



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING DECEMBER 6, 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
Robert B. Taylor, DDS
William G. Woods, DDS

Board Members Absent:

Darren L. Flowers, DMD

Staff Present:

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

NOTICE:

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

GENERAL BUSINESS

Agenda Item No. 1 Call to Order and Introductions

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

For the record Dr. Darren Flowers is absent. There were additional materials for agenda items 4I, 4J, 4K, 7B i, 7B h, and 15A

Agenda Item No. 3 President's Report

- A. Report regarding the American Association of Dental Boards (AADB) Meeting held October 30-31, 2013 in New Orleans, LA.

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Primarily during the meetings, there is a lot of networking with other Dental Boards and members of Dental Boards throughout the country. There was an interesting presentation on teledentistry and an update on the FTC vs. North Carolina dental board case. It will probably not result in further action. Up until this point, the North Carolina Dental Board has spent 2.5 million dollars in legal fees. There were questions asked of the AADA legal consul regarding contingency audits being conducted throughout the country, primarily on the East Coast. If a dentist reports that a peer may be obtaining Medicaid fees inappropriately, it appears they may be eligible for a percentage of the amount retrieved. There was an interesting informal discussion with a board member from Minnesota who shared that the dental therapist who are now licensed in their state have significantly added to the cost of dental care. A dental therapist is someone between a hygienist and an assistant.

- B. Appointment of Board Members (One Dentist and one Dental Hygienist) to the Dental Hygiene Selection Committee

Deferred

- C. Appointment of Board Member to the Rules Review Committee

Dr. Waite currently serves as a member to the Rules Review Committee. Dr. Waite recommended Dr. Hauer.

Upon MOTION by Dr. Waite, second by Dr. Hauer, the Board voted to APPOINT Dr. Hauer to the Rules Review Committee. MOTION PASSED UNANIMOUSLY

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. Report regarding the American Association of Dental Administrators (AADA) Meeting held October 28-29, 2013 in New Orleans, LA

Many states are being more challenged with corporate dentistry, especially because the actual business model is so very different and every state handles them differently. A huge percentage of the states have amended their anesthesia rules, as we have. In Nevada, the legislature mandated legislation of dental assistants and just the implementation cost of that was \$100,000. As an FYI, Dir. Hugunin was asked to be the Vice President for the American Association of Dental Executive organizations, and serve on the program committee for the American Association of Dental Boards.

- C. Board Officer Elections

Dr. Waite nominated Dr. Hauer for President.

Upon MOTION by Dr. Waite, second by Ms. McClain, the Board voted to ELECT Dr. Hauer President. MOTION PASSED UNANIMOUSLY

Dr. Hauer nominated Dr. Foster for Vice President

Upon MOTION by Dr. Taylor, second by Dr. Hauer, the Board voted to ELECT Dr. Foster Vice President. MOTION PASSED UNANIMOUSLY

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Review, discussion and possible action regarding opening of rule making docket for proposed rules Arizona Administrative Code Title 4, Chapter 11, Article 4 Fees

Upon MOTION by Dr. Hauer, second by Ms. Crevier, the Board voted to OPEN a rule making docket for the proposed rules Arizona Administrative Code Title 4, Chapter 11, Article 4 fees. MOTION PASSED UNANIMOUSLY

- D. Review, discussion and possible action regarding accepting the voluntary surrender of Dr. Monte R. Bosch

Upon MOTION by Dr. Woods, second by Mr. Greer, the Board voted to ACCEPT the voluntary surrender of the license of Dr. Monte R. Bosch. MOTION PASSED UNANIMOUSLY

- E. Review, discussion and possible action regarding opening a case against Dr. Glenn H. Featherman based upon his felony conviction.

Dr. Featherman was present along with his attorney, Mr. Marton, to address any questions from the Board. Dr. Featherman had 92 felonies over the course of 3 years. There was a substantial fine and no jail time. Dr. Featherman sold his practice in Pennsylvania and moved to Arizona where he relapsed. He was given the opportunity to go into the confidential treatment program. He met with Dr. Michael Sucher who recommended that he complete in-patient at Sierra Tucson. Once Dr. Featherman completed in-patient treatment, he met with Dr. Sucher in September 2012. He attends AA twelve step meetings daily, bi-weekly relapse recovery meetings for dentists and hygienists, and gives daily random urine tests.

There were no restrictions placed on Dr. Featherman's DEA license. He still has prescribing privileges which are monitored by Dr. Sucher. Dr. Featherman has been sober for 18 months.

