



**ARIZONA STATE BOARD OF DENTAL EXAMINERS**

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

Telephone (602) 242-1492 • Fax (602) 242-1445

[www.azdentalboard.us](http://www.azdentalboard.us)

**MEETING OF THE ARIZONA  
STATE BOARD OF DENTAL EXAMINERS  
MINUTES OF THE BOARD MEETING  
FEBRUARY 4, 2011**

**Board Members Present:**

Gregory A. Waite, DDS, President  
Scott W. Morrison, DDS, Vice President  
Catherine L. Bevers, RDH  
Laurie A. Buckles, RDH  
Robert H. Foster, DDS (11:45am – 3:02pm)  
Michael R. Hauer, DDS  
Gary M. Gradke, DDS  
Mr. Joshua Greer

**Board Members Absent:**

Robert H. Foster, DDS (8:00am – 11:45pm)  
Mr. Jason D. Farnsworth

**Staff Present:**

Ms. Elaine Hugunin, Executive Director  
Ms. Nancy Chambers, Deputy Director  
Ms. Mary DeLaat Williams, Assistant Attorney General  
Ms. Terry Bialostosky, Investigations Supervisor  
Ms. Sherrie Biggs, Licensure Manager  
Ms. Yvonne Barron, Program/Project Specialist  
Ms. Jaclyn Warren, Legal Administrator  
Ms. Monica Crowley, Legal Secretary  
Ms. Nancy Elia, Licensure 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."

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**GENERAL BUSINESS**

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

Dr. Waite called the meeting to order at 8:02 a.m.

**Agenda Item No. 2 - President's Report**

- A. AADB and AADA Conference – Review, discussion and possible action regarding approval for President and Executive Director to attend the mid-year AADB and AADA conference on April 3 – 4, 2011.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to APPROVE the AADB and AADA Conference on April 3-4, 2011 for the President and Executive Director. MOTION PASSED UNANIMOUSLY.

- B. Anesthesia Committee – Review, discussion and possible action regarding consideration of appointment of an Anesthesia Committee to amend proposed rules.

Dr. Waite announced the appointment of Dr. Gradke as the chairperson of the Anesthesia Committee.

Members of that committee also include:

Dr. Steven Ingersoll  
Dr. Skip Harris  
Dr. Michael Mansfield  
Dr. Richard Chaet  
Dr. Ken Reed  
Dr. Anthony Caputo  
Dr. Brien Harvey  
Dr. J. Brent Sanders  
Dr. Michael Hull

- C. Complaint Process Review Committee – Review, discussion and possible action regarding consideration of re-convening the Complaint Process Review Committee to review and evaluate rules related to complaint process.

Upon MOTION by Dr. Morrison, second by Ms. Bevers, the Board voted to RE-CONVENE the Complaint Process Review Committee with Dr. Morrison as chairperson. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 3 - Executive Director's Report**

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

Dr. Waite stated that WREB has done well and the dental exam fees will not be increased next year. Some states are considering licensure by portfolio and non-patient based. He explained that the Board just needs to be aware that those are the type of requests that may come through in the future. They are usually state specific.

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B. Current Proposed Legislation – Review, discussion and possible action regarding current proposed legislation for the 2011 session:

- i. HB 2155: Dental Board; Omnibus – Amending sections 32-1207, 32-1232, 32-1236, 32-1271, 32-1284, 32-1287, 32-1292, 32-1297.01, 32-1297.06, and 32-1299; Amending Title 32, Chapter 11, Article 3; Adding 32-1271; and Repealing 32-1292.02; Session laws.

Review, discussion and possible action regarding proposed amendment to 32-1207(B)(6).

Dir. Hugunin stated that the Board's omnibus bill has been heard in the House and passed. It included proposed language to clarify the licensee's/applicant's responsibility for costs of an evaluation under section §32-1207(b)(6). It came to the Board's attention after the bill was dropped that this was an issue being studied because it is common to many other boards. It may be premature to move forward with this language at this time and therefore was taken out of the bill.

Stakeholders proposed an amendment to the bill which addresses Continuing Education for dentists at a remote location. Staff is instead proposing session law and will be incorporated into the rules when the moratorium is lifted. Two corrections are that the word "dentist" on line 2 and line 4 should be changed to read "licensees". This will allow all licensees the opportunity to take CME in this manner including Board ordered Continuing Education.

Upon MOTION by Dr. Gradke, second by Dr. Foster, the Board voted to RATIFY the amended Omnibus Bill by deleting the language about the costs of the evaluation. MOTION PASSED UNANIMOUSLY.

- ii. HB 2156: Dental hygienists; Supervision requirements – Amending section 32-1281.

Ms. Chambers stated that this bill was dropped by the Dental Hygiene Association and changes the provision requirements for certain settings. This means the dental hygienist will be supervised by a physician. Ms. Buckles stated the dental hygiene committee asks that the Board supports this to bring it into the nursing home settings. The language may change and there is some confusing language. The rationale is that it is difficult for nursing home residents to get dental care. This bill would bring preventive services to them.

Mr. Earle stated that the Association is very troubled by this. There was no discussion with them before the bill was dropped. When services are provided in the mouth, a dentist should be involved in that. You can't rely on a general examination by the physician. Dentists aren't seeing this as an opportunity to provide services. Generally, dentists have been operating in private practices and need to be more outbound. He also stated that a lot of elderly are on AHCCCS who may have some concerns.

Sara Sparman from the Dental Hygienist Association stated that there will be changes to the bill. AHCCCS no longer reimburses for anyone over the age of 21. The reason why they are bringing this forward is because those services are not being provided to these patients. The definition of examination was defined by the Dental Association as "determining whether a patient is medically fit to receive care". By getting the check off from an MD, they can be referred to a dentist.

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Ms. Buckles stated that she has no problem being neutral as long as the Board is neutral throughout. The Board is neutral on this bill.

- iii. HB 2530: Board of Dental Examiners – Amending sections 32-1201, 32-1202, 32-1213, and 32-1261. Information only.

Dir. Hugunin stated that this bill was presented by the Dental Association, heard in the House of Representatives and passed. It addresses scope of dentistry, rebates, and business entities.

- iv. SB 1030: Dental hygienists; Supervision – Amending section 32-1281.

The Board is neutral on this bill.

- v. HB 2554: Dental board; Investigations; Disciplinary action - Repealing Section 32-1263.02; Amending Title 32, Chapter 11, Article 3, Arizona Revised Statutes, by adding a new section 32-1263.02. Information only.

Dir. Hugunin explained that this will be heard on Wednesday, February 16, 2011 in the House of Representatives. There have been no changes so far and it is moving forward.

- vi. HB 2169: Dental board; Fees - Amending sections 32-1236, 32-1287 and 32-1297.06.

Dir. Hugunin explained that this is information only as this bill has been heard and passed at the House. The additional material in the Board folders includes an amendment to the bill which has also passed.

- vii. HB 2233: Mobile dental facilities – Including possible changes to informed consent provisions.

Dir. Hugunin stated that this bill has not yet been heard. Two amendments were brought forth at a recent stakeholder meeting. The meeting included the Association, AHCCCS, and Dr. Green, who represents one of the mobile dental units and the Board. The first amendment adds a verbal informed consent which means recorded and stored. It also provides for two levels of consent. One is authorizing preventative and diagnostic services, and the other, treatment. The second amendment eliminates the two levels of consent and provides for an audio recorded informed consent and has a section which defines informed consent.

Lobbyist Stuart Goodman was present to discuss the process and challenges the Board has regarding this bill. Mr. Goodman explained that there is a general consensus of the mobile dentistry bill, with the exception of the two amendments regarding consent and whether some of the language is written versus verbal. He requested the Board not forget the art of politics, which is taking the ideal and making sacrifices for what is achievable. Bills that add more legislation do work as long as there is consensus among the parties. If there is not consensus, the members start looking for excuses and public safety aspects tend to get lost in the shuffle. He is recommending a hybrid of the two amendments. The current language asks for informed consent in writing, but he would like the Board to consider adding "or verbal

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communication that is recorded and stored" and removing the word "permanently". There is another amendment that references §32-1264 which states the general requirements for storing information.

Mr. Goodman's concern is if they do not act quickly or work together, the bill will be pulled and mobile dentistry will go unregulated for another year. Rather than trying to come up with the ideal language, he recommends the Board be flexible in working through this process.

