



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING OCTOBER 4, 2013

Board Members Present:

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

Board Members Absent:

William G. Woods, DDS

Staff Present:

Ms. Elaine Hugunin, Executive Director
Ms. Nancy Chambers, Deputy Director
Ms. Mary Williams, Assistant Attorney General
Ms. Terry Bialostosky, Investigations Supervisor
Ms. Sherrie Biggs, Licensure Manager
Ms. Susie Adams, Legal Assistant
Ms. Yubeka James, Legal Administrator

NOTICE:

Roll Call votes are recorded and provided as an attachment to these minutes pursuant to A.R.S. §32-3205 which reads "If a disciplinary action requires a vote of Board members, the health professional regulatory Board shall conduct that vote by roll call. The Board shall maintain a record of each member's vote. This section does not prohibit a Board from using a Consent Agenda."

GENERAL BUSINESS

Agenda Item No. 1 Call to Order and Introductions

Dr. Hauer called the meeting to order at 8:00 a.m.
For the record Dr. Woods and Dr. Waite are absent.

Agenda Item No. 4 Executive Director's Report

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

No current events reported

- B. Review and discussion of information regarding the FY2013 Annual Report to the Governor

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The Board was provided copies of the Annual Report for review and it can also be found on the website.

C. FY 2015 budget and strategic plan - information

The Board has submitted their budget for FY 2015 and has not requested any changes in its appropriations. The Board's two primary initiatives are 1) To continue to improve employee proficiencies in technology and 2) To continue to improve our dissemination of information.

D. Dr. Edward W. Galapeaux – Review, discussion and possible action on the following:

i. Acceptance of voluntary surrender as a final resolution in case no. 201300102

Dir. Hugunin stated for the record, additional information for agenda items 4D, 4F, 4H, 5Ai, 12A, 15B, 16E, 23A, and 24I are provided in Board Members folders.

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to ACCEPT the voluntary surrender of Dr. Edward W. Galapeaux's license as a final resolution in case no. 201300102. MOTION PASSED UNANIMOUSLY

ii. Case Nos. 201300193, 201300195, 201300208, and 201300209 – consideration of dismissal without prejudice.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to DISMISS WITHOUT PREJUDICE case nos. 201300193, 201300195, 201300208, and 201300209. MOTION PASSED UNANIMOUSLY.

E. Review, discussion and possible action regarding approval of CE Course – Record Keeping provided by Roy S. Shelburne, DDS

Dr. Shelburne states that he is an expert in record keeping. He has been approved by the state of Virginia and Florida for record keeping and he lectures nationwide. His expertise in record keeping comes from the fact that he has had a lot of experience on the wrong side of record keeping and that is how he has become an expert. Dr. Taylor stated that he attended Dr. Shelburne's CE course and it was one of the best courses he has ever attended.

Upon MOTION by Dr. Hauer, second by Ms. Hardy, the Board voted to APPROVE the Record Keeping CE Course provided by Roy S. Shelburne, DDS. MOTION PASSED UNANIMOUSLY

F. Daniel J. Gibbons, DDS – Review, discussion and possible action regarding the interim voluntary suspension of Dr. Gibbons' license

Upon MOTION by Mr. Greer, second by Ms. McClain, the Board voted to ACCEPT the interim voluntary suspension of Dr. Gibbons' license. MOTION PASSED UNANIMOUSLY

G. Review and discussion regarding Auditor General process

Dir. Hugunin welcomed and introduced Robin Hakes, Lead Auditor and Genny Wilson, Performance Auditor. The Board would like an update at the next board meeting of their preliminary findings.

H. Review and discussion regarding the Executive Director Complaint Terminations.

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

Dir. Hugunin stated that in the Board Member folders there is a list which reflects that there have been 38 Executive Director Terminations since the last Board meeting. One has been appealed and will be on the next agenda. Sixteen of the 38 can still be appealed.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Let the record reflect that Dr. Greg Waite is now in attendance.

