



Arizona State Board of Dental Examiners

“Caring for the Public’s Dental
Health and Professional Standards”

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OPEN SESSION MINUTES

August 22, 2023

Investigative Committee Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Investigative Committee (“Committee”) held a virtual/telephonic meeting. The Committee did not meet in executive session.

COMMITTEE MEMBERS

	Anthony Caputo, DDS	Chairperson
X	Brown “Skip” Harris, DDS	Vice-Chairperson
X	Mahshid “Mia” Asrari, DDS, MS	Committee Member
	Karren Lea Berrigan, DMD, MS	Committee Member
X	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
	Umar Imtiaz, DDS, MS	Committee Member
X	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
	Katie Lee Martin, DMD, MPH, MS	Committee Member
	Mindy Motahari, DMD, MA Edu	Committee Member
	Joined/deperted as denoted in the body of the minutes	
X	Absent	

STAFF PRESENT

	Ryan P. Edmonson	Executive Director
	Kristina C. Gomez	Deputy Director
	Seamus Monaghan, Esq.	Assistant Attorney General
	April Romero	Chief Compliance Officer
	Selena Acuna	Compliance Officer
	Mary Ford	Compliance Officer

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 2:00 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established.

II. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

Dr. Martin disclosed knowing the complainant for agenda item III.A.14; however, declared that it does not prevent her from making an unbiased decision.

Dr. Motahari declared a conflict of interest with agenda item III.A.14.

III. ITEMS FOR REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD RECOMMENDATIONS

The Committee discussed which cases would be recommended for dismissal.

Motion: Dr. Berrigan moved to recommend dismissal for agenda items III.A.4.202300100, III.A.5.202300101, III.A.14.202300110 and III.A.16.202300112.

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Motahari was recused and did not participate.

The Committee proceeded to discuss which cases would be recommended for a letter of concern.

Motion: Dr. Fukami moved to recommend that the Board issue a letter of concern for III.A.11.202300107.

Second: Dr. Imtiaz

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Imtiaz moved to recommend that the Board issue a letter of concern that emphasizes the importance of evaluation, diagnosis and recordkeeping, including limited examinations.

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

A. Review of Investigation(s)

1. 202200063

The Committee reviewed the consultant's report and discussed that there were recordkeeping issues and excessive use of local anesthetics.

Motion: Dr. Fukami identified violations of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Imtiaz moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 4 hours in local anesthesia and pain control and 8 hours of implant diagnosis and treatment planning. In addition, 6 months of chart auditing focusing on evaluation, diagnosis, treatment planning, chart notes and consent.

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

The Committee considered that the chart audit should begin once the CE is completed. The Committee further discussed having bi-monthly reports and

reviewing if there is clear recordkeeping of local anesthetic administration and blood pressure management plan.

2. 202300098

The Committee reviewed the consultant's report and discussed that there were recordkeeping issues

Motion: Dr. Motahari identified violations of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Dr. Motahari

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

3. 202300099

The Committee reviewed the consultant's report and concurred that there were recordkeeping issues and overuse of local anesthetics.

Motion: Dr. Imtiaz identified violations of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 4 hours in local anesthesia administration and technique and 4 hours in management of medically complex patients.

Second: Dr. Martin

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

6. 202300102

The Committee reviewed the consultant's report and concurred that there were recordkeeping issues.

Motion: Dr. Fukami identified violation of A.R.S. § 32-1201.01(24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in risk management.

Second: Dr. Motahari

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

7. 202300103

The Committee reviewed the consultant's report and concurred that there were recordkeeping and blood pressure issues.

Motion: Dr. Berrigan identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Ms. Kappes

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

8. 202300104

The Committee reviewed the consultant's report and concurred with the conclusions of the investigation.

Motion: Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Dr. Motahari

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

9. 202300105

The Committee reviewed the consultant's report and concluded there were violations of the standard of care when treating a medically compromised patient for which there was excessive local anesthetic given and no modifications were made to the treatment plan based on the significant health issues.

Motion: Dr. Fukami identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Berrigan moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 4 hours in local anesthesia administration and technique and 8 hours in management of medically complex patients.

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

10. 202300106

The Committee reviewed the consultant's report and concurred that there were issues with local anesthesia.

Motion: Dr. Imtiaz identified violation of A.R.S. § 32-1201.01(14).

Second: Dr. Motahari

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Imtiaz moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in local anesthesia administration and technique.

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

12. 202300108

The Committee identified violations of A.R.S. § 32-1201.01(14) and (24); based on the consultant's report.

Motion: Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Motahari

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Fukami moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Dr. Imtiaz

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

13. 202300109

Based on the review of the consultants report, the Committee identified violations of A.R.S. § 32-1201.01(14) and (24).

Motion: Dr. Motahari identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Caputo

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Motahari moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

15. 202300111

Based on the review of the consultants report, the Committee identified violations of A.R.S. § 32-1201.01(14) and (24).

Motion: Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Berrigan

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

Motion: Dr. Motahari moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management and 4 hours in local anesthesia administration and technique.

Second: Dr. Berrigan

During discussion, the Committee identified that the same error was made for multiple patients at least three times, there were incorrect billing issues and an exam was charged when the patient did not receive an exam.

Amended Motion: Dr. Fukami moved to recommend that the Board issue disciplinary action, requiring the completion of 4 hours of CE in risk management, 4 hours in local anesthesia administration and technique and 3 hours in ethics.

Second: Dr. Fukami

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

17. 202300133

The Committee discussed that there were two substantiated allegations in the consultant's report for lack of a comprehensive treatment planning and complete financial disclosure. The Committee further discussed the importance of record keeping and clear and appropriate communication.

Motion: Dr. Fukami identified violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Motahari was recused and did not participate.

Motion: Dr. Martin moved to recommend that the Board issue non-disciplinary action, requiring the completion of 4 hours of CE in risk management and 3 hours in ethics.

Second: Dr. Imtiaz

Vote: 6-aye, 0-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

Dr. Motahari was recused and did not participate.

18. 202300134 and 19. 202300135

Motion: Dr. Martin moved to recommend that the Board combine the recommended action for agenda item III.A.18 with III.A.1 and III.A.19 with III.A.15; based on the findings.

Second: Ms. Kappes

Vote: 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

IV. COMPLAINT LOG

There was no discussion.

V. SUMMARY OF CURRENT EVENTS

None were discussed.

VI. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

VII. NEXT COMMITTEE MEETING DATE

A. September 19, 2023

VIII. ADJOURNMENT

Dr. Caputo adjourned the meeting at 2:29 p.m.