



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 3, 2012

Board Members Present:

Gregory A. Waite, DDS, President
Scott W. Morrison, DDS, Vice President
Gary M. Gradke, DDS
Robert H. Foster, DDS
D. Benjamin Whiting, DDS
Laurie A. Buckles, RDH
Marilyn J. McClain, RDH
Mr. Joshua Greer
Mr. Charles E. Jackson

Board Members Absent:

Michael R. Hauer, DDS
Ms. Carole A. Crevier

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. Yvonne Barron, Program/Project Specialist
Ms. Jaclyn Warren, Legal Administrator
Ms. Monica Crowley, Legal Assistant
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."

GENERAL BUSINESS

Agenda Item No. 1 - Call to Order and Introductions

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

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Agenda Item No. 3 – Committee Reports

- A. Continuing Education Audit of Dentists Committee – Dr. Robert Foster
- i. Upon recommendation of the Continuing Education Audit for Dentists Committee, the Board may consider the following continuing education extension request recommendations:
- a. Lisa M. Anderson, DMD – Grant extension until December 31, 2012
 - b. Joseph R. Bentley, DDS – Grant extension until September 30, 2012
 - c. VACANT
 - d. Doug Chang, DMD – Grant extension until October 31, 2012
 - e. Vincent G. Colosimo, DMD – Grant extension until June 30, 2013
 - f. Kamran Jafari, DDS – Grant extension until December 31, 2012
 - g. Glenn E. Kely, DDS – Deny request, no extenuating circumstances
 - h. C. Wilson Lathrop, DDS – Grant extension until September 30, 2012
 - i. Michael Allan Lindstrom, DDS – Grant extension until September 30, 2012
 - j. Robert F. McGee, DDS – Deny request, no extenuating circumstances
 - k. VACANT
 - l. Blanca P. Rojas, DDS – Grant extension until September 30, 2012
 - m. VACANT

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to approve the recommendations of the committee. MOTION PASSED UNANIMOUSLY.

- ii. Review, discussion and possible action regarding the following continuing education extension requests:

- a. Thomas Gaetano Greco, DMD

Ms. Chambers stated that Dr. Greco had planned to be here but he was hospitalized. He made a mistake on how many online hours he could do. He had 69 hours and will have the remainder done by August 31st.

Upon MOTION by Dr. Foster, second by Ms. Buckles, the Board voted to give Dr. Greco a three month extension to complete his continuing education. MOTION PASSED UNANIMOUSLY.

- b. VACANT
c. VACANT

- d. Colleen T. Murphy, DDS

Dr. Murphy was present and stated she has stayed home and taken care of her children for the last three years so she has fallen short of her continuing education. She is short three hours but will complete them Saturday night.

No action was taken.

- e. Marco A. Pinto, DMD

Upon MOTION by Dr. Gradke, second by Dr. Whiting, the Board voted to deny the extension request for not responding to the requests and for not having extenuating circumstances. MOTION PASSED UNANIMOUSLY.

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- f. Daphne M. Velazquez, DDS

Upon MOTION by Dr. Gradke, second by Ms. Buckles, the Board voted to grant a six month extension. MOTION PASSED UNANIMOUSLY.

B. Dental Hygiene Committee – Laurie Buckles, RDH

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

- a. Michelle R. Levins, RDH grant extension until September 30, 2012

Ms. Levins was present and stated she was not sure of the extension. She had a computer virus issue that wiped out her hard drive and she lost all her certificates for continuing education. She has signed up for a summit to complete 21 hours.

Upon MOTION by Ms. Buckles, second by Dr. Foster the Board voted to GRANT extension until September 30, 2012. MOTION PASSED UNANIMOUSLY.

- b. Julie Ann Young, RDH grant extension until September 30, 2012

No action taken.

- c. Susan M. Oliver, RDH deny request, no extenuating circumstances

Upon MOTION by Ms. Buckles, second by Mr. Greer, the Board voted to DENY the extension request. MOTION PASSED UNANIMOUSLY.

- d. B. Dana Anderson, RDH grant extension until September 30, 2012

Upon MOTION by Ms. Buckles, second by Dr. Grade, the Board voted to GRANT a six month extension. MOTION PASSED UNANIMOUSLY.

