



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

August 18, 2023 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a virtual/telephonic meeting. The Board met in executive session during its consideration of agenda items V.B.1, V.D.7, V.E.2, V.K.1 and V.M.1 as stated herein.

BOARD MEMBERS

	Anthony Herro, DDS	President and Licensed Dentist Member
X	Lisa B. Bienstock, DMD	Vice-President and Licensed Dentist Member
	Morgan B. Burg	Business Entity Member
	Edward H. Christensen, DDS	Licensed Dentist Member
	Aditya Dynar	Public Member
X	Tamer El-Gendy, DMD	Licensed Dentist Member
⌚	Nick Goodman	Public Member
⌚	Jaselyn K. Moffett, RDH	Licensed Hygienist Member
⌚	Russell Jeffrey Morrow, DDS	Licensed Dentist Member
	Vicki B. Penna, RDH	Licensed Hygienist Member
	Leslie D. Seaman, DDS	Licensed Dentist Member
⌚	Joined/departed as denoted in the body of the minutes	
X	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

	Ryan P. Edmonson	Executive Director
	Kristina C. Gomez	Deputy Director
	Seamus Monaghan, Esq.	Assistant Attorney General
	John W. Dovgan, DDS	Chief Investigator
	Sherrie Biggs	Assistant Deputy Director
	April Romero	Chief Compliance Officer
	Selena Acuna	Compliance Officer
	Mary Ford	Compliance Officer

GUESTS PARTICIPATING AND/OR PRESENT

	Leah Schachar, Esq.	Attorney for Respondents
	Jeffery J. Tonner, Esq.	Attorney for Respondents
	Leanne Hay, Esq.	Attorney for Respondents
	Rita Bustos, Esq.	Attorney for Respondent
	Arman Nafisi, Esq.	Attorney for Respondent
	Kenneth J. Peace, Esq.	Attorney for Respondent

V.T.	Respondent
Brooke Zoumbaris	Respondent
Enrico DiVito	Respondent
George Hariri	Respondent
Cindy Bachman	Court Reporter
B.C.	Respondent
Mark H. Cleary	Applicant
Randall S. Krebs	Applicant
Jennifer A. Recore	Applicant
Yadira Santos	Applicant
Hanna Mansoor	Respondent
Jack Snow	Respondent
Chandan Walia	Respondent
Abraham Miller	Respondent

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board’s meeting to order at 8:00 a.m. Roll call of the Board members was taken and a quorum was established.

Ms. Moffett joined the meeting at 8:01 a.m.

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

Dr. Herro declared a conflict of interest with agenda item no. V.I.1.

Ms. Penna declared conflicts of interest with agenda item nos. IV.B.5 and V.H.2.

Dr. Morrow declared conflicts of interest with agenda item nos. V.D.1 and V.F.2.

Mr. Goodman joined the meeting at 8:04 a.m.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

A. Discussion and approval of the *amended* Open Session Minutes from the August 5, 2022 board meeting.

B. Discussion and approval of the Open Session Minutes from the June 23, 2023 board meeting.

C. Discussion and approval of the Executive Session Minutes from the June 23, 2023 board meeting.

Motion: Dr. Herro moved to approve the amended open session minutes from the August 5, 2022 meeting and the open and executive session minutes from the June 23, 2023 meeting.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

IV. CONSENT AGENDA**A. Termination of Board Orders(s)/Consent Agreements(s)**

1. 201900145; Sandstrom, Paul
2. 202200088; Kirch, Justin
3. 202200208; Orange DMSO, LLC dba Wellness Dental
4. 202200247; Dentists of North Glendale

B. Review of Investigation(s) – Case(s) Recommended for Dismissal

1. 202200011; Antczak, Christopher
3. 202200338; Stoterau, Brianna
4. 202200340; Zargar, Andre
6. 202300012; Peters, Rima
7. 202300029; Noble, Andrew
8. 202300034; Marinic, Daniel
9. 202300040; Meng, Tzuyu
10. 202300056; Kastala, Sri
11. 202300061; Patterson, Charles

C. Review of Investigation(s) – Case(s) Recommended for a Letter of Concern

1. 202200344; Goff, Sarah
2. 202300091; Xing, James
3. 202300095; Seiler IV, Truman

Dr. Morrow requested to pull agenda item IV.B.2.202200194; Chu, Catherine from the consent agenda. In addition, Ms. Moffett requested to pull agenda item IV.B.5.202200349; Yang, David.

