



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 5, 2011

Board Members Present:

Gregory A. Waite, DDS, President
Scott W. Morrison, DDS, Vice President
Laurie A. Buckles, RDH
Michael R. Hauer, DDS
Gary M. Gradke, DDS
Robert H. Foster, DDS
Mr. Charles E. Jackson
Mr. Joshua Greer

Board Members Absent:

Catherine L. Bevers, RDH
D. Benjamin Whiting, DDS
Mr. Jason D. Farnsworth

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."

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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. 2 - President's Report

- A. Review, discussion and possible action regarding appointment of Committee to review Substantive Policy Statement #15 - Injecting Anesthesia, Injecting other Substances or Prescribing for Non-Dental Treatment.

Dr. Waite stated that the chairperson for the BOTOX Committee is Mr. Greer, and members will include Kevin Earle, Brown Harris (oral surgeon), Paul Douglas (general dentist) and Debbie Campbell, RDH. The Dental Hygiene Committee recommended there be two hygienists. The Board also requested a business entity representative and a dual degreed oral surgeon be appointed to the committee.

- B. Appointment of Dental Hygiene Selection Committee Members.

Dr. Waite stated that the appointments of the Dental Hygiene Committee Members are Laurie Buckles as chairperson with Catherine Roustan and Jan Grutzis as members.

Agenda Item No. 3 - Executive Director's Report

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

Nothing was stated.

- B. Approval for Executive Director and Board President to attend American Association of Dental Boards and American Association of Dental Administrators annual meeting October 9-10, 2011.

Dir. Hugunin stated that this agenda item was presented at the June Board meeting; however, a formal motion was not made to approve this so she requested the Board to make a motion to approve.

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

- C. Discussion and clarification regarding the page numbers of the Board materials, patient records and attorney's files.

Dir. Hugunin stated that at the June Board meeting, a question arose regarding coordinating page numbers between Board Members and the licensee's legal counsel. Board Staff receives different parts of the complaint file at different times. For example, Staff may receive additional material from legal counsel late. Just before the complaint PDF is copied to the Board Members' USB drives, a coversheet is added. The timing of the receipt of materials and adding the coversheet causes the difference in page numbers between the Board Members' materials and the legal counsel's file. There is a consistent page number for both parties on the bottom of the records. The majority of the references are to the records. Dr. Gradke asked if the page number at the top correlates and Dir. Hugunin stated it does not because that is the Adobe page number.

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- D. Review, discussion and possible action to change the December 2011 Board meeting from December 2 to December 9.

Dir. Hugunin stated that she surveyed the Board and determined that all of the Board members can make the December 9th meeting with the exception of one individual. Staff is recommending that this be changed given some conflicts that arose.

Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to CHANGE the December Board Meeting from December 2nd to December 9th. MOTION PASSED UNANIMOUSLY.

- E. Review, discussion and possible action regarding 2012 Board meeting dates.

BOARD MEETINGS:

February 3, 2012

April 6, 2012

June 1, 2012

August 3, 2012

October 5, 2012

December 7, 2012

Upon MOTION by Ms. Buckles, second by Dr. Foster, the Board voted to APPROVE the Board Meetings for 2012. MOTION PASSED UNANIMOUSLY.

- F. Review and discussion regarding calibration of anesthesia permit application evaluators.

Ms. Chambers stated this was a request from the Board and there needs to be input. Dr. Gradke stated that there should be a calibration of all the evaluators which would include an 8-hour course to ensure that everyone is on the same page. Evaluators should help pay for this course if they want to be an evaluator. This should be based on the American Dental Association journal from two years ago. The course should be outlined and someone should be assigned to give that course. Dir. Hugunin explained that staff would have to find out if they are allowed to charge those people to participate. Dr. Waite asked for some ideas from the rest of the Board. Dr. Gradke thinks that this could and should be done due to disparity between the evaluators. Dr. Morrison suggested a webinar to accommodate people across the state. Dr. Gradke stated he would consider it if there was a question and answer session.

- G. Review and discussion regarding Board process for approval of anesthesia permit evaluators.

Ms. Chambers stated that in order to obtain a sedation permit, an applicant must have an onsite evaluation. Two volunteer anesthesia evaluators perform the evaluation. In 2001, a core group was in place for renewals and a team of evaluators conducted all of the new applicant evaluations. In 2003, the amount of permit holders increased. As of August 1, 2011 there are 527 permit holders and only 61 evaluators. There have been challenges with getting evaluators. Geographically, most of the evaluators are either located in Phoenix or Tucson. Also, due to personality differences, some licensees won't allow another licensee in their office. The original core group is starting to age. There have been five retirees within the last two years but most have found replacements for themselves. For oral sedation evaluators, staff advertised in the newsletter to no avail. Staff depends on current evaluators to make a recommendation from those licensees they evaluate.

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Dr. Gradke stated there are challenges due to no compensation for their travel time and some of them have to stay overnight. Dr. Morrison verified that historically, the Board receives CV's from potential evaluators which the Board reviews and approves. Dr. Gradke would like to see evaluators with five years of clinical experience without any Board actions against them. They would need to pass an examination at a much higher level. He also suggested that evaluators be compensated and exempt from evaluations. Dir. Hugunin stated these changes may need to be incorporated into the rules. Mr. Greer asked if there were any term limits. They currently serve for life and he suggests they only serve for five years since some people may be less inclined to serve for an open-ended period. Ms. Buckles suggested it not be a mandatory five years so they're not in for the long haul. Dr. Hauer thinks the five year limit allows the evaluators to say they do not want to continue. Mr. Greer stated a term limit would only be appropriate if the Board adopts some of Dr. Gradke's suggestions. Mr. Greer also suggests they get the current evaluator's input. Ms. Chambers thanked the Board for their suggestions and stated that staff will research and bring this topic back for further discussion.

- H. Review, discussion and possible action regarding delegation of authority for the Executive Director to open investigations in accordance with ARS §32-1263.02(A).

Dir. Hugunin stated that recent statute changes (ARS §32-1263.02) which became effective July 20th states that the Board on its motion or the Executive Director, if delegated by the Board, may investigate any evidence that appears to show the existence of any of the causes or grounds for disciplinary action as provided in ARS §32-1263. She asked the Board to formally delegate this in that investigations may be opened as noted. This will expedite the investigation and is consistent with other regulatory boards.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to DELEGATE the authority of the Executive Director to open investigations in accordance with ARS §32-1263.02(A). MOTION PASSED UNANIMOUSLY.