- e. Nikki S. Thomas, RDH grant extension until September 30, 2012
- f. Annette K. Beyer, RDH grant extension until September 30, 2012
- g. Melissa Rubio, RDH grant extension until September 30, 2012
- h. Amy Whipple, RDH grant extension until September 30, 2012

Upon MOTION by Ms. Buckle, second by Dr. Foster, the Board voted to GRANT the extensions for agenda items Bie - Bih. MOTION PASSED UNANIMOUSLY.

- ii. 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. Vancouver College of Dental Hygiene Inc.- Course does not include three experiences of the MSA injection and does not include nitrous oxide.
 - b. University of Pittsburgh, School of Dental Medicine, Dental Hygiene Program- Course does not include three experiences of injections for the GP, IAN/L or the Long Buccal, or nitrous oxide.
 - c. Herzing University-Course does not include three NP injections.
 - d. Kellogg Community College-Course does not include three experiences of each type of injection or three experiences of nitrous oxide

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Upon MOTION by Ms. Buckles, second by Dr. Foster, the Board voted to DENY the requests for recognition of these courses Biia - Biid. MOTION PASSED UNANIMOUSLY.

- iii. Upon recommendation of the Dental Hygiene Committee the Board may consider approving Sandra Ann Hendricks's 1988 Idaho State University continuing education course. This is exclusive for Ms. Hendrick to administer local anesthesia and nitrous oxide analgesia.

Upon MOTION by Ms. Buckles, second by Dr. Gradke, the Board voted to APPROVE Sandra Ann Hendricks's 1988 Idaho State University continuing education course. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 2 – Public Comment on Cases

Complainant KTW was present and spoke about case no. 2012000058 (Agenda Item 17E).

Complainant BC was present and spoke about case no. 201200047-ED (Agenda Item 26C).

Complainant EF was present and spoke about case no. 201200035-ED (Agenda Item 26A).

JF spoke on behalf of complainant MF about case no. 201200049-ED (Agenda Item 26D).

Complainant EK was present and spoke about case no. 201200050-ED (Agenda Item 26E).

Complainant KH was present and spoke about case no. 201200029 (Agenda Item 25B).

Agenda Item No. 4 - President's Report

- A. Appointment of Dental Hygiene Selection Committee Members

Dr. Waite announced the appointment of Dental Selection Committee Members Laurie Buckles, Debbie Schultz, & Vicki Soertaert.

Agenda Item No. 5 - Executive Director's Report

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

Dir. Hugunin stated she had two items for the Board – first was that the Governor had appointed another public member, Ms. Carole Crevier who was unable to attend as she had a vacation already scheduled prior to her appointment. Ms. Crevier currently also serves on the Physician Assistant Board and was previously on the Arizona Medical Board.

The second item Dir. Hugunin brought up recognized and commended the BODEX team for their exemplary teamwork. This was the Agency's busiest time of the year with renewals and was also the end of the fiscal year. The licensing team did an outstanding job with the transition of online renewals combined with its usual paper and multitude of licensee calls. The investigative team with their workload helped support the licensing team in some areas during peak times. Even with negative callers, the team is positive and professional. Teamwork is sometimes difficult to achieve but the Board should be aware that they truly do have an excellent team and she is very proud to be working with all of them. A special thanks was given to Ms. Chambers who exceeds all expectations.

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She also acknowledged Dr. Palmer for being a big part of the team and is always positive in the face of negativity.

- B. Review, discussion and possible action regarding delegation of authority to Executive Director to issue licenses to applicants with disclosures of juvenile misdemeanor criminal history.

Dir. Hugunin stated that the Board has discussed this to some degree in the past; however, based on additional discussions internally and with other regulatory boards, staff is asking the Board to reconsider this. The Board had five applicants for licensure by examination who had shoplifted; four of whom were juveniles at the time. The Agency has never denied an applicant who has disclosed an arrest as a juvenile and many of these cases are so old, there are no longer documents to provide the Board. She asked the Board to consider delegating authority to the Executive Director to issue licenses to applicants with disclosures of juvenile misdemeanor criminal history. This delegation excludes felonies.

Upon MOTION by Dr. Gradke, second by Dr. Waite, the Board voted to DELEGATE authority to Executive Director to issue licenses to applicants with disclosures of juvenile misdemeanor criminal history. MOTION PASSED UNANIMOUSLY.

- C. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration - Central Services Bureau, and Legislative Liaison.

Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to APPROVE agreements as listed. MOTION PASSED UNANIMOUSLY.

- D. Review, discussion and possible regarding automating the Jurisprudence Exam.

Ms. Chambers stated that the applicants that have taken this exam have already taken two other exams. They're not sure what this exam is or how to prepare for it. This exam is a learning experience for the applicants. The company who will be providing this service is very accommodating. It is a positive exam as there are no failures. Within the last two months there have been fifty people who have taken the exam. Ms. Buckles stated since they are already offering online courses, she does not see any reason not to implement this. Mr. Greer agrees that the system should be changed but does not agree with automating it. Dr. Morrison stated in general, exams are based on finding the information, not memorizing it. He recommends building in some measures.

There was much discussion amongst the Board regarding various ways to administer the exam. Dr. Foster directed staff to explore ways to automate the jurisprudence exam.

- E. Review, discussion and possible action to repeal the following Substantive Policy Statements:

Dir. Hugunin stated staff is in the process of reviewing all of all substantive policy statements. The easiest part of this is to present those statements that are no longer valid. The purpose of a substantive policy statement is to add or provide guidance. With reference to substantive policy statement #6 and #13, these are no longer valid as staff does not issue warning letters and the rule was repealed. Substantive Policy Statement #8 does not provide any guidance and substantive policy statements #16 and 23 are no longer valid given the confidential program. Staff believes the agreements specify non-

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compliance and do not require a substantive policy statement. Staff will be updating the remainder of the statements and bringing them to the Board for review and approval.

- i. Substantive Policy Statement #6 – Warning Letters for Noncompliance
- ii. Substantive Policy Statement # 8 – Board Orders – Providing Clear, Concise and Understandable Terms
- iii. Substantive Policy Statement #13 – Advanced Courses for Suture Placement
- iv. Substantive Policy Statement #16 – Components of a Standard MATP Agreement What Constitutes “Non-Compliance”
- v. Substantive Policy Statement #23 – Components of a Two (2) Year Abuse Monitoring Agreement

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to REPEAL the above Substantive Policy Statements 6, 8, 13, 16, and 23. MOTION PASSED UNANIMOUSLY.

- F. Dr. Denis J. Froehlich (Case #201200074) - Review, discussion and possible action regarding issuance of an interim order for substance abuse evaluation.

Dir. Hugunin directed the Board to several memos in their material from BODEX staff as well as a report and summary by Dr. Palmer documenting concerns about Dr. Froehlich's ability to safely practice. Based on this information, staff asked the Board to consider issuing an interim order for a substance abuse evaluation.

Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to ISSUE an interim order for substance abuse evaluation, including urinalysis and hair specimen, to be completed within 30 days. MOTION PASSED UNANIMOUSLY.

- G. Dr. Lori Karen Anderson - Review, discussion and possible action regarding Dr. Anderson's application for renewal of her Section 1303 Oral Conscious Sedation Permit, including but not limited to, denying the renewal, or entering into a consent agreement.

Upon MOTION by Dr. Gradke, second by Ms. Buckles, the Board voted to DENY the renewal per statutes R4-11-1303(B)(2) & (C)(1), based on failure of the onsite evaluation twice and the evaluator's report. MOTION PASSED UNANIMOUSLY.

- H. Review, discussion and possible action regarding approval of the confidential stipulation agreement for one licensee to enter into the 2-year Abuse Track Program and one licensee to enter into the 5-year Monitoring Program.

In accordance with the existing statutes, staff requested the Board's approval for the Executive Director's entrance into two confidential stipulation agreements for substance abuse treatment and monitoring. One is for the confidential two-year monitoring program and the second is for the five-year monitoring program. The individual entering into the two-year program was brought to staff's attention by an anonymous individual. The dentist was requested to go be tested and evaluated by Dr. Sucher which he willingly did. However, he did not have any hair and therefore that test was delayed. When it came time for the hair test he admitted to having an issue with alcohol and agreed to enter into the program.

The second individual is also a dentist who received an extreme DUI. He was told to enter into treatment which he did, although not immediately. He did receive the required inpatient treatment and has met with Dr. Sucher, has been tested appropriately and, per Dr. Sucher, is doing exemplary at this time.

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Please note that these broad summaries will no longer be on the Board agenda given the implementation of statutes which allow the Executive Director to enter into an agreement.

