



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

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### MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING AUGUST 2, 2013

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

Gregory A. Waite, DDS, President  
Michael R. Hauer, DDS, Vice President  
Heather N. Hardy, RDH  
Ms. Carole A. Crevier  
Robert H. Foster, DDS  
Mr. Joshua Greer  
Mr. Charles E. Jackson  
Marilyn J. McClain, RDH  
Darren L. Flowers, DMD  
Robert B. Taylor, 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. Susie Adams, 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 8:00 a.m.

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

A. 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

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- B. Review, discussion and possible action regarding 2014 Board Meeting Dates.

February 7, 2014  
April 11, 2014  
June 6, 2014  
August 1, 2014  
October 10, 2014  
December 5, 2014

Upon MOTION by Ms. Crevier, seconded by Dr. Taylor, the Board voted to APPROVE the 2014 Board Meeting dates. MOTION PASSED UNANIMOUSLY

- C. Review, discussion and possible action regarding opening an investigation based on voyeurism conviction against Dr. Scott Dee Wallin.

Dr. Wallin was present to address the Board and answer any questions. He stated that the conviction was not based upon anything relating to the practice of dentistry.

Upon MOTION by Mr. Greer, duly seconded, the Board voted to go into Executive Session to obtain legal advice. MOTION PASSED UNANIMOUSLY

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

**RETURN TO OPEN MEETING**

Upon MOTION by Mr. Greer, second by Dr. Hauer, the Board voted to OPEN an investigation against Dr. Wallin. Dr. Waite OPPOSED. MOTION PASSED

- D. Review, discussion and possible action regarding Dr. Kenneth E. Holland Jr.:
- i. Interim Order regarding practice location – Case no. 201300122

Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to ACCEPT the interim order regarding Dr. Holland's practice location. MOTION PASSED UNANIMOUSLY

- ii. Request for CE Extension

Dr. Holland was present to address the Board. He stated that due to medical reasons he is requesting an extension to complete his CE. He is not currently seeing patients, but would like to have his license remain active. He would still like to practice dentistry and that determination will be made based upon the outcome of upcoming medical surgeries.

The Board expressed some concern about granting a six month extension due to Dr. Holland's medical condition.

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to GRANT a six-month extension. Ms. Crevier OPPOSED. MOTION PASSED.

- E. Review, discussion and possible action regarding Substantive Policy Statements #7 (Continuing Education Ordered by the Board) and #11 (Failure to Comply).

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Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to REPEAL Substantive Policy Statements #7 (Continuing Education Ordered by the Board) and #11 (Failure to Comply). MOTION PASSED UNANIMOUSLY

F. VACANT

G. Review, discussion and possible action regarding the following continuing education extension request:

i. Albert E. Crusco, DDS

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to GRANT a six-month extension to Albert E. Crusco, DDS. MOTION PASSED UNANIMOUSLY

The Board was reminded that Dr. Crusco asked for a four month extension.

Upon MOTION by Dr. Hauer, second by Mr. Jackson, the Board voted to VACATE the motion to GRANT a six-month extension to Albert E. Crusco, DDS. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Hauer, second by Mr. Jackson, the Board Voted to GRANT a four-month extension to Albert E. Crusco, DDS. MOTION PASSED UNANIMOUSLY

ii. Ryan D. Cullinan, DDS

Upon MOTION by Dr. Hauer, second by Dr. Taylor, the Board voted to GRANT a three-month extension to Ryan D. Cullinan, DDS. MOTION PASSED UNANIMOUSLY

iii. Paul A. Gosar, DDS

Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to GRANT a six-month extension to Paul A. Gosar, DDS. MOTION PASSED UNANIMOUSLY

iv. Vacant

v. Paul J. Pease, DDS

Upon MOTION by Dr. Foster, second by Dr. Taylor, the Board voted to GRANT a six-month extension to Paul J. Pease, DDS. MOTION PASSED UNANIMOUSLY

vi. Paul A. Savino, DDS

Upon MOTION by Dr. Hauer, second by Ms. McClain, the Board voted to GRANT a two-month extension to Paul A. Savino, DDS. MOTION PASSED UNANIMOUSLY

vii. Monte Begay Wells, DDS

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to GRANT a three-month extension to Monte Begay Wells, DDS. MOTION PASSED UNANIMOUSLY