- I. Review, discussion and possible action regarding participation on Commission on Dental Accreditation (CODA) site visit.

Dir. Hugunin stated that the Board has material from the Commission on Dental Accreditation site visit for Banner Good Samaritan Medical Center. They are requesting the Board submit the names of two Board members for consideration to participate in this site survey. Only one of these will be selected.

No one volunteered at this time.

- J. Western Dental - Review, discussion and possible action regarding administratively adjusting case # 201100083.

Dir. Hugunin stated that there was additional material in the Board's folders.

Upon MOTION by Dr. Foster, second by Dr. Morrison, the Board voted to ADMINISTRATIVELY ADJUST case number 201100083. MOTION PASSED UNANIMOUSLY.

- K. Dr. Doug Chang – Review, discussion and possible action regarding administratively adjusting case # 201100098.

Dir. Hugunin stated that there was additional material in the Board's folders.

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Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to ADMINISTRATIVELY ADJUST case number 201100098. MOTION PASSED UNANIMOUSLY.

- L. Review, discussion and possible action regarding Board review of renewal applications with disclosure of participation in confidential substance abuse treatment program.

Dir. Hugunin stated recognition of participation in a Substance Abuse Recovery Program not ordered by the Board advises what to do when a licensee, not impaired based on an evaluation by a Board-approved addictionologist, discloses substance abuse and participation in a substance abuse recovery program. The Board is not mandated to open an investigation if the substance abuse recovery program is substantially equivalent to the Board's monitored after-care treatment program and the public is protected. Historically the Board has reviewed these disclosures; however, this defeats the confidentiality of the program. This has been re-evaluated by staff and legal counsel and it has been determined that they do not need to be brought to the Board for review and approval as long as they have substantiation from Dr. Sucher that they are not impaired. She asked the Board to allow staff to approve the application for renewal in these situations given this policy and interpretation. Dr. Gradke asked if Dr. Sucher's program is the only one available. Dir. Hugunin responded affirmatively.

Upon MOTION by Dr. Hauer, second by Dr. Foster, the Board voted to ALLOW staff to approve renewal applications in situations where there is a disclosure if the licensee is not impaired. MOTION PASSED UNANIMOUSLY.

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

Dir. Hugunin stated that there have been eighteen Executive Director Terminations since the last Board meeting and only three have appealed.

Agenda Item No. 5 – Personnel Issues

- A. Vacant

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

- A. Elaine N. Rodriguez, RDH – Disclosure of shoplifting conviction.

Ms. Rodriguez was present and stated that she has also passed an Arizona state background check which was not included in her affidavit.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to GRANT licensure by examination to Ms. Rodriguez. MOTION PASSED UNANIMOUSLY.

- B. VACANT

- C. Bradley O. Kaiser, DMD – Disclosure of six alcohol related incidents.

Dr. Kaiser was present and stated that he made dumb mistakes when he was younger and apologized.

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

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- D. Roxanne N. Gerardo, RDH – Disclosure of DUI conviction in 2008.

Ms. Gerardo was present and stated she was 21 and was fairly young when she made a mistake and she is learning from that every day.

Upon MOTION by Dr. Morrison, second by Mr. Greer, the Board voted to GRANT licensure by examination to Ms. Gerardo. MOTION PASSED UNANIMOUSLY.

- E. Jamie R. Jansen, RDH – Disclosure of 1994 misdemeanor conviction for theft, a 2006 DUI arrest, and a 2008 alcohol-related incident; Possible interim order for substance abuse evaluation.

Ms. Jansen was present and stated she made lots of mistakes and has worked hard to get where she is at and hopes the Board takes that into consideration. She cannot afford the evaluation which is why she declined it.

Ms. Buckles stated that normally they order an evaluation within 5 years of the date of application. Ms. Jansen stated that the DUI arrest occurred in 2006 and the 2008 incident was dismissed. Dr. Waite explained the options to her. It was verified that Dr. Sucher offers a payment plan.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to ENTER into an agreement with Ms. Jansen to voluntarily see Dr. Sucher for an evaluation and TABLE this case to the October Board meeting. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 7 – Request for Action on Licensure by Credential – Consent Agenda

- A. Dr. John Ronald Burchfield - 1969 CO State exam prior to a regional, disclosure of disciplinary action taken by CO

Dr. Burchfield was present but declined to address the Board.

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

- B. Dr. Donald Richard Colton -1980 WA State exam prior to a regional, disclosure of disciplinary action taken by WA

Dr. Colton was present but declined to address the Board.

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

- C. Dr. Lisa Rachel Piontek - Board approved exam, disclosure of disciplinary action taken by WI

Dr. Piontek was present but declined to address the Board.

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

- D. Dr. Suman Vij - Board approved exam, malpractice 9 years ago

Dr. Vij was present but declined to address the Board.

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

- E. Dr. Jeffrey Joel Bernardy - 1988 TX State exam prior to a regional

No one was present to address the Board.

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

- F. Dr. Larry A. Kuxhausen - 1971 WA State exam prior to a regional

No one was present to address the Board.

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

- G. Dr. Mark Joel Shultz - 1983 CA State exam prior to a regional

No one was present to address the Board.

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

Agenda Item No. 8 – Request for Action on Licensure by Credential – Clinical Examination taken more than five years ago

- A. Dr. Norman Martin Zarr - 1969 FL

Dr. Zarr was present but declined to address the Board.

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

- B. Dr. Harold John Haering, Jr. - 1982 FL

Dr. Haering was present but declined to address the Board.

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

Agenda Item No. 9 – Request for Action on Licensure by Credential – Clinical Examination taken less than five years ago

- A. Dr. Rupa Govindarajan - 2011 NERB

No one was present to address the Board.

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

- B. Dr. James Wendell Heaton - 2011 NERB

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Dr. Heaton was present but declined to address the Board.

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

C. Dr. Dallin Jay Williams - 2011 NERB

Dr. Williams was present but declined to address the Board.

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

D. Dr. Eugenia Prokopets - 2011 CRDTS

No one was present to address the Board.

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

E. Dr. Amy Pravin Shah - 2011 CRDTS

No one was present to address the Board.

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

F. Dr. Hilary Ann Luinstra - 2011 CRDTS

No one was present to address the Board.

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

G. Dr. Jonghan Kevin Park - 2009 FL

Dr. Park was present but declined to address the Board.

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

H. Erin Ann Bressers, RDH - 2011 NERB

No one was present to address the Board.

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

I. Gaylynn Robinson, RDH - 2011 CRDTS

No one was present to address the Board.

