



# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

### November 17, 2023 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a board meeting at the Board’s office, in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically. The Board met in executive session during its consideration of agenda item V.J.1 as stated herein.

#### BOARD MEMBERS

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

#### STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

<i>Ryan P. Edmonson</i>	Executive Director
<i>Kristina C. Gomez</i>	Deputy Director
<i>Seamus Monaghan, Esq.</i>	Assistant Attorney General
<i>Diane DeDea</i>	Independent Legal Advisor
John W. Dovgan, DDS	Chief Investigator
<i>Sherrie Biggs</i>	Assistant Deputy Director
<i>April Romero</i>	Chief Compliance Officer
<i>Jessica Solis</i>	Compliance Officer
<i>Mary Ford</i>	Compliance Officer
<i>Tracie Hester</i>	Compliance Officer
<i>Yazmin Bustamante</i>	Executive Assistant

*Staff members in italics participated in-person*

**GUESTS PARTICIPATING AND/OR PRESENT**

Jeffery J. Tonner, Esq.	Attorney for Respondents
Leeza Birko, Esq.	Attorney for Respondents
Callie Maxwell, Esq.	Attorney for Respondents
Kevin Ortale	Respondent
Amanda Nelson	Respondent
Patrice Winterholler	Respondent
Olajumoke Adedoyin, DDS	Applicant
Daniel Lee Hanks, DMD	Applicant
Kenneth Rundle, DDS	Applicant
Rachel A.Schick, DMD	Applicant
Eric Der Ovanessian	Applicant
Brianna Quinn, Esq.	Attorney for Respondent
Chris Winterholler	Respondent
Travis Hunt, Esq.	Attorney for Respondent
Kenny Lam	Respondent
DeAndrae Alexander	Respondent
Andy Plattner, Esq.	Attorney for Respondent
Maureen Toal	Respondent
Kenneth Peace, Esq.	Attorney for Respondent
Navdeep Virk	Respondent
Dean Garfield	Respondent
Blake Shreeve	Respondent
Christopher Ballew	Respondent
Bryan Tran	Respondent
Spencer Weed	Respondent
Zachary Hoard, Esq.	Attorney for Respondent
Amanda Nelson	Respondent
Garick Ho	Respondent
Rozbeh Hossieni	Respondent
Leah Schachar, Esq.	Attorney for Respondents
Leon Reed II	Respondent
Fatima Bedreddine, Esq.	Attorney for Respondent
Ben Koolick	Respondent
Amber Dresslar, Esq.	Attorney for Respondents
Sheldon Sullivan	Respondent
Mandy Karvis, Esq.	Attorney for Respondent
Kim Paukune	Respondent
David Daley	Respondent
Teresa Watson	Court Reporter

**I. CALL TO ORDER AND ROLL CALL**

Dr. Bienstock called the Board's meeting to order at 8:03 a.m. Roll call of the Board members was taken and a quorum was established.

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

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.B.1, IV.B.4, IV.B.14, IV.B.17, IV.C.1, IV.C.3, IV.C.8, V.C.5, V.G.1, V.H.3, V.H.4, V.I.1 and V.L.1.

Dr. Christensen declared a conflict of interest with agenda item no. V.C.1.

Mr. Goodman declared a conflict of interest with agenda item no. V.F.4.

*Ms. Burg joined the meeting at 8:06 a.m.*

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

- 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.

**Motion:** Dr. Bienstock moved to approve the minutes from the October 13, 2023 board 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. 202200165; Sibrava, Laura

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

- 1. 202200124; Mallory, James Jr.
- 2. 202300051; Carpenter, Hamish
- 3. 202300080; Sheckley, Sal
- 4. 202300088; Martinez, Henry
- 5. 202300118; Payne, Christopher
- ~~6. 202300131; Blecker, 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**

- 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

**Motion:** Dr. moved to accept the consent agenda recommendations and pull agenda items B.6, C.2, C.3 C.4, C.5 and C.6.

**Second:** Mr. Goodman

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

*Dr. Bienstock was recused.*

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

6. 202300131; Bleeker, Michael

Dr. Dovgan provided the Board an overview of the case and indicated that the patient presented to have a crossbite corrected. Ms. Birko made a statement on behalf of Dr. Bleeker and indicated that a full refund was given to the patient and requested dismissal based on the Investigative Committee’s recommendations. During review, the Board discussed that there was no existing restoration charted, no TMJ/TMD evaluation, no oral cancer screening, no signed consent forms for provided treatment plan and no signed consent for extractions and implants. The Board further discussed that although the patient didn’t state having pain, the patient still needs to be evaluated for TMJ/TMD.