Mr. Earle explained there is a considerable amount of angst over this issue. He would like to see two-level consent. His concerns are not about recording versus paper in the patient's file, but whether a copy of the recording gets submitted with the patient's records when subpoenaed.

Mr. Greer asked if Mr. Earle proposed leaving in language about providing informed consent and Mr. Earle explained that he took the liberty of drafting something they all could agree on. They are proposing the definition of informed consent but there is no real consistency. Based on the unique nature of mobile dentistry, if they go with the recorded consent, this current legislation should be OK with it.

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to GIVE Stuart Goodman the authority and latitude to work the wording, ACCEPT the verbal consent they have agreed to, to HOLD OFF on the definition of informed consent, and MEET with the stakeholders to give him some latitude in working with them and see if they can get some general consensus. MOTION PASSED UNANIMOUSLY.

- C. Electronic Portfolio – Review and discussion regarding the electronic portfolio with bookmarks for Board Meetings. Information only.

Dir. Hugunin thanked Jaclyn Warren for implementing the new scanning process this time around rather than waiting until the April Board meeting. The Board found it more helpful to have the bookmarks. The Board's next upgrade will be to develop portfolios which will also enhance reviewing capabilities in that each individual file will not have to be opened. Additionally, as reported in the consultant communiqué, staff is working to improve and incorporate digital radiographs into documents.

- D. Review, discussion and possible action regarding assignment of Lead Board Member to complaints.

Dir. Hugunin thanked Dr. Waite, Dr. Morrison and Ms. Williams for attending one of the other regulatory board meetings. If the complaint process bill becomes law, the Board will conduct informal interviews at its meetings. Many of the other regulatory boards assign a lead board member to each case to help facilitate discussion. The lead board member is responsible for questioning the licensee and in some cases developing the findings of fact and conclusions of law. This does NOT mean that the remainder of the Board doesn't ask questions. She would like to try this at the next board meeting and encourage everyone to attend another regulatory board's meeting over the next few months. Staff is looking for the best practices and incorporating these into the current practices.

No action was taken.

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- E. Review, discussion and possible action regarding non-compliance with MATP stipulation agreement payment provisions.

Dir. Hugunin asked the Board to approve sending a letter to Ms. Arbon and Ms. Victoria. All participants sign an order which states, "...the licensee shall bear all costs associated with his/her compliance with this Stipulation Agreement and Order. These costs shall include, but are not limited to, monitored aftercare treatment, professional fees of an addictionologist, psychological, psychiatric and/or drug treatment counseling, and biological fluid testing." Neither of these participants has agreed to a payment plan.

- i. Margaret O. Arbon, RDH
- ii. Dolores L. Victoria, RDH

Upon MOTION by Mr. Greer, second by Ms. Bevers, the Board voted to AUTHORIZE staff to send the delinquency letter to the above participants. MOTION PASSED UNANIMOUSLY.

- F. VACANT

- G. Review, discussion and possible action regarding substantive policy statement #15: Injecting Anesthesia, Injecting Other Substances or Prescribing for Non-Dental Treatment.

Dir. Hugunin stated the Board requested this agenda item as a result of one of the cases. Does the Board want to amend the substantive policy statement? Dr. Gradke would like further discussion because there are people with less training than dentists performing injections that are not permanent. Dr. Hauer agreed with Dr. Gradke. Ms. Bevers would also like to look at it with dental hygienists being able to inject also. She recommended that staff compile more information for discussion.

- Gi. Review, discussion and possible action regarding proposed Substantive Policy Statement clarifying the continuing education requirement for Chemical Dependency.

Ms. Chambers stated that the Board should be free to edit the statement regarding the definition for chemical dependency that was discussed at the last Board meeting. It was suggested moving the last sentence to the first sentence.

- H. Doug Chang (Case # 100030) – Review, discussion and possible action on report by Affiliated Monitors, Inc. Information only.

Dir. Hugunin told the Board they have two reports from Affiliated Monitors. They are scheduled to provide another report so the Board may wish to consider waiting for the next report to determine if there has been any improvement.

- I. Arizona Coronal Polishing Exam – Review, discussion and possible action regarding request of national written coronal polishing examination.

Staff TABLED until the April 1, 2011 Board Meeting.

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- J. Review, discussion and possible action regarding questions posed by the Dental Assisting National Board with respect to disallowing an applicant to take an Arizona-specific examination. Information only.

Ms. Chambers stated the Dental Assisting National Board (DANB) sent a letter to the Board regarding what to do with a person who has felony convictions and wants to take a DANB exam. Does the Board want to review it, let DANB handle it, or make a blanket decision to prohibit them from taking a DANB exam and require them to take an Arizona specific exam? The Board has approved DANB as the exam and will follow what they deem appropriate.

- K. BODEX Budget – Review, discussion and possible action regarding the BODEX budget for current fiscal year and fiscal year 2011 and 2012. Information only.

Dir Hugunin explained that staff has been informed that the Governor may again sweep the 90/10 Agency's budget; however, this decision is not yet final.

- L. Review, discussion and possible action regarding revision of the following applications for licensure/certification and renewal to include, but not limited to the following revisions:

Upon MOTION by Dr. Foster, second by Ms. Bevers, the Board voted to ACCEPT the proposed revisions for the applications as stated below. MOTION PASSED.

- i. Application for Licensure by Credential and Licensure by Examination – add a question to provide an e-mail address, add the question “Do you have any medical, physical or psychological condition that may in any way currently impair or limit your ability to safely practice? Remove the question to list undergraduate college, city, state, degree and year graduated..
  - ii. Application for Denturist Certification – add a question to provide an e-mail address and add the question “Do you have any medical, physical or psychological condition that may in any way currently impair or limit your ability to safely practice?”
  - iii. Application for Dental Assistant Radiography Certification by Credential – add a question to provide an e-mail address and add the question “Do you have any medical, physical or psychological condition that may in any way currently impair or limit your ability to safely practice?”
  - iv. Application for Renewal of Dental License, Dental License Retiree, Dental License Disabled, Dental Hygiene License, Dental Hygiene License Retiree, Dental Hygiene License Disabled, Dental Consultant License, and Denturist Certification – add a question to provide an e-mail address.
- M. Dr. David Naisbitt - Communication from Dr. Naisbitt regarding license revocation. Information only.

Dir. Hugunin stated that Dr. Naisbitt made a public records request which staff complied with. He continues to email her and Ms. Williams claiming there was malfeasance done with respect to his revocation. In April, staff will bring a summary of the matter for the Board's review and further action if necessary.

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- N. Executive Director Terminations – Review, discussion, and possible action on Executive Director Complaint Terminations.

Dir. Hugunin stated that 15 cases have been terminated in accordance with ARS §32-1263.03. There may be some appeals from these where the time has not yet expired.

**Agenda Item No. 4 - Assistant Attorney General's Report for Board Direction & Possible Action**

Ms. Williams stated that Dr. Kim should have a decision by April. There is nothing else to report:

- A. Dr. Mu-Hun Kim v. ASBDE (Case 280093) (Court Case LC2009-000370)
- B. Dr. Rosalyn D. Keith v. ASBDE (Case 270098) (Court Case LC2009-000836)
- C. Dr. Steven Morales v. ASBDE (Case 290247) (Court Case LC2010-000569)

**Agenda Item No. 5 - Personnel Issues**

- A. Dir. Hugunin announced the appointment of Monica Crowley into the Legal Secretary position.

**Agenda Item No. 6 – Request for Action on Licensure/Certificate by Examination**

- A. Morgan P. Evershed, DDS - Request for licensure by examination, disclosure of theft of services conviction.

Dr. Evershed was present but declined to comment.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to GRANT licensure to applicant. MOTION PASSED UNANIMOUSLY.

- B. Mr. Benjamin H. Stone – Request for Denturist Certification

Mr. Stone was present but declined to comment.

Upon MOTION by Dr. Morrison, second by Ms. Bevers, the Board voted to GRANT Denturist Certification to applicant. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 7 – Request for Action on Dental Assistant Radiology Certification by Credential – Consent Agenda**

Nothing was pulled. Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to GRANT Certification in Radiology to the following applicants. MOTION PASSED UNANIMOUSLY.

