



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS MINUTES OF THE BOARD MEETING JUNE 1, 2018

Board Members Present:

Howard J. Sorensen, DDS, Vice President
Robert B. Taylor, DDS
John N. Harman IV, DDS
Russell J. Morrow, DDS
Lisa B. Bienstock, DMD
Marilyn J. McClain, RDH
Mr. Charles E. Jackson
Mr. Aditya Dynar
Ms. Carole A. Crevier

Absent:

Gregory A. Waite, DDS, President
Heather N. Hardy, RDH

Staff Present:

Ms. Elaine Hugunin, Executive Director
Ms. Nancy Chambers, Deputy Director
Ms. Mary DeLaat Williams, Assistant Attorney General
Ms. Sherrie Biggs, Licensure Manager
Ms. Terry Bialostosky, Investigations Supervisor
Ms. Dee Woodard, 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, INTRODUCTIONS AND ANNOUNCEMENTS

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

Director Hugunin stated Dr. Waite and Ms. Hardy were absent from the June 1, 2018 Board meeting and thanked Dr. Sorensen for chairing the meeting.

Director Hugunin welcomed the new Board members: Dr. Harmon, Dr. Morrow and Mr. Dynar to the meeting.

Agenda Item No. 2 PUBLIC COMMENT ON CASES

Complainant CG was present and spoke about case no. 201700252 (Agenda Item 13B).
Complainant TS was present and spoke about case no. 201700255 (Agenda Item 13G).
Complainant TH was present and spoke about case no. 201700263-ED (Agenda Item 20B).
Complainant DS was present and spoke about case no. 201800006 (Agenda Item 13F).

Agenda Item No. 3 PRESIDENT'S REPORT – Dr. Gregory A. Waite

None to report

Agenda Item No. 4 EXECUTIVE DIRECTOR'S REPORT – Ms. Elaine Hugunin

Additional materials for agenda items 4G pt.1, 4G pt. 2, 4G pt. 3, 4H, 4I, 19A and 20C, were provided in the Board's folders.

- A. Summary of current events that affect the Arizona State Board of Dental Examiners (This is the time for the Board President or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.)

None to report

- B. Review, discussion and possible action regarding renewal of the Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration - Central Services Bureau, MATP Medical Director, and Staff Consultant, Department of Administration – AZ Strategic Enterprise Technology.

Director Hugunin stated the Board has Interagency Service Agreements with the Office of Administrative Hearings, Attorney General's Office, Department of Administration – Central Services Bureau, the Arizona Strategic Enterprise Technology, and a contract with the Monitored Aftercare Treatment Program Medical Director and Staff Consultant.

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to APPROVE the Board's Board's Interagency Service Agreements and contracts with the Office of Administrative Hearings, Attorney General's Office, Department of Administration - Central Services Bureau, MATP Medical Director, and Staff Consultant, Department of Administration – AZ Strategic Enterprise Technology. MOTION PASSED UNANIMOUSLY.

- C. Report from the midyear American Association of Dental Boards (AADB) meeting in Chicago, IL, April 22 – 23, 2018.

Director Hugunin stated she and Dr. Waite attended the mid-year meeting of the American Association of Dental Boards (AADB) in Chicago, IL. April 22 – 23, 2018. She stated she also attended the American Association of Dental Administrators (AADA) meeting held prior to the AADB meeting. She said she previously reported one of the most valuable part of the meeting was the networking and learning the national and state issues. Director Hugunin stated in Alabama they have removed Expanded Function Dental Assistants from the Dental Practice Act, and in North Carolina they will be requiring 6 hours of continuing education in professionalism. She stated all states are dealing with the specialty advertising issue as well as the opioid crisis. The AADB meeting included updates from the American Dental Association, American Dental Educators Association and the Assistant Attorney General group. Director Hugunin stated there was a presentation on silver diamine fluoride and on dental service organizations. She said the data presented on dental service organizations showed Arizona with the highest penetration and the highest percentage of dentists under 30

working for their organizations. Director Hugunin thanked the Board for their support in allowing her to attend these important meetings.