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viii. Robert S. Wilke, DDS

Upon MOTION by Dr. Hauer, seconded by Dr. Foster, the Board voted to GRANT a six-month extension to Robert S. Wilke, DDS. MOTION PASSED UNANIMOUSLY

H. VACANT

I. VACANT

J. Update on legislation from the 2013 legislative session:

HB 2513/A.R.S. § 32-1263.02 – amended to add a statute of limitations for filing complaints; added requirements for filing a complaint against a business entity

HB 2513/A.R.S. § 32-1263 – definition of “unethical conduct” expanded for business entities

HB 2513/A.R.S. § 32-1213 – changed age requirement for retirement; added requirement for affidavit

HB 2409/A.R.S. § 32-1285 – amended examination requirements for hygienist

HB 2064/A.R.S. § 32-1241 – authorizes training permits for qualified military health professionals

Dir. Hugunin summarized the changes which take effect September 13, 2013

K. Review, discussion and possible approval of Notice of Final Rulemaking and Economic Impact Statement on Arizona Administrative Code (AAC) R4-11-101 Definitions and AAC R4-11-1201-1209 relating to continuing dental education and renewal requirements.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to APPROVE the Notice of Final Rulemaking and Economic Impact Statement on Arizona Administrative Code (ACC) R4-11-101 Definition and ACC R4-11-1201-1209 relating to continuing dental education and renewal requirements. MOTION PASSED UNANIMOUSLY

L. Review and discussion regarding the Executive Director Complaint Terminations. Pursuant to A.R.S. § 32-1263.03(C), the Executive Director has provided a list of each complaint terminated under A.R.S. § 32-1263.03(A) to the Board. The list of complaints is confidential pursuant to A.R.S. § 32-1207(A)(3). The Board may vote to go into Executive Session on this agenda item, pursuant to A.R.S. § 38-431.03(A)(2), to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by State or Federal law.

Dir. Hugunin went on the record informing the Board that there were additional materials in their folders relating to agenda items 4K, 4L, 15A, 17C, 17H, and 18A.

Dir. Hugunin stated that in the Board Member folders there is a list which reflects there have been 33 Executive Director Terminations since the last Board meeting. Seventeen of the 33 can still be appealed.

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

Complainant EB was present and spoke about case no. 201300062-ED (Agenda Item 25C).

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Complainant ID was present and spoke about case no. 201300094-ED (Agenda Item 25E).  
Complainant BJC was present and spoke about case no. 201300066-ED (Agenda Item 25B).  
Complainant JY was present and spoke about case no. 201300086-ED (Agenda Item 25F).

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

- A.      Dr. Paul Truong Nguyen; disclosure of misdemeanor conviction for petty theft

Dr. Nguyen was present to address and answer any questions by the Board. The Board asked Dr. Nguyen his age at the time of conviction. Dr. Nguyen was 22 at that time. He was also asked about his application status for a licensure request in the state of California. Dr. Nguyen stated that he is not pursuing licensure in California at this time because he now resides in Arizona.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure to Dr. Nguyen. MOTION PASSED UNANIMOUSLY

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

- A.      Dr. Mark Edward Beehner – Board approved exam, multiple malpractice payments reports on NPDB

Dr. Beehner was present to address any questions by the Board.

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

- B.      Dr. Lisa Michelle Thomas – Board approved exam; Disclosure of physical limitations that could affect practice on patients

Upon MOTION by Mr. Greer, second by Dr. Hauer. MOTION WITHDRAWN

No action taken

- C.      Dr. Gregory Joseph Daniels – 1977 IN State exam prior to a regional

Upon MOTION by Ms. Crevier, seconded by Mr. Greer, the Board voted to GRANT licensure to Dr. Daniels. MOTION PASSED UNANIMOUSLY

- D.      Dr. Kent Arnold Giauque – 1972; UT State exam prior to a regional

Dr. Giauque was present to address the Board and answer any questions.