- A. Francisco G. Madrid - Certified in CA
- B. Teri L. Boyd - Certified in CA
- C. Marjorie L. Tui - Certified in CA
- D. Julie D. Merritt - Certified in CA
- E. Abigail Spencer Valenzuela - Certified in CA
- F. Regina Ontiveros - Certified in CA

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- G. Antonette J. Samolis - Certified in CA
- H. Priscilla Nunez - Certified in CA
- I. Connie Conway - Certified in CA
- J. Mary Ann Green - Certified in CA
- K. Melinda M. Andersen - Certified in CA
- L. Veronica E. Lespron - Certified in CA
- M. Teresa L. Estrada - Certified in CA
- N. Fabiana Martinez - Certified in CA
- O. Daveri L. Huber - Certified in NM
- P. Candice Ann Upton - Certified in NM
- Q. Lucinda V. Bishop - Certified in SD

**Agenda Item No. 8 – Request for Action on Licensure by Credential**

- A. Lynnderra Tippeconnie, RDH - Board approved exam disclosure of failure to renew NM hygiene license timely. No action taken by NM Board.

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

**Request for Action on Licensure by Credential – Clinical Examination taken more than 5 years ago**

- B. Malinda J. Tuttle, RDH - 1997 Florida

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to GRANT licensure to the applicant. MOTION PASSED UNANIMOUSLY.

**Request for Action on Licensure by Credential – Consent Agenda Clinical Examination taken less than five years ago**

- C. VACANT

**Agenda Item No. 9 – Request for Action on Licensure by Credential – Consent Agenda – Board-approved Clinical Examination**

Nothing was pulled. Upon MOTION by Dr. Morrison, second by Ms. Bevers, the Board voted to GRANT licensure by credential to the following applicants. MOTION PASSED UNANIMOUSLY.

- A. Dr. Meelin D. Chin Kit-Wells -1994 NERB
- B. Dr. Lawrence P. Rudolph -1979 NERB
- C. Dr. David G. Cleverly - 2006 CRDTS
- D. Dr. Stephen A. Coffey - 2004 CRDTS
- E. Dr. Robert J. Busch - 2004 WREB
- F. Dr. Steven Ryan Facer - 2003 WREB
- G. Ivette Arroyo, RDH - 2010 NERB
- H. Rachel L. Cross, RDH - 2010 NERB
- I. Katrina M. Lemmen, RDH - 2009/2010 NERB
- J. Marisol Bonilla, RDH 2005 - NERB
- K. Kristin A. Gorder, RDH 2001 - CRDTS
- L. Terry A. Stenberg, RDH 1996 - WREB

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**Agenda Item No. 10 – Request for Action on Application(s) for Renewal of License**

- A. VACANT

**Agenda Item No. 11 – Recommendation(s) From Board MATP Medical Director**

- A. Su-Wen Chang, DDS - Review, discussion and possible action regarding disclosure of a DUI arrest and recommendation by MATP Medical Director.

Dr. Chang was present but declined to comment.

No action taken.

- B. Bonnie Garcia, RDH - Review, discussion and possible action regarding disclosure of a DUI arrest and recommendation by MATP Medical Director.

Ms. Garcia was present but declined to comment.

No action taken.

- C. Wade A. Mendenhall, DDS (Case # 270517) - Review, discussion and possible action regarding removal of DEA restriction from MATP Stipulation Agreement.

Dr. Mendenhall was not present to address the Board.

Dr. Sucher stated that typically, DEA restrictions for members in the MATP program lasts for two years, at which time the participant can reapply. Dr. Mendenhall has been in the program for more than that length and should be allowed to reapply.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to GRANT permission to Dr. Mendenhall to apply for his DEA license. MOTION PASSED UNANIMOUSLY.

- D. Frank M. Nelson, Jr., DDS - Review, discussion and possible action regarding reinstatement of license, opening an investigation, and recommendation by MATP Medical Director.

Dr. Nelson and attorney, Mr. Tonner, were present.

Dr. Sucher stated that he evaluated Dr. Nelson on December 22, 2010 due to concerns of him using nitrous oxide in the office between patients during the previous three months. Dr. Nelson's reasoning for doing this was not sound. He does have a seizure disorder and suffers from attention deficit disorder and is under treatment for both. Dr. Sucher recommends that, because of his history with nitrous oxide abuse, he be placed in the two-year MATP track which would include not having nitrous oxide in the office and remain under the care of his psychiatrist and neurologist. Part of the issue was that Dr. Nelson stopped taking his seizure medication which could have led to his use of nitrous oxide. He should also have random drug testing.

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Mr. Tonner asked Dr. Sucher if he had any problem with Dr. Nelson applying for the 1302 conscious sedation permit. Dr. Sucher responded that a minimum of six months of sobriety should occur before he can continue with the application. Mr. Tonner also requested that they remove probation from the order. Probation is a criminal term in Arizona and there are extra penalties included.

Dir. Hugunin stated that the new statute, if it passes, does allow for that to occur but Dr. Waite stated that to remain consistent, he does not think that can occur. Statute §32-1299(D) states that a Board shall place a licensee on probation if they refuse to enter the MATP program. Mr. Tonner stated they are not refusing to enter; they are voluntarily consenting to it. Ms. Williams stated that how the statute reads currently, he has to be on probation as well. Mr. Tonner disagrees.

Upon MOTION by Dr. Morrison, second by Dr. Hauer, the Board voted to REINSTATE the license to Mr. Nelson, ISSUE probation, ENTER the two-year MATP program, and OPEN an investigation. Dr. Gradke RECUSED. Mr. Greer OPPOSED. MOTION PASSED.

- E. Carole Hendershot (Lic # 4211) – Review, discussion and possible action on withdrawal of renewal application.

Ms. Hendershot was not present to address the Board.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to ACCEPT withdrawal of renewal application. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 12.A – Current MATP Participants**

Dr. Sucher stated that there are no issues.

- i. Dr. Carter Grampp – 260361
- ii. Dr. Gregory P. Edmonds – 260280
- iii. Julie Nightingale, RDH – 280314
- iv. Dr. Thomas J. Hawkes – 260214
- v. Dr. Wade A. Mendenhall – 270517
- vi. Dr. Chad F. Merrill - 270495
- vii. Sarah Morones, RDH – 290344
- viii. Dr. Jay H. Spiegel – 260115
- ix. Dr. Cameron Skaugrud – 270408
- x. Dr. Michael W. Dodd – 280303
- xi. Dr. David J. Bernath – 280237
- xii. Dr. Robert N. Hoskyns – 290112
- xiii. Dr. Randall H. Monroe – 260116
- xiv. Dr. Rogel A. Carlos – 260126
- xv. Dr. John S. Coleman – 280461
- xvi. Dr. Keith Rogers – 290305
- xvii. Margaret Arbon, RDH – 290352
- xviii. Dr. Steven F. Kammeyer – 201000157
- xix. Dr. David L. Chaffee, Jr. – 100021

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**Agenda Item No. 12.B - Current Abuse Track Participants**

- i. Dr. Malcolm D. Kaiser – 290113

**ACTION ON CASES –  
From Investigative or Informal Interview**

**Agenda Item No. 20            Case No. 201000267  
   Dr. Jason Paul Acuff**

Dr. Acuff and attorney, Mr. Tonner, were present.

Mr. Tonner stated that in July of 2010, Dr. Acuff was arrested for drunk driving and had a blood alcohol level of 1.72. He self reported this to staff who sent him to see Dr. Sucher. Dr. Sucher primarily focused on this case, a DUI he had ten years ago, and an arrest he had in college for minor possession. Dr. Sucher stated he should enter into the program. They sent him to Dr. Potts, a forensic psychologist, who used the objective DSM-4 test. Dr. Sucher found that he was not an addict, but was an abuser, where Dr. Potts decided that he was not an abuser. When it comes to defining unprofessional conduct, there is a subsection for abuse in statute §32-1201.21(B) that states “using alcohol to the extent it affects the ability of the dentist to practice that profession”. Dr. Acuff has been a dentist for fourteen years and has had no complaints about alcohol by patients or staff. There has been no evidence. During the investigative interview, the panel asked Dr. Sucher if he had any evidence that it affects his work and he said no. This case should be dismissed. On the criteria of the DSM-4, Dr. Potts stated that Dr. Sucher should not diagnosis him as an abuser. Dr. Sucher explained that one arrest is in fact 200 arrests. That is inconsistently applied. In 90% of the time, with one arrest, he lets them go and 10% of the time, he keeps them on. It should be evenly defined and it is not. Mr. Tonner stated there is a conflict since Dr. Sucher is both the diagnoser and treater and he recommends this case be dismissed.