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

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

- A. Dr. Ishaq G. Ali - Review, discussion and possible action regarding disclosure of disciplinary action in another state.

Dr. Ali was present.

Dr. Gradke asked when the disciplinary action took place and Dr. Ali responded July 2008 in Michigan.

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

- B. Dr. Nabil M. Kabra - Review, discussion and possible action regarding disclosure of disciplinary action in another state.

No one was present to address the Board.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to RENEW the license of Dr. Kabra. MOTION PASSED UNANIMOUSLY.

- C. Barbara J. Stackhouse, RDH – Review, discussion and possible action regarding disclosure of disciplinary action in another state.

Ms. Stackhouse was present and stated she did have the number hours of continuing education, they were just in the wrong category. It was a mistake she had made and the only reason she had a license in Kentucky was to do mission work. She never actually worked there to get paid. She offered to release her license since she does not live there.

Upon MOTION by Dr. Gradke, second by Mr. Greer, the Board voted to RENEW the license for Ms. Stackhouse. MOTION PASSED UNANIMOUSLY.

- D. Dr. Keith R. Norton - Review, discussion and possible action regarding disclosure of disciplinary action in another state.

Dr. Norton was present and stated that after he already secured a license in Arizona, the doctor who was supposed to assume his practice in Portland failed to do so and the landlord locked him out of his practice. He made arrangements for his patients to be treated by another doctor locally. In the consent order, he failed to notate in the charts that he had secured informed consent after he verbally obtained it from the patients.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to RENEW the license of Dr. Norton. MOTION PASSED UNANIMOUSLY.

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

- A. Dr. Timothy J. Bashara – Review, discussion and possible action regarding reinstatement of his oral sedation permit and removal of DEA restriction for drugs related to administration of oral sedation.

Dr. Bashara was present.

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Dr. Gradke asked if he was still under active testing and Dr. Bashara responded affirmatively. When asked how long his agreement lasts, he responded five years.

Upon MOTION by Dr. Morrison, second by Dr. Hauer, the Board voted to REINSTATE the oral sedation permit and remove the DEA restriction. MOTION PASSED UNANIMOUSLY.

- B. Dr. Brent C. Call – Review, discussion and possible action regarding request for renewal of dental license involving disclosure of DUI arrest and recommendation by MATP Medical Director. Review, discussion and possible action regarding opening an investigation for failure to timely disclose arrest.

No one was present to address the Board.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to RENEW the license for Dr. Call. MOTION PASSED UNANIMOUSLY.

- C. Dr. Alexander C. Hatch - Review, discussion and possible action regarding opening an investigation for alleged substance abuse, reinstatement of dental license, and entrance into the MATP.

Dr. Hatch was present and stated he agreed with and supported the recommendations of Dr. Sucher. He also admitted to a finding of unprofessional conduct.

Upon MOTION by Dr. Hauer, second by Dr. Waite, the Board voted to REINSTATE his license, OPEN an investigation and allow him to enter in the five-year MATP with a two-year restriction. MOTION PASSED UNANIMOUSLY.

- D. Dr. David Kloss - Review, discussion and possible action regarding opening an investigation for alleged substance abuse, reinstatement of dental license, and entrance into the MATP.

Dr. Kloss was present and admitted to a finding of unprofessional conduct.

Upon MOTION by Dr. Waite, second by Dr. Morrison, the Board voted to REINSTATE the license of Dr. Kloss, OPEN an investigation and that he will enter into the five-year MATP with a two-year restriction. MOTION PASSED UNANIMOUSLY.

- E. Dr. Mike C.Y. Lee – Review, discussion and possible action regarding opening an investigation for alleged substance abuse and recommendation by the MATP Medical Director for entrance into the two-year Substance Abuse Track Program.

No one was present to address the Board.

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

- F. Stacey L. Leibowitz, RDH – Review, discussion and possible action regarding request for renewal of dental hygiene license involving disclosure of a DUI arrest and recommendation by MATP Medical Director. Review, discussion and possible action regarding opening an investigation for failure to timely disclose.

No one was present to address the Board.

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Upon MOTION by Dr. Waite, second by Dr. Hauer, the Board voted to RENEW Ms. Leibowitz's license. MOTION PASSED UNANIMOUSLY.

- G. Dr. Keith M. Rogers - Review, discussion and possible action regarding removal of meeting log requirement and DEA restriction. (Case #: 290305)

No one was present to address the Board.

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to REMOVE the DEA restrictions and meeting log requirement for Dr. Rogers. MOTION PASSED UNANIMOUSLY.

- H. Dr. Enrique G. Wismann - Review, discussion and possible action regarding reinstatement of dental license and entrance into the MATP. Review, discussion and possible action regarding an allegation of abuse of prescribing privileges. (Case #: 201000298)

Dr. Wismann was present but declined to address the Board.

Upon MOTION by Dr. Waite, second by Dr. Hauer, the Board voted to REINSTATE the dental license of Dr. Wismann, enter into the five-year MATP with a two-year restriction, and adjudicate case number 201000298 as part of the stipulation. MOTION PASSED UNANIMOUSLY.

- I. Dr. Frank Nelson - Review, discussion and possible action regarding allowing Dr. Nelson to be evaluated for a 1303 Oral Conscious Sedation Permit.

Dr. Nelson and his attorney, Jeff Tonner, were present.

Dr. Gradke verified that Mr. Tonner's letter is requesting a 1302 permit. This case was inadvertently placed on the agenda incorrectly. The Board agreed to table this case until the following Tuesday.

Agenda Item No. 12 - VACANT

ACTION ON CASES

From Investigative or Informal Interview

**Agenda Item No. 13A Case No. 201000301
Dr. Brent Tyler Robison**

Dr. Robison, his attorney Jeff Tonner, and office coordinator Kim were present.

Mr. Tonner stated that the investigative interview that took place for this case was the most prejudicial one he has ever attended. The chairperson of the panel wrote in advance the findings of fact and conclusions of law automatically concluding that Dr. Robison was guilty. There were two main issues: The chairperson applied insurance issues to Banner, which is not an insurance company. He applied the billing issues where he looked at what Banner submitted and not what they submitted to Banner. The dentist is bound by the contract of the insurance company and the Dental Practice Act. Irregularities in billings differ from fee for service. For an insurance patient, Dr. Robison tried to get \$5,000 from insurance and from copayments. Banner pays a \$5,000 lifetime provision. He billed them \$10,000 which is acceptable for a fee for service patient. When the initial claims were sent in, they contained a CDT code which is the comprehensive code. Banner then pays a quarter of their half, or \$2,500. The most

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important thing is that the person who is allegedly defrauded is Banner Health. There was never a contract with Dr. Robison as Banner is not an insurance company. They made a complete disclosure with Banner and even gave them a complete copy of the investigative interview report. Dr. Robison requested Banner to come out and perform an audit which was declined. Banner did a cursory exam instead where they pulled random files and concluded that all the billing was correct. Banner said it is completely up to the doctor whether he chooses to collect the balance. Banner continues to have no issues with this case. Because this case involves only Banner and not an insurance company, he is requesting the findings of fact be changed and the case be dismissed.