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

- E.      Dr. Douglas Brigham Cochran – 1983 GA State exam prior to a regional

Dr. Cochran was present to address the Board and answer any questions.

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

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**Agenda Item No. 11    REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL**

A.     Dr. Nathan Daniel Vassiliades – 2013 CRDTS

Dr. Vassiliades was present to address the Board and answer any questions

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

B.     Dr. Rebecca Anne Lehman – 2013 CRDTS

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

C.     Viktoriya Yagudayeva, RDH – 2013 NERB

Ms. Yagudayeva was present to address the Board and answer any questions.

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

**Agenda Item No. 7    COMMITTEE REPORTS**

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

- i.       Upon recommendation of the Dental Hygiene Committee, the Board may consider the following continuing education extension request recommendations:

- a.     Andrea L. Boles, RDH – Grant extension until September 30, 2013
- b.     Vacant
- c.     Joan S. Novally, RDH – Grant extension until December 31, 2013
- d.     Jemma F. Sweezy, RDH – Grant extension until September 30, 2013
- e.     Mara D. Talamantes, RDH – Grant extension until September 30, 2013
- f.     Holly R. Tanner, RDH – Grant extension until September 30, 2013
- g.     Jessica M. Walker-Livingston – Grant extension until September 30, 2013
- h.     Laura C. Valdez, RDH – Grant extension until September 30, 2013

Ms. Mara D. Talamantes was present to address the Board and answer any questions.

Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to GRANT a six-month extension to Ms. Mara D. Talamantes. MOTION PASSED UNANIMOUSLY

Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to GRANT extension as recommended on the agenda for the following: Jemma F. Sweezy, Holly R. Tanner, Jessica M. Walker-Livingston, Laura C. Valdez, Andrea L. Boles, and Joan S. Novally. MOTION PASSED UNANIMOUSLY

- ii.      Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the following Local Anesthesia and Nitrous Oxide coursework:

- a.     Argosy University
- b.     West Coast University

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Upon MOTION by Ms. Hardy, second by Dr. Taylor, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from Argosy University and West Coast University. MOTION PASSED UNANIMOUSLY

- iii. Upon recommendation of the Dental Hygiene Committee, the Board may consider denying request for recognition of the following Local Anesthesia and Nitrous Oxide coursework:
- a. Seattle Central Community College – Course does not include three injections of the Mental Injection and three administrations of nitrous oxide.

Upon MOTION BY Ms. Hardy, second by Dr. Taylor, the Board voted to DENY recognition of the Local Anesthesia and Nitrous Oxide coursework from Seattle Central Community College as it does not include three injections of the Mental Injection and three administrations of nitrous oxide. 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. 12 REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE**

- A. Review, discussion, and possible action regarding medical disclosure and proposed consent agreement for Dr. Frederic L. Davidson

Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to ACCEPT the consent agreement signed by Dr. Davidson limiting his license to teaching only. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 13 STIPULATION CONSENT AND ENFORCEMENT**

- A. Dr. David Kloss – Case No. 201100146 – Review, discussion and possible action regarding removal of DEA restriction from MATP Stipulation Agreement and AA meeting log requirements based upon the recommendation from the Board's MATP Medical Director.

At the time Dr. Kloss went into MATP, a confidential program did not exist and he is in the public program; therefore, the Board needs to approve this.

Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to REMOVE the DEA restriction from MATP Stipulation Agreement and AA meeting log requirements. Dr. Flowers RECUSED. MOTION PASSED

- B. Dr. Timothy J. Bashara – Case No. 201100100 – Review, discussion and possible action regarding removal of DEA restriction from MATP Stipulation Agreement and AA meeting log requirements based upon the recommendation from the Board's MATP Medical Director

At the time Dr. Bashara went into MATP, a confidential program did not exist and he is in the public program; therefore, the Board needs to approve this.