Dr. Morrison asked if there were safety issues. Dr. Sucher stated that Dr. Acuff did meet the criteria of the DMS-4 guideline and suffers from alcohol abuse. There is a difference between abuse and addiction which consists of loss of control. He did not feel that Dr. Acuff met that threshold.

Upon MOTION by Dr. Waite, second by Ms. Bevers, the Board voted to go into an Executive Session for legal advice. MOTION PASSED UNANIMOUSLY.

**\*\*Executive Session\*\***

**RETURN TO OPEN MEETING**

Mr. Greer asked if Dr. Sucher agrees that this would affect Dr. Acuff’s profession. Dr. Sucher said it may if he is not properly monitored or abstaining from alcohol. He felt that there was a pattern of alcohol abuse which put him at risk. Mr. Tonner stated that at the investigative interview, Dr. Sucher stated that there is no indication that is has affected his dental practice.

Upon MOTION by Mr. Greer, second by Dr. Gradke, the Board voted to CONSIDER the Findings of Facts. Dr. Morrison and Dr. Waite OPPOSED. MOTION PASSED.

Upon MOTION by Dr. Greer, second by Ms. Bevers, the Board voted to AMEND the Findings of Fact to read: 1. “Dr. Acuff self-reported a DUI incident to BODEX on 7/2/10”, 2. “Dr. Acuff was evaluated by Dr. Sucher who has recommended that Dr. Acuff enter the alcohol abuse track mandated by the Board. He

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has diagnosed Dr. Acuff with alcohol abuse", and 3. "Dr. Sucher believes that without further treatment, Dr. Acuff's condition may affect his ability to practice his profession". MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Ms. Bevers, the Board voted to ACCEPT the Findings of Fact as amended. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Mr. Greer, second by Dr. Hauer, the Board voted to CONSIDER the Conclusions of Law to be unprofessional conduct as defined by §32-1201.21(B). Dr. Morrison and Dr. Waite OPPOSED. MOTION PASSED.

Upon MOTION by Mr. Greer, second by Dr. Gradke, the Board voted to PLACE Dr. Acuff into the 2-year MATP Program. Dr. Morrison and Dr. Waite OPPOSED. MOTION PASSED.

**Agenda Item No. 13            Case No. 290098  
   Dr. William Hoskyns**

Tabled to April 1, 2011 Board Meeting.

**Agenda Item No. 14            Case No. 290138  
   Dr. William Hoskyns**

Tabled to April 1, 2011 Board Meeting.

**Agenda Item No. 15            Case No. 201000156  
   Dr. Robert C. Bingham**

Mr. Tonner is present on behalf of Dr. Bingham.

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to GRANT the Petitions to Rehear and hear the case at this Board Meeting. Mr. Greer OPPOSED. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Waite, second by Dr. Hauer, the Board voted to REDUCE the Continuing Education hours from 18 hours hands-on to 12 hours in a regular setting. MOTION PASSED UNANIMOUSLY.

**\*Agenda Items No. 16-19 were heard and adjudicated together\***

**Agenda Item No. 16            Case No. 201000064  
   Dr. Salvatore F. Perna**

Attorneys Mr. Tonner on behalf of Dr. Perna, and Kenneth Bemis on behalf of complainant, were present.

Mr. Bemis stated that the whole case should be reopened to include restitution. His client had \$7,000 on this matter and then that amount was knocked down to \$500 because of the fault of a child. He had to sit through three hearings to get \$500 on a \$7,000 bill. Mr. Perna was found responsible for five of the six charges. If he could have at least seen the Petition to Rehear, they would not have even showed up.

The Board explained to him that the inadequate orthodontic allegation was dismissed at the last Board Meeting but the inadequate endodontic allegation was upheld which is why the restitution was not for the full amount.

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**Agenda Item No. 17            Case No. 201000122  
   Dr. Salvatore F. Perna**

Mr. Tonner, on behalf of Dr. Perna, and complainant's wife KF were present.

KF stated that she was not able to make it to the October Board Meeting. She sent in cone beam x-rays that were never discussed at the investigative interview. Dr. Perna did surgery on the wrong tooth. The panel members recommended they issue restitution for the root canal, which was done improperly. Her dentist and the endodontist were in agreement that the two crowns needed to be redone. Also, a dental dam was not used. KF kept returning to the office because her mouth didn't feel right. She had a cyst and there was no pathology for a cyst. She continued to have pain and Dr. Perna stated the way it healed caused the skin to tighten. She waited eight months and went to get a second opinion. She was referred to an endodontist and the #5 root canal was retreated and she had to have a root canal on #4 because there was no blood supply to the tooth. She stated that the crowns had to be re-drilled due to Dr. Perna's improper work.

Dr. Morrison stated the endodontic issues were addressed at the October meeting. There was much discussion amongst the complainant and Board about the cone beam that was submitted.

**Agenda Item No. 18            Case No. 201000138  
   Dr. Salvatore F. Perna**

**Agenda Item No. 19            Case No. 201000121  
   Dr. Salvatore F. Perna**

Tabled from October 8, 2010 Board Meeting.

Mr. Tonner, on behalf of Dr. Perna, and complaint's wife KF were present.

KF stated that Dr. Perna did an implant on #10 that failed after the crown was placed. He redid the implant in October 2009. A week later he needed a root canal on #9. In January of 2010, Dr. Perna shaped #10 for a crown, did impressions and put on a joint temporary crown. Dr. Perna's office double billed him for the implant. She tried to get her money reimbursed but they did not tell her that the crowns were ready. He got a second opinion from an oral surgeon who said they were sturdy but a crown should not be placed on the implant until April. There appeared to be decay under #9 and the tooth needed to be reshaped. He did not return to Dr. Perna's office out of fear that a crown would be placed over decay. A general dentist referred him to an oral surgeon and they both saw a shadow on the x-ray. The temporary was on for two months. He still has a joint temporary on the teeth that has been on for thirteen months. His office wouldn't call because they owed her \$800. She is requesting reimbursement for crowns so they can be completed elsewhere. #9 shouldn't have been shaped until April.

Dr. Waite stated that decay would not happen in only two months time.

Mr. Tonner stated that #9 was removed in December 2008. In October 2009 the implant was loose and needed to be redone. At that time, there was a root canal on #10 and in January 2010, he was going to restore the implant in #9. There were two instances where the patient was a no show. He went to see an oral surgeon who stated that good clinical, no evidence of failure, and x-rays look good. Mr. Tonner stated that in a subsequent dentist's records, he does not find any recommendation for a crown being done. Dr. Perna agrees to pay the patient back for the crown and recommends they give Dr. Perna credit

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for two hours in recordkeeping and four hours in risk management that he took prior to the Board Meeting.

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to ACCEPT the Consent Agreement for the above four cases as modified. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 22            VACANT**

**Agenda Item No. 24            Case No. 201000235  
   Dr. Kamran Jafari**

Dr. Jafari was present.

Dir. Hugunin stated a copy of a letter received from the complainant before the Board Meeting requesting the case be terminated is in the Board's folders.

Dr. Jafari stated that the complainant submitted a letter of withdrawal. He already sent in a written explanation and paid the complainant back \$1,000. He had been doing work for another associate and does do periodontal work, but it was not recorded in this instance. He is not opposing the recommendation for continuing education.

Upon MOTION by Ms. Bevers, second by Mr. Greer, the Board voted to TERMINATE for lack of jurisdiction. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 23            Case No. 201000213  
   Dr. Sathish Bhadra Chari**

Dr. Chari and attorney, Jeff Tonner, and complainant FM were present.

Dr. Chari stated that he apologizes for modifying the records to make them more complete as opposed to doing harm. He said this will never happen again. Mr. Tonner stated that in the last two years, Dr. Chari has done three extractions, two root canals, and four crowns. When the doctor did the root canal on #14 he broke a file and the mesial buccal was 3mm short. In the unmodified records, it does say that he notified the patient and that he may need a referral or an extraction. He went to a general dentist and had pain in #14 twenty-two months later. FM was sent to an endodontist who tried to get past the canal, but ended up extracting the tooth. At the investigative interview, once the records came up, the panel members did not believe anything that was written. Only two dates were modified. The crown and bridge looked good but they are willing to refund for the open margin on #14. Mr. Tonner is recommending the Board uphold the inadequate endodontic allegation, have Dr. Chari refund the money for the crown and root canal, retake the jurisprudence exam and take an ethics course.