Motion: Dr. Herro moved to accept the consent agenda and pull cases for agenda items IV.B.2 and IV.B.5.

Second: Mr. Dynar

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

IV. CONSENT AGENDA**B. Review of Investigation(s) – Case(s) Recommended for Dismissal**

2. 202200194; Chu, Catherine

The Board reviewed the consultant's report and discussed substantiated deficiencies for misdiagnosis, mistreatment and record keeping issues. The Board also discussed the failed composites and the inability to keep the composites in place.

Motion: Ms. Penna moved to find violations of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board inquired whether the licensee has had previous board action taken. Staff informed the Board that Dr. Chu was issued a letter of concern for recordkeeping.

Motion: Ms. Penna moved to offer a non-disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 3 hours of hands-on restorative management; based on the previously adopted statutory violations and the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The respondent has 1 month to sign the agreement.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

5. 202200349; Yang, David (*Penna conflicted*)

The Board discussed that crown on number 12 appears to have a distal open margin. After further review, the Board did not consider that it is not evident that it has an open margin.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

Ms. Penna was recused and did not participate in the matter.

V. **ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

L. Board Case(s) Voted to Hearing

1. 202000324; Nelson, Amanda

Motion: Dr. Herro moved to rescind the motion for a formal interview and place the case back in initial review.

Second: Mr. Dynar

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

M. Informal Settlement Conference(s)

1. Pursuant to A.R.S. § 41-1092.06, Informal Settlement Conference in Case Nos. 201700175-MP & 202000129, as they relate to Case No. 23F-17175-20129-DEN; discussion, consideration and possible action on matters relating to the Informal Settlement Conference.

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 8:31 a.m.

The Board returned to open session at 8:49a.m.

No legal action was taken by the Board during executive session.

Motion: Dr. Herro moved for the Board to enter into executive session and invite the respondent to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

Second: Ms. Penna

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 8:50 a.m.

The Board returned to open session at 9:18 a.m.

No legal action was taken by the Board during executive session.

Motion: Dr. Herro moved to offer a consent agreement, requiring that the outstanding balance that is owed to the Board be paid in equal installments starting September 30, 2023, with the final balance due by August 30, 2024. If a payment is missed or late, it will constitute a new violation and grounds for revocation.

Second: Mr. Dynar

During discussion, Mr. Goodman stated he would vote against the motion because he thinks the respondent does not have the desire to follow the direction of the Board. In addition, Dr. Morrow expressed concern for the respondent's history of non-regulatable attitude.

Roll call

Herro-aye

Burg-aye

Christensen-aye

Dynar-aye

Goodman-nay

Moffett-aye

Morrow-nay

Penna-aye

Seaman-aye

Vote: 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

J. Settlement Offer

1. 201900170, 201900213, 201900224, 201900232, 201900245, 201900268 & 202000014; Zoumbaris, Brooke

Mr. Tonner made a statement on behalf of Dr. Zoumbaris and explained that the owner of the practice had Dr. Zoumbaris's patients fill out complaint forms. While they agree with the consultant's report, Mr. Tonner pointed out that Dr. Zoumbaris did not have an opportunity to correct the cases. Mr. Tonner further requested that the Board consider offering a non-disciplinary consent agreement with CE. The Board took into consideration the unique circumstances surrounding the complaint and the dentistry issues.

Motion: Dr. Herro moved to direct staff to open an investigation against Ramin Sani for potential unprofessional conduct.

Second: Dr. Christensen

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board further took into consideration that there have been no subsequent complaints in three years against Dr. Zoumbaris.

Motion: Dr. Herro moved to accept the non-disciplinary counter officer consent agreement submitted by the licensee's attorney to require 6 hours of CE in crown and bridge, 4 hours in endodontics, 4 hours in treatment planning and 4 hours of risk management instead of record keeping.

Second: Dr. Christensen

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board took a break from 9:52 a.m. to 10:03 a.m.

Roll call of the Board members was taken and a quorum was established.