D. Review, discussion and possible action regarding Executive Order – 2018-02

Director Hugunin stated she reported at the April 6, 2018 Board meeting the Board must respond to the Governor's Executive Order 2018-02 prior to July 1, 2018. She stated she attended a meeting with the Board's policy advisor, and was told the report should be succinct and one or two pages. Director Hugunin stated she had placed the questions pertinent to the order with staff's suggested responses. She said some Executive Directors do not bring these before their Board; however, she believed it was important when responding to these to present them to the Board.

The Board directed staff to proceed with EO-2018-02.

E. Review, discussion and possible action on five-year review report – AAC Title 4. Chapter 11, Articles 13 and 17.

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to PROCEED with the AAC Title 4. Chapter 11, Articles 13 and 17. MOTION PASSED UNANIMOUSLY.

F. Review and discussion regarding HB 2235 – dental therapy; regulation; licensure

Director Hugunin stated the mid-level provider bill was amended during the past legislative process and passed with some amendments which included limiting providers to practice at either a Federally Qualified Community Health Center or Federal look-alike; a community health center; a nonprofit dental practice or organization that provides dental care to low-income and underserved individuals; or a private dental practice that provides dental care for Community Health Center patients of record. Director Hugunin stated the bill prohibits dental therapists from independently billing for services. She said the language still requires an applicant have completed training at a CODA approved program, and it will be at least three years before anyone can qualify as there are not any CODA approved programs in the United States at this time.

G. Dr. Aaron LeGrand Roberts – Case No. 201700266-AO – Review, discussion and possible action on status of investigation. (Pursuant to A.R.S. § 41-431-03(A)(2), the Board may vote to go into Executive Session on this agenda item to discuss or consider records exempt by law from public inspection, including the receipt and discussion or testimony that is confidential by State or Federal law.)

Director Hugunin stated the Board was provided with a memo regarding this case explaining that the Board did not yet have a response from the licensee to the consultant's report and summary. She stated given the findings in the report and summary it is on this agenda for the Board's discussion and possible action.

Mr. Fred Cummings, attorney for Dr. Roberts was present and addressed the Board. He stated a terrible tragedy occurred involving the death of a child. Mr. Cummings stated there was a natural tendency to rush to judgment, to look at the consequence of the patient versus the care rendered, and then overreact. Mr. Cummings stated Dr. Roberts had only been practicing dentistry for 18 months when the incident occurred. He stated Dr. Roberts was placed in a work environment that he was not capable of handling. Mr. Cummings stated after reviewing the consultant's Report and Summary, the consultant only looked at five critical deviations from the standard of care. Mr. Cummings stated all of the deviations are environmental; which were a product of the environment Dr. Roberts practiced in. Mr. Cummings stated Dr. Roberts has taken this to heart, and has devoted himself tirelessly to

analyze this case, and ensure nothing like this occurs again. Mr. Cummings stated the Board had been provided with 74 hours of continuing education in the area of dental emergencies taken by Dr. Roberts. Mr. Cummings asked the Board to direct Board staff to draft a consent agreement for Dr. Roberts. Mr. Cummings stated he was in contact with a dental monitoring program to provide a proctor for Dr. Roberts. The proctor would proctor numerous cases to show the Board he has accomplished the requirements the Board had asked of him. Mr. Cummings stated Dr. Roberts did not attend the June 1, 2018 Board meeting upon his advice.

Upon MOTION by Dr. Sorensen, second by Mr. Dynar, the Board voted to go into EXECUTIVE SESSION to discuss confidential information provided by Mr. Cummings, and invite Mr. Cummings to question him on the information provided to the Board. MOTION PASSED UNANIMOUSLY.

