



Arizona State Board of Dental Examiners

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

1740 West Adams Street, Suite 2470
Phoenix, Arizona 85007
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AMENDED NOTICE OF BOARD MEETING OF THE ARIZONA STATE BOARD OF DENTAL EXAMINERS’

Pursuant to Arizona Revised Statute (“A.R.S”) § 38-431.02, notice is hereby given to the members of the Arizona State Board of Dental Examiners (“Board”) and to the general public that the Board will hold a meeting open to the public on **Friday, November 17, 2023 at 8:00 a.m.** The meeting will be held in **Boardroom C** located at 1740 West Adams Street, Phoenix, Arizona 85007. One or more members of the Board may participate in the meeting by telephonic communications. Board members and members of the public may access the meeting telephonically by dialing +1 559-931-2669 followed by the meeting pin – 897 826 068# or virtually, by video conferencing through this link: meet.google.com/dpx-xecn-jpc. After the start of the meeting, the Board president and/or staff will request that members of the public place their phones/devices on mute.

Meetings of the Board are open to the public, and are conducted in a manner to ensure that the Board's deliberations are not disrupted. Therefore, the following statement shall be considered the only warning of proper decorum: "each person who addresses the Board must do so in an orderly manner and must not make impertinent, slanderous, threatening, abusive or profane remarks to any member of the Board, staff, licensee, complainant or general public. Any person who engages in any disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting will be removed from the current meeting and closely monitored should they decide to attend future meetings".

During the course of the meeting, the Board, upon a majority vote of a quorum of the members, may, when necessary, hold an executive session pursuant to A.R.S. § 38-431.03(A)(2) and/or (3) as indicated on the Board’s Agenda. The executive session is not open to the public.

Information concerning the Board’s Agenda, including a copy of the Agenda and any amendments, can be obtained at the Board’s office, through the Board’s website at www.dentalboard.az.gov or by calling the Board’s office at 602.242.1492 The Agenda is subject to change up to 24 hours prior to the meeting. Agenda items are noted by number and letter for convenience and reference. The Board may address the agenda items in any order within the time frame, if any, indicated and may set over matters to a later time when necessary. The Board reserves the right to change the order of the agenda items, except for matters set for a specific time.

Title 2 of the Americans with Disabilities Act prohibits the Board from discriminating on the basis of disability in its public meetings. Persons with a disability may request reasonable accommodation, such as a sign language interpreter, by contacting Board staff at 602.242.1492. Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE BOARD OF DENTAL EXAMINERS

Ryan P. Edmonson, Executive Director

Posted on November 15, 2023:

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The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.



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November 17, 2023 Amended Board Meeting Agenda

The Arizona State Board of Dental Examiners’ (“Board”) President reserves the right to change the order of items on the agenda, except for public hearings set for a specific time.

During the Board meeting and upon a vote of the majority of a quorum, the Board may go into executive session to obtain legal advice from the Board’s attorney(s) pursuant to Arizona Revised Statute (“A.R.S.”) § 38-431.03(A)(3) on any agenda items listed on the agenda. All meeting attendees whose presence is not required in an executive session will be required to leave the meeting room during executive session. Any and all legal action will take place in open session.

*The following **highlighted** agenda items have been carried over from the October 13, 2023 meeting. The Board was unable to consider these items due to a loss of quorum and may review the highlighted items before taking action on any new items.*

I. CALL TO ORDER AND ROLL CALL

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

Individual board members may declare specific conflicts with specific agenda items. All conflicts are notated by a signed Conflict of Interest Form declaring the member's actual or perceived conflict, including the full nature of the conflict and the signed form is retained in a special Board file.

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

Upon a vote of the majority of a quorum, the Board may go into executive session for item B pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

- A. Discussion and approval of the Open Session Minutes from the October 13, 2023 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the October 13, 2023 board meeting.

IV. CONSENT AGENDA

Upon a vote of the majority of a quorum, the Board may go into executive session pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. (All items listed under the Consent Agenda are considered to be routine or have been previously

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reviewed by the Board or the Board's Designee and may be considered for approval as a single action, unless a Board Member wishes to remove an item for independent review, discussion and possible action).