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Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to REMOVE the DEA restriction from MATP Stipulation Agreement and AA meeting log requirements. 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 reported that the judge affirmed the Board's order and that Dr. Shah has appealed that decision to the next level.

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

Ms. Williams reported that Dr. Lipton's oral argument is scheduled to take place on August 19, 2013.

**Agenda Item No. 6 PERSONNEL ISSUES**

A. VACANT

**Agenda Item No. 15 – PETITION TO REHEAR**

**Agenda Item No. 15A Case No. 201000301  
Dr. Brent Tyler Robison**

Ms. Mary DeLaat Williams was present for the State. Mr. Jeff Tonner was present for Dr. Robison.

Mr. Tonner informed the Board that since the last Board meeting, Dr. Robison was asked to become a preferred provider by Banner Health. Dr. Robison accepted the offer and signed a contract.. This information was not presented at the June Board meeting because it is a recent occurrence.

Mr. Tonner believes that the case must be reheard or reviewed because of A.R.S. 32-3206.A.4, which states that 10 days before a hearing that any evidence that is to be presented must be given to the respondent and the respondent's attorney. He also believes there was a violation of the open meeting law.

Mr. Tonner confirmed that Dir. Hugunin was questioned during the formal hearing in which three or four days of evidence was presented. Mr. Tonner confirmed that he did in fact question Director Hugunin during the formal hearing.

Ms. Williams filed a thorough response to Mr. Tonner's Petition to Review or Rehear. She did not get an opportunity to respond to the supplement that was filed late on Wednesday afternoon. Ms. Williams states that there was no open meeting law violation. The information that Director Hugunin shared with the Board President was not in violation as the hearing took place in October of 2012. The Board made its determination and decision based on the Administrative Record. Everything was disclosed to the respondent prior to the Administrative Hearing. Mr. Tonner had every opportunity to explore with any of the witnesses any of the information and ask any relevant questions regarding that information.

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Ms. Williams objects to the Board considering the emails from Banner approaching Dr. Robison to be a preferred provider. This is not the time to present new evidence and she has not had a chance to question the author of the emails or ask any questions.

The Board has the duty to enforce the dental practice act, the evidence in this case proves that Dr. Robison engaged in repeated instances of unprofessional conduct, as defined in the dental practice act. The administrative law judge found unprofessional conduct and determined what the appropriate sanctions should be. This Board made the same findings and ordered the appropriate sanctions. All of the sanctions are authorized under the statutes. Banner's actions or inactions cannot absolve Dr. Robison of any unprofessional conduct. The Board acts independently of Banner and should not consider that as being persuasive with respect to the decisions of the Board. Ms. Williams requested that the Board deny the Petition for Rehearing or Review.

Mr. Tonner commented on Ms. Williams suggestion on not to consider the Banner evidence. The law says that a petition for review or rehearing can be supplemented at any time until the Board reviews it. The review is today. Mr. Tonner acquired the information on Tuesday. It was filed as soon as it was reasonably possible, which was Wednesday.

Upon MOTION by Ms. Crevier, seconded by Mr. Greer, the Board voted to DENY the request for rehearing or review. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 14 – ACTION ON PREVIOUS ACTION**

**Agenda Item No. 14A Case No. 201200074  
Dr. Denis J. Froehlich**

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to GRANT the motion to deem based on Dr. Froehlich's failure to respond to complainant notice of hearing issued. MOTION PASSED UNANIMOUSLY

The Board has been provided a copy of the complaint in this case. Ms. Williams asks the Board to adopt the factual allegations in the complaint as the findings of fact in this case to become the findings of fact in the Board Order. She requests that the Board adopt the charges in the complaint as the conclusions of law for the board order. Ms. Williams' final recommendation is to revoke Dr. Froelich's license based on Dr. Froelich's failure to comply with the interim Board Order for an evaluation and his non-responsiveness.