Upon MOTION by Dr. Gradke, second by Mr. Greer, voted to APPROVE the Executive Director confidential stipulation agreements for one licensee to enter into the 2-year Abuse Track Program and one licensee to enter into the 5-year Monitoring Program. MOTION PASSED UNANIMOUSLY.

- I. Review, discussion and possible action regarding 2013 Board meeting dates.

BOARD MEETINGS:

February 1, 2013

April 5, 2013

June 7, 2013

August 2, 2013

October 4, 2013

December 6, 2013

Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to APPROVE the 2013 Board meeting dates. MOTION PASSED UNANIMOUSLY.

- J. Review, discussion and possible approval of Notice of Final Rulemaking and Economic Impact Statement on A.A.C. R4-11-101 Definitions and A.A.C. R4-11-1501 – 1504 relating to the Board's complaint process.

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to APPROVE the Notice of Final Rulemaking and Economic Impact Statement on A.A.C. R4-11-101 Definitions and A.A.C. R4-11-1501 – 1504 relating to the Board's complaint process. MOTION PASSED UNANIMOUSLY.

- K. Robert H. Mercier, DDS (Case #: 201200066) – Review, discussion and possible action regarding vacating the previous vote to send to Formal Hearing and dismissing the case without prejudice.

As noted in the Board's material, Dr. Mercier's license expired June 30, 2012. Given that Board staff cannot locate Dr. Mercier combined with his expired license, staff recommended the Board vacate its previous vote to forward to the Office of Administrative Hearings and dismiss the case without prejudice.

Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to VACATE the previous vote to send to Formal Hearing and DISMISS the case without prejudice. MOTION PASSED UNANIMOUSLY.

- L. Review, discussion and possible action regarding stakeholder comments and suggestions to revise proposed changes to Arizona Administrative Code, Title 4, Chapter 11, Articles 1 and 13 relating to general anesthesia and sedation.

Dr. Schneider stated he submitted information prior to the board meeting and it was confirmed the Board received it. In reference to the draft proposed changes, he stated the guidelines need to be articulated. He read R4-11-1302 and stated his goal is to address the imposed limitations on the use of agents that the Dental Practice Act does not list. With proper training in anesthesia, Propofol usually calms the patient without additional dosing compared to other anesthetics. His whole point is that Propofol is safe

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when used by a properly trained individual and he encourages the State of Arizona to provide training in advanced airway constriction.

Mr. Jeff Gray was present on behalf of the Arizona Anesthetists. He was present to address any questions the Board may have. Ms. Chambers confirmed that there will be another meeting after the rules proceeds forward.

Upon MOTION by Dr. Gradke, second by Dr. Whiting, the Board voted to AMEND the existing proposal to the anesthesia rules:

- Page 2, line 30 – Add “or employ or work with a CRNA”;
- Page 3, line 1 & 2 – Add “or employ or work with a CRNA”;
- Page 10, line 9 – Delete “sedation by a”;
- Page 14, lines 29 & 30 – Delete “to administer general anesthesia, deep sedation or parental sedation”;
- Page 15, lines 2 & 3 – Delete “to administer parental sedation not to exceed the level of sedation allowed in Section 1302.”;
- Page 21, lines 7-11 – Delete “or 2. The healthcare professional is” & “under the direction and in the presence of a physician anesthesiologist as described in subsection (1)”, replace “3.” with “2.”, and add “or CRNA”;
- Page 21, lines 13-19 – Add R4-11-1403(H)(3);
- Page 21, line 22 – Add “or CRNA”;
- Page 21, line 24 – Add “or CRNA”;
- Page 22, line 2 – Add “or CRNA” to title R4-11-1304;
- Page 22, line 11 – Add “or CRNA”;
- Page 22, lines 21-23 – Delete “A Section 1304 permit holder my employ or work with a”, add “the”, and delete “under the direction and in the presence of a physician anesthesiologist as described in subsection (1).”;
- Page 22, line 25 – Add “or CRNA”;
- Page 23, line 14 – Add “or CRNA”;
- Page 24, line 30 – Add “or CRNA”;
- Page 25, lines 13-15 – Add “or CRNA” and add “or CRNA”.

MOTION PASSED UNANIMOUSLY.

