



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING WEDNESDAY, MARCH 19, 2014

Board Members Present (telephonically):

Michael R. Hauer, DDS, President
Robert H. Foster, DDS, Vice President
Darren L. Flowers, DMD
Robert B. Taylor, DDS
William G. Woods, DDS
Ms. Carole A. Crevier
Mr. Charles E. Jackson
Heather N. Hardy, RDH
Howard Sorensen, DDS

Board Members Absent:

Marilyn J. McClain, RDH
Mr. Joshua Greer

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. Yubeka James, Legal Administrator

Agenda Item No. 1 – Call to Order and Instructions

Dr. Hauer called the meeting to order at 4:03 p.m.

Agenda Item No. 2 – Dr. Michael Wassef – Case No 201400061: Review, discussion and possible issuance of an interim order for a substance abuse evaluation by Dr. Michel Sucher or another substance abuse evaluator or a treatment facility subject to approval by the Board or its designee

For the record, Dr. Sucher was on the call and Jeffrey Tonner, attorney for the licensee, was present in the Board room. Ms. McClain and Mr. Greer were absent.

Director Hugunin stated that the Board has received two different packets of information. The first one was for the Board meeting that was originally scheduled for March 12, 2014. Within that packet was a memo articulating the underlying reason this case was opened. The investigation was opened after a call from a pharmacy manager regarding her concerns about Dr. Wassef's ordering for KS. Upon further investigation it was found that KS, AW and TS were not patients of record, yet Dr. Wassef had been ordering controlled substances for these individuals. A portion of Dr. Wassef's controlled substance monitoring profile shows that during 2012 and 2013 he wrote 44 controlled substance prescriptions for these individuals. Dr. Wassef was contacted and asked to submit to a UA and substance abuse evaluation. Initially he agreed to do both and in Board staff's initial discussion with him, he stated he does

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
MARCH 19, 2014
PAGE 2**

not believe he has done anything wrong. Dr. Wassef did provide a UA, a copy of the results which you received. The Board also has a copy of Dr. Wassef's controlled substance monitoring profile which reflects that medications he currently has been prescribed which includes SOMA, which is primarily what he ordered for the 3 individuals who are not his patients.

Given Dr. Wassef was previously monitored by the Board from 2002-2007, his inappropriate and excessive prescribing for the patients mentioned and in consultation with Dr. Sucher, Board staff believe Dr. Wassef required a substance abuse evaluation.

Prior to the scheduled meeting last week, Dr. Wassef was refusing to obtain an evaluation; however, the day before the meeting Mr. Tonner, his legal representative, indicated Dr. Wassef would do so. Mr. Tonner stated that Dr. Glick would perform the evaluation and Board staff obtained an interim agreement for this. Mr. Tonner emailed that Dr. Wassef was incapacitated and could not sign the document and he was doing so on his behalf.

When Dr. Glick was contacted to inform him that the Board materials were forthcoming, he was surprised because he clearly told Mr. Tonner that he would not do the evaluation. Mr. Tonner was advised of this and informed that unless Dr. Wassef agreed to undergo an inpatient evaluation, the Board would convene. In response to this, Mr. Tonner again provided a name.

The Board has received subsequent information which includes a copy of Dr. Wassef's pain management specialist evaluation as well as his most recent controlled substance monitoring profile. Dr. Wassef's drug of choice was hydrocodone and as the records indicate he did not sign an opioid agreement until January of 2014.

Given the complexity of this case and the fact that Dr. Glick refused to do the evaluation as Mr. Tonner indicated, the Board should discuss and approve an alternate evaluator and/or consider ordering Dr. Wassef to obtain an inpatient evaluation.

Dr. Sucher, the Board's Medical Director for the Monitored Aftercare Treatment Program, is on this call to answer any questions you may have as he has reviewed the materials the Board has in its possession.

Mr. Tonner addressed the Board. Dr. Wassef was in treatment for hydrocodone from 2002-2007. In 2009, he developed back issues and had back surgery in 2009. Since then, Dr. Wassef has been with a pain management specialist. The drugs in his urine were those prescribed by the pain management specialist. There was no hydrocodone in his urine which was his previous drug of choice. He successfully completed the Monitored Aftercare Treatment Program in 2007. One of the issues is that Dr. Wassef does not have records for his wife or assistant, although he does have x-rays. Another issue is what is Dr. Wassef doing and is he taking illegal drugs? He is not.