Complainant NS was present and spoke about case no. 201300085 (Agenda Item 13A).
Complainant JB was present and spoke about case no. 201300092 (Agenda Item 16A).
Complainant LS was present and spoke about case no. 201300134 (Agenda Item 16F).
Complainant JG was present and spoke about case no. 201300118 (Agenda Item 17A).
Complainant JW was present and spoke about case no. 201300113-ED (Agenda Item 24E).
Complainant LL was present and spoke about case no. 201300136-ED (Agenda Item 24I)
Complainant JB was present and spoke about case no. 201300091 (Agenda Item 17B)

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

- A. Dr. Lisa Michelle Thomas – Review, discussion and possible action on proposed consent agreement or withdrawal of application

This was tabled from the August Board Meeting. Dr. Thoms was offered a consent agreement. Dr. Thoms was present to address the Board and answer any questions they had.

Dr. Thoms has practiced as a general dentist for 25 years and a prosthodontist for 20 years. Due to a medical limitation, she sold her practice in Seattle and went into full time teaching in Arizona. She applied for a license and because she felt better she didn't indicate on her license that she had a medical limitation. After practicing at the school for four days a week, she began to feel pain and completed an addendum for her application to include the medical limitation. The pain she feels limits her ability to practice prosthodontics.

The only concern she has is that a disciplinary action will go on her license. It is reportable to the National Practitioners Databank and is then reportable to her Washington license. It concerns her to have this on her license after 25 years of being in practice.

It was explained that the action is not a quality of care issue that is being reported, but rather a limitation of practice. The Board explained that her license is not being denied, it's just limited. She can always come back to the Board, if her condition has improved, and asked that the limitation be removed. The Board's concern is her ability to practice due to this medical limitation and protecting the public. Dr. Thoms would like to practice in the valley if her condition improves. Once her condition improves and a medical release is provided, the Board can vote to lift the restriction on her license. Dr. Thoms stated that she would sign the consent agreement.

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to ACCEPT the proposed consent agreement. MOTION PASSED UNANIMOUSLY

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- B. Dr. David Peter Browdy – Board approved exam, disclosure of malpractice settlement in 2012

Upon MOTION by Dr. Waite, seconded by Dr. Foster, the Board voted to GRANT licensure to Dr. Browdy. MOTION PASSED UNANIMOUSLY

- C. Dr. Angel Rafael Pagan – 1979 Puerto Rico prior to a regional exam

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

Agenda Item No. 5 ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION & POSSIBLE ACTION

- A. Administrative Appeals

- i. Dr. Nishith S. Shah, DMD v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Review, discussion and possible action on settlement proposal

Mr. Smith, attorney for Dr. Shah, and Dr. Shah were present to address the Board. Mr. Smith proposed a settlement and compromise of the ongoing judicial appeal of the June 2011 board order. The Board ordered 16 hours of disciplinary continuing education. Mr. Smith is proposing that it be changed to non-disciplinary continuing education. Dr. Shah has not sought approval to complete his continuing education because this case has been ongoing. He has accomplished more than the required number of hours online and has obtained over 24 hours of in person continuing education.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to ENTER into Executive Session to consider a settlement offer and to obtain legal advice if necessary. MOTION PASSED UNANIMOUSLY

****Executive Session****

RETURN TO OPEN MEETING

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to PROCEED as discussed in Executive Session. MOTION PASSED UNANIMOUSLY

- ii. Jack I. Lipton, DMD v. ASBDE (Cases No. 201000254 & 201100259) (Maricopa County Superior Court Case LC2011 000713) – Status Update

Ms. Williams stated there is nothing to report. The case is still pending before the judge. There should be a decision by the December meeting.

- iii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Request for stipulation for stay of Board Order pending appeal.

Mr. Tonner, attorney for Dr. Robison was present to address the Board. The case has been appealed to Superior Court; however, the appeal does not stop the Board Order unless a stay is granted. Due to the timing of the case, Mr. Tonner applied for a temporary stay and it was granted. He is asking the Board to consider granting a permanent stay until the appeal is completed. There are three parts to the Board Order. The first was a \$10,000.00 administrative penalty and a \$3,000.00 court cost for OAH. The second was the completion of an ethics course, which Dr. Robison would be happy to complete outside of the stay. The third part was quarterly audits. Before the Order in June, Banner changed their entire

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process in January. They have limited the amount they will pay the dentists to \$2,500.00 instead of \$5,000.00. Since January, Dr. Robison has been billing all of his cases just as he did with Delta. He is actually a preferred provider for Delta. Mr. Tonner does not see the benefit of the audit at this point and asked the Board to consider staying 2 of the 3 elements of the Board Order pending appeal.