****EXECUTIVE SESSION****

RETURN TO OPEN SESSION

Dr. Taylor asked Mr. Cummings about Dr. Saxen's correspondence provided to the Board. Dr. Taylor stated Dr. Saxen's correspondence concerned him. Dr. Taylor asked Mr. Cummings if Dr. Roberts was responsible for the patient's care, and he answered yes he was. Mr. Cummings stated Dr. Roberts was a young dentist working in a high pressure, high volume work environment and at the time did not know any better. Mr. Cummings stated in the Board narrative, Dr. Roberts explained corrective measures he has implemented, and he believed the minimum time of recovery between patients is 15 to 20 minutes. Dr. Taylor asked where Dr. Roberts was when he was supposed to check the oxygen tanks, and they were empty. Mr. Cummings stated the equipment was supplied by Kool Smiles and he said he doesn't know why the oxygen tanks were empty and the time it was needed. Mr. Cummings stated at the beginning of the day, Dr. Roberts went through his checklist, but he does not have an explanation as to why the oxygen tanks were not working or were empty. Mr. Cummings stated now Dr. Roberts brings his own oxygen tanks when he is working. He stated Dr. Roberts anticipated the assistant who was working with him was properly trained to assist him, and he will not make the same mistakes again. Dr. Taylor stated had Dr. Roberts followed normal protocol, within the standard of care, and taken 15 minutes instead of 3 minutes in the treatment of this patient he would have realized there was no oxygen in the tanks, and could have immediately began taking steps to bring the patient out of the CO2 deprivation, which was at a level 56. Dr. Taylor stated he was concerned the patient was left in the care of an assistant without being fully recovered, and the patient was under deep general anesthetic. Dr. Taylor stated the monitor went off twice and the assistant turned the monitor off and didn't get Dr. Roberts. Dr. Taylor stated the assistant's statements are not consistent with Dr. Roberts statements which concerns him. Mr. Cummings stated he was not sure what conflicting statements were made by Dr. Roberts. Dr. Taylor said the paramedics, the police, and the assistant's statements were not consistent with what Dr. Roberts said. Dr. Taylor stated it was Dr. Roberts' time factors.

Dr. Bienstock stated there were conflicting statements with the anesthesia record which indicated the Isoflurione was discontinued at 9:14 am, Dr. Roberts stated it was discontinued at 9:08 am. The patient records stated the patient was transferred into recovery at 9:15 am and the next patient was intubated at 9:17 am. Dr. Bienstock stated those were conflicting statements. Mr. Cummings stated there were conflicting issues in the charts, the patients records were completed after the tragic incident occurred. Mr. Cummings stated a common issue which has come to light was did everyone agree on what clock is being used, and the variations with the times being used. Mr. Cummings stated he did not have an explanation for the discrepancies with the times that were used. Dr. Bienstock asked if Dr. Roberts was currently treating patients and administering anesthesia to patients, and Mr. Cummings said

yes he was. Mr. Cummings stated Dr. Roberts was not treating children under the age of 7 years old by his own choice.

Dr. Taylor stated in post-operative procedures, Dr. Roberts should have remained with his patient until the patient had recovered from the anesthesia and was breathing on his own. Dr. Taylor stated Dr. Roberts took the patient from recovery where another patient was under anesthesia and placed the patient between his legs to administer oxygen while compromising a total of four patients. Mr. Cummings stated he understood the Board's concerns. He said he wanted Dr. Roberts to enter into a consent agreement for patient monitoring with an anesthesiologist proctor who would report back to the Board on Dr. Robert's progress. Mr. Cummings stated Affiliated Monitors, a monitoring company, stated they could provide this service for Dr. Roberts and he said he didn't know of any other way to satisfy the Board's concerns other than monitoring Dr. Roberts.

Discussion ensued.

Dr. Bienstock stated this was an awful and tragic event, and while there were numerous contributing factors leading up to this tragedy, ultimately Dr. Roberts was responsible for the care of his patients. She said Dr. Roberts was held to the highest standard of care, and there was a lack of judgment by Dr. Roberts. Dr. Bienstock stated several of Dr. Roberts' actions concerned her; his conflicting statements in the records, the patient was moved to recovery too soon, he didn't check the oxygen tanks, and he compromised another patient's care, and placed other patient's in danger.

Mr. Cummings stated Dr. Roberts is an anesthesiologist. He said his concern was punishment versus remediation. He stated the Board is not a punitive Board, the Board was not here to right a wrong, the Board's responsibility was to protect the public going forward. Mr. Cummings stated his job in serving the Board's purpose was to outline how to remediate this situation and recognize the issues, and provide the Board with as much information as possible to satisfy the Board's concerns that this won't happen again.