A. Termination of Board Orders(s)/Consent Agreements(s)

1. 202200165; Sibrava, Laura

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

Board to review, discuss and take possible action on the following case(s):

1. 202200124; Mallory, James Jr.
2. 202300051; Carpenter, Hamish
3. 202300080; Sheckley, Sal
4. 202300088; Martinez, Henry
5. 202300118; Payne, Christopher
6. 202300131; Bleeker, Michael
7. 202300141; Hanhila III, Matt Oscar
8. 202300146; Kapustina, Yana
9. 202300151; Noble, Andrew Max
10. 202300152; Pelletier, Angela
11. 202300153; Mathur, Sumir P.
12. 202300162; Burk, Chelsea
13. 202300163; Ballard, Andrew
14. 202300166; McAlister, Mark
15. 202300231; Benting, Douglas
16. 202300238; Ahn, Kimberly
17. 202300244; Felien, Lindsay

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

Board to review and discuss the results of the investigation(s) and take possible action to *issue* Letters of Concern on the following case(s):

1. 202200155; Colson, Cynthia
2. 202300013; Connell, Scott
3. 202300042, Lilien, Brian
4. 202300119; Barkett, Henry R.F.
5. 202300139; Danivas, Dileep S.A.
6. 202300140; Ortale, Kevin
7. 202300148; Marsh, Christopher C.
8. 202300243; Hossieni, Rozbeh

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

Upon a vote of the majority of a quorum, the Board may go into executive session, pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

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

Board to review, discuss and take possible action on the following application(s):

1. Adedoyin, Olajumoke, DDS (*Applicant by Credentials*)
2. Hanks, Daniel Lee, DMD (*Applicant by Credentials*)
3. Rundle, Kenneth, DDS (*Applicant by Credentials*)
4. Schick, Rachel A., DMD (*Applicant by Examination*)

- B. Application(s) for Licensing of Dental Consultant(s) – A.R.S. § 32-1234
Board to review, discuss and take possible action on the following application(s):
1. Der Ovanessian, Eric (*Dental Consultant by Examination*)
- 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)
Board to review and discuss the results of the investigation(s) and take possible action to *issue/offer* Non-Disciplinary Board Orders on the following case(s):
1. 202100241; Freimuth, Richard
 2. 202300031; Marinic, Daniel
 3. 202300049; Ho, Garick D.
 4. 202300087; Koolick, Ben
 5. 202300121; Palmer, Denver (*Bienstock conflicted*)
 6. 202300154; Sullivan, Sheldon
- D. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement
Board to review and discuss the results of the investigation(s) and take possible action to *offer* Disciplinary Consent Agreement(s)/Board Order(s) on the following case(s):
1. 202200185; Park, Simon
 2. 202200294; Cheung, Wai
 3. 202200297-AO; Lemieux, Duane
 4. 202200345; Garfield, Dean
 5. 202300032; Paukune, Kim
 6. 202300052; Daley, David
 7. 202300081; Sewright, Douglas
 8. 202300137; Shreeve, Blake
 9. 202300263, Dostal, Patrick M.
- E. Review Draft Board Order(s)/Consent Agreement(s)
Board to review, discuss, and take possible action on approving draft Board Order(s)/Consent Agreement(s). The Board may vote to offer a modified Board Order/Consent Agreement, or may take any interim action as allowed by statute, for the following case(s):
1. 202100034; DiVito, Enrico E. (*Herro and El-Gendy conflicted*)
- F. Review of Compliance/Non Compliance for Consent Agreement(s)/Board Order(s)
Review, discussion and possible action regarding compliance with Consent Agreement(s)/Board Order(s), and/or consideration of licensee's request for extension, termination, or amendment of the terms of the Order, on the following case(s) listed below. The Board may also take further action as allowed by law related to the compliance review or licensee request.
1. 202000371; Nguyen, Allen
 2. 202100103-MP; Tran, Bryan
 3. 202100247; Ballew, Christopher
 4. 202200074; Weed, Spencer (*Herro conflicted*)