Upon MOTION by Mr. Greer, second by Dr. Hauer, the Board voted to go into an Executive Session to consult the Board's attorney regarding pending litigation and seek legal advice. MOTION PASSED UNANIMOUSLY

****Executive Session****

RETURN TO OPEN MEETING

Ms. McClain moved to deny the stay; Dr. Foster seconded the motion. Discussion.

Mr. Greer opposed the motion and feels that a limited stay would be appropriate. The limit would be on the money and not the audits. The audits are important. The doctor received a lot of income from the procedures he performed and should not stay any portion of the order. Until the case is completely finalized, it would just be exchanging money back and forth. It is a simpler administrative problem for the Board to not take the money and potentially have to return it. If the money is there, the Board should collect it. You don't want the doctor to claim he doesn't have the \$10,000.00 later on.

The Board voted to DENY the stay. Dr. Taylor RECUSED. Ms. Hardy, Mr. Greer and Dr. Hauer OPPOSED. MOTION PASSED

Agenda Item No. 3 President's Report

- A. Appointment of Dental Hygiene Selection Committee Members

Dr. Waite appointed Heather Hardy, chair and members Laura Hendricks and Michelle Banks.

Agenda Item No. 6 PERSONNEL ISSUES

- A. VACANT

Agenda Item No. 7 COMMITTEE REPORTS

- A. VACANT

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

- A. VACANT

**Agenda Item No. 10 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL
Clinical Examination taken more than five years ago**

- A. Elizabeth Day Washington, RDH – 1986 SRTA

Upon MOTION by Dr. Hauer, second by Dr. Taylor, the Board voted to GRANT licensure by credential to Elizabeth Day Washington. MOTION PASSED UNANIMOUSLY

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B. Patricia Ann Saxon, RDH – 1975 CRDTS

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

**Agenda Item No. 11 REQUEST FOR ACTION ON LICENSURE BY CREDENTIAL
Clinical Examination taken less than five years ago**

A. Julie Anne Jaeger, RDH – 2013 CRDTS

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to GRANT licensure by credential to Ms. Julie Anne Jaeger. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 12 REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE

A. Dr. Robert D. Carpenter - Review, discussion, and possible action regarding disclosure of disciplinary action in New York.

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

Agenda Item No. 13 – ACTION ON PREVIOUS ACTION

**Agenda Item No. 13A Case No. 201300085
Dr. Anthony J. Oliveri**

Upon MOTION by Mr. Greer, second by Ms. Crevier, the Board voted to APPROVE the proposed Board Order. MOTION PASSED UNANIMOUSLY

Agenda Item No. 14 – PETITION TO REHEAR

A. 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. 201300046	Dr. Rosalyn D. Keith
Agenda Item No. 16B Case No. 201300052	Dr. John A. Garza
Agenda Item No. 16C Case No. 201300162	Dr. Brian B. Roberts
Agenda Item No. 16F Case No. 201300134	Dr. Scott R. Lee
Agenda Item No. 17A Case No. 201300118	Dr. Kenneth A. Magri
Agenda Item No. 17E Case No. 201300122	Dr. Kenneth E. Holland, Jr.
Agenda Item No. 17F Case No. 201300159	Dr. Chad F. Fine

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Agenda Item No. 18H Case No. 201300185 Dr. Mark Castle

Cases ADJUDICATED:

Agenda Item No. 15 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS

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

Item No.	Case No.	Licensee	Action
B.	201300120	Dr. Ralph L. Juriansz	Disciplinary Consent Agreement
C.	201300115	Dr. Rudolph G. Bruehl	Disciplinary Consent Agreement
D.	201300176	Dr. Scott D. Wallin	Disciplinary Consent Agreement

Agenda Item No. 16 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS – CONSENT AGENDA

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

Item No.	Case No.	Licensee	Action
A.	201300092	Dr. Mu-Hun Kim	6 hours in the area of documentation of diagnosis and treatment planning of implants
D.	201300083	Dr. Paige T. Bafus	6 hours in the area of crown and bridge
E.	201300075	Dr. Kyle J. Huish	4 hours of risk management
G.	201300128	Dr. Mitchell W. Ellingson	6 hours record keeping and documentation

Agenda Item No. 17 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA

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

Item No.	Case No.	Licensee	Action
B.	201300091	Dr. Hai Q. Trang	Issue a Letter of Concern stating: "Dr. Trang should ensure all records submitted to the Board are provided in a timely manner."
C.	201300117	Dr. Jerome C. Cutler	Issue a Letter of Concern stating: "Dr. Cutler should record complete periodontal probings on all patients receiving treatment."