Upon MOTION by Ms. McClain, second by Mr. Dynar, the Board voted to go into EXECUTIVE SESSION for legal advice. MOTION PASSED UNANIMOUSLY.

****EXECUTIVE SESSION****

RETURN TO OPEN SESSION

Upon MOTION by Ms. Crevier, second by Mr. Dynar, the Board voted to DIRECT staff to work with Mr. Cummings to prepare a consent agreement to be considered at the Board at the August 3, 2018, Board meeting. Ms. Crevier stated the consent agreement should include age related practice restriction, and anesthesia training in a hospital setting. MOTION WITHDRAWN.

Dr. Bienstock stated she wanted to see Dr. Roberts attend a 12 month training of a Commission on Dental Accreditation (CODA) accredited hospital based dental anesthesiology program. Dr. Sorensen stated Arizona does not have a CODA accredited program. Dr. Harmon stated his concern was the age restriction; anesthesiology is based upon weight not by chronological age. Dr. Bienstock stated she would like a voluntary suspension for Dr. Roberts, he not practice on his 1301 anesthesia permit.

Discussion ensued.

Mr. Cummings suggested the Board suspend Dr. Roberts 1301 permit for 3 months with an interim consent agreement. He said he would work with Board staff to prepare a consent

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agreement to present to the Board at the August 3, 2018 Board meeting. Mr. Cummings asked the Board if training in a surgical center would be acceptable. Dr. Bienstock said no, Dr. Roberts needed training in a hospital setting.

Upon MOTION by Dr. Bienstock, second by Ms. McClain, the Board voted to SUSPEND Dr. Roberts 1301 anesthesia permit and enter into a STIPULATED interim agreement for 3 months until the August 3, 2018 Board meeting. MOTION PASSED UNANIMOUSLY.

- H. Approval for the Executive Director to attend the Bar Association annual meeting on June 28, 2018.

Director Hugunin stated every year or almost every year she attended a portion of the Annual State Bar Association meeting, specifically the portion that addresses administrative law. This year is very pertinent as it covers changes to the Office of Administrative Hearings.

Upon MOTION by Dr. Taylor, second by Dr. Sorensen, the Board voted to APPROVE Director Hugunin to attend the Bar Association annual meeting on June 28, 2018.

- I. 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.

Agenda Item No 5 ASSISTANT ATTORNEY GENERAL'S REPORT – Mary DeLaat Williams, AAG

- A. Administrative Appeals
 - i. Dr. Sathish Bhadra Chari v. ASBDE (Case No. 201500190) (Maricopa County Superior Court Case LC2017-000082; Court of Appeals Case No. CA-CV 18-0115) – Status update

Ms. Williams stated at the April 6, 2018 Board meeting she informed the Board the appeal had been abandoned. She stated the appeal has since been reinstated.

Agenda Item No. 6 PERSONNEL ISSUES

- A. VACANT

Agenda Item No. 7 COMMITTEE REPORTS

- A. VACANT

ACTION ON LICENSING

Agenda Item No. 8 REQUEST FOR ACTION ON LICENSURE

- A. Dr. Richard Alan D'Avanzo – Discipline on New Jersey license

Upon MOTION by Dr. Taylor, second by Mr. Dynar, the Board voted to GRANT licensure to Dr. D'Avanzo. MOTION PASSED UNANIMOUSLY.

- B. Barbara Ann Pfuhl, RDH – Discipline on New York license

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to GRANT licensure to Ms. Pfuhl, RDH. MOTION PASSED UNANIMOUSLY.

- C. Dr. Aram Yuri Agadjanian – Discipline on Connecticut and Pennsylvania licenses; disclosure of medical malpractice action; failure to disclose pending false claims lawsuit

Dr. Taylor stated Dr. Agadjanian failed to disclose pending lawsuits on his application for licensure, and had disciplinary actions in other states.