- G. Failure to Respond/Timely Respond to Subpoena – A.R.S. § 32-1208
Board to review, discuss and take possible action pursuant to A.R.S. § 32-1208 regarding the following case(s):
1. 202100138; Arrowhead Smiles
- H. Malpractice, Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. § 32-3208 and/or A.A.C. R4-11-1305
Board to review, discuss and take possible action on the following case(s):
1. 202300422-AO
 2. 202300423-AO
 3. 202300424-AO
 4. 202300445-AO
- I. Proposed Settlement
Upon a vote of the majority of a quorum, the Board may go into executive session, pursuant to A.R.S. § 38-431.03(A)(4) to discuss or consult with its attorneys in order to consider its position and instruct its representatives regarding settlement discussions to resolve litigation. Board to review, discuss and take possible action to accept, reject, or modify the proposed settlement, in lieu of Formal Interview on the following case(s). Board action may include rescission of the motion to Formal Interview.
1. 202000306; Hossieni, Rozbeh (*Bienstock conflicted*)
- J. Review of Case(s) Moved to Hearing
Review, discussion, and possible action on matters previously voted to Formal Interview/Formal Hearing. Board action may include, but is not limited to, action on Parties Motion for Reconsideration, Offers of Settlement, Rescission of Motion to Formal Hearing/Remand to investigations, Status Update, and continuing the Formal Hearing in the following matter(s):
1. 201600208 and 201700108; Winterholler, Patrice
 2. 201600209 and 201900091; Winterholler, Chris
- K. Formal Interview(s)
Board to conduct formal investigative interviews and review, discuss and take possible action on the following case(s):
**Formal interviews are scheduled for 45 minutes*
1. 202200097; Toal, Maureen (*Herro conflicted*)
 - a. Lead Board Member: Dr. Edward Christensen
 - b. Summary of Investigation: Dr. John Dovgan
 2. 202300085: Virk, Navdeep
 - a. Lead Board Member: Dr. Russell Morrow
 - b. Summary of Investigation: Dr. John Dovgan

L. Informal Settlement Conference(s)

Board to review, discuss and take possible action on the following cases scheduled for Informal Settlement Conference pursuant to A.R.S. § 41-1092.06. During the Informal Settlement Conference, the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to discuss or consult with its attorneys in order to consider its position and instruct its representatives regarding settlement discussions to resolve litigation pursuant to A.R.S. § 38-431.03(A)(4).

1. Case No.23F-20023-20256-DEN, as it relates to Board Case Nos. 202000023 & 202000256-AO; Lam, Kenny (*Bienstock conflicted*)

M. Administrative Hearing

Board to review, discuss, and take possible action, including, but not limited to, settlement of the matter on the following case scheduled for an administrative hearing pursuant to A.A.C. R4-11-303 and A.R.S. §§ 41-1092, et seq.. During the administrative hearing, the Board may vote to go into executive session to discuss confidential records pursuant to A.R.S. § 38- 431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

1. Case No. 202300385; Alexander, DeAndrae

N. Request for Termination of Practice Restriction

Board to review, discuss and take possible action on previously issued Order(s) and reconsider of prior motions for practice restriction on the following case(s):

1. 230081; Reed II, Leon

O. Review of Investigation(s)

Board to review, discuss and take possible action on the following case(s):

1. 202000324; Nelson, Amanda

VI. CALL TO THE PUBLIC

Pursuant to A.R.S. § 38-431.01(H), the Board may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. However, members of the Board are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. The Board, however, may ask staff to review a matter or may ask that a matter be put on a future agenda.

VII. ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT

AAG to provide an update and/or summary on the following items: 201600208, 201600209, 201700108, 201900091, 202000023, 202000111, 202000256, 202100066-AO and 202100278. The listed items are subject to Board review and discussion.

VIII. EXECUTIVE DIRECTOR’S REPORT

Executive Director to provide an update and/or summary on the following items: the listed items are subject to Board discussion and may result in action by the Board.

- A. Budget Update
- B. Agency Operations

- C. Complaint Log
- D. Update on 2023 Legislative Session Bills
 - 1. Dental Specific:
 - a. HB2473
 - b. SB1226
 - c. SB1283
 - d. SB1602
 - 2. Other Impactful Bills

IX. SUMMARY OF CURRENT EVENTS

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

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

XI. NEXT BOARD MEETING DATE

- A. December 15, 2023

XII. ADJOURNMENT