Dr. Taylor MOVED to ADOPT the factual allegation as Findings of Fact, charges as Conclusions of Law and ISSUE an Order of revocation, second by Mr. Greer. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 14B Case No. 201200106  
Mr. Arthur Silva**

Mr. Jeffrey Tonner, attorney for Dr. Silva, was present to update the Board. This was a petition to rehear. In April, the Board found against Mr. Silva, for unprofessional conduct and ordered probation. He was determining whether or not he wanted to appeal. Later in the month of April, he was diagnosed with lymphoma. He has not practiced since April and is currently undergoing chemotherapy. The petition for review or rehear was due in May. Mr. Silva was not sure what he wanted to do. If he recovered from his illness, he still wanted to practice. A petition was filed in May. In June an extension was requested for the petition to be tabled until August. The update is that Mr. Silva will know his prognosis sometime around the October meeting. Mr. Tonner is requesting the Board extend the deadline until November 20<sup>th</sup>, which would be the final date to file a supplement to the petition. According to Mr. Silva's doctors that should be enough time to determine whether or not Mr. Silva can practice. He has not practiced since April according to Mr. Tonner. Mr. Silva's staff states that he has not been in the office.

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Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to TABLE the petition to rehear until the December Board meeting. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 14C Case No. 201300007  
Dr. Lance P. Schneider**

Ms. Susan McLellan, attorney for Dr. Schneider, was present to address the Board.

Upon MOTION by Dr. Hauer, second by Dr. Taylor, the Board voted to TERMINATE the complaint against Dr. Schneider. 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. 17I Case No. 201300088 Dr. Ryan D. Cullinan**

**Agenda Item No. 19D Case No. 201300088 Dr. Trent Wilsey Smallwood**

**Cases ADJUDICATED:**

**Agenda Item No. 16 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS**

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

Item No.	Case No.	Licensee	Action
A.	201300042	Dr. Waleed S. Al-Hassan	Disciplinary Consent Agreement
B.	201300116	Dr. Mark D. Maklin	Disciplinary Consent Agreement
C.	201300034	Dr. David M. Chei	Disciplinary Consent Agreement

**Agenda Item No. 17 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS – CONSENT AGENDA**

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

Item No.	Case No.	Licensee	Action
A.	201300043	Dr. Kenneth H. Davis	3 hours of record keeping
B.	201300076	Dr. John A. Patterson	3 hours of record keeping

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C.	201300070	Dr. John A. Janicke	6 hours of treatment and documentation related to endodontics
D.	201300058	Dr. Cade S. Smith	6 hours of appropriate administration of local anesthetic
E.	201300067	Dr. Spencer D. Peoples	3 hours of record keeping and 6 hours in the area of crown and bridge
F.	201300016	Dr. Richard E. Feldhake	4 hours of risk management
G.	201300082	Dr. Eric J. Swensen	6 hours in the area of endodontics.
H.	201300040	Dr. Michael Wilkinson	3 hours of record keeping
J.	201300073	Dr. Brad L. Cottle	3 hours of record keeping and documentation

**Agenda Item No. 18 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA**

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

Item No.	Case No.	Licensee	Action
A.	201300098	Dr. Michael C. Anderson	Issue a Letter of Concern stating: "Dr. Anderson should provide and document adequate informed consent for all procedures and the treatment notes should be detailed and clear in what and why the procedures are being done."

**Agenda Item No. 19 – CASES RECOMMENDED FOR TERMINATION – CONSENT AGENDA**

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

Item No.	Case No.	Licensee	Action
A.	201300096	Dr. J. Mark LaVoy	Terminate - per patient letter
B.	201300097	Dr. Sanjay Nigam	Terminate - per patient letter
C.	201300107	Dr. Robert A. Masters	Terminate - per patient letter
E.	201300139	Dr. Massoud Eftekhari	Terminate - per patient letter

Upon a MOTION by Dr. Foster, second by Ms. McClain, the Board voted to TERMINATE the following case on the Consent Agenda. Dr. Flowers RECUSED. Mr. Greer and Ms. Crevier OPPOSED. MOTION PASSED.