Upon MOTION by Dr. Taylor, second by Dr. Bienstock, the Board voted to DENY licensure to Dr. Agadjanian for providing falsified documents and failure to disclose a pending false claims lawsuit, and discipline in other states. Mr. Dynar, Mr. Jackson OPPOSED. MOTION PASSED.

- D. Dr. Michael M. West – Discipline on California license and disclosure of multiple medical malpractice actions.

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to GRANT licensure to Dr. West. MOTION PASSED UNANIMOUSLY.

- E. Victoria Lynn Gould, RDH – Discipline on Michigan license

Upon MOTION by Dr. Taylor, second by Mr. Jackson, the Board voted to GRANT licensure to Ms. Gould, RDH. MOTION PASSED UNANIMOUSLY.

Agenda Item No. 9 REQUEST FOR ACTION ON APPLICATION(S) FOR RENEWAL OF LICENSE

- A. Rebekah A. Chandler, RDH – Requesting reinstatement of Dental Hygiene License

Ms. Chandler was present and addressed the Board. She stated her license lapsed in 2015. She stated she submitted an application for renewal, failing to submit the physical portion of the cardiopulmonary resuscitation (CPR) required documents. Ms. Chandler stated at that time she had to stop working to care for her child who has special needs. She said she didn't have the money to complete the CPR training which caused her to stop practicing dental hygiene. Ms. Chandler stated she did continue her continuing education course work while she was not working. Ms. Chandler stated she had remained in the dental field working at a dental practice at front desk. She said she had worked very hard to remain current in the hygiene field. Ms. Chandler stated she scored a perfect score on the NERB examination, and she doesn't have the money to take another examination. Ms. Chandler stated she didn't have any discipline on her record in Arizona or in New York where she began her hygiene career.

Ms. Williams stated Ms. Chandler was requesting reinstatement. Ms. Williams stated if the Board chose to grant licensure to Ms. Chandler, the Board should vacate the previous denial of her renewal application, and grant the renewal through June 30, 2018. Ms. Williams stated Ms. Chandler must renew again prior to June 30, 2018.

Upon MOTION by Dr. Taylor, second by Mr. Jackson, the Board voted to VACATE previous denial of renewal application and GRANT renewal for the license period of 2015 through 2018. Dr. Harmon and Dr. Morrow RECUSED. MOTION PASSED.

Agenda Item No. 10 Case No. 201600113-MP Dr. James R. Chaffin

Mr. Michael Raine, Independent Advisor, Assistant Attorney General was present for legal advice. Ms. Mary DeLaat Williams, Assistant Attorney General was present representing the Board. She stated she appeared at the Office of Administrative Hearings representing the Board in this case. Ms. Williams stated the Board had the recommended decision from the Administrative Law Judge. She stated she filed a motion to accept, modify and reject portions of the Administrative Law Judges' decision. Ms. Williams stated the State agreed with the Administrative Law Judge's finding that disciplinary action should be issued; at the hearing the Board asked for disciplinary continuing education, but did not ask for any additional sanctions. She said the Administrative Law Judge's recommendation added a censure as a recommended sanction. She said the State does not believe the sanction is necessary in this case. Ms. Williams stated Dr. Chaffin does not have a history with the Board, and the deficiencies that occurred in his treatment of the patient can be appropriately remediated with continuing disciplinary education. Ms. Williams stated in the motion she filed, the state asked the judge for additional continuing education beyond what the judge recommended.