**Motion:** Dr. Bienstock moved to issue a letter of concern for failure to have written informed consent for extractions and implants, no oral cancer screening, no TMJ evaluation and no existing restorations charted.

**Second:** Mr. Goodman

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

*Dr. Morrow voted against the motion.*

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

2. 202300013; Connell, Scott

Dr. Dovgan provided the Board an overview of the case. The Board proceeded to discuss the respondent’s failure to chart the grafting material, reference number or lot number of the implant.

**Motion:** Dr. Morrow moved to issue a non-disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management and 4 hours of hands on CE in implants due to the implant placement and implant size choice and based on the discussion held during the meeting and the investigative 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 30 days to sign the agreement.

**Second:** Dr. Christensen

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

*Ms. Karmo voted against the motion.*

3. 202300042; Lilien, Brian

Dr. Dovgan provided the Board an overview of the case. Ms. Maxwell was available to represent Dr. Lilien. The Board proceeded to discuss the elevated blood pressure and reviewed the patient's medical history.

**Motion:** Dr. Morrow moved to accept the Investigative Committee's recommendation for a letter of concern.

**Second:** Dr. Christensen

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

*Dr. Bienstock and Ms. Burg were recused and did not participate in the matter.*

4. 202300119; Barkett, Henry R.F.

The Board considered the case did not warrant a letter of concern and considered dismissing the matter.

**Motion:** Dr. Bienstock moved to dismiss the case.

**Second:** Dr. Christensen

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

5. 202300139; Danivas, Dileep S.A.

Dr. Dovgan provided the Board an overview of the case. Mr. Tonner subsequently pointed out that the allegations were unsubstantiated. The Board concurred that there are no violations and considered dismissing the case.

**Motion:** Dr. Bienstock moved to dismiss the case based on the discussion held during the meeting.

**Second:** Ms. Penna

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

6. 202300140; Ortale, Kevin

Dr. Ortale was available during the Board's review of the matter. Mr. Tonner made a statement to address the alleged issues with the bridge. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that after the bridge failed, the patient was charged to expand it and teeth were compromised with fracture at the gumline. Dr. Ortale proceeded to explain that the documentation issues were due to the transition to an electronic system. Dr.

Ortale further elaborated on his longstanding history of treating the patient and stated that he treated the patient's chronic TMJ and the patient is in a stable situation.

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Mr. Goodman

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

*Dr. Morrow voted against the motion.*

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

### J. Review of Case(s) Moved to Hearing

1. 201600208 and 201700108; Winterholler, Patrice

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

**Second:** Mr. Goodman

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

*The Board entered into executive session at 9:00 a.m.*

*The Board returned to open session at 9:27 a.m.*

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

Dr. Winterholler and Mr. Tonner were available during the Board's review of the matter. Mr. Monaghan proceeded to inform the Board that the State is taking into consideration the time of the cases and differing to the Board. The Board proceeded to discuss the matter.

**Motion:** Dr. Morrow moved to dismiss the cases.

**Second:** Mr. Goodman

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

### 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. Adedoyin, Olajumoke, DDS (*Applicant by Credentials*)

**Motion:** Ms. Penna moved to grant licensure.

**Second:** Dr. Bienstock

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

2. Hanks, Daniel Lee, DMD (*Applicant by Credentials*)

**Motion:** Ms. Penna moved to grant licensure.

**Second:** Ms. Karmo

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

3. Rundle, Kenneth, DDS (*Applicant by Credentials*)

Dr. Rundle was available and answered the Board's questions pertaining to the status of his out-of-state licenses.

**Motion:** Dr. Morrow moved to grant licensure.

**Second:** Mr. Goodman

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

4. Schick, Rachel A., DMD (*Applicant by Examination*)

Dr. Schick was available during the Board's review of the application for licensure and answered questions pertaining to the failure to disclose a DUI on the application. During discussion, the Board considered it prudent to request information from the Dental Board in Georgia. Dr. Schick subsequently explained that she has not been practicing dentistry in Georgia since the DUI incident.