- M. Gospel Rescue Mission – Review, discussion and possible action on Gospel Rescue Mission’s request for Board recognition as a charitable organization for the purposes of Arizona Administrative Code R4-11-1209(A)(3)(e).
- N. Kenya Medical Mission – Review, discussion and possible action Kenya Medical Mission’s request for Board recognition as a charitable organization for the purposes of Arizona Administrative Code R4-11-1209(A)(3)(e).

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to APPROVE the Gospel Rescue Mission and Kenya Medical Mission for Board recognition as charitable organizations for the purposes of Arizona Administrative Code R4-11-1209(A)(3)(e).

MOTION PASSED UNANIMOUSLY.

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

Dir. Hugunin stated the Board’s additional material contains the number of Executive Director Terminations since the last Board meeting. Of the 21 listed, 2 appealed, 8 have not appealed and 11 still have time in which to appeal.

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Agenda Item No. 7 – Personnel Issues

- A. VACANT

Agenda Item No. 8 – Request for Action on Licensure by Examination – Consent Agenda

- A. Crystal D. Ormerod, RDH – Disclosure of shoplifting detainment as a minor

Ms. Ormerod was present and stated she was present to request approval for her dental hygiene license. The incident happened well over 20 years ago. She explained when you are young you don't realize how mistakes will affect you in the future. She has focused her adult life on providing a good life for her and her family and would love the chance to practice dental hygiene.

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

- B. Ashley A. Gero, RDH - Disclosure of shoplifting detainment and possession of alcohol as a minor

Ms. Gero was present and stated she was 11 years-old in junior high and made stupid mistakes. She put herself through school, was president and top of her class. She has worked very hard to become a dental hygienist.

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

- C. Leticia R. Butsch, RDH - Disclosure of shoplifting detainment as a minor

Ms. Butsch was present and read a recommendation letter from her employer.

Upon MOTION by Ms. Buckles, second by Ms. McClain, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

- D. Amy S. Dietz, RDH - Disclosure of shoplifting conviction in 2002

Ms. Dietz was present and stated she was 19 when this happened and regrets going with her friend. She was guilty by association and has no record beyond that.

Upon MOTION by Ms. Buckles, second by Ms. McClain, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

- E. Jennifer L. Andrews, RDH - Disclosure of shoplifting detainment as a minor in 2004, arrest for using a false ID in 2005, and an arrest for a DUI in 2005

Ms. Andrews was present and stated she was irresponsible, young and made poor decisions. Since then she has been in the dental hygiene program. She learned from her mistakes that happened 8 years ago.

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

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Agenda Item No. 9 – Request for Action on Licensure by Credential

- A. Dr. Robert Joseph Benzell - 1965 New Jersey State exam prior to a regional
Upon MOTION by Mr. Greer, second by Dr. Morrison, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.
- B. Dr. Marc Willy Garduque Geronimo - 2005 California State exam prior to a regional
Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.
- C. Dr. Christopher John Comfort - Board approved exam, disclosure of malpractice
Dr. Comfort stated he was present to answer any questions the Board may have.
Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.
- D. Amy Kristen Reid, RDH - 2010 California Dental Hygiene Exam
Ms. Reid was present and stated she was licensed to work in California but moved back to her home in Arizona. She is anxious to start working here.
Upon MOTION by Dr. Morrison, second by Ms. Buckles, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.
- E. Brianne Shelly Crecelius, RDH - 2007 California Dental Hygiene Exam
Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 10 – Request for Action on Licensure by Credential – Clinical Examination taken more than five years ago

- A. VACANT

Agenda Item No. 11 – Request for Action on Licensure by Credential – Clinical Examination taken less than five years ago

- A. Dr. Kyle Mackay Rush - 2012 CRDTS
Upon MOTION by Dr. Morrison, second by Dr. Whiting, the Board voted to GRANT licensure. Mr. Greer RECUSED. MOTION PASSED.
- B. Dr. Ashwaq A. Kayat - 2012 CRDTS
Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.
- C. Dr. Nancy Marie Fitzgerald - 2012 NERB
Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to GRANT licensure. MOTION PASSED UNANIMOUSLY.

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D. Dr. Ambreen Kaur - 2012 NERB

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

E. Katie Lee Bietz, RDH - 2012 CRDTS

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

Agenda Item No. 12 – Request for Action on Application(s) for Renewal of License

A. Cynthia Jeanette Cantrell, RDH - Review, discussion and possible action on disclosure of an arrest for two counts of perjury on renewal application.

