



## ARIZONA STATE BOARD OF DENTAL EXAMINERS

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

Telephone (602) 242-1492 • Fax (602) 242-1445

[www.dentalboard.az.gov](http://www.dentalboard.az.gov)

### BODEX UPDATE

At the time of this writing, the legislature is still in session and debating several bills that may have an impact on healthcare professionals and regulatory boards. HB 2501, which proposes the transfer of all health care regulatory boards to the Department of Health Services, has undergone several amendments. It does have the potential to impact the Board's regulatory functions and operations. The Board will keep licensees informed as additional information is provided.

At the February 5, 2016 Board meeting, the Board took the following actions:

- Approved 2 disciplinary Board orders resulting from formal interviews at the December, 2015 Board meeting;
- Approved 3 disciplinary consent agreements:

The Board pulled two proposed disciplinary consent agreements from the consent agenda and voted to modify the terms. In one case, the Board voted to increase the proposed administrative penalty and in the other case, the Board voted to add a requirement for restitution. In accordance with the Board's process, the respondent-licensees will be asked if they accept the Board's modifications and if they do not, they will be invited to appear at a formal interview before the full Board. To date, one has agreed to the modified consent agreement.

- Approved 5 non-disciplinary consent agreements:

In two of these cases, the sanction was continuing education in record keeping; one case ordered continuing education in sedation of elderly patients; 1 ordered continuing education in infectious disease control and the last one ordered continuing education in risk management.

- Approved 5 non-disciplinary letters of concern stating the following:

Dr. A should use a rubber dam when performing root canal treatment;

Dr. B should maintain records that are clear, concise and understandable;

Dr. C should maintain records that are clear, concise and understandable;

Dr. D should ensure that records are clear, concise and legible; and

Dr. E should be aware of the rules and regulations governing the practice of dentistry in the State of Arizona.

Several Inscriptions articles have addressed the ongoing deficiencies with licensee records. Licensees frequently respond to allegations of inadequate record keeping by responding that the records in question are the only ones that are deficient in this area. This is not a mitigating factor as each record should be clear, concise and legible.

- The Board also reviewed communication regarding the Commission on Dental Competency Assessments (CDCA), formerly the Northeast Regional Board (NERB), administration of the patient Centered Curriculum Integrated Format and American Board of Dental Examiners (ADEX) examination. This exam qualifies under A.R.S. § 32-1240 and A.A.C. R4-11-201 as it is a clinical examination administered by a regional testing agency.
- As part of the Board's routine agenda, Ms. Williams, the Board's Assistant Attorney General, provides an update on pending administrative appeals proceeding through the courts. Although I received a negative comment last time I wrote about this, the agendas and licensee names are public information and available on the Board's website. There are three cases currently in the administrative appeals process. Two date back to 2014 and one to 2010. The Board recently prevailed in an appeal filed by Dr. Rosalyn D. Keith (case nos. 201300291 and 201400004). The Superior Court affirmed the Board's decision to revoke Dr. Keith's license. Commendation to Ms. Williams for the ongoing assistance and work she provides the Dental Board.

In closing, I would like to again thank the Board's outside dental consultants for their hard work and dedication in reviewing complaints. Many of these cases are very specialized and complex and frequently require the review and analysis of voluminous material.