VI. ANESTHESIA & SEDATION NOTICE OF PROPOSED RULEMAKING (“NPR”)

The Board directed staff to coordinate a special board meeting to discuss the anesthesia and sedation NPR.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

H. Review of Compliance/Non Compliance for Consent Agreement(s)/Board Order(s)

1. 202000317-MP; Grampp, Carter

Ms. Schachar made a statement on behalf of Dr. Grampp and informed the Board that Dr. Grampp has acute and chronic health conditions, which has limited his practice. Ms. Schachar also requested clarification with respect to the number of charts and the terms of the order. The Board proceeded to discuss placing parameters for the chart audit.

Motion: Dr. Herro moved to direct Mr. Monaghan and Ms. Schachar work together to specify the parameters of the chart audit and present it to the Board at a future meeting.

Second: Mr. Dynar

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202100246-MP; Fazel, Abbas (*Penna conflicted*)

Dr. Dovgan informed the Board that the CE was not approved and the CE was supposed to be hands-on. Ms. Schachar subsequently made a statement to explain the criteria of the CE courses that Dr. Fazel took and requested reconsideration of the denial of the course. The Board proceeded to discuss the matter and considered granting the licensee an extension to complete the required CE.

Motion: Dr. Herro moved to grant the licensee a 6 months extension to allow the licensee to complete a board approved course in crown and bridge.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

3. 202300069-AO; Lamb, Derek (*Bienstock conflicted*)

Staff confirmed that all requirements in the consent agreement have been met.

Motion: Dr. Herro moved to terminate the suspension of the licensee's 1301 Permit.

Second: Dr. Christensen

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board confirmed that this effectively terminates the order.

F. Response/Non-Response to Offered/Issued Consent Agreement(s)/Board Order

1. 202000306; Hossieni, Rozbeh (*Bienstock conflicted*)

Ms. Schachar made a statement on behalf of Dr. Hossieni and elaborated on the CE that Dr. Hossieni has taken. Ms. Schachar further inquired if Dr. Hossieni could apply for a lift on the suspension if the CE requirements are met early.

Motion: Dr. Herro moved to amend the consent agreement to allow Dr. Hossieni to apply for a lift on the suspension early if the CE requirements are met. If not signed within 5 business days, move to a formal interview; based on the discussion held during the meeting and the consultant's report.

Second: Ms. Penna

Vote: 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Drs. Morrow and Seaman voted against the motion.

2. 202100133; Arora, Manu (*Morrow conflicted*)

Ms. Hay made a statement on behalf of Dr. Arora and requested that the Board reconsider the offer for disciplinary action. However, the Board considered that there was no new information to warrant changing the previously offered agreement.

Motion: Dr. Herro moved to uphold the disciplinary consent agreement that was offered.

Second: Ms. Penna

Vote: 8-aye, 0-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

Dr. Morrow was recused and did not participate in the matter.

3. 202200278-AO; Sheth, Rajan

Dr. Sheth made a statement to express his goal is to improve patient safety and patient outcome in any procedure. Dr. Sheth further indicated that in 13 years, this has been his first adverse occurrence. After review, the Board did not see new information to consider amending the agreement.

Motion: Dr. Herro moved to uphold the order as previously offered.

Second: Dr. Christensen

Vote: 8-aye, 1-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Mr. Dynar voted against the motion because he disagrees with the probation term.

4. 202300060-AO; Barrett, Christopher

Dr. Barrett was available during the Board's review of the case. Mr. Tonner clarified that Dr. Barrett had little involvement in the case and was not supervising the case. When the sedation complication arose, Dr. Barrett did crowd control. Dr. Barrett proceeded to answer the Board's questions pertaining to his involvement in the case. After discussion, the Board did not see new information to consider amending the agreement.

Motion: Dr. Herro moved to uphold the previously offered consent agreement.

Second: Dr. Christensen

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Mr. Goodman temporarily departed the meeting at 11:11 a.m.

The Board took a break from 11:14 a.m. to 11:24 a.m.

Roll call of the Board members was taken and a quorum was established.