**Motion:** Mr. Goodman moved to grant licensure.

**Second:** Dr. Christensen

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

*Dr. Morrow voted against the motion.*

B. Application(s) for Licensing of Dental Consultant(s) – A.R.S. § 32-12341. Der Ovanessian, Eric (*Dental Consultant by Examination*)

Dr. Der Ovanessian was available during the Board's review of his application for licensure.

**Motion:** Dr. Bienstock moved to grant licensure.

**Second:** Mr. Goodman

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

J. Review of Case(s) Moved to Hearing

## 2. 201600209 and 201900091; Winterholler, Chris

Dr. Winterholler was available during the Board's review of the matter. The Board was informed that the complainants for case 201600209 have been provided restitution and contact with the complainant for case 201900091 has been unsuccessful. In addition, Dr. Winterholler explained he has taken extensive CE. The Board subsequently discussed the matter.

**Motion:** Dr. Christensen moved to dismiss the cases.

**Second:** Ms. Penna

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

*The Board took a break from 9:58 a.m. to 10:09 a.m.*

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

L. Informal Settlement Conference(s)

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

Dr. Lam and his attorney, Mr. Hunt were available during the Board's review of the matter. Mr. Hunt provided an overview of the cases and indicated that bone grafting is a consentable procedure and each of Dr. Lam's patients signed consent for the treatment. Mr. Hunt presented the Board with a new resolution including immediate six month suspension of Dr. Lam's license, which may be reduced after completing 12 hours of CE in anesthesia; if granted by the Board. In addition, payment of a \$10,000 administrative penalty and a 3 year probation period in which quarterly reports would be submitted to the Board regarding Dr. Lam's billing practices. Dr. Lam may petition the Board to have the probation lifted if the reports come back without any issues during 18 months. Any violation of the agreement would result in immediate suspension during the remainder of the period. Mr. Monaghan proceeded to request that the Board take into consideration the proposed agreement. The Board proceeded to discuss the matter.

**Motion:** Dr. Morrow moved to accept the proposed settlement agreement to be signed by the end of today's meeting and vacate the hearing set for December.

**Second:** Dr. Christensen

Roll Call

*Burg -aye*

*Christensen -aye*

*Dynar -nay*

*Goodman -nay*

*Karmo -aye*

*Morrow -aye*

*Penna -nay*

*Seaman -aye*

**Vote:** 5-aye, 3-nay, 0-abstain, 1-recuse, 2-absent. Motion passed.

*Mr. Dynar voted against the motion and stated that although he generally agrees with the proposed terms he is inclined to reject the settlement.*

*Mr. Goodman and Ms. Penna also voted against the motion.*

*Dr. Bienstock was recused and did not participate in the matter.*

M. Administrative Hearing

1. Case No. 202300385; Alexander, DeAndrae

Dr. Alexander was available during the administrative hearing regarding his application for licensure. Dr. Alexander stated that he would like to be licensed in Arizona and explained the action taken against his license in Texas. Mr. Monaghan proceeded to make a statement and referenced the disciplinary action disclosed by the applicant. Mr. Monaghan indicated that the applicant failed to



meet the qualifications to be granted a license in Arizona and requested that the Board reaffirm the denial. Dr. Alexander proceeded to explain that he transitioned to digital records and elaborated on the type of treatment services he offers in his current place of practice. After answering the Board's questions, Dr. Alexander rested his case. Mr. Monaghan proceeded to call on Ms. Biggs as a witness and submitted 12 exhibits as evidence. In addition, Mr. Monaghan called on Dr. Dovgan as a witness. After hearing the case, the Board discussed its options and considered affirming the denial.