KM stated that he never received records that matched any of the others. There was extensive damage and even the investigative interview panel members were confused as to what was done, how it was billed, how it was recorded, and how it progressed.

Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to ACCEPT the Findings of Fact and Conclusions of Law of unprofessional conduct as defined by §32-1201.21(N). MOTION PASSED UNANIMOUSLY.

\*\*The Board requested priors – staff reported seven violations.

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Upon MOTION by Dr. Gradke, second by Dr. Hauer the Board voted to IMPOSE Censure and Restitution to the patient in the amount of \$4,117. Mr. Greer and Ms. Bevers OPPOSED. MOTION WITHDRAWN.

Upon MOTION by Ms. Bevers, second by Mr. Greer, the board voted to FORWARD this case to a Formal Hearing and ADD the allegation of altering and tampering with records. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 25            Case No. 201000238  
   Dr. Ralph L. Juriansz**

No one was present to address the Board.

Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to FORWARD this case to a Formal Hearing. Dr. Morrison RECUSED. MOTION PASSED.

**Agenda Item No. 26            Case No. 201000246  
   Dr. Ryan D. Cullinan**

No one was present to address the Board.

Dr. Waite read out loud a letter submitted by Dr. Cullinan immediately before the Board Meeting. The letter explained Dr. Cullinan's absence and his willingness to pay restitution to the patient.

Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 27            Case No. 201000255  
   Dr. Manu Alexander**

Mr. Tonner, on behalf of Dr. Alexander, and complainant HRS were present.

Mr. Tonner stated that in 2009 the patient first came and had an endo that relapsed. For seven months she was in Invisalign and the notes say the patient was satisfied. There was a 4 month gap of no treatment. Teeth #6-11 were prepped, there were a few modifications and the patient and her husband Okayed the fit. After three more office visits, #6 fell off and was put back on. At that point the husband said the veneers did not look right. He wanted to have #5 and #12 done. They couldn't come to a resolution so the complaint was filed. Three subsequent dentists saw the patient. Dr. Lopez said the patient had no problem with TMJ. The complaint was that they were big and bulky. Dr. Lopez said he would have to start with the ortho and do it all over. The patient went to a second subsequent and told him she could not close her mouth and the veneers should never have been put on. He said there was an overbite of 2mm, which they do not disagree with. If he was to retreat, they would have to start over. She told the third doctor, Dr. Weiss, that she had headaches, a bothersome jaw, her speech was affected, and it has been uncomfortable for her since her teeth were moved. He recommended a full ortho rework and the treatment needed to be redone. Mr. Tonner is requesting this case be dismissed with a letter of concern for not charting the diagnosis.

HRS, husband to patient, stated that the multiple visits show that they were not satisfied. The Invisalign would not change the spaces. Dr. Alexander told them he does not offer ortho. She has been getting pain gradually. She lost a veneer within three months and lost another one that she possibly swallowed. They do not feel that this is right.



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Upon MOTION by Ms. Bevers, second by Dr. Hauer, the Board voted to CONSIDER the Findings of Fact. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Bevers, second by Mr. Greer, the Board voted to ACCEPT the Findings of Fact as amended by upholding allegation #6. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Bevers, Mr. Greer, the Board voted to ACCEPT the Conclusions of Law of unprofessional conduct as defined in §32-1201.21(N). MOTION PASSED UNANIMOUSLY.

\*\*The Board requested priors – staff reported three violations.

Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to IMPOSE Restitution for the patient in the amount of \$1,550 and Continuing Education: 6 hours in the area of in treatment planning, 6 hours in the area risk management, and 6 hours in the area of implant diagnosis and placement, to be completed in 6 months. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 30            Case No. 201000254  
   Dr. Jack I. Lipton**

Mr. Tonner, on behalf of Dr. Lipton, and complainant RH were present.

RH stated that she has nothing to add and agreed to both of Dr. Lipton's cases to be heard concurrently.

**Agenda Item No. 31            Case No. 201000259  
   Dr. Jack I. Lipton**

Mr. Tonner, on behalf of Dr. Lipton, and complainant EC were present.

EC stated that he has nothing to add. He is wondering what tooth did the file break off in and is it detrimental. There was discussion about a cavity but he was not aware of any cavities and again, would like to know what tooth it is in. He had a broken portion of the crown on #14 and nobody asked to see that. He also stated that at the investigative interview, they discussed what his charges were, what he did pay, and what he agreed to pay. He wants to know if they have to file a separate complaint for the billing issues. Dr. Palmer stated that the Board has a memo regarding that topic in the folders. Dr. Waite explained how a consent agreement works.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to TABLE these cases until April 1, 2011. MOTION PASSED UNANIMOUSLY.

**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. 32	Case No. 201000170	Dr. R. Brinks Austin
Agenda Item No. 33	Case No. 201000175	Dr. Mandeep K. Vermani
Agenda Item No. 34	Case No. 201000239	Dr. Kenneth A. Magri
Agenda Item No. 35	Case No. 201000242	Dr. David M. Hamblin

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Agenda Item No. 37	Case No. 201000270	Dr. Clayton Wainwright
Agenda Item No. 39	Case No. 201000164	Dr. Mickel A. Malek
Agenda Item No. 42	Case No. 201000237	Dr. Hassan A. Beyramian
Agenda Item No. 43	Case No. 201000241	Dr. Ronald D. Walker
Agenda Item No. 44	Case No. 201000253	Gentle Dental Thunderbird
Agenda Item No. 52	Case No. 201000174	Dr. Joseph R. Cohen
Agenda Item No. 53	Case No. 201000210	Dr. Trevor L. Caffall
Agenda Item No. 55		Dr. Sibera T. Brannon
Agenda Item No. 59		Dr. Gail G. Goodman, Jr.
Agenda Item No. 62		Dr. Nishith S. Shah

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to ACCEPT the Recommendations for the remaining cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

**Cases ADJUDICATED:**

Agenda Item No. 36	Case No. 201000252	Dr. Michael Brian Muscato Dismiss
Agenda Item No. 38	Case No. 201000284	Dr. Lowell Frank Arbuckle Dismiss - Recommend the Board direct the Executive Director to send a Consent Agreement to Dr. Jerome Cutler for failure to fully respond to a subpoena.
Agenda Item No. 40	Case No. 201000185	Dr. Edouard Sorokin Issuance of Letter of Concern stating the doctor should have the patient seek endodontic consultation if a tooth he treated endodontically appears to be inoperable.
Agenda Item No. 41	Case No. 201000218	Dr. Sathish Bhadra Chari Issuance of Letter of Concern stating doctor should make sure full apex is visible on x-ray most recently prior to extraction and is also advised to include diagnosis prior to performing procedures.
Agenda Item No. 45	Case No. 201000232	Dr. Marguerite P. Myers Terminate – Lack of Jurisdiction
Agenda Item No. 46	Case No. 201000247	Dr. Jenny V. Wang Terminate – Lack of Jurisdiction
Agenda Item No. 47	Case No. 201000287	Dr. Steven H. Poulos Terminate – Lack of Jurisdiction
Agenda Item No. 48	Case No. 201000291	Dr. Jeffrey P. Ward Terminate – Lack of Jurisdiction

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Agenda Item No. 49	Case No. 201000292	Dr. Tonya L. Phillips Terminate – Lack of Jurisdiction
Agenda Item No. 50	Case No. 201000313	Dr. Payam Abedi Terminate – Lack of Jurisdiction
Agenda Item No. 51	Case No. 201000314	Dr. Trent Wilsey Smallwood Terminate – Lack of Jurisdiction
Agenda Item No. 54	Case No. 201000275	Dr. William G. Allen Terminate – Lack of Supporting Evidence
Agenda Item No. 56		Dr. Steven H. Poulos Open an investigation for alleged inappropriate prescribing practices.
Agenda Item No. 57		Dr. Peter A. Bassett Malpractice Report – Open an investigation for alleged inadequate implants and inadequate oral surgery.
Agenda Item No. 58		Dr. Edward M. Byers Malpractice Report – Take no action.
Agenda Item No. 60		Dr. Mickel A. Malek Malpractice Report – Open an investigation for alleged inadequate implants and inadequate informed consent.
Agenda Item No. 61		Dr. Dennis R. Sykora Malpractice Report – Open an investigation for alleged inadequate implants.
Agenda Item No. 63		Dr. Roya Zojaji Adverse Occurrence Report: Open an investigation.