Ms. Cantrell was present and had her attorney, Clark Derrick, speak on her behalf. He stated that Ms. Cantrell was arrested on December 7, 2011. Court appearances were set but then vacated and the County Attorney decided not to file a formal complaint. It was then reviewed and the final decision was made not to file. This arose out of a situation where Ms. Cantrell was called as a witness in her ex-boyfriend's trial. They were not able to convict him. She overreacted and was not a good witness because she cared about the defendant. There was a question about honesty in certain emails to her ex-boyfriend and it was pointed out to the prosecutor. No charges were filed and they do not anticipate anything will be filed in the future. She has a real passion for dental hygiene and has been practicing for twenty years.

When asked about the statute of limitations, Mr. Derrick responded the statute of limitations for an offense similar to this is 7 years. Dr. Waite explained that if in the future the charges are re-filed, the Board can revisit this.

Upon MOTION by Ms. Buckles, second by McClain, the Board voted to GRANT renewal of license. MOTION PASSED UNANIMOUSLY.

B. Ronald Lee Steinbrunner, DDS – Review, discussion and possible action on disclosure of a misdemeanor conviction for compounding on renewal application.

Dr. Steinbrunner was present and stated he was here to answer any questions the Board may have. Dr. Waite asked what compounding is and Dr. Steinbrunner responded it is when two people come together in court to not tell the truth.

Upon MOTION by Dr. Morrison, second by Ms. Buckles, the Board voted to GRANT renewal of license. Mr. Greer RECUSED. MOTION PASSED UNANIMOUSLY.

C. Gary M. Lemarr, DMD - Review, discussion and possible action on disclosure of disciplinary action in Idaho.

Dr. Gradke stated he should be evaluated by Dr. Sucher. He asked if his DEA license is restricted, but staff was unsure.

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

STIPULATION CONSENT AND ENFORCEMENT

Agenda Item No. 13 - Recommendation(s) From Board MATP Medical Director

- A. Dr. David L. Chaffee, Jr. – Review discussion and possible action regarding removal of the DEA restriction from his Stipulation Agreement and removal of meeting log requirement. (Case #: 100021)

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to REMOVE Dr. Chaffee's DEA restriction from his Stipulation Agreement and removal of meeting log requirement. MOTION PASSED UNANIMOUSLY.

- B. Dr. John Scott Coleman - Review discussion and possible action regarding removal of the DEA restriction from his Stipulation Agreement. (Case #: 280461)

Upon MOTION by Mr. Greer, second by Dr. Morrison, the Board voted to REMOVE the DEA restriction from Dr. Coleman's Stipulation Agreement. MOTION PASSED UNANIMOUSLY.

ACTION ON CASES

Agenda Item No. 14A VACANT

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. 15A	Case No. 201200054	Dr. Jay J. Waite
Agenda Item No. 15B	Case No. 201100240	Dr. Mu-Hun Kim
Agenda Item No. 16A	Case No. 201200028	Dr. Barry J. Uldrikson
Agenda Item No. 16C	Case No. 201200071	Dr. Tung B. Bui
Agenda Item No. 17B	Case No. 201200033	Dr. Juan Carlos Valencia
Agenda Item No. 17C	Case No. 201200036	Dr. Pankaj R. Goyal
Agenda Item No. 17D	Case No. 201200053	Dr. Mickel A. Malek
Agenda Item No. 17E	Case No. 201200058	Dr. E. Scott Connell
Agenda Item No. 17F	Case No. 201200085	Dr. Karl J. Baker
Agenda Item No. 17G	Case No. 201200094	Dr. Brooke A. Zoumbaris

Cases ADJUDICATED:

Nothing was pulled. Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to ACCEPT the Non-Disciplinary Consent Agreements on the following case on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 16B Case No. 201200057 Dr. Robert C. Bingham
Non-Disciplinary Consent Agreement

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

Agenda Item No. 17A Case No. 201200026 Dr. Nathan W. Smith

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Stating patient should be informed of root tips that are left in after surgery.

Agenda Item No. 17H **Case No. 201200095** **Dr. Francine J. Vickers**
Stating Dr. Vickers needs to make sure her records are complete so any dentist could understand why procedures are needed.