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Item No.	Case No.	Licensee	Action
D.	201300089	Dr. Trent Wilsey Smallwood	Terminate - per patient letter

**Agenda Item No. 20 – CASES RECOMMENDED FOR DISMISSAL – CONSENT AGENDA**

VACANT

**Agenda Item No. 21 – MALPRACTICE AND ADVERSE OCCURANCE REPORTS – CONSENT AGENDA**

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

**Agenda Item No. 21A**

**Dr. Mark L. Moss**

Malpractice report. Took no action.

**Agenda Item No. 21B**

**Dr. Paul Eric Brenchley**

Malpractice report. Took no action

**Agenda Item No. 21C**

**Dr. Thomas P. Lamot**

Malpractice report. Took no action

**Agenda Item No. 21D**

**Dr. Wayne K. Goodner**

Adverse Occurance. Took no action

**Agenda Item No. 21E**

**Dr. Stuart Boyse**

Malpractice report. Took no action

**Agenda Item No. 22 – APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA**

Upon a MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the following dentists as anesthesia evaluators or consultants. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 22A**

**Dr. Lonny D. Carmichael  
Anesthesia Consultant**

**Agenda Item No. 23 – APPROVAL OF MINUTES – CONSENT AGENDA**

Upon a MOTION by Mr. Greer, second by Dr. Foster the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 23A June 7, 2013 – Board Meeting Minutes**

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

**Agenda Item No. 17I Case No. 201300088  
Dr. Ryan D. Cullinan**

This case was pulled by Dr. Waite. In reviewing the case, the root canal was performed in January of 2008; it is being brought before the Board five years later. The patient was never told that there was

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damage and the procedure had to be redone. One of the subsequent treating dentists should have seen the damage. The Board discussed dismissing the case as it had been five years since the root canal.

Ms. McLellan, attorney for Dr. Cullinan, was present to address the Board. The doctor did agree to the consent agreement. She informed the Board that Dr. Cullinan no longer practices in Arizona and is now in Idaho. Dr. Cullinan agreed to the non-disciplinary consent agreement to alleviate the hassle of traveling to Arizona for a formal interview. The argument made by Dr. Cullinan and his attorney is that there were no intervening x-rays from 2008 until September 2012. The complainant had significant dental treatment since the initial treatment in 2008.

Upon MOTION by Dr. Waite, second by Ms. Crevier, the Board voted to DISMISS case no 201300088. Dr. Foster, Dr. Taylor, Ms. Hardy, Dr. Flowers, and Mr. Greer OPPOSED. MOTION FAILED

Upon MOTION by Mr. Greer, second by Dr. Flowers, the Board voted to ACCEPT the non-disciplinary consent agreement. Ms. Crevier, Ms. McClain, Dr. Waite OPPOSED. MOTION PASSED

**FORMAL INTERVIEWS**

**Agenda Item No. 24A      Case No. 201300085  
Dr. Anthony J. Oliveri**

Dr. Oliveri was present. The Court Reporter swore in Dr. Oliveri. Dr. Waite read the Formal Interview process.

Dir. Hugunin stated that in a complaint received by the Board on 4/23/13; NS alleged Dr. Oliveri placed an inadequate bridge. The investigator found that the fractured porcelain on the bridge from teeth #s 3-5 was not a deviation from the standard of care. However, radiographs from Dr. Oliveri and subsequent treating dentists show open margins on the abutment (tooth #3) and #11. The x-rays also confirm the margins of abutment (tooth #14) to be significantly over contoured. Dr. Oliveri has been notified that this may rise to the level of unprofessional conduct in accordance with ARS 32-1201.21 (n) and (x) and a violation of ARS 32-1264 (A). Dr. Oliveri has elected to appear for a formal interview.