Dr. Waite asked what the benefit was to Banner. Dr. Robison replied that they had that (sic) to use toward their orthodontic treatment. He said the patients had to pay on part of their portion for treatment. They would make a monthly payment to pay their portion of 50%. Some had to come back for retreatment which was part of their plan. Dr. Waite stated that from the records it appears that Banner has two plans: The comprehensive plan consisted of Banner paying 50% of \$1,500 of a lifetime maximum. The enhanced plan was \$5,000 lifetime, where Banner would pay half. The average ortho case costs around \$5,000. He stated it is a benefit they were offering to their employees. Regardless if there was a contract between Banner and Dr. Robison, the intent of Banner is that the patient would pay half of their orthodontic cost. There was a page in the notes that stated the patients would pay half. Ms. Buckles asked how Banner paid \$5,000 when they should have only paid \$2,500. Mr. Tonner responded that Banner pays up to \$5,000 lifetime, but they only pay \$2,500 initially. Dr. Waite referenced the records in which the average cost was \$14-15,000 per case and several were around \$20,000.

Kim, the office coordinator stated that Dr. Robison submits a comprehensive case fee of \$10,000 for the extended treatment plans. At that point, 50% is paid by Banner and billed to the patient through a monthly payment. The extended plan covers all future fees. Dr. Waite asked what Dr. Robison's contingency plan is if he were to become disabled or sold his practice. Dr. Robison stated his brother is in business with him and would become owner of those contracts. The office coordinator stated that Banner splits the claims in half according to the Explanation of Benefits. She proceeded to explain how the claims were processed and listed on the EOB. The claims have an initial case fee of \$9,980 which uses one code. Mr. Tonner stated that the only code on the claim is for comprehensive dental. Banner then takes that code and puts it into their records and takes \$2,500. Kim explained that the \$400 per month fee is a periodic code. Every coordinator prior to Kim was billing patients at \$400 per month but since then they changed the way they are doing it and are now billing at the number of months of treatment regardless of how many months it takes.

Dr. Foster asked what percentage of the total patients that are charged \$10,000 are being retreated. Dr. Robison responded it is hard to know but there were two in his office yesterday. Mr. Tonner estimated a small number around 1-5%. Kim stated a child might start at phase one, but the comprehensive code includes all of the phases. Dr. Morrison verified and asked how he defines retreatment. Dr. Robison responded full orthodontics, whether they had Invisalign or braces. Dr. Waite asked if the patients without insurance are sent to a collection agency. Dr. Robison responded that they tried using a collection agency without much success. Mr. Tonner asked the Board not to confuse this with insurance. Mr. Greer asked what a dental insurance contract is. Mr. Tonner defined it as someone who is paying with someone else's money as opposed to using their own money. Mr. Greer asked if the Banner patients pay for this benefit. Kim responded affirmatively. Mr. Greer sees this as more of a dental insurance contract as well as an irregularity in billing. Mr. Jackson stated he read in the records that most of the patients are not paying the copayment. Mr. Tonner said it is discretionary. Dr. Waite referenced a patient's payment record. Kim stated that what is on the bill is not what Banner puts into their system. Dr. Waite stated there are very few cases in the \$5,000 range. Mr. Greer asked Dr. Robison about the letter his attorney wrote and if there was an agreement with the patient. Dr. Robison responded they set them up on a lifetime payment plan to lower their monthly payments. Mr. Jackson asked about billing a patient \$18 a month for 256 months, or over twenty years. Mr. Tonner explained that with a fee for service patient they can bill them however they like. Dr. Waite verified that a patient is only paying \$940 according to the ledger. Mr. Tonner stated that person negotiated a better deal and is a fee for service patient. Dr. Foster suggested they

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Dr. Wismann was present but not prepared to address this case.

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

**Agenda Item No. 13H Case No. 201100008
 Dr. Andrew T. Kunstman**

Dr. Kunstman, his attorney Ed Gaines, and complainant MC were present.

MC declined to address the Board.

Mr. Gaines stated that Dr. Kunstman was friends with the patient and did 14 units of bridge work for \$2,925. The quality of work was inadequate which he admitted. Once the complaint was filed, he attempted to refund the money to the patient but it was returned on two occasions. He believes that the recommendation from the Investigative Interview is appropriate.

Upon MOTION by Mr. Greer, second by Dr. Gradke, the Board voted to ACCEPT the Findings of Fact and Conclusions of Law of unprofessional conduct as defined in ARS §32-1201-21(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported four priors.

Upon MOTION by Mr. Greer, second by Dr. Gradke, the Board voted to ORDER restitution in the amount of \$2,925, and Continuing Education: 12 hours in the area of Crown and Bridge hands on, 6 months to complete. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13I Case No. 201100052
 Dr. Kevin D. Givens**

Dr. Givens and complainant RA were present.

RA stated that the Investigative Interview panel recommended dismissing allegation number three, inadequate diagnosis. He is requesting the Board reconsider that because if he were diagnosed in the first place, this wouldn't have been a problem. They also recommended he be reimbursed for his dentures but they were only temporaries. He has not received treatment because he was waiting for the decision of the Board.

Dr. Givens declined to address the Board. Dr. Waite asked why he did not do the removal before placing the denture. Dr. Givens responded that he did go over the information with the patient. In his consent forms he did say there may be additional treatment needed. Initially it was not explained to the panel or included in the writing. He did note it on the patient's second visit and did explain it to him.

Upon MOTION by Dr. Gradke, second by Dr. Foster, the Board voted to ACCEPT the Findings of Fact and Conclusions of Law of unprofessional conduct as defined in ARS §32-1201-21(n). MOTION PASSED UNANIMOUSLY.

**The Board requested priors – staff reported none.

Upon MOTION by Dr. Gradke, second by Dr. Morrison, the Board voted to ORDER Restitution in the amount of \$524.50 to the patient and Continuing Education: 4 hours in the area of Risk Management, 6 months to complete. MOTION PASSED UNANIMOUSLY.