Mr. Jeffrey Tonner, attorney for Dr. Chaffin was present and addressed the Board. Mr. Tonner stated the primary issue in this case was root canals completed on June 25, 2015. Mr. Tonner stated the x-rays of the root canals performed on June 25, 2015 were bad. He said the issue was whether or not they were intended to be final root canals or endodontic procedures. Mr. Tonner stated at the administrative hearing Dr. Palmer testified he was not given Dr. Augustine's records. He said Dr. Augustine's records were subpoenaed by the Board. Mr. Tonner stated Dr. Augustine performed the extractions on the patient and Dr. Chaffin performed the restorations. Mr. Tonner stated Dr. Augustine recorded in the patient records on June 10, 2015 tooth no. 9 and no. 11 were not restorable, and need to be extracted with implants to be placed later. He said on June 19, 2015, the patient presented to Dr. Chaffin for a consultation who noted in the patient records the teeth were going to be extracted. Mr. Tonner stated on June 25, 2015 the patient presented to Dr. Chaffin stating he was having issues with teeth no. 9 and no. 11. Mr. Tonner stated Dr. Chaffin performed temporary endodontic procedures on the two teeth but did not intend the procedures to be permanent. Mr. Tonner stated the assistant incorrectly wrote root canal therapy (RCT) in the patient records. Mr. Tonner stated the temporary procedure performed by Dr. Chaffin worked, six months later the patient had the teeth extracted. Mr. Tonner stated Dr. Chaffin had never been before the Board in the past. He asked the Board to issue Dr. Chaffin a non-disciplinary consent agreement with all of the continuing education recommended by Ms. Williams.

Dr. Chaffin was present and addressed the Board. He stated he wanted to address the endodontics, he said his intention was to drain the teeth. The patient was traveling to Europe for 30 days with the chief complaint that the bridge was moving. He said he irrigated, and cleansed the teeth. Dr. Chaffin stated the teeth were fractured and he tried to create a seal. He said he never took a rotary to the roots of the teeth. He said he stabilized the bridge and when the patient returned from Europe he had the teeth extracted by Dr. Augustine. Dr. Chaffin stated he wanted to help the patient in this case, and the patient was happy with the work he had performed.

Ms. Williams stated Dr. Chaffin did concede the issues with the crowns at the administrative hearing. She said the evidence in this case does support the findings of fact as written with the modifications. Ms. Williams stated the disciplinary continuing education was warranted in this case.

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to GRANT the motion for modifications to the finding of facts. MOTION PASSED UNANIMOUSLY.

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to ADOPT the Administrative Law Judges conclusion of law paragraphs one through seven in full. MOTION PASSED UNANIMOUSLY.

Mr. Dynar stated he had concerns with the differences between disciplinary continuing education versus the non-disciplinary continuing education. He asked the dentists what was the proper approach to his

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concerns. Mr. Jackson stated he agreed with Mr. Dynar. Dr. Morrow stated he had concerns; was more damage done to the patient by attempting to perform the temporary endodontics?

Discussion ensued.

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to ACCEPT the modified Board Order, remove the censure and include the hearing costs from the Office of Administrative Hearings and court reporter. Mr. Jackson, Mr. Dynar, and Dr. Sorensen OPPOSED. MOTION PASSED.

Agenda Item No. 11 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. 13A	Case No. 201700218	Dr. Chase D. Davis
Agenda Item No 13B	Case No. 201700252	Dr. Hiliary Ann Luinstra
Agenda Item No. 14B	Case No. 201800008	Dr. Stephen J. Montoya
Agenda Item No. 14C	Case No. 201800009	Dr. Ronald Leroy Rock
Agenda Item No. 19A	April 6, 2018 – Board Meeting Minutes	
Agenda Item No. 19B	May 2, 2018 – Special Board Meeting Minutes	
Agenda Item No. 20A	Case No. 201700251-ED	Dr. John Gregory Sabol

**Agenda Item No. 12 CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS
CONSENT AGENDA**

Item No.	Case No.	Licensee	Comments
A.	VACANT		

**Agenda Item No. 13 CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING
EDUCATION CONSENT AGREEMENTS
CONSENT AGENDA**

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to ISSUE a non-disciplinary consent agreement for agenda items 13C through 13G. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
C.	201700256	Dr. Nicholas P. Heiner	6 hours of CE in diagnosis and treatment planning 3 hours of CE in record keeping
D.	201700258-MP	Dr. Ruben D. Romero	6 hours of CE in endodontics 4 hours of CE in risk management
E.	201700265	Dr. Kirk R. Larson	4 hours of CE in risk management
F.	201800006	Dr. Peter P. Nguyen	3 hours of CE in operative dentistry 3 hours of CE in crown and bridge 3 hours of CE in record keeping

Item No.	Case No.	Licensee	Comments
G.	201700255	Dr. Mark A. Espinoza	3 hours of CE in ethics

**Agenda Item No. 14 CASES RECOMMENDED FOR ISSUANCE OF LETTER OF CONCERN
CONSENT AGENDA**

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to ISSUE a letter of concern to Dr. Niels Christian Jensen stating "Dr. Jensen should develop his own treatment plan based on his examination of the patient." MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
A.	201700239	Dr. Niels Christian Jensen	"Dr. Jensen should develop his own treatment plan based on his examination of the patient."