I. Formal Interview(s)1. 202100034; DiVito, Enrico (*Herro and El-Gendy conflicted*)

Dr. DiVito was available during the Board's review of the case. The respondent's legal counsel, Ms. Schachar was also available. Dr. Dovgan provided the Board an overview of the case and indicated that complainant D.B. saw Dr. DiVito for a fractured tooth. Ms. Schachar stated that the patient claimed that he had no issues with his bite or pain when he first presented to Dr. DeVito and other treatment options were given to the patient. Tooth number 8 was extracted mid-treatment, which resulted in needing to change the treatment plan. Ms. Schachar further indicated that the patient's lack of compliance is a barrier to the resolution of its symptoms. Dr. DiVito proceeded to answer the Board's questions and explained that the patient was posterior and superior compressed and that the patient has chronic TMJ.

Mr. Goodman re-joined the meeting at 12:10 p.m.

The Board proceeded to review the allegations in the consultant's report. The patient's mother proceeded to read a statement regarding the work done by Dr. DiVito and stated that all primary and permanent teeth were treated inappropriately. The crowns and bridge failed causing bone damage and infection resulting in painful bone grafting. Dr. DiVito proceeded to answer additional questions from the Board regarding the splint therapy. Dr. Dovgan indicated that the primary concern with the case was the long span bridge with the abutments being primary teeth or baby teeth and when tooth number 8 was removed, to have considered referring to the case due to extreme complications and TMJ issues that needed to be closely monitored. The Board proceeded to deliberate and discussed Dr. DiVito's case selection and poor choices. The Board also considered ordering restitution to the patient.

Motion: Dr. Seaman moved to adopt the factual allegations in the consultant's report and violations of law.

Second: Mr. Dynar

Roll Call

Burg-aye

Christensen-aye

Dynar-aye

Goodman-aye

Moffett-aye

Morrow-aye

Penna-aye

Seaman-aye

Vote: 8-aye, 0-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

Dr. Herro was recused and did not participate in the matter.

Motion: Dr. Seaman moved to adopt conclusions of law and adopt violation of A.R.S. § 32-1201.01(14).

Second: Dr. Morrow

Motion: Dr. Seaman moved to issue a disciplinary order, requiring the completion of 3 hours of CE in diagnostics and management of occlusion, 6 hours in treatment planning of full mouth rehabilitation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. In addition, to require \$38,800 in restitution to the patient, except what was paid by insurance, if applicable.

Second: Dr. Morrow

Amended Motion: Dr. Seaman lowered the restitution amount to \$36,000 because the diagnostic and preventative services were completed appropriately.

Second: Dr. Morrow

Vote: 8-aye, 0-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

3. 202300136; Hariri, George

Dr. Hariri was available during the Board's review of the matter and answered the Board's questions. Dr. Hariri clarified that he did not treat the patient; he is a practice owner. Dr. Hariri further confirmed that the treating dentist was paid in full.

Motion: Dr. Morrow moved to dismiss the case against Dr. Hariri.

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202200168; Abaie, Kathleen Ashley

The respondent was not available during the formal interview.

Motion: Dr. Herro moved the matter to a formal hearing based on the consultants report and violation of A.R.S. § 32-1201.01(14) and (24).

Second: Dr. Morrow

Vote: 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Mr. Dynar and Ms. Moffett voted against the motion.

K. Consideration of Practice Limitation

1. BC

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice and discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) and (3).

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 1:50 p.m.

The Board returned to open session at 2:08 p.m.

No legal action was taken by the Board during executive session.

The Board directed staff to carry out the instructions given out in executive session.

A. Application(s) for Licensing of Dentist(s) or Hygienist(s) – A.R.S. §§ 32-1231 et seq. and 32-1281 et. seq. respectively

1. Alexander, DeAndrae W., DDS (*by Credentials*)

The applicant was not available during the Board's consideration of the application for licensure. The Board reviewed the three recent disciplinary actions taken in Texas, which include probation. After discussion, the Board does not consider the applicant safe to practice in Arizona.

Motion: Dr. Herro moved to deny licensure.

Second: Dr. Christensen

Vote: 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Mr. Dynar voted against the motion because he would have liked to hear from the applicant.

Dr. Morrow voted against the motion.

Later in the meeting, the Board rescinded the previous motion.

Motion: Dr. Herro moved to deny licensure for committing acts that are subject to probation in Arizona, pursuant to A.R.S. § 32-1232(C)(1).

Second: Dr. Christensen

Vote: 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Mr. Dynar and Dr. Morrow voted against the motion.