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**Agenda Item No. 13J Case No. 201100068
 Dr. Joseph S. Dovgan**

Dr. Dovgan's attorney, Fred Cummings, was present.

Mr. Cummings stated this matter came about due to a self-reported adverse occurrence. The Board then sent out two independent reviewers who reported that Dr. Dovgan had an exemplary practice and excellent documentation. The Board then asked for an Investigative Interview which was very instructive for Dr. Dovgan. He has taken corrective measures and is now self monitoring. The committee recommended a letter of concern and Mr. Cummings is requesting they accept the committee's recommendation.

Dr. Gradke stated that nowhere in the records does it verify that Dr. Dovgan understands the severity of this case. Mr. Cummings stated that Dr. Dovgan is sensitive to the age of the patient and takes things seriously. He is somebody who has tried to cooperate and communicate with the Board. Dr. Gradke still had concerns with the amount of drugs that can be safely given. Mr. Cummings had concerns about this case being discussed outside the Board, either appropriately or inappropriately.

Upon MOTION by Dr. Morrison, second by Dr. Hauer, the Board voted to ISSUE a Letter of Concern stating that utilizing new forms noting times and amounts of medications administered and also that Dr. Dovgan will be more aware of IV sedation failure. Dr. Gradke, Dr. Foster, Mr. Jackson, and Dr. Waite, OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Foster, second by Dr. Gradke, the Board voted to ISSUE a Letter of Concern stating that utilizing new forms noting times and amounts of medications administered and also that Dr. Dovgan will be more aware of IV sedation failure and IMPOSE non-disciplinary Continuing Education: 12 hours in the area of IV Sedation, drug interactions and patient selection, to be completed in 6 months. Dr. Morrison OPPOSED. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 13K Case No. 201000300
 Dr. Leonard Chiang**

Dr. Chiang's attorney, Fred Cummings, was present.

Mr. Cummings stated that this issue concerns an isolated incident and is requesting the Board approve the Consent Agreement.

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to APPROVE the Consent Agreement. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 14 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

Cases ADJUDICATED:

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

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**Agenda Item No. 21 Approval of Restricted Permit (Application/Renewal) –
Consent Agenda**

Nothing was pulled. Upon MOTION by Dr. Foster, second by Dr. Waite, the Board voted to APPROVE the following Restricted Permits. MOTION PASSED UNANIMOUSLY.

A. Dr. Cheryl Ann Bologna

Agenda Item No. 22 – Ratification of New Dental and Dental Hygiene Licenses – Consent Agenda

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

Dental:

Waleed S. Al-Hassan, DDS
D008240 Issued: 06/16/2011

Babak M. Behbahani, DMD
D008263 Issued: 07/19/2011

Ian G.D. Bennett, DMD
D008195 Issued: 05/24/2011

David G. Burke, DMD
D008252 Issued: 07/06/2011

Clayton A. Carpenter, DMD
D008235 Issued: 06/14/2011

Jonathan R. Channer, DDS
D008194 Issued: 05/24/2011

Jae Yeon Cho, DMD
D008264 Issued: 07/19/2011

Dezbaa A. Damon, DMD
D008231 Issued: 06/10/2011

Jason D. Dulgarian, DDS
D008242 Issued: 06/24/2011

David Elimelech, DMD
D008254 Issued: 07/06/2011

Jean M. Felton, DMD
D008239 Issued: 06/15/2011

Brett D. Flaherty, DMD
D008246 Issued: 06/27/2011

Adam P. Ford, DDS
D008196 Issued: 05/25/2011

Tyler K. Hawkins, DMD
D008248 Issued: 07/02/2011

Nicholas P. Heiner, DDS
D008230 Issued: 06/09/2011

Matthew B. Hillstead, DDS
D008250 Issued: 07/02/2011

Kent J. Howell, DMD
D008247 Issued: 07/02/2011

Chandara Im, DDS
D008233 Issued: 06/10/2011

Amy E. Jensby, DMD
D008258 Issued: 07/06/2011

Scott H. Josephson, DMD
D008249 Issued: 07/02/2011

Melissa M. Joy, DMD
D008256 Issued: 07/06/2011

Jordan D. Karren, DMD
D008241 Issued: 06/16/2011

Matthew D. Kelly, DMD
D008232 Issued: 06/10/2011

Michael L. King, DMD
D008259 Issued: 07/07/2011

Mason B. Konkle, DDS
D008202 Issued: 06/07/2011

Jennifer H. Konkle, DDS
D008243 Issued: 06/24/2011

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Kraig J. Kottemann, DMD
D008203 Issued: 06/07/2011

Kelsey M. Krause, DMD
D008257 Issued: 07/06/2011

Seth L. Larson , DDS
D008229 Issued: 06/09/2011

Ryan E. Lee, DDS
D008253 Issued: 07/06/2011

Donald W. McAdams, DDS
D008245 Issued: 06/24/2011

Bradley M. Milde, DMD
D008261 Issued: 07/12/2011

Nathan W. Miller, DDS
D008237 Issued: 06/15/2011

Jeffrey D. Peifer, DMD
D008199 Issued: 05/26/2011

Spencer D. Peoples, DMD
D008190 Issued: 05/18/2011

Terry D. Peterson, DDS
D008234 Issued: 06/10/2011

Nicholas M. Pile, DMD
D008262 Issued: 07/19/2011

Melissa K. Rahmeier, DDS
D008198 Issued: 05/26/2011

Zachary M. Roth, DDS
D008260 Issued: 07/11/2011

Brandon J. Ryff, DDS
D008192 Issued: 05/20/2011

T. Phillip Shin, DDS
D008238 Issued: 06/15/2011

Nathan W. Shires, DMD
D008236 Issued: 06/15/2011

Bradley Ray Smith, DMD
D008251 Issued: 07/02/2011

Morghan E. Teeters, DMD
D008255 Issued: 07/06/2011

Carson B. Wagstaff, DMD
D008193 Issued: 05/24/2011

Andrew D. Zeiger, DDS
D008244 Issued: 06/24/2011

Dental Hygiene:

Yara A. Abdelshahid, RDH
H007144 Issued: 06/21/2011

Ashley R. Allman, RDH
H007148 Issued: 06/24/2011

Olivia Amador, RDH
H007083 Issued :05/26/2011

Krystal A. Andrade, RDH
H007089 Issued: 06/03/2011

Stephanie M. Baez, RDH
H007190 Issued: 07/08/2011

Brittan M. Bahr, RDH
H007149 Issued: 06/24/2011

Jodi L. Beckley, RDH
H007150 Issued: 06/24/2011

Tara L. Birthwright, RDH
H007195 Issued: 07/12/2011

Kimberly M. Booden, RDH
H007182 Issued: 07/06/2011

Kristina D. Bridges, RDH
H007173 Issued: 7/02/2011

Rebecca B. Brimhall, RDH
H007124 Issued: 06/13/2011

Janice A. Briseno, RDH
H007158 Issued: 06/27/2011

Bailey M. Brown, RDH
H007108 Issued: 06/09/2011

Riley A. Brown, RDH
H007113 Issued: 06/10/2011

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Catherine E. Busby, RDH
H007125 Issued: 06/15/2011

Heather Nicole-Marie Campbell, RDH
H007138 Issued: 06/17/2011

Denise Clelland, RDH
H007081 Issued: 05/26/2011

Brittany M. Curtis, RDH
H007107 Issued: 06/09/2011

Brenna K. Daniels, RDH
H007187 Issued: 07/07/2011

Megan B. Daugherty, RDH
H007178 Issued: 07/02/2011

Sonia K. De La Rosa, RDH
H007119 Issued: 06/10/2011

Debra M. Dencek, RDH
H007181 Issued: 07/06/2011

Cara L. Dodini, RDH
H007171 Issued: 07/02/2011

Katrina L. Dominguez, RDH
H007143 Issued: 06/21/2011

Ashley M. Driscoll, RDH
H007200 Issued: 07/20/2011

Brooke L. Elmore, RDH
H007170 Issued: 07/02/2011

Shadi H. Enshaie, RDH
H007179 Issued: 07/02/2011

Nicole M. Evans, RDH
H007133 Issued: 06/15/2011

Jennifer M. Faulkner, RDH
H007197 Issued: 07/12/2011

Juan Flores, RDH
H007102 Issued: 06/07/2011

Kelcy R. Freedman, RDH
H007140 Issued: 06/20/2011

Kathryn D. Freeman, RDH
H007109 Issued: 06/09/2011

Claudia Y. Garcia, RDH
H007160 Issued: 07/02/2011

Lindsey M. Gardner, RDH
H007106 Issued: 06/09/2011

Katherine E. Gauna, RDH
H007154 Issued: 06/24/2011

Andrea L. Gibbons, RDH
H007156 Issued: 06/27/2011

Juli L. Glade, RDH
H007188 Issued: 07/07/2011

Vanessa S. Gowin, RDH
H007184 Issued: 07/06/2011

Anne M. Grabowski, RDH
H007174 Issued: 07/02/2011

Eric A. Hall, RDH
H007198 Issued: 07/13/2011

Danica J. Harris, RDH
H007136 Issued: 06/17/2011

Bethany A. Hickman, RDH
H007111 Issued: 06/10/2011

Natalie A. Hill, RDH
H007090 Issued: 06/03/2011

Danielle M. Holt, RDH
H007180 Issued: 07/06/2011

Natalie M. Hoover, RDH
H007169 Issued: 07/02/2011

Kerri L. Jackson, RDH
H007137 Issued: 06/17/2011

Thiel A. Jacquez, RDH
H007172 Issued: 07/02/2011

Kelsey M. Jansen, RDH
H007132 Issued: 06/15/2011

Marcia G. Jasper, RDH
H007131 Issued: 06/15/2011

Nicole M. Johnson, RDH
H007155 Issued: 06/24/2011

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Emma Elyse Kaz Frick, RDH
H007080 Issued: 05/25/2011

Valerie Y. Kern, RDH
H007116 Issued: 06/10/2011

Michelle L. Kidney, RDH
H007183 Issued: 07/06/2011

Min-Ja Kim, RDH
H007145 Issued: 06/21/2011

Jill M. Klei, RDH
H007134 Issued: 06/15/2011

Danielle L. Koplan, RDH
H007192 Issued: 07/11/2011

Patricia A. LaBella, RDH
H007176 Issued: 07/02/2011

Gabriela M. Lim, RDH
H007168 Issued: 07/02/2011

Heather N. Longo, RDH
H007186 Issued: 07/07/2011

Tanya M. Longoria, RDH
H007118 Issued: 06/10/2011

An D. Ly, RDH
H007175 Issued: 07/02/2011

Tammy L. Maestas, RDH
H007191 Issued: 07/11/2011

Rachelle M. Margheim, RDH
H007177 Issued: 07/02/2011

Jennifer G. Masche, RDH
H007142 Issued: 06/20/2011

Leslie A. McFall, RDH
H007166 Issued: 07/02/2011

Crystal L. Merrill, RDH
H007086 Issued: 06/03/2011

Jamilyn A. Michaud, RDH
H007153 Issued: 06/24/2011

Ann Milewski, RDH
H007159 Issued: 07/02/2011

Marisela C. Morillon, RDH
H007135 Issued: 06/16/2011

Hebah N. Nasser, RDH
H007185 Issued: 07/06/2011

Carissa L. Norton, RDH
H007105 Issued: 06/09/2011

Jaimy M. Orr, RDH
H007114 Issued: 06/10/2011

Lucero J. Ortiz, RDH
H007193 Issued: 07/11/2011

Angela M. Poulos, RDH
H007201 Issued: 07/20/2011

Edythe G. Ray, RDH
H007164 Issued: 07/02/2011

Anne Charmaine B. Razal, RDH
H007117 Issued: 06/10/2011

Erica Reeve, RDH
H007129 Issued: 06/15/2011

Shamree Jo Rencher, RDH
H007104 Issued: 06/07/2011

Heather D. Rice, RDH
H007152 Issued: 06/24/2011

Ella C. Robinson, RDH
H007196 Issued: 07/12/2011

Esther M. Rodriguez, RDH
H007120 Issued: 06/10/2011

Gina M. Romero, RDH
H007157 Issued: 06/27/2011

Betsy K. Rukunyu, RDH
H007147 Issued: 06/24/2011

John V. Russo, RDH
H007130 Issued: 06/15/2011

Jamie L. Sammons, RDH
H007121 Issued: 06/10/2011

Holly A. Scheller, RDH
H007115 Issued: 06/10/2011

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Jennifer S. Schmitt, RDH
H007151 Issued: 06/24/2011