Upon MOTION by Mr. Greer, seconded by Dr. Foster, the Board voted to OPEN an investigation against Dr. Glenn H. Featherman based upon his felony conviction. Dr. Taylor, Ms. Hardy, Ms. Crevier, Mr. Jackson, Ms. McClain, Dr. Woods, Dr. Hauer, and Dr. Waite OPPOSED. MOTION FAILED

- F. Review, discussion and possible approval for the Executive Director to attend the mid-year AADB and AADA meeting and the Board President to attend the mid-year AADB meeting in Chicago in April 2014.

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to APPROVE the Executive Director's attendance at the mid-year AADB and AADA meeting; and the Board President to attend the mid-year AADB meeting in Chicago

- G. Discussion, status update and report from Auditor General's Audit team on Board Sunset Review Audit.

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to ENTER into Executive Session to discuss confidential information. MOTION PASSED UNANIMOUSLY

****Executive Session****

RETURN TO OPEN MEETING

- H. For information – proposed legislation: cosmetic laser procedures, supervision, dentists

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- I. Dr. Mark Castle, case no. 201300185 – Review, discussion, and possible action regarding dismissal based on subsequent consultant review

This case was remanded from the October 4, 2013 Board meeting for further review. The case was originally pulled because there was significant root tip left in. The standard of care is to inform the patient when that has occurred. It does not appear that the patient was informed that there were root tips left in his mouth. The Board dismissed that case because there was an informed consent signed. Dr. Castle stated in an email dated October 10, 2013, that he did not inform the patient because he was unaware that he left a root tip in this area.

Upon MOTION by Dr. Waite, second by Dr. Woods, the Board voted to DISMISS case no. 201300185 against Dr. Mark Castle. Dr. Foster, Ms. Hardy, Mr. Jackson, Mr. Greer, Dr. Hauer, and Dr. Waite OPPOSED. MOTION FAILED

Upon MOTION by Dr. Woods, second by Dr. Taylor, the Board voted to ISSUE a Letter of Concern to Dr. Mark Castle stating “Dr. Castle should inform the patient, verbally, if there is a root tip that is left post operatively.”

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

Dir. Hugunin stated there have been 18 Executive Director Terminations since the last Board meeting. Four have been appealed and will be on the next agenda. Fourteen can still be appealed.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant KFR was present and spoke about case no 290363 (Agenda Item 12A).
Complainant SL was present and spoke about case no. 201300138 (Agenda Item 14B).
Complainant DT was present and spoke about case no. 201300171 (Agenda Item 14F).
Complainant EH was present and spoke about case no. 201300167-ED (Agenda Item 22B).
Complainant PR was present and spoke about case no. 201300124 (Agenda Item 23A).
Complainant HR was present and spoke about case no. 201300124 (Agenda Item 23A)

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

- A. Dr. William F. Thornell – 1985 Texas State exam prior to a regional

Upon MOTION by Dr. Woods, second by Dr. Foster, the Board voted to GRANT licensure to Dr. William F. Thornell. MOTION PASSED UNANIMOUSLY

- B. Natalie Roner Everitt, RDH – Board approved exam; Ohio suspended license for failure to renew dental hygiene license

Ms. Everitt was present to address any questions from the Board.

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

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

A. Janet Lagasca Baker, RDH – 2003 SRTA

Ms. Baker was present to address any questions from the Board.

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

Agenda Item No. 7 COMMITTEE REPORTS

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

Review, discussion and possible action regarding candidates for one Dental Hygienist and one Public Dental Hygiene Committee Members:

- i. The Dental Hygiene Selection Committee recommends the appointment of Jennifer F. Bereckis, RDH to the Dental Hygiene Committee

Upon MOTION by Ms. Hardy, second by Mr. Greer, the Board voted to APPOINT Jennifer F. Bereckis, RDH to the Dental Hygiene Committee. MOTION PASSED UNANIMOUS

- ii. The Dental Hygiene Selection Committee recommends Leann R. DuVall, RDH as an alternate choice for appointment to the Dental Hygiene Committee.

No action taken

- iii. The Dental Hygiene Selection Committee recommends the appointment of Ms. Paula D. Aguayo as the Public Member of the Dental Hygiene Committee.