**Agenda Item No. 64 Approval of Restricted Permit (Application/Renewal) –  
Consent Agenda**

A. Dr. Stephen F. Kozak

Upon MOTION by Ms. Bevers, second by Dr. Gradke, the Board voted to APPROVE the application/renewal for the Restricted Permit. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 65 – Ratification of New Dental and Dental Hygiene Licenses – Consent  
Agenda**

Nothing was pulled. Upon MOTION by Ms. Bevers, second by Dr. Morrison, the Board voted to RATIFY the following licenses. MOTION PASSED UNANIMOUSLY.

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**Dental:**

Praveena Aluri, DMD  
D008135 Issued: 12/21/2010

Nathan J. Bartschi, DMD  
D008137 Issued: 01/14/2011

Dan M. Gafni, DMD  
D008139 Issued: 01/19/2011

Wan Hin Humphrey Ho, DDS  
D008136 Issued: 12/21/2010

Spencer V. Lynn, DDS  
D008123 Issued: 11/29/2010

Kimball Morejon, DMD  
D008134 Issued: 12/07/2010

Bradley Johnathan Smith, DMD  
D008138 Issued: 01/14/2011

**Dental Hygiene:**

Tawny M. Coffman, RDH  
H007047 Issued: 01/11/2011

Mindy B. Morales, RDH  
H007048 Issued: 01/12/2011

Delea Rene, RDH H007046  
Issued: 12/28/2010

**Agenda Item No. 66 – Ratification of Anesthesia and Sedation Permits – Consent Agenda**

Nothing was pulled. Upon MOTION by Ms. Bevers, second by Dr. Foster, the Board voted to RATIFY the following anesthesia and sedation permits. MOTION PASSED UNANIMOUSLY.

A. Ratification of Anesthesia and Sedation Permits

Issue Date	Name	Type	New/Renew
12.6.10	Richard M. Freimuth, DDS	1301	Renew
12.8.10	Donald J. Johnson, DMD	1301	Renew
12.8.10	Spencer G. Wilson, DDS	1301	Renew
12.11.10	Patricio W. Rabot, DMD	1301	Renew
12.11.10	Brian J. Doprfman, DMD	1301	Renew
12.11.10	Prashanthi Baddam, DMD	1301	Renew
12.16.10	James B. Edwards, DDS	1301	Renew
12.16.10	M. Todd Christensen, DMD	1301	Renew
12.16.10	Jaleh Keyhani, DDS	1301	Renew
12.27.10	Stephen A. Denbrock, DDS	1301	Renew
12.27.10	Charles G. Bode, DMD	1301	Renew
12.27.10	Joe Wayne Abdelnour, DDS	1301	Renew
12.27.10	Robert B. Currivan, DMD	1301	Renew
12.28.10	Kenny D. Lam, DDS	1301	Renew
12.29.10	James E. Bertz, DDS	1301	Renew
12.30.10	Cynthia L. Colson, DMD	1301	Renew
1.05.11	Donald J. Gass, Jr., DDS	1301	Renew
1.14.11	John Malcolm Gillis, DMD	1301	Renew
1.18.11	Evan S. Gold, DMD	1301	New

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Issue Date	Name	Type	New/Renew
1.10.11	Gregory P. Edmonds, DDS	1301	Renew
12.9.10	Ariel E. Trujillo, DMD	1302	New
12.11.10	James Ellis Browning, DDS	1302	Renew
12.11.10	Barry J. Uldrikson, DDS	1302	Renew
12.11.10	Ashutosh Kaushesh, DDS	1302	Renew
12.11.10	Howard J. Sorensen, DDS	1302	Renew
12.11.10	Randolph A. Snyder, DMD	1302	Renew
12.11.10	George R. Ayoub, DDS	1302	Renew
12.27.10	William Becker, DDS	1302	Renew
12.27.10	Burton E. Becker, DDS	1302	Renew
12.28.10	Jason T. Lemmon, DDS	1302	Renew
12.28.10	Thomas J. Hawkes, DDS	1302	Renew
12.29.10	Shahab Ardalan, DDS	1302	Renew
12.29.10	Payam Abedi, DDS	1302	Renew
1.05.11	Edward R. Cole, DDS	1302	Renew
12.6.10	Roy G. Daniels, DDS	1303	Renew
12.9.10	Jeanette K. MacLean, DDS	1303	Renew
12.9.10	Joel Arthur, DDS	1303	Renew
12.11.10	Mandy Hope Daitech, DDS	1303	Renew
12.11.10	Kelly J.Larson, DDS	1303	Renew
12.11.10	Timothy Richard Wilson, DDS	1303	Renew
12.11.10	Courtney M. Brooks, DMD	1303	Renew
12.11.10	Karanjit K. Nett, DDS	1303	Renew
12.11.10	Trevor W. Lines, DDS	1303	Renew
12.11.10	Michael A. Kort, DDS	1303	Renew
12.11.10	Marissa P. Mandap, DMD	1303	Renew
12.16.10	Julie B. Bradshaw, DDS	1303	Renew
12.22.10	Jonathan I. Kalika, DMD	1303	Renew
12.22.10	Leigh M. Schnaidt, DMD	1303	Renew
12.22.10	Mark D. Brannon, DDS	1303	Renew
12.22.10	Roger J. Dulvick, DDS	1303	Renew
12.22.10	Diana H. Wang-Dulvick, DDS	1303	Renew
12.22.10	Elizabeth M. Tandy, DMD	1303	Renew
12.22.10	Joy L. Brauer, DDS	1303	Renew
12.22.10	Tommie Glenn B. Decano, DDS	1303	Renew
12.22.10	Brett N. Chapman, DMD	1303	Renew
12.22.10	Paul Alan Varda, DMD	1303	Renew

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Issue Date	Name	Type	New/Renew
12.22.10	Stephen J. Montoya, DDS	1303	Renew
12.30.10	John P. Dougherty, DDS	1303	Renew
12.30.10	Vanesa C. Marinho, DDS	1303	Renew
1.05.11	Lonny Carmichael, DDS	1303	Renew
1.05.11	Douglas O. Beischel, DDS	1303	Renew
1.05.11	James R. Jorgensen, DDS	1303	Renew
1.10.11	Howard G. Brauer, Jr., DDS	1303	Renew
1.10.11	Jeremy James Abbott, DDS	1303	Renew
1.10.11	Umar Imtiaz, DDS	1303	Renew
1.10.11	Scott T. Whitener, DMD	1303	Renew
1.12.11	Peter A. Bassett, DMD	1303	Renew
12.7.10	Bradley A. Briggs, DDS	1301 Employs	New
12.8.10	Roger A. Briggs, DDS	1301 Employs	New
12.9.10	Anthony Herro, DDS	1301 Employs	New
12.22.10	Leigh M. Schnaidt, DMD	1301 Employs	Renew
1.10.11	Scott T. Whitener, DMD	1301 Employs	Renew

**Agenda Item No. 67 – Approval of Consultants and Examiners – Consent Agenda**

- A. VACANT

**Agenda Item No. 68 – Approval of Minutes – Consent Agenda**

Upon MOTION by Ms. Bevers, second by Dr. Gradke, the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

- A. October 8, 2010 Board Meeting Minutes
- B. October 8, 2010 Executive Session Minutes
- C. November 12, 2010 Board Meeting Minutes
- D. November 12, 2010 Executive Session Minutes
- E. December 3, 2010 Board Meeting Minutes
- F. December 3, 2010 Executive Session Minutes

**Agenda Item No. 32      Case No. 201000170  
Dr. R. Brinks Austin**

Tabled from December Board Meeting. Dr. Brinks and his attorney, Mr. Smith, were present.

Upon MOTION by Ms. Bevers, second by Dr. Morrison, the Board voted to DISMISS this case. Mr. Greer RECUSED. MOTION PASSED.

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**Agenda Item No. 33            Case No. 201000175  
   Dr. Mandeep K. Vermani**

Tabled from December Board Meeting. Complainant JRH was present.