**Agenda Item No. 15 CASES RECOMMENDED FOR TERMINATION
CONSENT AGENDA**

Item No.	Case No.	Licensee	Comments
A.	VACANT		

Agenda Item No. 16 CASES RECOMMENDED FOR DISMISSAL

Upon MOTION by Dr. Taylor, second by Ms. McClain, the Board voted to DISMISS agenda items 16A-16E. MOTION PASSED UNANIMOUSLY.

Item No.	Case No.	Licensee	Comments
A.	201700244	Dr. Prashanthi Baddam	Terminate per patient request
B.	201700250	Dr. Zoltan Varadi	Terminate per patient request
C.	201800043	Dr. Carlos Alberto Valladares	Terminate per patient request
D.	201800052	Dr. Blake R. Adams	Terminate per patient request
E.	201800055	Dr. Sarah Daniel Uvaydov	Terminate per patient request

**Agenda Item No. 17 MALPRACTICE AND ADVERSE OCCURRENCE REPORTS, AND
DISCIPLINARY ACTION IN ANOTHER STATE**

- A. Dr. Sathish Bhadra Chari – Malpractice Report Recommendation – Took No Action
- B. Dr. Robert F. Guyette – Adverse Occurrence Report Recommendation – Took No Action
- C. Dr. John F. Badolato – Malpractice Report Recommendation – Took No Action
- D. Dr. Gregory S. Schmid – Malpractice Report Recommendation – Took No Action
- E. Dr. Rozita Esbah-Tabatabaie – Malpractice Report Recommendation – Took No Action

Upon MOTION by Ms. Crevier, second by Ms. McClain, the Board voted to TAKE NO ACTION on agenda items 17A-17E. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 18 APPROVAL OF CONSULTANTS AND EXAMINERS
CONSENT AGENDA**

- A. Joseph C. Creech, Jr., DDS – Dental Consultant

Upon MOTION by Dr. Taylor, second by Dr. Bienstock, the Board voted to APPROVE Dr. Creech, Jr. as a dental consultant. MOTION PASSED UNANIMOUSLY.

**Agenda Item No. 19 APPROVAL OF MINUTES
CONSENT AGENDA**

- A. April 6, 2018 – Board Meeting Minutes
B. May 2, 2018 – Special Board Meeting Minutes

Upon MOTION by Dr. Taylor, second by Ms. Crevier, the Board voted to APPROVE the April 6, 2018 Board meeting minutes and the May 2, 2018, Special Board meeting minutes. MOTION PASSED.

Agenda Item No. 20 REVIEW OF EXECUTIVE DIRECTOR TERMINATIONS

Upon MOTION by Ms. Crevier, second by Dr. Taylor, the Board voted to APPROVE the Executive Director's terminations of agenda items 20B-20C. MOTION PASSED.

Item No.	Case No.	Licensee	Comments
B.	201700263-ED	Dr. Michael Wassef	
C.	201800032-ED	Dr. Bret Sabin Standage	

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

**Agenda Item No. 13A Case No. 201700218
Dr. Chase D. Davis**

The case was pulled by Mr. Jackson, he said there were clinical issues with this case. He said there was no consent for implants or grafting in the patient records. Mr. Jackson stated a total of 10 implants failed. He said there was no record of patient's medical history of seizures. Mr. Jackson said there was a change of treatment plan in the middle of a procedure. Mr. Jackson stated this case seemed to warrant more continuing education. Dr. Taylor stated no consideration of medication or previous medication usage was discussed. Ms. Crevier stated she agreed with Mr. Jackson that case rises to the level of discipline.