Dr. Oliveri has been practicing dentistry for 42 years. All of his crown preps have knife edge margins. In today's world with digital x-rays and the fact that we can blow them up on the screen so large, it is his contention that with a big enough magnifying glass, every crown has an open margin and there is nothing unusual about his. To take an x-ray of an open margin, a parallel, like a bite wing is needed in order to ascertain that there is truly an open margin. The patient has no lower teeth on either side, as a result there were no bitewings taken. The x-rays taken were angulated periapicals, which tend to show an inaccurate margin appearance. Dr. Oliveri contends that there are no open margins; the crowns are fine and fit.

He stated two of his colleagues within the office examined this patient and found the bridges to be fine. The patient went to other dentists complaining about bad odor and tastes; these other dentists advised a remaking of the bridge for a profit. In Dr. Oliveri's opinion, remaking the bridges is not going to change the situation. The patient has admitted to being a drug addict and has poor oral hygiene. The bridge on the right side was originally done by Dr. Balan and the patient was unhappy with that bridge. Because Dr. Oliveri is the most experienced clinician in the office, the patient was referred to him to remake the bridge on the right side as well as a bridge for the left side. It is Dr. Oliveri's opinion that there is nothing wrong with the bridges.

Dr. Foster is the lead Board Member. He reviewed the violations of unprofessional conduct and questioned Dr. Oliveri regarding violating A.R.S. 32-1201(21)(n) and (x) and a violation of ARS 32-1264 (A). The Board questioned Dr. Oliveri regarding his conduct or practice that constitutes a danger to the

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health, welfare or safety of the patient or the public and failing or refusing to maintain adequate patient records.

Upon MOTION by Dr. Foster, second by Ms. McClain, the Board voted to FIND a violation of A.R. S. 32-1201-21(n). Dr. Waite OPPOSED. MOTION PASSED

Upon MOTION by Dr. Foster, second by Ms. McClain, the Board voted to IMPOSE 6 hours of disciplinary CE in hands on crown and bridge in a dental school setting with 6 months to complete. Dr. Foster AMENDED the motion to remove in a dental school setting, Ms. McClain second. Mr. Greer, Dr. Hauer, and Dr. Waite OPPOSED. MOTION PASSED

**Agenda Item 25 – REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS**

**Agenda Item No. 25A Case No. 201300047-ED Dr. H. Kendall Scholes**

Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 25B Case No. 201300066-ED Dr. Justin Wong**

Upon motion by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 25C Case No. 201300062-ED Dr. Michael Wassef**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 25D Case No. 201300053-ED Dr. Peter A. Spanganberg**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the Executive Director Termination. Dr. Foster and Dr. Hauer OPPOSED. MOTION PASSED

Dr. Hauer expressed concern that no action was taken based upon the consultant's report and summary. The outside consultant reported that the complication was avoidable. Dr. Palmer addressed Dr. Hauer's concern by stating that Dr. Spanganberg had offered to repay the complainant, and pay for any additional treatment that may have been needed. The complainant declined Dr. Spanganberg's offer. Mr. Smith, attorney for Dr. Spanganberg, was present to address the Board. Mr. Smith restated that Dr. Spanganberg wanted to pay for any additional treatment as well as take a periapical x-ray to determine whether or not the implant should be removed. The complainant declined all offers by Dr. Spanganberg.

**Agenda Item No. 25E Case No. 201300094-ED Dr. John A. Patterson**

Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to APPROVE the Executive Director Termination. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 25F Case No. 201300086-ED Dr. James R. Chaffin**

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

**Agenda Item No. 25G Case No. 201300055-ED Dr. Luke W. Denton**

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

**Agenda Item No. 26 – Members of the Public**

**Agenda Item No. 27 – FUTURE AGENDA ITEMS**

**Agenda Item No. 28 – Next Meeting Date – October 4, 2013**

**Agenda Item No. 29 – Adjournment**

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

Dr. Waite adjourned the meeting at 10:45 AM.

Minutes APPROVED at the October 4, 2013 Board Meeting.

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**Elaine Hugunin, Executive Director**