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D.	201300158	Dr. David W. Tambor	Issue a Letter of Concern stating: "Dr. Tambor should ensure the placement of margins for crowns or onlays be placed on a sound tooth structure and not existing restorative material."
G.	201300148	Dr. Ali Akbar Bipar	Issue a Letter of Concern stating: "Dr. Bipar should ensure he complies with all CDC guidelines."

Agenda Item No. 18 – CASES RECOMMENDED FOR TERMINATION – CONSENT AGENDA

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

Item No.	Case No.	Licensee	Action
A.	201300084	Dr. Massoud Eftekhari	Terminate – per patient letter
B.	201300121	Dr. Santosh K. Saini	Terminate – per patient letter
C.	201300152	Dr. Michael D. Walbom	Terminate – per patient letter
D.	201300123	Dr. Jonathan I. Kalika	Terminate – per patient letter
E.	201300164	Dr. Steven T. Nguyen	Terminate – per patient letter
F.	201300150	Dr. John Van	Terminate – per patient letter
G.	201300184	Dr. Peter J. Badalamenti	Terminate – per patient letter

Agenda Item No. 19 – CASES RECOMMENDED FOR DISMISSAL – CONSENT AGENDA

A. VACANT

Agenda Item No. 20 – MALPRACTICE AND ADVERSE OCCURANCE REPORTS – CONSENT AGENDA

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

Agenda Item No. 20A

Dr. Ronald A. Foeldi
Malpractice report. Took no action.

Agenda Item No. 20B

Dr. Jeffrey A. Abramowitz
Malpractice report. Took no action

Agenda Item No. 21 – APPROVAL OF CONSULTANTS AND EXAMINERS – CONSENT AGENDA

Upon a MOTION by Dr. Taylor, second by Mr. Jackson, the Board voted to APPROVE the following dentists as anesthesia evaluators or consultants. MOTION PASSED UNANIMOUSLY

Agenda Item No. 21A

Dr. Bruce A. White
Dental Consultant

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Agenda Item No. 22 – APPROVAL OF MINUTES – CONSENT AGENDA

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

Agenda Item No. 22A June 7, 2013 – Board Meeting Minutes - Amended

Agenda Item No. 22B August 2, 2013 – Executive Session Minutes

Agenda Item No. 22C August 2, 2013 – Board Meeting Minutes

Agenda Item No. 22D August 28, 2013 – Board Meeting Minutes

**Agenda Item No. 17A Case No. 201300118
Dr. Kenneth A. Magri**

Upon a MOTION by Mr. Greer, second by Dr. Hauer, the Board voted to ISSUE a Letter of Concern stating “Dr. Magri should provide and document adequate informed consent for surgical procedures.” Ms. Hardy RECUSED. MOTION PASSED.

END OF CONSENT AGENDA

**Agenda Item No. 15A Case No. 201300046
Dr. Rosalyn D. Keith**

This case was pulled by Dr. Foster, Dr. Hauer, and Mr. Greer. In reviewing the case, Dr. Foster and Mr. Greer thinks that Dr. Keith started something and did not finish it; as a result she should refund the fees. The fees are \$10,847.00

Upon MOTION by Mr. Greer, second by Dr. Taylor, the Board voted to instruct staff to ask Dr. Keith to accept an AMENDED consent agreement awarding restitution. If she doesn't agree she will then be invited to a formal interview. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 16B Case No. 201300052
Dr. John A. Garza**

This case was pulled by Dr. Foster and the public. In reviewing the case, the main issue was diagnosis and treatment planning. Dr. Garza consented to three hours of record keeping. Dr. Foster would like to amend the non-disciplinary consent agreement to include 6 hours of diagnosis and treatment planning in addition to the record keeping.

Ms. Corcoran, attorney for Dr. John A. Garza, was present and addressed the Board. The veneers were placed in 2007. Since 2007, Dr. Garza has done 16 credit hours of restorative dentistry, treatment planning, diagnosis, etc. There is an issue of record keeping. Dr. Garza completed a record keeping course in 2008, subsequently his records have improved. Based upon Dr. Garza's most recent continuing education in treatment planning and diagnosis, the additional 6 hours is redundant and not necessary; she asked that the Board accept the consent agreement as it is written.