JRH stated that this case was postponed and was confused as to what "pulled" meant. Dr. Waite explained that her cases were pulled off of the Consent Agenda otherwise the Board would have adopted the recommendation.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 34            Case No. 201000239  
   Dr. Kenneth A. Magri**

MTZ, complainant's wife, was present.

MTZ stated that she would be talking for her husband. He had implants done for the upper that were painful. He is bruised and continues to bleed and cannot use the dentures. She has to put everything through the grinder for him to eat because he cannot chew. He also lost teeth. Dr. Magri used crazy glue. When he uses the upper he has to take extra strength Tylenol. This has been going on since 2006. She paid to get the job done, which it wasn't. The point is he can't wear, use or chew with them and she doesn't know where to go.

Dr. Waite stated Dr. Magri voluntarily offered a refund for the work. MTZ's wife stated that Dr. Magri won't refund unless the upper is completed. She stated the lower is permanent and broken and the upper teeth are coming loose.

Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 35            Case No. 201000242  
   Dr. David M. Hamblin**

Mr. Gaines on behalf of Dr. Hamblin, and complainant DT were present.

DT stated that Gentle Dental handled her daughter's case improperly and caused a lot of issues that could have been avoided. She stated she was not informed of the investigative interview. Dr. Palmer verified the address and stated the notice came back unclaimed. It was noted in the records that there was an impacted canine, which she denies she was told about. After her daughter's last cleaning, Dr. Hamblin signed off that no further treatment was needed.

Dr. Foster asked if they are seeing an orthodontist now and DT responded affirmatively. The orthodontist recommended they pull the tooth that was growing into the root of the lateral and she may lose that other tooth as well. The timeframe between Gentle Dental and the orthodontist was within one month. Dr. Foster stated that sometimes it is not appropriate to do treatment if the timing is not right. Dr. Waite mentioned that there was an appointment that they did not show up for. The patient would have ended up with the surgery either way.

Upon MOTION by Dr. Waite, second by Dr. Foster the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 37            Case No. 201000270  
   Dr. Clayton Wainwright**

Mr. Tonner on behalf of Dr. Wainwright, and complainant DT were present.

DT stated that she went to Dr. Wainwright for a broken lower denture. Dr. Wainwright said he would make a new set which her insurance covered. It took three weeks before anything came back. She was left with not enough grip and dentures that didn't fit or match her mouth. Dt claimed an assistant did the work. She was very unhappy and wanted a refund, which her insurance received. When asked by the Board, DT explained that she had a realign threes years prior and the denture was less than eight years old.

Upon MOTION by Dr. Waite, second by Dr. Greer, the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 39            Case No. 201000164  
   Dr. Mickel A. Malek**

Complainant SE was present.

SE stated that when he went to the investigative interview, his attorney told him to not say anything. There were many untruths presented by Dr. Malek and his colleagues. The procedure, according to the standard of care, should have never been performed. Dr. Malek had an obligation to him as a professional. Dr. Malek's office manager assisted in choosing the color of his veneers which SE thinks the doctor was supposed to do. He is seeking \$4,800 in restitution.

Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to ISSUE a Letter of Concern stating a health history and clinical exam is required in all charts. All such records should be provided to the Board in records subpoena. Dr. Waite OPPOSED. MOTION PASSED.

**Agenda Item No. 42            Case No. 201000237  
   Dr. Hassan A. Beyramian**

Mr. Tonner was present on behalf of Dr. Beyramian. He stated that he was present to argue against the Letter of Concern.

Upon MOTION by Dr. Waite, second by Dr. Morrison the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 43            Case No. 201000241  
   Dr. Ronald D. Walker**

Mr. Gaines was present on behalf of Dr. Walker.

Mr. Gaines stated he is not sure why this case was pulled. The issue that was presented by a subsequent dentist was concern about an implant area near #4. The investigative panel reviewed the radiographs and concurred that the levels between #4 & 5 when the implant was placed by Dr. Walker were the same when the patient presented to the subsequent dentist. The dentist never had an opportunity to see what they were working with. The situation was the dentist placed an implant in #4, he had to remove it, he let the bone regrow, and then replaced it.

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Dr. Hauer said he pulled it because there was an inadequate implant that is unusable. Mr. Gaines responded that at the investigative interview, it was stated that the implant has been restored and is still being used but the panel members disagreed.

Upon MOTION by Mr. Greer, second by Ms. Bevers, the Board voted to CONSIDER the Findings of Fact. Dr. Hauer OPPOSED. MOTION WITHDRAWN.

Upon MOTION by Ms. Bevers, second by Mr. Greer, the Board voted to ISSUE a Letter of Concern stating doctor needs to pay closer attention to improving record keeping, e.g. documentation of oral cancer screening, written diagnostic findings and inclusion of apical areas on all periapical films and/or inclusion of a panoramic x-ray. Dr. Waite OPPOSED. MOTION PASSED.

**Agenda Item No. 44                      Case No. 201000253  
Gentle Dental Thunderbird**

Mr. Gaines was present on behalf of Gentle Dental.

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to DISMISS this case. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 52                      Case No. 201000174  
Dr. Joseph R. Cohen**

Mr. Cummings on behalf of Dr. Cohen, and complainant JRH were present.

JRH stated that she saw Dr. Cohen because she did not have satisfaction with his associate, Dr. Vermani. She had a tooth pulled in February of 2009 and saw Dr. Cohen on June 23, 2009 and was in a lot of pain on the left side of her mouth. The pain was so acute that she lost her hearing. JRH stated that Dr. Cohen was rude and never looked inside her mouth. She explained to him that she has twenty years of medical research and clinical care experience and knows that someone should not have that kind of pain without a reason. JRH was so mad and swore to never go back to him. The pain continued and around Labor Day she developed an abscess inside her mouth. She waited three weeks to get an appointment. A CAT scan was performed and Dr. Cohen stated it would be sent to UCLA if he could not read the results. It was 24 days before the report came back. She probably had an osteonecrosis of the jaw when she saw him in June and was just beginning to show in April. She feels this Board would be negligent if action is not taken against Dr. Cohen.

Mr. Cummings stated that this patient originally came in for pain control issues and was seen first by Dr. Vermani. She was referred to an oral surgeon because of a potential for osteonecrosis, which was suspected. The patient was seen for follow-up by Dr. Cohen. At that time, he was under the impression that she was being seen by an oral surgeon and continues his patient on a pain control regimen and was unaware that she was dissatisfied with him. She returned several months later with further pain complaints and Dr. Cohen becomes suspicious because the pain complaints seem to be persistent. He contacted the oral surgeons and sent the test results to UCLA, where it was determined that she did have osteonecrosis, which Dr. Vermani suspected in the first place. He is requesting that this Board terminate the complaint.

Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to TERMINATE for Lack of Supporting Evidence. Dr. Hauer RECUSED. MOTION PASSED.

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**Agenda Item No. 53            Case No. 201000210  
Dr. Trevor L. Caffall**

Mr. Cummings on behalf of Dr. Caffall, complainant LKH, and her husband SKH were present.

SKH stated that this particular case is intertwined with the other two and are all based on ethics. He thanked the Board for their consideration.

Mr. Cummings stated that after post surgery, Dr. Caffall treated LKH. Dr. Caffall referred LKH to an oral surgeon because LKH is not healing. The patient did not follow through with the referral. Mr. Cummings is requesting the case be terminated.

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to TERMINATE for Lack of Supporting Evidence. Mr. Greer RECUSED. MOTION PASSED.

**Agenda Item No. 62            Dr. Nishith S. Shah**

No one was present to address the Board.

Upon MOTION by Dr. Hauer, second by Dr. Morrison, the Board voted to TAKE NO ACTION. Dr. Gradke, Ms. Bevers, Dr. Foster, Ms. Buckles, Mr. Greer, Dr. Morrison, and Dr. Waite OPPOSED. MOTION FAILED.

Upon MOTION by Mr. Greer, second by Ms. Buckles, the Board voted to OPEN an investigation. Dr. Hauer OPPOSED. MOTION PASSED.

**Agenda Item No. 69.A        Case No. 201000233-ED  
Dr. Michelle Lynn Cabret-Carlotti**

No one was present to address the Board.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to APPROVE the Executive Director's termination. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 69.B        Case No. 201000243-ED  
Dr. Rafal Pytlik**

Complainant JK was present.