Dr. Morrow stated the case was not against protocol; however, the treatment was concerning.

Dr. Taylor stated the consultant who reviewed this case stated the patient's vertical dimension is now off.

Mr. Jackson stated he understood philosophies may differ among dentists; however, ten implants failed, consent forms not being completed, record keeping issues where the patient had a seizure under sedation and it was not recorded in the patient record, and patient medication usage was not discussed.

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Upon MOTION by Dr. Taylor, second by Mr. Dynar the Board voted to APPROVE the Executive Director's termination of agenda item 20A. Dr. Harmon RECUSED. MOTION PASSED.

CALL TO THE PUBLIC

Consideration of comments from the public. Those wishing to address the Board need not request permission in advance. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. The Board shall not discuss or take action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(H).

Agenda Item No. 23 MEMBERS OF THE PUBLIC

Mr. David Biscobing, news correspondent with Channel 15 was present and addressed the Board. Mr. Biscobing stated he had serious concerns and questions regarding Dr. Pankaj Goyal. He stated Dr. Goyal who is licensed, and has a general anesthesia permit. Mr. Biscobing stated he spoke with several people who confirmed Dr. Goyal's anesthesia credentials are fake, forged and fabricated. Mr. Biscobing stated the Board has received multiple warnings regarding Dr. Goyal's fake credentials dating back several years. He stated nothing has transpired. Mr. Biscobing stated the Board approved Dr. Goyal's 1301 permit in October, 2013. He said Dr. Goyal submit with his application a certificate of completion stating he completed a 24 month program in dental anesthesia residency at Metro Health Center in Cleveland, Ohio. Mr. Biscobing stated he sent a copy of the certificate provided by Dr. Goyal to Metro Health and he spoke with Metro Health officials who said the certificate was fake and did not exist, and there was no record of Dr. Goyal completing his residency at Metro Health Center. Mr. Biscobing stated he spoke with Dr. Frank Ditzig who's signature was on the certificate. He said Dr. Ditzig said the signature on the certificate is a forgery and is not his signature, and he does not know Dr. Goyal. Mr. Biscobing stated in 2014, Dr. Goyal submitted new documentation to the Board that conflicts with the old documentation. He said there was a letter from an old Air Force friend which stated Dr. Goyal had completed an anesthesia residency program at the Wright Patterson Air Force Base in Ohio. Mr. Biscobing stated the problem with the documentation was Dr. Goyal alleged he was attending a residency program at Patterson Air Force Base at the same time he was attending residency at Metro Health Center. Mr. Biscobing stated he contacted Patterson Air Force who confirmed to him it was not true, there is no dental anesthesia residency program at Patterson Air Force Base. He said the Air Force informed him Dr. Goyal has never completed any residency anesthesia training. Mr. Biscobing stated he contacted Dr. Jose Alvarez who recanted his statements to the Board. He stated he had correspondence from Dr. Alvarez stating he was deceived by Dr. Goyal. He said Dr. Alvarez stated he was not contacted by the Board to verify his statements. Mr. Biscobing stated he contacted Director Hugunin via email to inquire how this had happened and what was going to be done to resolve this matter. He said Director Hugunin stated Board investigations are confidential. Mr. Biscobing stated his questions were regarding public documents. He stated he contacted Dr. Goyal who refused to answer where he completed his anesthesia residency training. He said his question for Dr. Goyal is a basic question, as well as his questions for the Board. Mr. Biscobing stated he would televise this on the news as this was a serious public safety issue. He said the public deserved to have answers.

Agenda Item No. 24 FUTURE AGENDA ITEMS

- A. Requirements for anesthesia permits
- B. Possible investigation of Dr. Pankaj Goyal
- C. Possible investigation of Kool Smiles

Agenda Item No. 25 NEXT MEETING DATE – August 3, 2018

Agenda Item No. 26 ADJOURNMENT

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

Dr. Sorensen adjourned the Board meeting at 11:02 a.m.

A handwritten signature in black ink, appearing to read "Gregory A. Waite", is written above a horizontal line.

Gregory A. Waite, DDS - President