**Motion:** Mr. Goodman moved to affirm the denial of licensure.

**Second:** Ms. Penna

Roll Call

*Bienstock -nay*

*Burg -aye*

*Christensen -nay*

*Dynar -nay*

*Goodman -aye*

*Karmo -nay*

*Morrow -aye*

*Penna -aye*

*Seaman -aye*

**Vote:** 5-aye, 4-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

*The Board took a break from 12:01 p.m. to 12:15 p.m.*

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

K. Formal Interview(s)

1. 202200097; Toal, Maureen

Dr. Toal and legal counsel, Mr. Plattner were available during the Board's review of the matter. Dr. Dovgan proceeded to provide the Board an overview of the case and indicated that the patient suffered a massive stroke and needed sedation for full mouth reconstruction. After the restoration, the patient lost 3 teeth, lost 2 crowns and had 2 more root canal therapies. The subsequent provider stated that the patient will likely lose all her teeth. Mr. Plattner subsequently stated that Dr. Toal typically receives referrals and takes complex cases. Mr. Plattner further clarified that Dr. Toal obtained all informed consents for the procedures. Dr. Toal proceeded to elaborate on her experience and indicated she was a hygienist before becoming a dentist and indicated she practices dentistry as close as possible to a hospital setting because that is the way she was trained. Dr. Toal further answered the Board's questions and clarified that the patient was referred to her and extensive discussion was held to evaluate the treatment options, while also taking into consideration the patient's complex core morbidities. In addition, discussion with the patient's physician contributed to the treatment options provided to the patient. Dr. Toal further indicated that she didn't use a rubber dam for the endo

treatment and clarified that she did not treat the posterior teeth, which is what the patient complained about. The Board proceeded to discuss the amount of antibiotics given to the patient and the standard of care.

**Motion:** Dr. Christensen moved to issue a non-disciplinary order requiring the completion of 4 hours of CE in pharmacology and 4 hours in risk management. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Ms. Penna

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

*Mr. Dynar voted against the motion.*

*Mr. Goodman departed the meeting at 1:24 p.m.*

2. 202300085: Virk, Navdeep

Dr. Virk and legal counsel, Mr. Peace were available during the Boards review of the matter. Dr. Dovgan provided the Board an overview of the case. The complainant alleged that unlicensed staff was providing dental care that would require a license. Mr. Peace clarified that Dr. Virk only worked at the dental practice one day a month for six months. Dr. Virk then proceeded to answer the Board's questions pertaining to the treatment services he provided. In addition, Dr. Virk answered questions regarding the patient's blood pressure and explained that his customary procedure is to take blood pressure three times. The Board proceeded to discuss the matter and concluded there were documentation issues.

**Motion:** Dr. Morrow moved that the Board finds insufficient evidence of a violation for this case against Dr. Virk, but issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 3 hours in anesthesia. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Based upon the discussion held during the meeting and the information contained in the investigative report.

**Second:** Ms. Karmo

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

*The Board took a break from 1:48 p.m. to 1:57 p.m.*

*Ms. Burg departed the meeting at 1:48 p.m.*

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

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. 202100241; Freimuth, Richard

The respondent and legal counsel were not available during the Board's review of the case. The Board proceeded to discuss the matter and took the Investigative Committee's recommendation into consideration.

**Motion:** Dr. Morrow moved to issue a letter of concern for improper diagnosis and management of the implants.

**Second:** Ms. Penna

**Vote:** 3-aye, 3-nay, 0-abstain, 1-recuse, 4-absent. Motion failed.

*Dr. Bientsock, Ms. Karmo and Ms. Penna voted against the motion.*

*Dr. Christensen was recused and did not participate in the matter.*

**Motion:** Dr. Bienstock moved to offer a non-disciplinary consent agreement requiring the completion of 6 hours of CE in oral pathology, with at least 4 hours to cover surgical treatment and reconstruction. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Ms. Penna

**Vote:** 3-aye, 3-nay, 0-abstain, 1-recuse, 4-absent. Motion failed.

*Mr. Dynar and Drs. Morrow and Seaman voted against the motion.*

*Dr. Christensen was recused and did not participate in the matter.*

**Motion:** Dr. Morrow moved that the Board finds insufficient evidence of a violation in this case, but offer a non-disciplinary consent agreement, requiring the completion of 3 hours of CE in oral pathology due to improper diagnosis which resulted in failed implants. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The respondent has 30 days to sign the agreement.

**Second:** Dr. Bienstock

**Vote:** 5-aye, 1-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

*Mr. Dynar voted against the motion.*

*Dr. Christensen was recused and did not participate in the matter.*

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

2. 202200294; Cheung, Wai

The respondent and legal counsel were not available during the Board's consideration of the matter. Dr. Dovgan provided the Board an overview of the case. The Board proceeded to discuss the inadequate crown prep and the lack of documentation for anesthetics and nitrous oxide.