Upon MOTION by Ms. Hardy, second by Dr. Woods, the Board voted to APPOINT Ms. Paula D. Aguayo as the Public Member of the Dental Hygiene Committee. MOTION PASSED UNANIMOUSLY

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

- i. Review, discussion and possible action regarding the 2013 Dental Hygiene Continuing Education Audit responses. Upon recommendation from the Dental Hygiene Committee, the Board may consider approval of the CE Audit responses from the following:
 - a. Patricia A. Rush, RDH
 - b. Deborah Ann Tinsley, RDH
 - c. Taya L. Rosen, RDH
 - d. Sandra K. Robinette, RDH
 - e. Lauri Neil Malolo, RDH
 - f. Barbara W. Kurth, RDH
 - g. Sara Lynne David, RDH
 - h. Gina M. Merola, RDH, with a letter that CE
 - i. Cindy B. Gabriel, RDH
 - j. Lucille M. Goldberg, RDH
 - k. Asia M. Deck, RDH
 - l. Catherine J. DeMumbrum, RDH
 - m. Mary Katherine Schultz, RDH
 - n. Tamera L. Smith, RDH
 - o. Linda K. Williams, RDH

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used in this audit may not be used for the
2016-2019 renewal

Upon MOTION by Ms. Hardy, second by Dr. Woods, the Board voted to APPROVE the CE Audit responses for items a-g, and i-o. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Ms. Hardy, second by Ms. Crevier, the Board voted to APPROVE the CE Audit response from Gina M. Merola, RDH with a letter stating that the CE used in this audit may not be used for the 2016-2019 renewal. MOTION PASSED UNANIMOUSLY

- ii. Upon recommendation of the Dental Hygiene Committee, the Board may consider recognizing the Local Anesthesia and Nitrous Oxide coursework from the University of Michigan, School of Dentistry.

Upon MOTION by Ms. Hardy, second by Dr. Hauer, the Board voted to RECOGNIZE the Local Anesthesia and Nitrous Oxide coursework from the University of Michigan, School of Dentistry. MOTION PASSED UNANIMOUSLY

C. Continuing Education Audit for Dentists Committee – Dr. Robert H. Foster

- i. Review, discussion and possible action regarding the 2013 Dental Continuing Education Audits. Upon recommendation from the Continuing Education Audit for Dentists Committee, the Board may consider approval for the CE Audit responses from the following:

- a. Dr. Utpal C. Patel
- b. Dr. Ralph E. Umali
- c. Dr. Jeffrey E. Wold
- d. Dr. Lisa E. Chinn
- e. Dr. Kavita Kulkarni
- f. Dr. Karen Annette Teeters
- g. Dr. Cameron Skaugrud
- h. Dr. Stacy H. Pham
- i. Dr. Mark H. Ryan
- j. Dr. Chad R. Foster
- k. Dr. Forbes E. Morse
- l. Dr. Jon M. Delsnyder
- m. Dr. Aaron C. Verbarq
- n. Dr. Frederick C. Turley
- o. Dr. Hsin Yi Lin
- p. Dr. Robert Jared Sachs
- q. Dr. Douglas A. Tomlinson
- r. Dr. Joseph Robert Mikulicz
- s. Dr. Robert L. Baker
- t. Dr. David S. McGee
- u. Dr. Greig M. Florento

Upon MOTION by Dr. Foster, second by Dr. Hauer, the Board voted to APPROVE the CE Audit responses for items a-u. 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 v. ASBDE (Case No. 201100033) (Maricopa County Superior Court Case LC2011-000735; Court of Appeals Case 1CA-CV13-0488) – Status Update

Dr. Shah's case is proceeding in the Court of Appeals. The Board's response is due on January 16, 2014.

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

The Board prevailed on both cases in the Superior Court. The judge has affirmed both orders. Dr. Lipton has filed an appeal.

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- iii. Dr. Brent Tyler Robison v. ASBDE (Case No. 201000301) (Maricopa County Superior Court Case LC2013-000484) – Status Update

Dr. Robison’s case is proceeding. The judge did grant Dr. Robison a stay of the Board Order. The order will be stayed pending the appeal.

- iv. Dr. Arthur J. Porter v. ASBDE (Case No. 201200097) (Maricopa County Superior Court Case LC2013-000370-001DT) – Status update

Dr. Porter filed an appeal; it is in the early stages. Ms. Williams will file the Notice of Appearance and the Administrative Record.