Upon MOTION by Dr. Foster, second by Dr. Hauer, the Board voted to AMEND the consent agreement to include 6 hours of diagnosis and treatment planning in addition to the 3 hours of record keeping. If Dr. Garza declines the amended consent agreement, he will be invited for a formal interview. Dr. Flowers and Dr. Waite OPPOSED. MOTION PASSED.

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**Agenda Item No. 17E Case No. 201300122
Dr. Kenneth E. Holland, Jr.**

This case was pulled by a member of the public. Dr. Holland was present to address the Board only if there were questions.

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to ISSUE a Letter of Concern stating "Dr. Holland will ensure that all patients are seen only in a dental office." MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 17F Case No. 201300159
Dr. Chad F. Fine**

This case was pulled by a member of the public. Dr. Fine and his attorney, Mr. Kevin Nicholas, were present to address the Board. Dr. Fine stated the patient in this case made a complaint about a filling on tooth #14. After reviewing the complete file, the Board investigator concluded that Dr. Fine's treatment met the standard of care. The investigator also concluded that Dr. Fine had failed to advise the patient after treatment about possible complications regarding tooth #14; although, the patient had signed an informed consent.

Dr. Fine stated that he discussed the possibility of the tooth needing a root canal in the future with the patient as part of the informed consent process prior to the procedure. The patient signed a consent form, in which he initialized the paragraph acknowledging that it may be necessary to change or add procedures, the most common being root canal therapy, following routine restorative procedures. Dr. Fine informed the Board that he speaks to all of his patients during the informed consent process, so they are informed verbally as well as in writing. Prior to signing the form, Dr. Fine told the patient about the amount of decay that was specifically on that tooth. Thus, prior to proceeding with the procedure, the patient had two forms of notice; the conversation with Dr. Fine and the signed consent form.

After the procedure was performed, Dr. Fine also discussed with the patient what was found: extreme decay and a high probability or possibility of needing endodontics on that tooth in the future. While the narrative notes do not specifically document that these conversations took place, Dr. Fine believes such discussions are encompassed within signing the informed consent. The standard of care does not require additional documentation that verbally informs the patient of future complications as this is encompassed in the informed consent document.

Dr. Fine was sworn in by Dr. Waite.

The Board asked Dr. Fine that even though it is not in his notes, he discussed this complication with the patient. He responded yes.

Dr. Hauer stated that the treatment met the standard of care and therefore, the letter of concern listed is appropriate. This was not a clinical care issue. Based upon the amount of decay that was there and the end result, nothing would have changed.

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

**Agenda Item No. 16C Case No. 201300162
Dr. Brian B. Roberts**

This case was pulled by Mr. Greer. In reviewing the case, Mr. Greer thinks that the continuing education should be disciplinary. When you are writing prescriptions for your wife and friends, this is a violation of A.R.S. 21-1201 21(c) and should be disciplinary.

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Dir. Hugunin stated that in a complaint received by the Board on May 21, 2013; patient KC alleged Dr. Anderson performed treatment that resulted in complications. The Internal Investigative Review Committee believes that the treatment fell below the standard of care in leaving decay on teeth prepared for crowns and to place temporaries which do not adequately protect the teeth during crown fabrication. In accordance with ARS 32-1201(21)(n), this may rise to the level of unprofessional conduct. Dr. Anderson elected to appear for a formal interview.