JK stated that on May 16, 2007 she went to Sunshine Dental and received what she thinks was a long lasting shot. She was in the dental chair for three and a half hours to have two teeth prepared for new caps. There was some decay that had to be taken care of. JK stated Dr. Pytlik was the only dentist and was overbooked. When JK left she saw that her face was swelling and the numbness was not going away. Dr. Pytlik told her to put some heat on it and come back in. After she returned to finish treatment, she developed a lump above a tooth and had radiating pain. It was not reported for three months in her records. She was referred to an oral surgeon who told her to apply packs on and prescribed medication. An MRI of the lump was prescribed. She was referred to an endodontist, had a root canal and the tooth was drained. The pain continued so she went to numerous other dentists. She started having body aches. After the root canal was done, it did not work. An oral surgeon removed gum tissue to relieve the pain.

Dr. Palmer verified that according to JK's records, she received this type of injection in the past. The injection was within the standard of care.

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Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to APPROVE the Executive Director's termination. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 69.C      Case No. 201000249-ED  
Dr. John A. Bigler**

Item heard and adjudicated with Agenda Item No. 69.D.

**Agenda Item No. 69.D      Case No. 201000250-ED  
Dr. Elwynn C. Caffall**

Complainant SH and husband LH were present.

LH spoke for his wife and asked to hear the two cases together. There was a total disregard for patient care. They requested the dental records for his wife. The dentist referred them to a prosthodontist and stated it was cheaper if they went for dental care instead of medical care. They saw their own prosthodontist, which was more expensive. Over \$300+ later, her condition was determined trigeminal neuralgia bilateral and was from the needle injections. His wife has been on heavy doses of gabapentin. The office sent the dental records but the main issue was the dental record that they were not allowed to see.

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to APPROVE the Executive Director's terminations. Mr. Greer RECUSED. MOTION PASSED.

**Agenda Item No. 69.E      Case No. 201000283-ED  
Dr. Steven M. Morales**

No one was present to address the Board.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to APPROVE the Executive Director's termination. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 69.F      Case No. 201000309-ED  
Dr. Ronald C. Russo**

Item heard and adjudicated with Agenda Item No. 69.G.

**Agenda Item No. 69.G      Case No. 201000310-ED  
Dr. Steven R. Sluyk**

Mr. Cummings on behalf of Dr. Sluyk, and complainant DS were present.

DS stated that she would like to address both cases. The crown was done by Dr. Briggs. She went to Dr. Russo and was told that tooth #31 had developed an infection. The crown had been re-cemented twice and there was decay and bone loss. Dr. Russo referred her to Dr. Sluyk as an emergency. She did not have a chance to tell him about her anemia. She had a very strange co-joined root in her tooth, which Dr. Sluyk filled. The tooth was cracked and developed an infection. In summary, Dr. Russo said she could have had a filling of gold, which is a more malleable substance, or an extraction and implant. Her current status is still on going pain and there was a lot of bone loss. Her gum tissue shows infection. She has not

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been to a prosthodontist yet but she stated an extraction is probably needed if it continues causing her problems.

Mr. Cummings stated that DS had been a long-standing patient and presented to Dr. Russo in 2000. In the next 8-9 years she came in sporadically. In October 2009, she came in with a loose crown. He referred her to the endodontist, Dr. Sluyk, who performed a root canal. The patient returned to Dr. Russo and is having continued problems. He recommends a new crown which she did not want to do. He is recommending they accept the termination.

Upon MOTION by Dr. Foster, second by Ms. Bevers, the Board voted to APPROVE the Executive Director's terminations. Dr. Gradke RECUSED. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 21            Case No. 201000097  
   Dr. James R. Olsen**

No one was present to address the Board.

Ms. Williams stated that at the last Board Meeting, she filed a Motion to Deem Allegations Admitted because Dr. Olsen failed to respond to the complaint to take him to a formal hearing. She is requesting that the factual allegations are adopted as findings of fact.

Upon MOTION by Dr. Foster, second by Ms. Bevers, the Board voted to ADOPT the factual allegations in paragraphs 1-10 as the Findings of Fact. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Foster, second by Ms. Bevers, the Board voted to ADOPT the charges 1 and 2 as the Conclusions of Law. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Gradke, second by Dr. Morrison, the Board voted to REVOKE the license of Dr. James R. Olsen. Mr. Greer was ABSENT. MOTION PASSED.

**Agenda Item No. 55            Dr. Sibera T. Brannon**

Dr. Brannon asked for an extension to complete a Board ordered continuing education course that was due in November. Ms. Bialostosky verified that he is scheduled to take the course.

Upon MOTION by Ms. Bevers, second by Dr. Gradke, the Board voted to TABLE until the April 1, 2011 Board Meeting. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 59            Dr. Gail G. Goodman, Jr.**

Upon MOTION by Dr. Gradke, second by Ms. Bevers, the Board voted to OPEN an investigation for failure to properly maintain records, inadequate oral surgery and inadequate postoperative treatment. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 70. – OTHER COMMITTEE REPORTS**

- A. Continuing Education Audit for Dentists Committee – Review, discussion and possible action regarding the 2010 Dental Continuing Education Audits responses from the following:
  - i. Dr. Eric J. Anderson

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Ms. Chambers stated that the committee found that Dr. Anderson submitted insufficient documentation for a course. He also submitted three courses that looked like they did not meet the requirement or definition of continuing dental education. Subsequently he sent in his course verification for the OSHA workshop. The other three courses are a study club. If the Board accepts these courses, it verifies these courses for his continuing education audit.

Upon MOTION by Dr. Hauer, second by Ms. Bevers, the Board voted to ACCEPT the Continuing Education. MOTION PASSED UNANIMOUSLY.

ii. Dr. Alan A. Curtis

Ms. Chambers stated that Dr. Curtis was selected for audit and submitted all of his information but he failed to supply information about an Invisalign course he had taken in December 2009. Staff requested that information but instead, he responded with more than enough continuing education credits to fulfill the deficiency.

Upon MOTION by Dr. Gradke, second by Dr. Hauer, the Board voted to ACCEPT the Continuing Education. MOTION PASSED UNANIMOUSLY.

iii. Dr. Gary A. Smith

Ms. Chambers stated that Dr. Smith was audited and the committee found that a course did not meet the requirements because of inadequate documentation. The committee directed staff to get more information, which he did supply.

Upon MOTION by Dr. Hauer, second by Dr. Morrison, the Board voted to ACCEPT the Continuing Education. MOTION PASSED UNANIMOUSLY.

iv. Dr. Timothy S. Taylor

Ms. Chambers stated that the committee reviewed Dr. Taylor's audit and found that a 32-hour course did not meet the requirement for continuing education. Dr. Taylor stated that this was an AGD accepted course, yet their website says otherwise. The committee is recommending that this be sent to an investigative interview.

Upon MOTION by Dr. Foster, second by Dr. Waite, the Board voted to OPEN an investigation and FORWARD to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

B. Dental Hygiene Committee – Laurie Buckles, RDH

i. Dental Hygiene Committee Report of meeting held January 21, 2011.

Ms. Buckles stated that Debbie Campbell was elected president of the Dental Hygiene Committee. The committee is looking at technologies that are affecting dentistry. They felt that removing the clinical proficiency of the DANB radiology exam was a bad idea. The Nursing Board Scope of Practice meeting accepted an advisory opinion that concluded RNs & LPNs would be able to apply fluoride varnish.

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- ii. Review, discussion and possible action regarding the recommendation from the Dental Hygiene Committee to open Arizona Administrative Code R4-11-301 and R4-11-1202 for the purpose of changing the CPR requirements to be at a level of Healthcare Provider or above.

Upon MOTION by Ms. Buckles, second by Ms. Bevers, the Board voted to ACCEPT the recommendation from the Dental Hygiene Committee to consider changing the CPR requirements to be at a level of healthcare provider or above. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 71 – Members of the Public**

VACANT

**Agenda Item No. 72 – Associations**

VACANT

**Agenda Item No. 73 – Future Agenda Items**

- A. Improve the definition of study clubs.

**Agenda Item No. 74 – Next Meeting Date**

April 1, 2011

**Agenda Item No. 80 – Adjournment**

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to ADJOURN the Board meeting. MOTION PASSED UNANIMOUSLY.

Dr. Waite adjourned the meeting at 3:02 PM.

Minutes APPROVED at the April 1, 2011 Board Meeting.

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Elaine Hugunin, Executive Director