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to TERMINATE the following cases on the Consent Agenda. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 18A **Case No. 201200086** **Dr. Virginia Alix Phillips**
Terminate – Per patient letter

Agenda Item No. 18B **Case No. 201200089** **Dr. Ralph A. Clary**
Terminate – Per patient letter

Agenda Item No. 18C **Case No. 201200104** **Dr. James R. Chaffin**
Terminate – Per patient letter

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to DISMISS the following cases on the Consent Agenda. MOTION UNANIMOUSLY.

Agenda Item No. 19A **Case No. 201200099** **Dr. Timothy M. Mettler**
Dismiss

Agenda Item No. 19B **Case No. 201200119** **Dr. Daniel J. Klemmedson**
Dismiss

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to FORWARD the following cases on the Consent Agenda to a Formal Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 20A **Case No. 201200039** **Dr. Allen S. Honigman**
Formal Interview

Agenda Item No. 20B **Case No. 201200060** **Dr. Amy Jo McKeever**
Formal Interview

Agenda Item No. 20C **Case No. 201200027** **Kelly Povar, RDH**
Formal Interview

Agenda Item No. 21 – Review and Filing of Cases for Investigation – Consent Agenda

A. Dr. Rebecca Runyan Temp – Malpractice Report: Take No Action

Upon MOTION by Dr. Waite, second by Ms. McClain, the Board voted to TAKE no action. Dr. Gradke RECUSED. MOTION PASSED.

B. Dr. Ralph Forrest Wilson – Malpractice Report: Take No Action

C. Dr. Steven Chris Chang – Malpractice Report: Take No Action

D. Dr. Robert J. Kelly - Malpractice Report: Take No Action

Upon MOTION by Dr. Foster, second by Dr. Whiting, the Board voted to TAKE the action indicated on cases 21B, 21C, & 21D. MOTION PASSED UNANIMOUSLY.

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Agenda Item No. 22 - Approval Of Restricted Permit(s) (Application/Renewal) – Consent Agenda

A. Dr. David Walter Twomey

Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to APPROVE the restricted permit. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 23 – Approval of Consultants and Examiners – Consent Agenda

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to APPROVE the following consultants and evaluators. MOTION PASSED UNANIMOUSLY.

- A. Dr. Terry L. Work – Dental Consultant
- B. Dr. Ryan S. Brown – Anesthesia Evaluator
- C. Dr. Kedar S. Lele – Anesthesia Evaluator
- D. Dr. Ralph W. Price – Dental Consultant

Agenda Item No. 24 – Approval of Minutes – Consent Agenda

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to APPROVE the following minutes. MOTION PASSED UNANIMOUSLY.

- A. February 3, 2012 – Amend Board Meeting Minutes
- B. June 1, 2012 – Board Meeting Minutes
- C. June 1, 2012 – Executive Session Minutes
- D. June 27, 2012 – Board Meeting Minutes

**Agenda Item No. 15A Case No. 201200054
 Dr. Jay J. Waite**

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to APPROVE the Disciplinary Consent Agreement. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 15B Case No. 201100240 Dr. Mu-Hun Kim

Dr. Foster questioned finding of fact number two. Dr. Kim saw patient HY on July 22nd and diagnosed tooth #19 with recurrent caries and a fractured restoration. Dr. Foster said that diagnostically, the tooth should not have been removed. He also noticed inadequate record keeping and inadequate treatment planning. There was no reason given for putting a crown on tooth #2. The conclusions of law should reference statute (x) regarding Dr. Kim's record keeping. Dr. Foster recommended adding continuing education: 3 hours in the area of risk management, 6 hours in recordkeeping and 6 hours in diagnosis and treatment planning.

Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to TABLE this case until the next Board meeting. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 16A Case No. 201200028
 Dr. Barry J. Uldrikson**

Upon MOTION by Dr. Waite, second by Dr. Foster, the Board voted to VACATE the previous vote to forward this case to a Formal Interview. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to ACCEPT the Consent Agreement as written. MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 16C Case No. 201200071
 Dr. Tung B. Bui**

Dr. Bui and his attorney, Edwin Gaines, were present.

Dr. Gradke stated this case should be disciplinary due to Dr. Bui not consulting the patient's physician about anticoagulant medications and not checking an International Normalized Ratio (INR), which is standard care. Dr. Gradke recommended this case be changed to unprofessional conduct with six hours of disciplinary continuing education in the handling of patients on anticoagulant medications and four hours in risk management.