2. Cleary, Mark H., DDS (*by Credentials*)

Dr. Cleary was available during the Board's consideration of the application for licensure and answered questions.

Motion: Dr. Herro moved to grant licensure.

Second: Ms. Moffett

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

3. Krebs, Randall S., DDS (*by Universal Recognition*)

Dr. Krebs was available during the Board's consideration of the application for licensure. Dr. Krebs answered questions pertaining to the surrender of licensure in another state. Dr. Krebs confirmed that his license in Virginia is unencumbered.

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

4. Recore, Jennifer A., DMD (*by Credentials*)

Dr. Recore was available during the Board's consideration of the application for licensure.

Motion: Dr. Herro moved to grant licensure.

Second: Mr. Dynar

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

5. Santos, Yadira, RDH (*by Examination*)

Ms. Santos was available during the Board's consideration of the application for licensure and answered questions.

Motion: Ms. Penna moved to grant licensure.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

B. Application for 1302 Anesthesia and Sedation Permit – A.A.C. R4-11-1302

1. Mansoor, Hanna

Dr. Mansoor was available during the review of the matter. Mr. Tonner made a statement to request that the Board consider granting the 1302 Permit.

Motion: Dr. Morrow moved for the Board to enter into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 2:31 p.m.

The Board returned to open session at 2:46 p.m.

No legal action was taken by the Board during executive session.

The Board reviewed the evaluators report and their recommendation after a category 2 failure. The Board informed the applicant that the identified deficiencies, such as medical emergencies, would guide the CE courses. The Board also clarified that the Board's rules outline the requirements to request an evaluation.

Motion: Dr. Herro moved to take no action.

Second: Dr. Christensen

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

C. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 202300092; Bhalla, Annu

Dr. Dovgan provided the Board an overview of the case. The Board concurred that the doctor that prepped the crown did not seat it.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202300160; Bortz, Justin

Mr. Schachar made a statement on behalf of the respondent and addressed the allegations.

Motion: Dr. Herro moved to issue a letter of concern for recordkeeping issues.

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

D. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement

1. 202200238; Ashraf, Shaharyar (*Morrow conflicted*)

Ms. Schachar made a statement on behalf of the respondent and indicated that the allegation for substandard treatment for an implant crown provided to the patient. The patient already had restoration that was not provided by Dr. Ashrag. The color and size of the crown was adjusted to the patient's liking. The Board further reviewed the consultant's report and did not see an open margin.

Motion: Dr. Herro moved to dismiss the case.

Second: Mr. Dynar

Vote: 8-aye, 0-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

Dr. Morrow was recused and did not participate in the matter.

2. 202200271; Camelback Smiles Dentistry

Ms. Hay made a statement to address the allegations for billing irregularities. Ms. Hay further indicated that the grievance with the insurance was clarified. After review, the Board did not find any substantiated allegations.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

3. 202200284; Kim, Sean

Ms. Hay made a statement on behalf of Dr. Kim and indicated that a comprehensive exam was done; however, the clinical notes were not saved. Dr. Kim documented taking radiographs, but they were missing from the chart. Ms. Hay further indicated that the patient was refunded and Dr. Kim has taken rectifying measures.

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in recordkeeping; based on the discussion held and the consultant's report. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

4. 202200314; Koo, Bonjung

The Board tabled the matter to the next meeting.

5. 202200335; Samuels, Jasmyne

Mr. Nafisi made a statement on behalf of Dr. Samuels and concurred with the consultant's report which showed none of the allegations were substantiated.

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

7. 202300047; Snow, Jack

Ms. Schachar made a statement on behalf of Dr. Snow and indicated that the complaint was regarding the fracture of tooth number 30 during the extraction of tooth number 32. Ms. Schachar further stated that there were likely cuspal fractures of the tooth and treatment was provided free of charge. Dr. Snow proceeded to answer the Board's questions pertaining to the sedation log. Dr. Snow clarified that the CRNA did the sedation.

Motion: Herro moved for the Board to enter into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Second: Dynar

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 3:38 p.m.

The Board returned to open session at 3:42 p.m.

No legal action was taken by the Board during executive session.

The Board considered that Dr. Snow had a responsibility of oversight and considered CE would be appropriate.