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

A. VACANT

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

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. 14B Case No. 201300138 Dr. Paul R. Sandstrom**
- Agenda Item No. 14E Case No. 201300147 Dr. Alex W. Yuen**
- Agenda Item No. 14F Case No. 201300171 Dr. Michael D. Margolis**
- Agenda Item No. 14G Case No. 201300173 Dr. William G. Halliday, III**
- Agenda Item No. 16B Case No. 201300178 Dr. Stephen J. Harkins**
- Agenda Item No. 17H Case No. 201300217 Mr. Arthur Silva**

Cases ADJUDICATED:

Agenda Item No. 14 – CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS

Upon MOTION by Mr. Greer, 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
C.	201300154	Dr. Ben M. Koolick	Disciplinary Consent Agreement
D.	201300227	Dr. Ronald D. Walker	Disciplinary Consent Agreement

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Agenda Item No. 15 – CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING EDUCATION CONSENT AGREEMENTS – CONSENT AGENDA

Upon MOTION by Dr. Woods, second by Dr. Taylor, 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.	201300172	Dr. Trent Wilsey Smallwood	6 hours of record keeping
B.	201300137	Dr. Michael S. Catlett	6 hours in the area of diagnosis and treatment planning
C.	201300149	Dr. Bindi N. Patel	4 hours of risk management
D.	201300234	Dr. David G. Burros	6 hours in the area of appropriate prescribing
E.	201300170	Dr. Paul Burton	4 hours of record keeping
F.	201300182	Dr. Craig Douglas Thompson	4 hours of risk management

Agenda Item No. 16 – CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN – CONSENT AGENDA

Upon a MOTION by Dr. Woods, second by Ms. Crevier, 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
A.	201300204	Dr. Earl L. Lord	Issue a Letter of Concern stating: "Dr. Lord should ensure periodontal probing scores are documented in a timely manner."
C.	201300183	Dr. James R. Chaffin	Issue a Letter of Concern stating: "Dr. Chaffin should document any discussion with the patient relating to the proposed treatment and possible complications especially for IMMEDIATE dentures."

Agenda Item No. 17 – CASES RECOMMENDED FOR TERMINATION – CONSENT AGENDA

Upon a MOTION by Dr. Woods, 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.	201300163	Dr. Brandon J. Kroll	Terminate – per patient letter
B.	201300180	Dr. Lori Karen Anderson	Terminate – per patient letter
C.	201300199	Dr. Wayne Allen Greenwood	Terminate – per patient letter

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Dr. Madi and his lawyer, Robert Kethcart, were present. The Court Reporter swore in Dr. Madi and the Board's consultant, Dr. Price. Dr. Hauer read the Formal Interview process.

Dir. Hugunin stated that in a complaint received by the Board on June 4, 2013, patient HR alleged that Dr. Madi performed inadequate implants. The case was sent to an outside dental consultant, Dr. Ralph Price who is in attendance today as the Board's consultant. Dr. Madi subsequently sent the case to another periodontist and the material has been provided to the Board. Dr. Madi has elected to have a formal interview and has so been noticed that his conduct may rise to the level of unprofessional conduct in accordance with ARS 32.1201(21)(n).

Dr. Madi addressed the Board. The focus of today is whether it was reasonable to proceed with HR's case, extracting her remaining lower teeth, and immediately placing implants based upon the information obtained from the clinical evaluation and the panoramic radiograph diagnostic or whether the standard of care additionally required a cross sectional CT scan. As explained in written reports, judgment based upon the clinical evaluation and panoramic radiographs was reasonable because of the information that was available at the time of treatment.

Dr. Madi has been practicing as a Board certified periodontist for about six years. He went through the same residency as Dr. Price did in Georgia. Placing implants is a large part of his practice. He currently uses CT scans when he feels that it is justified, so he is neither for nor against using CT scans. From training conferences and CE courses, it is his understanding that whether a cone beam CT scan should be used is a matter of judgment on an individual basis. This is confirmed by review of literature, both nationally and internationally.

HR and her husband traveled over an hour and a half from Flagstaff to Prescott to see Dr. Madi for insurance purposes. To obtain a cone beam CT scan, it would mean that HR would have to travel probably to places like Phoenix, pay additional cost out of pocket, additional time and come back for another visit.

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

Upon MOTION by Dr. Waite, second by Mr. Greer, the Board voted to FIND a violation of A.R. S. 32-1201-21(n). MOTION PASSED UNANIMOUSLY

Staff reported no priors.