Ms. McLellan addressed the Board. The evidence that the investigator has relied on in his investigation of this case, namely the progress notes of Dr. Rama for May 21, 2013 and May 28, 2013 should be viewed with skepticism. The reason for that is on May 8, 2013 was Dr. Anderson's last day in that office. After that time, Dr. Rama took over the office. Dr. Rama has sued Dr. Anderson and currently there is very contentious litigation going on about the full ownership of the practice. Dr. Rama's notes were not made contemporaneously; Dr. Rama's notes were created after he had received the subpoena for records in this case. His May 21, 2013 note which indicates there is supposedly decay on these teeth was first created on June 1, 2013 after he had received the subpoena for records on May 28, 2013 and then the note was again accessed on June 10, 2013 before he then disclosed the records to the Board. Similarly, his progress note that relates to May 28, 2013 was created on June 1, 2013 after he received the subpoena for records and it was again accessed on June 10, 2013. There could potentially be alterations and false statements in these records and they're not reliable for the Board to make or base a decision. This patient was seen by Dr. Lammot after Dr. Rama. Dr. Lammot performed root canals on tooth # 30. At the time Dr. Lammot saw the patient, he removed temporary crowns, he inspected the teeth both inside and out and the Board has a letter from him that says he found absolutely no decay on these teeth. The x-ray does not show any decay on these teeth. He is a neutral party, he carries a better evidentiary information than Dr. Rama. Additionally, Dr. Lammot notes that the patient had recemented these temps on. This does not rise to the level of unprofessional conduct based upon the information as stated. Dr. Anderson is here to answer your questions.

Dr. Anderson has been practicing dentistry in Arizona for 15 years. She had not practiced in any other state. She currently practices on I-17 and Carefree Highway and works one day a week at the CASS clinic. It is a homeless clinic downtown. She has practiced at the Carefree location for six years.

Dr. Anderson saw the patient and completed an exam and recommended prophylaxis treatment. The patient states in her complaint to the Board that she was nervous about the treatment plan and was offered oral sedation. Ms. McLellan objected to the conclusions as stated. Dr. Anderson stated that she has not completed sedation since her conscious sedation license was suspended.

Dr. Anderson's records are all of the records dated prior to May 8 in Dr. Rama's records. Dr. Anderson did not take x-rays when she seated the crowns. There was no evidence of recurrent decay. The information in the investigative report were bad temporaries or the decay wasn't all removed. The patient may have tried to replace the temporary without informing Dr. Anderson or Dr. Rama. Dr. Anderson stated that she believed the patient contacted her when she did not have a place to practice. The patient informed Dr. Anderson that the temporaries had fallen off and that the patient had attempted to recement them. This was a verbal conversation. The patient was a new patient in September 2012 and did not come back until April 2013 for treatment.

Dr. Taylor is the lead board member. He reviewed the violations of unprofessional conduct and questioned Dr. Anderson regarding violating A.R.S. 32-1201(21)(n). The Board questioned Dr. Anderson regarding her conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to FIND a violation of A.R. S. 32-1201-21(n). Dr. Foster, Ms. Hardy, Ms. Crevier, Mr. Jackson, Mr. Greer, Dr. Hauer, Dr. Waite and Ms. McClain OPPOSED. Dr. Flowers RECUSED. MOTION FAILED

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Upon MOTION by Mr. Greer, second by Dr. Hauer, the Board voted to DISMISS case number 201300114 against Dr. Anderson. Dr. Flowers RECUSED. Dr. Taylor OPPOSED. MOTION PASSED.

**Agenda Item No. 23B Case No. 201300103
Dr. Jack I. Lipton**

Upon MOTION by Mr. Greer, second by Dr. Foster, the Board voted to REFER this case to a formal hearing. MOTION PASSED UNANIMOUSLY

**Agenda Item 24 – REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS
Agenda Item No. 24A Case No. 201300105-ED Dr. Howard N. Lee**

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

Agenda Item No. 24B Case No. 201300130-ED Dr. My-Anh T. Tran

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

Agenda Item No. 24C Case No. 201300104-ED Dr. Victor E. Trujillo

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

Agenda Item No. 24D Case No. 201300069-ED Dr. Robert John Balcar

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

Agenda Item No. 24E Case No. 201300113-ED Dr. Kristen M. Mayorga

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

Agenda Item No. 24F Case No. 201300132-ED Dr. John J. Chen

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

Agenda Item No. 24G Case No. 201300106-ED Dr. Douglas E. McMaster

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

Agenda Item No. 24H Case No. 201300133-ED Dr. Krystal J. Miles

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

Agenda Item No. 24I Case No. 201300136-ED Dr. Pankaj R. Goyal

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

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Agenda Item No. 25 – Members of the Public

Agenda Item No. 26 – FUTURE AGENDA ITEMS

Agenda Item No. 27 – Next Meeting Date – December 6, 2013

Agenda Item No. 28 – Adjournment

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

Dr. Waite adjourned the meeting at 11:12 AM.

Minutes APPROVED at the December 6, 2013 Board Meeting.

Elaine Hugunin, Executive Director