Sarah O. Schroeder, RDH
H007163 Issued: 07/02/2011

Jenna L. Scott, RDH
H007122 Issued: 06/13/2011

Christina M. Scott, RDH
H007128 Issued: 06/15/2011

Donna Rose Sharman, RDH
H007079 Issued: 05/25/2011

Lindsay M. Sinica, RDH
H007161 Issued: 07/02/2011

Katerina Sklias, RDH
H007167 Issued: 07/02/2011

Kimberly P. Smith, RDH
H007139 Issued: 06/20/2011

Megan L. Stapley, RDH
H007146 Issued: 06/24/2011

Jamie W. Steiner, RDH
H007141 Issued: 06/20/2011

Shadow J. Taylor, RDH
H007189 Issued: 07/08/2011

Laura E. Trevino, RDH
H007126 Issued: 06/15/2011

Melissa A. van der Werf, RDH
H007110 Issued: 06/09/2011

Kristin Van Leuven, RDH
H007103 Issued: 06/07/2011

Nicole E. Vukelich, RDH
H007123 Issued: 06/13/2011

Victoria K. Wadsworth, RDH
H007084 Issued: 05/26/2011

Christan R. Wagner, RDH
H007165 Issued: 07/02/2011

Lindsey A. Wahrer, RDH
H007199 Issued: 07/19/2011

Melissa J. Walker, RDH
H007082 Issued: 05/26/2011

Stacey L. Webster, RDH
H007194 Issued: 07/12/2011

Dania Marisol B. Weiss, RDH
H007127 Issued: 06/15/2011

Danielle Whisler, RDH
H007162 Issued: 07/02/2011

Kathryn M. White, RDH
H007087 Issued: 06/03/2011

Myra D. Workman, RDH
H007088 Issued: 06/03/2011

Melody A. Wright, RDH
H007085 Issued: 05/26/2011

Brittany D. Wright, RDH
H007112 Issued: 06/10/2011

Agenda Item No. 23 – Ratification of Anesthesia and Sedation Permits – Consent Agenda

Nothing was pulled. Upon MOTION by Mr. Greer, second by Dr. Gradke, the Board voted to RATIFY the following anesthesia and sedation permits. MOTION PASSED UNANIMOUSLY.

Ratification of Anesthesia and Sedation Permits

Issue Date	Name	Type	New/Renew
6/22/2011	Dr. Shahin Madi	1302	New
5/23/2011	Dr. Rafal Pytlik	1303	New
6/16/2011	Dr. Brian L. Cullen	1303	Renewal
6/22/2011	Dr. Paul S. Gebhart	1303	Renewal

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Issue Date	Name	Type	New/Renew
7/5/2011	Dr. Jaren T. Jensen	1303	New
7/5/2011	Dr. Steven Rubisch	1303	Renewal
7/6/2011	Dr. Verne W.B. Nelson	1303	New

Agenda Item No. 24 – Approval of Consultants and Examiners – Consent Agenda

- A. Dr. Alan L. Longfellow – Dental Consultant
- B. Dr. Marc Shlossman – Dental Consultant
- C. Dr. Ralph Forrest Wilson – Dental Consultant
- D. Dr. Kyrke Brandon Baillie – Anesthesia Permit Evaluator
- E. Dr. Todd Alan Dingman – Anesthesia Permit Evaluator

Upon MOTION by Dr. Foster, second by Dr. Hauer, the Board voted to APPROVE consultants and examiners A-E. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 25 – Approval of Minutes – Consent Agenda

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

- A. June 3, 2011 Board Meeting Minutes
- B. June 3, 2011 Executive Session Minutes
- C. June 3, 2011 Agenda Items 5A and 5B

**Agenda Item No. 17A Case No. 201100061
Dr. Michael C. Anderson**

Dr. Anderson's attorney, Ed Gaines, was present.

Mr. Gaines stated that Dr. Anderson's records were really bad and agreed that the recommendation from the panel was reasonable and inappropriate.

Upon MOTION by Dr. Morrison, second by Dr. Gradke, the Board voted to ORDER Non-disciplinary Continuing Education: 6 hours in the area of Endodontics and 4 hours in the area of Risk Management, with 6 months to complete. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 26A Case No. 201100064-ED
Dr. Brian W. Mason**

Complainant LS was present.

LS's testimony was inaudible.

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

**Agenda Item No. 26B Case No. 201100078-ED
Dr. Kevin Brain Cebrynski**

Complainant BG was present.

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He wrote a letter to the finance company and to the Board. He stated he never received the Investigative Interview notice but it was verified that he did sign for it. Dr. Morrison explained that he reviewed all of the records and x-rays but could not find a problem with the root canal.

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

Agenda Item No. 27 – OTHER COMMITTEE REPORTS

- A. Continuing Education Audit for 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. Dr. Howard L. Adams – grant extension until December 31, 2011
 - b. Dr. Edward B. Ahn – grant extension until December 31, 2011
 - c. Dr. Sung Min Ahn – grant extension until September 30, 2011
 - d. Dr. Lori Karen Anderson – grant extension until December 31, 2011
 - e. Dr. David Warren Edwards – grant extension until September 30, 2011
 - f. Dr. Lawrence Emmott – grant extension until December 31, 2011
 - g. Dr. Paul R. Fillmore - grant extension until March 31, 2012
 - h. Dr. John W. Gritz – grant extension until December 31, 2011
 - i. Dr. Robert E. Maurer – grant extension until September 30, 2011
 - j. Dr. Ray Nguyen – grant extension until September 30, 2011
 - k. Dr. Ana T. Ortiz – grant extension until December 31, 2011
 - l. Dr. Carol D. Smith – grant extension until September 30, 2011

Dr. Foster stated that the committee met, reviewed the cases and made recommendations to approve the extensions.

Dr. Gritz stated that he applied for an extension to complete his Continuing Education. He sent in a couple of letters and filled out the appropriate forms. Ms. Chambers explained the committee is recommending an extension until December 31, 2011.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to APPROVE the recommendations of the Continuing Education Audit Committee. 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. Terry L. Allen, RDH – Deny request, no extenuating circumstances
 - b. Ambre J. Cole, RDH – Grant request for extension until March 31, 2012
 - c. Tonya L. Lococo, RDH – Grant request for extension until September 30, 2011
 - d. Joy L. Malave, RDH – Grant request for extension until December 31, 2011
 - e. Angela Nicole Peterson, RDH – Deny request, no extenuating circumstances
 - g. Andrea Gerber Sweat, RDH – Deny request, no extenuating circumstances
 - h. Kim R. Britton, RDH – Grant request for extension until September 30, 2011

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Ms. Buckles stated that the Hygiene committee met and reviewed the extension requests. They found that Mr. Allen's request did not rise to the definition of extenuating circumstances.