**Motion:** Ms. Karmo moved to issue a non-disciplinary order, requiring the completion of 3 hours of hands-on CE in crown and bridge and 4 hours in risk management; based on the investigative report and discussion held during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Dr. Christensen

**Vote:** 4-aye, 3-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*Dr. Bienstock, Ms. Penna and Dr. Seaman voted against the motion.*

## 3. 202200297-AO; Lemieux, Duane

Dr. Dovgan provided the Board an overview of the case and indicated that the patient's blood pressure dropped to zero, Dr. Lemieux activated EMS and started CPR with an AED. Ms. Maxwell subsequently stated that Dr. Lemieux agrees with the Investigate Committee's recommendation.

**Motion:** Dr. Bienstock moved to find sufficient evidence of a violation of A.R.S. § 32-1201.01(14) and (24), as it relates to 32-1264(A) for unprofessional conduct and offer a disciplinary consent agreement, requiring the completion of 12 hours of CE in general anesthesia, 12 hours in management of medical emergencies and 4 hours in recordkeeping; based upon the information contained in the investigative report and the discussion held during the meeting. In addition, to require a repeat of the general anesthesia 1301 permit site visit after the completion of the CE courses. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has 30 days to sign the agreement.

**Second:** Dr. Christensen

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

## 4. 202200345; Garfield, Dean

Dr. Garfield was available during the Board's review of the matter. Mr. Tonner made a statement to address the allegations. Dr. Garfield acknowledged he did not see the broken file and recognized the mistake. Dr. Garfield further indicated that he offered the patient a refund; however, the patient declined.

**Motion:** Dr. Christensen moved to issue a non-disciplinary order, requiring the completion of 8 hours of CE in endo, 4 of which shall be hands-on and 4 hours in risk management; to be signed within 30 days. 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:** 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*Ms. Penna voted against the motion.*

## 8. 202300137; Shreeve, Blake

Dr. Shreeve was available during the Board's review of the matter. Dr. Dovgan provided the Board an overview of the case and indicated the office did not acknowledge the lab issue and stated that there were documentation issues. Dr. Shreeve proceeded to explain that the lab changed the vertical dimension of the denture and discussed the technicalities pertaining to the procedure.

**Motion:** Dr. Christensen moved to dismiss the case.

**Second:** Dr. Morrow

**Vote:** 3-aye, 4-nay, 0-abstain, 0-recuse, 4-absent. Motion failed.

*Dr. Bienstock, Dr. Morrow, Ms. Penna and Dr. Seaman voted against the motion.*

**Motion:** Dr. Morrow moved to issue a letter of concern for lack of documentation.

**Second:** Dr. Bienstock

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

*Mr. Dynar temporarily departed the meeting at 2:50 p.m.*

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

3. 202100247; Ballew, Christopher

Dr. Ballew was available during the Board's review of the case and indicated that he was unaware of the approval process for the CE.

**Motion:** Ms. Penna moved to amend the order to extend the deadline for three months from today.

**Second:** Dr. Morrow

**Vote:** 4-aye, 2-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

*Dr. Bienstock voted against the motion because she would be in favor of issuing a \$2,000 civil penalty.*

*Ms. Karmo also voted against the motion.*

2. 202100103-MP; Tran, Bryan

Staff informed the Board that one of the CE courses was not approved and was considered late. If accepted, all CE has been completed.

**Motion:** Dr. Morrow moved to accept the CE courses that have been completed without any penalty for being two days late.

**Second:** Dr. Christensen

**Vote:** 4-aye, 2-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

*Dr. Bienstock and Ms. Karmo voted against the motion because it was past the deadline.*

4. 202200074; Weed, Spencer

Dr. Weed made a statement and indicated that he has a monitoring agreement in California and his intent is to move to California. Dr. Weed further indicated that he does not intend to practice in Arizona and would agree to let it expire.

**Motion:** Dr. Bienstock moved to accept Dr. Weed's withdrawal of application. If not withdrawn within 7 days, to bring the matter back to the Board.