At first, Dr. Wassef said he did not want to take any evaluation at all. Then, he stated that he would as long as it was not done by Dr. Sucher due to the conflict of interest. Dr. Sucher is both the evaluator and the treating doctor. Prior to last week, Mr. Tonner submitted three names including Dr. Semino. Ms. Hugunin chose Dr. Glick and Mr. Tonner proceeded from there. Dr. Hugunin called Mr. Tonner and said that Dr. Glick made it clear that he would not see Dr. Wassef. This is clearly not what Mr. Tonner understood. Mr. Tonner stated he would not have submitted Dr. Glick's name if he was not going to complete the evaluation. Mr. Tonner spoke with Dr. Glick the week before. The two other names submitted by Mr. Tonner were Dr. Semino and Dr. Eickelberg. Dr. Eickelberg would not have been able to see Dr. Wassef until mid-April. Dr. Semino would be able to see him in around ten days.

Dr. Sucher stated he was involved in Dr. Wassef's monitoring from 2002 – 2007.

For the record, Mr. Greer joined the call.

**ARIZONA STATE BOARD OF DENTAL EXAMINERS
MINUTES OF THE BOARD MEETING
MARCH 19, 2014
PAGE 3**

Dr. Wassef was seen by Dr. Sucher beginning in 2002 for using hydrocodone and picking up prescriptions using fake patient names. Dr. Wassef was ultimately diagnosed with and treated for hydrocodone dependence and participated in the Monitored Aftercare Treatment Program for five years as previously mentioned. During that time, Dr. Wassef was dealing with low back pain. He had an MRI documented as well as degenerative disc disease, much like his current diagnosis with his current treating physician. The concern is that there is a history of hydrocodone dependence; during the time of his participation in MATP, he was not on Soma. He was on Tramadol towards the end of his participation. During the five years, he was not on narcotics such as hydrocodone or other opioid medication and managed quite well. With Dr. Wassef's history, the complexity of his disc disease, the continuation of pain, again writing prescriptions for patients who are not patients of records, and intermittently being on hydrocodone as well as other opioids the issue of relapse is real and significant. In order to protect public safety and for Dr. Wassef's welfare, it is appropriate to have him properly evaluated. The preference would be to have an in-patient assessment where his chronic pain issues, chronic pain treatment, non-controlled substance and addicting drug options for treating his back pain can be looked at thoroughly to determine whether or not he is in relapse and needs additional substance dependence treatment. Based upon Dr. Wassef's history and the current events, Dr. Sucher cannot determine whether Dr. Wassef is safe to practice.

The Board had concerns whether or not Dr. Wassef should be allowed to practice due to his pain issues. The Board was reminded that the agenda only addresses recommending Dr. Wassef for an in-patient evaluation; however, Dr. Wassef could agree to not practice until the evaluation is done. Dr. Wassef's completed urine test dated March 6, 2014 did not show hydrocodone, however, there was a prescription filled on March 14, 2014 for 10 milliliters of hydrocodone. It was explained to the Board that the urine test is a brief snapshot and that there is roughly a 2-3 day retention time for synthetic opioids, either repeat urine testing, hair or fingernail testing will provide a better understanding of what Dr. Wassef may have been using in addition to the prescribed Tramadol and Soma. Dr. Wassef is prescribing in a way that is not legal, he is prescribing for patients who are not patients of records as well as prescribing controlled substances. The Board discussed restricting Dr. Wassef's DEA license for a period of time due to his prescribing practices. The Board was reminded that the agenda was very specific in addressing the substance abuse evaluation. The issue of the prescriptions will be addressed at a future time.

Dr. Woods made a motion to issue an interim order for Dr. Wassef to obtain an in-patient substance abuse evaluation. The Board was advised by Dr. Sucher that from a time perspective, these are usually done within 14 days of the Board Order. If the Board wanted to include or specify any particular facilities, Dr. Sucher stated there were three that he would recommend. The three facilities are Santé Center for Healing located outside of Dallas, Texas; Promises Professional Treatment Program located in Santa Monica, California, and Pine Grove, located in Hattiesburg, Mississippi.

Mr. Tonner stated that Dr. Wassef would not agree to an in-patient evaluation.

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to ISSUE an interim order for an inpatient substance abuse evaluation to be completed within 14 days at one of the three treatment facilities. MOTION PASSED UNANIMOUSLY

Agenda Item No. 3 – Adjournment

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to ADJOURN the Board meeting. MOTION PASSED UNANIMOUSLY.

Dr. Hauer adjourned the meeting at 4:22 p.m.

Minutes APPROVED at the April 11, 2014 Board Meeting.