Mr. Gaines stated Dr. Bui is planning on taking his final oral exams on November 30, 2012. Dr. Bui's staff members verified that he did advise the patient and contacted the doctor before taking him off of his medication, but there was a charting problem so it was not well documented. The patient had a stroke and was medically compromised. He agreed that the best practice is to get written confirmation from the physician before taking a patient off blood thinners. Dr. Bui has changed his practice to reflect that. Mr. Gaines stated in 30 years he has never seen an endodontist order an INR, but he has seen an oral surgeon do it. This is about documentation and not about performing the best practice. Some endodontists get written documentation, some make a phone call.

Dr. Morrison stated that he has called doctors before surgeries, but he documents them. Ms. Buckles also pulled this case because she had concerns about moving ahead with the surgery without contacting the physician first. Mr. Gaines confirmed with Dr. Bui's staff that Dr. Bui always checks with physicians before taking patients off medications even though it was not documented. This patient has had numerous other surgeries where he had to go off the blood thinners at the direction of general surgeons. Dr. Gradke stated there was a lack of understanding of the severity of the medication and what Dr. Bui can or cannot do.

Upon MOTION by Dr. Gradke, second by Ms. Buckles, the Board voted to MODIFY the Consent Agreement to unprofessional conduct ARS § 32-1201.21(N) to include 6 hours of continuing education in proper medical management of patients on anticoagulant medications and 4 hours in risk management. Dr. Morrison & Dr. Waite OPPOSED. MOTION PASSED.

Agenda Item No. 25 – Formal Interview Cases

A. VACANT

**B. Case No. 201200029 & 201200034
Western Dental**

Attorney, Jeffrey Tonner, and manager, Landon Ericson, were present on behalf of Western Dental. After much discussion, it was determined that this case does not rise to the level of discipline.

Upon MOTION by Dr. Morrison, second by Dr. Gradke, the Board voted to ISSUE a Letter of Concern for both cases stating "Western Dental should ensure continuity of patient care and ensure the transition of patient care from one practitioner to another is clearly documented in clinic notes which are organized and legible". MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17B Case No. 201200033
 Dr. Juan Carlos Valencia**

Dr. Morrison pulled this case because of the excess cement that remained and led to inflammation.

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

Agenda Item No. 6 - Assistant Attorney General's Report for Board Direction & Possible Action

A. Administrative Appeals

Ms. Williams stated Dr. Shah was denied a new hearing and she is expecting his opening brief. Dr. Lipton requested an extension and nothing has happened with Dr. Keith.

- i. Nishith S. Shah, D.M.D. v. ASBDE (Case 201100032) (Court Case LC2011-000735)
- ii. Jack I Lipton, D.M.D. v. ASBDE (Case 201000254 & 201100259) (Court Case LC2011-000713)
- iii. Rosalyn D. Keith, D.D.S. v. ASBDE (Case 270098) Appeal of superior court's decision affirming Board order.

B. Summary of new laws effective August 2, 2012:

- i. H.B. 2070
Ms. Williams stated this law amends A.R.S. §41-1080 pertaining to residency and added a category of approved documents to verify.
- ii. H.B. 2744
Ms. Williams stated this is a major change as it adds a new section that allows prospective applicants to request clarification of statutes prior to applying.
- iii. S.B. 1193
Ms. Williams stated this law makes appeals of Board decisions more efficient but does not go into effect for another year. This also gives somebody the right to an informal settlement conference in disciplinary cases.
- iv. S.B. 1365
Ms. Williams stated this was added so state agencies cannot deny or discipline a license based on someone's religious beliefs or faith-based services.

Agenda Item No. 27 – Members of the Public

VACANT

Agenda Item No. 28 – Future Agenda Items

- A. Dr. Waite stated he would like the Board to consider having Arizona be a member's state for the ADEX exam.
- B. Ms. Buckles stated the Dental Hygiene Committee would like Substantive Policy #3 reviewed sooner rather than later due to concerns of extenuating circumstances for continuing education extensions.

Agenda Item No. 29 – Next Meeting Dates

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Agenda Item No. 30 – Adjournment

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

Dr. Waite adjourned the meeting at 12:35 PM.

Minutes APPROVED at the October 5, 2012 Board Meeting.

Elaine Hugunin, Executive Director