Upon MOTION by Mr. Greer, second by Mr. Jackson, the Board voted to ORDER restitution in the amount of \$8,508.00, with \$4,254.00 to be paid to the insurance company and \$4,254.00 to be paid to the complainant, ORDER 12 hours of disciplinary CE in implant placement and treatment planning with regards to restoring to be taken in a dental school setting and to be completed in nine months, MODIFIED to be completed in six months. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 24A Case No. 201300155
Dr. Kristine P. Thomas**

Dr. Thomas and her lawyer, Jeffrey Tonner, were present. The Court Reporter swore in Dr. Thomas. Mr. Tonner waived reading of the Formal Interview process.

Dir. Hugunin stated that on July 9, 2013, the board received a complaint from DG alleging Dr. Kristine Thomas placed an inadequate bridge. Subsequent to scheduling the interview, additional information was obtained, and Mr. Tonner, as well as the board, has received this information. Dr. Thomas has

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elected to have a formal interview and has been noticed that her conduct may constitute unprofessional conduct in accordance with A.R.S. 32-1201.21(n).

The patient first presented in 2002 with an existing bridge from 2 to 4. That bridge was replaced in 2002. In 2004, it was replaced again. In 2011, it was replaced for a third time. At the time of the replacing of the third bridge, tooth #4 needed endodontics, which was performed by another dentist. The patient came to Dr. Mitchell Thomas, who placed the post, and Dr. Kristine Thomas actually placed the bridge.

Dr. Thomas has been practicing for about 18 years. She attended dental school at Tufts University School of Dental Medicine in Boston. Dr. Thomas has seen the patient several times as he has been a patient for over 11 years. She cemented the bridge after Dr. L. Mitchell Thomas had done the preparation. The root canal had already been done.

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

Upon MOTION by Mr. Greer, second by Dr. Woods, the Board voted to FIND a violation of A.R.S. 32-1201.21(n) for unprofessional conduct. MOTION PASSED UNANIMOUSLY

Staff reported no priors.

Dr. Foster recommended 6 hours of CE in crown and bridge. The Board also recommended including placement of buildups and posts to be included in the six hours of CE.

Upon MOTION by Dr. Foster, second by Dr. Woods, the Board voted to ORDER six hours of Continuing Education in crown and bridge with the emphasis on restoring endodontically treated teeth. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 24B Case No. 201300156
Dr. L. Mitchell Thomas**

Dr. Thomas and his lawyer, Jeffrey Tonner, were present. The Court Reporter swore in Dr. Thomas. Mr. Tonner waived reading of the Formal Interview process.

Dir. Hugunin stated that on July 9, 2013, the board received a complaint from DG alleging Dr. Mitchell Thomas placed an inadequate bridge. Subsequent to scheduling the interview, additional information was obtained, and Mr. Tonner, as well as the board, has received this information. Dr. Thomas has elected to have a formal interview and has been noticed that his conduct may constitute unprofessional conduct in accordance with A.R.S. 32-1201.21(n).

The patient first presented in 2002 with an existing bridge from 2 to 4. That bridge was replaced in 2002. In 2004, it was replaced again. In 2011, it was replaced for a third time. At the time of the replacing of the third bridge, tooth #4 needed endodontics, which was performed by another dentist. The patient came to Dr. Mitchell Thomas, who placed the post, and Dr. Kristine Thomas actually placed the bridge.

Dr. Thomas has been practicing in Phoenix since 1996. He attended dental school at Tufts University School of Dental Medicine in Boston. Dr. Thomas has seen the patient several times as he has been a patient for over 11 years. The root canal was completed by another dentist in the practice. Dr. Thomas prepared and placed the post for the bridge.

Dr. Foster is the lead board member. He reviewed the violations of unprofessional conduct and questioned Dr. Thomas regarding violating A.R.S. 32-1201(21)(n). The Board questioned Dr. Thomas

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regarding his conduct or practice that constitutes a danger to the health, welfare, or safety of the patient or public.

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

Upon MOTION by Dr. Hauer, second by Mr. Jackson, the Board voted to ISSUE a Letter of Concern for failing to document discussion regarding lengthening the tooth. Dr. Foster, Dr. Taylor, Mr. Greer, Dr. Woods, and Dr. Waite OPPOSED. MOTION FAILED.

Upon MOTION by Dr. Woods, second by Mr. Greer, the Board voted to FIND a violation of A.R.S. 32-1201.21(n) for inadequate post placement and fixed bridge restoration. Ms. McClain, Dr. Hauer OPPOSED. MOTION PASSED.

Staff reported three priors.