**Second:** Dr. Morrow

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

O. Review of Investigation(s)

1. 202000324; Nelson, Amanda

Dr. Nelson and her attorney, Mr. Hoard were available during the Board's review of the matter. Dr. Nelson explained that the patient was being seen by a general dentist and relies on patients to truthfully disclose what treatment they have had done. The Board expressed concern that Dr. Nelson does not see x-rays when practicing teledentistry and initiates orthodontic care without seeing the patient. Dr. Nelson further answered the Board's questions. The Board proceeded to discuss the standard of care for radiographs.

**Motion:** Dr. Bienstock moved to find violation of A.R.S. § 32-1201.01(14) and (24) and offer a disciplinary consent agreement, requiring the completion of 15 hours of CE in orthodontics, 4 hours in risk management and 3 hours in ethics. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has 30 days to sign the agreement.

**Second:** Ms. Penna

*Dr. Bienstock rescinded the motion.*

**Motion:** Ms. Penna moved to find violation of A.R.S. § 32-1201.01(14) and (24) as it relates to 32-1264 and offer a disciplinary consent agreement to be signed within 30 days. If not accepted, move to a formal interview. The terms of the consent agreement shall include practice monitoring for 18 months with 20 charts quarterly. In addition, to require 15 hours of CE in orthodontics, 4 hours in risk management and 3 hours in ethics. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months.

**Second:** Dr. Morrow

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-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)

2. 202300031; Marinic, Daniel

Dr. Dovgan provided the Board an overview of the case and indicated that the patient was told she needed a crown replaced and was scheduled for treatment without having an x-ray of the tooth. There was an x-ray from 10 months prior. After the crown procedure, there was no x-ray taken of the tooth, but the patient was charged for one. Mr. Tonner subsequently made a statement on behalf of Dr. Marinic to address the allegations. The Board proceeded to discuss the matter.

**Motion:** Dr. Morrow moved to issue a letter of concern regarding the need for appropriate x-rays at the time of service.

**Second:** Dr. Christensen

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

## 3. 202300049; Ho, Garick D.

Dr. Ho was available during the Board's review of the matter. Mr. Tonner made a statement and indicated that the patient was behind in payment for the immediate denture. The Board proceeded to discuss the recordkeeping issues.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Christensen

*Dr. Morrow rescinded the motion.*

*Mr. Dynar rejoined the meeting at 3:34 p.m.*

**Motion:** Dr. Morrow moved to issue a letter of concern for lack of recordkeeping.

**Second:** Dr. Christensen

**Vote:** 5-aye, 1-nay, 1-abstain, 0-recuse, 4-absent. Motion passed.

*Ms. Penna voted against the motion.*

*Mr. Dynar abstained.*

I. Proposed Settlement

## 1. 202000306; Hossieni, Rozbeh

Dr. Hossieni was available during the Board's review of the matter. Ms. Schachar made a statement and requested that the Board take into consideration the alternate proposal that was submitted. In addition, Ms. Schachar stated that the CE that Dr. Hossieni completed are from recognized organizations.

**Motion:** Dr. Morrow moved to reject the settlement offer and if the agreement is not signed within 15 days, then invite the respondent to a formal interview or allow him to request a formal hearing.

*Dr. Morrow rescinded the motion.*

**Motion:** Ms. Karmo moved to accept the proposed agreement and require new CEs to be completed and increase the practice monitoring to 18 months.

**Second:** Dr. Christensen

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

*Dr. Bienstock was recused and did not participate in the matter.*

N. Request for Termination of Practice Restriction

## 1. 230081; Reed II, Leon

Mr. Tonner made a statement on behalf of Dr. Reed to request termination of practice.

**Motion:** Ms. Penna moved to terminate the restriction under the previous order.

**Second:** Dr. Morrow

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

G. Failure to Respond/Timely Respond to Subpoena – A.R.S. § 32-1208

1. 202100138; Arrowhead Smiles

The Board was informed that Arrowhead Smiles is not in operation.