Motion: Dr. Herro moved to adopt the statutory violation of A.R.S. § 32-1201.01(14); based on the sedation.

Second: Ms. Moffett

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Motion: Dr. Herro moved to issue non-disciplinary action, requiring the completion of 4 hours of CE in moderate IV sedation; based on the consultant's report, discussion held during the meeting and previously adopted statutory violation as it relates to R4-11-1302(I). The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

8. 202300050; Bingham, Tyler

There was no one signed in to speak on the case. Dr. Dovgan provided the Board an overview of the case and indicated that the patient was provided a refund. The Board took into consideration that the doctor did not have the opportunity to rectify the issue.

Motion: Dr. Herro moved to adopt the statutory violation of A.R.S. 32-1201.01(14).

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in restorative dentistry in fixed prosthetics; based on the consultants report, discussion held and the previously previously adopted statutory violation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

9. 202300085; Virk, Navdeep

Dr. Dovgan provided the Board an overview of the case. Mr. Peace subsequently made a statement on behalf of Dr. Virk and indicated that an initial blood pressure was taken and elaborated on the amount of local anesthetic that was provided.

Motion: Dr. Morrow moved to invite the respondent to a formal interview to address both cases; based on the discussion held and potential allegations in the consultant's report.

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

6. 202300021; Walia, Chandan

Ms. Bustos made a statement on behalf of Dr. Walia to address concerns with the alleged failure to provide complete records to the patient, failure of the patient to receive the Medrol dose pack after implant placement, improperly prescribing Clindamycin and failure to treat paresthesia or refer to a specialist. Dr. Walia proceeded to answer questions pertaining to the prescription and the paresthesia.

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Herro

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

E. Review Draft Board Order(s)/Consent Agreement(s)

1. 202000239; Phillips, Matthew

Ms. Schachar made a statement on behalf of Dr. Phillips and reiterated that he was not the custodian of records. Ms. Schachar further requested that the Board issue the original agreement.

Motion: Dr. Herro moved to approve the draft order as written.

Second: Dr. Morrow

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

2. 202200263; Miller, Abraham

Motion: Dr. Herro moved for the Board to enter into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Second: Ms. Penna

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

The Board entered into executive session at 4:24 p.m.

The Board returned to open session at 4:36 p.m.

No legal action was taken by the Board during executive session.

Mr. Hill addressed the Board to request that the order clarify who is eligible to be a chaperone. The Board considered it more prudent to have the respondent have a fitness to practice evaluation. Dr. Miller proceeded to answer the Board's questions pertaining to his current employment.

Mr. Goodman departed the meeting at 4:49 p.m.

Motion: Dr. Herro moved to issue an interim order for a fitness to practice evaluation; to be completed within three months.

Second: Mr. Dynar

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Motion: Dr. Herro moved to offer a consent agreement based on the parameters that have been previously discussed, to have a third party chaperon, no sedation privileges and all patient and staff contact to be directed through the dental office only.

Second: Ms. Moffett

Roll call

Herro-aye

Burg-aye

Christensen-aye

Dynar-aye

Moffett-aye

Morrow-nay

Penna-nay

Seaman-aye

Vote: 6-aye, 2-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

G. Malpractice, Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. § 32-3208 and/or A.A.C. R4-11-1305

1. 202300246-AO

After the Board's review of the case, the Board considered assigning it to a consultant.

Motion: Dr. Herro moved to assign the case to a consultant for review and agendaize it for a future meeting.

Second: Dr. Christensen

Vote: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

VII. ARIZONA STATE BOARD OF NURSING (AzBN)

There was no discussion.

VIII. ATTORNEY GENERAL'S OPINION – A.R.S. § 32-1281(B)

There was no discussion.

IX. CALL TO THE PUBLIC

None.

X. EXECUTIVE DIRECTOR'S REPORT

There was no discussion.

XI. SUMMARY OF CURRENT EVENTS

None.

XII. DISCUSSION REGARDING FUTURE MEETINGS AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Dr. Morrow directed staff to place the volunteer license on the next scheduled meeting agenda.

XIII. NEXT BOARD MEETING DATE

A. October 13, 2023 (*in-person and virtual*)

XIV. ADJOURNMENT

Dr. Herro adjourned the meeting at 5:00 p.m.