Upon MOTION by Dr. Foster, second by Mr. Greer, the Board voted to ORDER six hours of Continuing Education in crown and bridge with emphasis on restoration of endodontically treated teeth. Motion AMENDED to include three hours of record keeping, with all continuing education to be completed in six months. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 12 – ACTION ON PREVIOUS ACTION

**Agenda Item No. 12A Case No. 290363
Dr. Rosalyn D. Keith**

This case was forwarded to Formal Hearing. Both Dr. Keith's attorney and Ms. Williams are presenting a proposed consent agreement. The restitution was reduced from \$5,800.00 to \$4,000.00, because there was no way to prove that numbers were changed by Dr. Keith.

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

Upon MOTION by Dr. Hauer, second by Ms. Crevier the Board voted to VACATE the vote to a Formal Hearing. MOTION PASSED UNANIMOUSLY

**Agenda Item No. 16B Case No. 201300178
Dr. Stephen J. Harkins**

This case was pulled by Dr. Waite. Dr. Harkins was present to address the Board; he was sworn in by Dr. Waite. Dr. Waite pulled it to change the wording of the letter of concern to "Dr. Harkins should be more timely in his follow up visit after delivery of appliance and once complications arise."

Dr. Harkins addressed the Board. He has been practicing dentistry for over 30 years, he has been doing sleep work for approximately 20 of the last 30 years. This patient was a difficult patient with a long history. The general office policy is 1-2 week follow up. He is not sure if the patient rescheduled or why she went for several weeks after the appliance was delivered. This is not the standard in the office. There appears to be a long follow up interval between the delivery of appliance, usually a patient is seen within one to two weeks. The patient then decided not to come back and finish treatment. There is a record of cancellations and reschedules from her.

The Board questioned whether the follow up was due to the patient rescheduling or from office protocol.

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

**Agenda Item No. 14G Case No. 201300173
 Dr. William G. Halliday, III**

This case was pulled by a member of the Board and the public. Mr. Kethcart, attorney for Dr. Halliday was present to answer questions by the Board.

Upon MOTION by Dr. Hauer, second by Mr. Greer, the Board voted to ACCEPT the disciplinary consent agreement of Dr. William G. Halliday, III. Mr. Jackson and Dr. Taylor RECUSED. MOTION PASSED

**Agenda Item No. 14F Case No. 201300171
 Dr. Michael D. Margolis**

This case was pulled by a member of the Board and the public. Mr. Williams, attorney for Dr. Margolis, was present to answer any questions by the Board if necessary.

Upon MOTION by Dr. Woods, second by Ms. McClain, the Board voted to ACCEPT the disciplinary consent agreement of Dr. Michael D. Margolis. Dr. Taylor RECUSED. Dr. Waite OPPOSED. MOTION PASSED.

**Agenda Item No. 14E Case No. 201300147
 Dr. Alex W. Yuen**

This case was pulled by a Board member and the public. Ms. Thompson, attorney for Dr. Yuen, was present to address the Board.

Dr. Waite pulled the case. Dr. Yuen did not make the dentures, he was the doctor that did the extractions and placed the denture. The case doesn't rise to the level of non-disciplinary continuing education.

Upon a MOTION by Dr. Waite, second by Dr. Hauer, the Board voted to DISMISS the case. Dr. Foster, Dr. Taylor, Mr. Jackson, and Mr. Greer OPPOSED. MOTION PASSED.

Agenda Item No. 13 – PETITION TO REHEAR

**Agenda Item No. 13A Case No. 201300106
 Mr. Arthur Silva**

Mr. Tonner was present to address the Board. Mr. Silva opened a practice in Prescott and there was a doctor who was scheduled to come in; however, the doctor did not come back. Mr. Silva worked on the patient because he could not eat. The Board found a violation of unprofessional conduct and Mr. Silva realizes that he was wrong. Mr. Tonner asked the Board to consider a letter of concern so that if this ever comes up again, a harsher penalty can be enforced.

Dr. Taylor reviewed the Petition to Rehear. The statute is defined as a rule of law and that rule sets precedent. Mr. Silva admitted to not having a dentist present at the time of the exam, but all the way through, up until he put the denture in, he did not have a dentist present.

Upon MOTION by Dr. Taylor, second by Mr. Greer, the Board voted to DENY the petition to rehear
MOTION PASSED UNANIMOUSLY

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Agenda Item No. 28 – Adjournment

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

Dr. Waite adjourned the meeting at 12:27 PM.

Minutes APPROVED at the February 7, 2014 Board Meeting.

Elaine Hugunin, Executive Director