Mr. Allen stated he has enough credits, just not in the correct area. He has been trying to get them done but he could not find any places to get them completed. He tried Colorado, Utah, California, and Nevada to no avail. There was one held in Texas but he couldn't make it to Texas that day. He could not find any credits anywhere in any of those states for the lecture part of it except in August. He missed the first session because he lost his job three years ago and was out of the loop. The second time he had chipped teeth and could not get them taken care of in time. The third time he went, he could not obtain enough lecture credits.

Ms. Buckles stated that his circumstances sounded like this could have been accomplished despite some of the inconveniences he dealt with during that time. His extension and a couple others were not granted because the reasons were not considered extenuating circumstances. Mr. Allen explained he is trying to get this completed and asked what he can do to make this right. He was not registered yet for the August conference and Ms. Buckles alerted him to the penalty for late registration. He is planning to attend both sessions in August.

Upon MOTION by Ms. Buckles, second by Dr. Gradke, the Board voted to GRANT an extension for 3 months for Terry Allen in light of the extenuating circumstances he brought before the Board that were not in the documents he previously submitted. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Buckles, second by Dr. Morrison, the Board voted to GRANT an extension for agenda items 27Bib-d & h. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Buckles, second by Dr. Waite, the Board voted to DENY the extension requests for agenda items 27Bie and g for no extenuating circumstances. 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. Community College of Denver – Course does not include at least three experiences of each type of injection.
 - b. Concorde Career College – Course does not include at least three experiences of each type of injection and at least three experiences of administering nitrous oxide.
 - c. Lewis & Clark Community College – Course does not include a minimum of 36 clock hours of instruction, at least three experiences of each type of injection, or nitrous oxide instruction and experiences.
 - d. Virginia Commonwealth University School of Dentistry – Course does not include MSA and Mental injections.
 - e. University of Louisville Continuing Education – Course does not include at least three experiences of administering nitrous oxide, course materials sent does not verify three experiences of each type of injection.

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- f. University of Alberta – Course does not include the following: a minimum of 36 clock hours of instruction, a review of head and neck anatomy, MSA, ASA and Lingual injections, a minimum of at least three experiences of each injection, or at least three experiences of administering nitrous oxide.

Upon MOTION by Ms. Buckles, second by Dr. Foster, the Board voted to DENY the requests for the reasons stated above for agenda items 27Bii-f. MOTION PASSED UNANIMOUSLY.

- iii. Discussion and possible action regarding the Dental Hygiene Committee recommendation of appointing of Deborah L. Campbell, RDH and Karen A. Christen, RDH to the Committee to Review Substantive Policy Statement #15.

Discussed with agenda item 2A.

**Agenda Item No. 16C Case No. 201100109
 Dr. Scott A. Darlington**

No one was present to address the Board.

Upon MOTION by Dr. Waite, second by Dr. Gradke, the Board voted to REMAND this case to an Investigative Interview. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 28 – Members of the Public

VACANT

Agenda Item No. 29 – Associations

VACANT

Agenda Item No. 30 – Future Agenda Items

VACANT

Agenda Item No. 31 – Next Meeting Date

October 7, 2011

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

- A. Dr. Rosalyn D. Keith v. ASBDE (Case 270098) (Court Case LC2009-000836)
- B. Dr. Steven Morales v. ASBDE (Case 290247) (Court Case LC2010-000569)

Ms. Williams stated the court affirmed both of the above cases. Dr. Keith is on probation for five years. It was confirmed that both dentists are still practicing.

- C. Review, discussion and possible action regarding new procedures for investigating and adjudicating complaints.

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Dir. Hugunin stated that staff reviewed the flowchart with the Board at the last meeting and included some additional material in their folders for reference. The first is a copy of the SIRC or Staff Investigational Review Committee Report. The Board will be receiving these with the consultant report in those cases in which there is believed to be a deviation from the standard of care and/or there is a clear statute violation. In some cases, the Board may also receive a proposed draft consent agreement which has been reviewed by the licensee for the Board's consideration.

This will be the first time the Board sees the case. Given the current statutes, the Board may see a case four times whereas at the medical board, the case is seen only three times. In our situation, the board is to determine whether or not a formal interview is warranted or in some cases it could be dismissed. If the licensee is invited to a formal interview (this would be the second time the Board sees the case) and if there is a deviation from the standard of care, a violation is determined with recommended sanctions. The Board order is brought back to the next meeting (which would be the third time the Board sees the case) to be approved. If there is a petition to rehear, it could be the fourth time the case is heard.

Staff will be asking the Board to consider amending its statutes at the October meeting which could eliminate one step in the current process and make it more efficient. At the current time, the Executive Director can offer a consent agreement to be ratified by the Board but does not have the authority to invite a licensee to a formal interview. The medical board statutes provide the authority to the Executive Director to offer an invite for a formal interview which eliminates an additional review by the Board.

Staff will not notice the licensee or complainant the first time we hear the case; however, if the licensee and/or representative or complainant is in attendance they may request to speak for three minutes. The Board will need to be disciplined in not engaging with them as they will have their opportunity at an interview if deemed appropriate.

Dir. Hugunin directed the Board to the next handout which was the script Dr. Waite will use in a formal interview. As it documents, there will be a presenting board member to start the questions; however, the entire Board does participate after the lead or presenting board member finishes. Two motions will need to be made at the conclusion of the formal interview: One, whether or not there has been unprofessional conduct and secondly, what sanctions (either disciplinary or non-disciplinary) should be made.

The third handout contained some guidelines for the Board to use in the formal interview in terms of questions and deliberations.

The medical board allows the complainants to speak during the call to the public which is at the beginning of the meeting. The Board does not engage with them but allows them to speak. There are pros and cons with this. One of the cons is that the Board would need to write and remember what the complainant said as related to the case.

The Board should not engage, mediate or educate the complainant or the licensee. The case is with the licensee and not the complainant. Ms. Williams will attest the Board has been very gracious with the complainants as there isn't any other Board that allows the complainant as much time and input as this board by conducting the investigative interviews and mediating at a Board meeting. Complainants will be contacted for any additional information needed to facilitate the investigation. As previously reported, a court reporter for each formal interview will be in attendance and we are scheduling these initially for forty minutes.

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There was much discussion amongst the Board and Dir. Hugunin regarding how to schedule the interviews during the Board meetings. The Board agreed that going through a dry run of the new process would be beneficial.

Agenda Item No. 32 – Adjournment

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

Dr. Waite adjourned the meeting at 12:24 PM.

Minutes APPROVED at the October 7, 2011 Board Meeting.

Elaine Hugunin, Executive Director