer RECUSED. MOTION PASSED.

**Agenda Item No. 24 – Members of the Public**

**Agenda Item No. 25 – FUTURE AGENDA ITEMS**

A.    ADEX Discussion

**Agenda Item No. 26 – Next Meeting Date – April 5, 2013**

**Agenda Item No. 27 – Adjournment**

Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to ADJOURN the Board meeting. MOTION PASSED UNANIMOUSLY.

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Dr. Waite adjourned the meeting at 10:55 AM.

Minutes APPROVED at the April 5, 2013 Board Meeting.

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**Elaine Hugunin, Executive Director**