**Motion:** Dr. Morrow moved to dismiss the case without prejudice.

**Second:** Dr. Christensen

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

*Dr. Bienstock was recused and did not participate in the matter.*

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)

4. 202300087; Koolick, Ben

Dr. Koolick was available during the Board's review of the matter. Dr. Dovgan proceeded to provide the Board an overview of the case. Ms. Bedreddine subsequently made a statement and indicated that the patient had extensive decay and requested to save his teeth. Dr. Koolick had diagnosed teeth #21 and #27 as requiring extraction and restoration on tooth #28; however, the assistant failed to document it. After receiving the temporary partial restoration, the patient did not inform Dr. Koolick that he had pain. In addition the patient refused to continue to see Dr. Koolick and was ultimately dismissed from the practice.

**Motion:** Dr. Morrow moved to issue a letter of concern for failure to diagnose the carries.

**Second:** Dr. Bienstock

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

5. 202300121; Palmer, Denver

Dr. Palmer and his attorney, Amber Dresslar were available during the Board's review of the matter. Ms. Dresslar stated that the patient's complaint of the extensive wait was unsubstantiated. After review, the Board considered dismissing the case.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Christensen

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

*Dr. Bienstock was recused and did not participate in the matter.*

6. 202300154; Sullivan, Sheldon

Dr. Sullivan was available during the Board's review of the matter. Ms. Dresslar stated that the casual conversation with the patient was not done with any improper intentions. Dr. Sullivan further answered the Board's questions and



explained that he tries to be available for his patients and it is his custom to provide his cell phone number to patients for aftercare needs or questions.

**Motion:** Dr. Seaman moved to issue a letter of concern for inappropriate communication with patients.

**Second:** Dr. Morrow

**Vote:** 4-aye, 3-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*Dr. Bienstock, Ms. Karmo and Ms. Penna voted against the motion.*

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

4. 202300445-AO

Ms. Schachar and Dr. S were available during the Board's review of the matter. Ms. Schachar indicated that the incident that occurred was not reported as an adverse occurrence because EMS was not called. The patient was kept in the office for one hour and met discharge criteria. Although the patient's mother later took the patient to the hospital, the Board's rules are not clear whether that is reportable since EMS was not called.

**Motion:** Dr. Morrow moved to assign the case to a consultant for investigation.

**Second:** Dr. Christensen

**Vote:** 5-aye, 1-nay, 0-abstain, 1-recuse, 4-absent. Motion passed.

*Mr. Dynar voted against the motion.*

*Dr. Bienstock was recused and did not participate in the matter.*

1. 202300422-AO

Ms Karvis made a statement on behalf of the respondent and indicated that Dr. P handled the situation appropriately when calling EMS. The patient was discharged in good condition and later completed treatment.

**Motion:** Ms. Penna moved to take no action.

**Second:** Dr. Bienstock

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

2. 202300423-AO

Ms. Karvis made a statement and indicated that the patient's heart rate increased, but did not return to baseline. EMS was called to ensure patient safety and was then released. Ms. Karvis further indicated that it was not determined what caused the elevated heart rate; however, she explained that the situation was handled appropriately.

**Motion:** Ms. Penna moved to take no action.

**Second:** Dr. Christensen

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

## 3. 202300424-AO

The Board reviewed the adverse occurrence reported and considered the incident was appropriately handled.

**Motion:** Dr. Christensen moved to take no action.

**Second:** Dr. Morrow

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

*Dr. Bienstock was recused and did not participate in the matter.*

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

## 5. 202300032; Paukune, Kim

Ms. Dresslar made a statement on behalf of Dr. Paukune and addressed the concern of the inability to obtain medical records due to bankruptcy of the practice. Ms. Dresslar explained that ultimately the patient received her records and the patient informed the investigator that she was satisfied. The Board proceeded to discuss the adjacent teeth that were damaged. The Board further discussed that there was no perio chart, no consent form and no treatment plan.

**Motion:** Dr. Seaman moved to offer a disciplinary consent agreement for substandard care in prosthodontics and crown and bridge. The terms of the agreement require the completion of 8 hours of CE in crown and bridge and 4 hours in risk management; based on the factual allegations and conclusions of law found in the investigative report and the discussion held during the meeting. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. The respondent has 30 days to sign the agreement.

**Second:** Dr. Morrow

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

## 6. 202300052; Daley, David

Dr. Daley was available during the Board's review of the matter. Dr. Dovgan proceeded to provide the Board an overview of the case. Ms. Dresslar subsequently made a statement to address the allegations and indicated that Dr. Daley proactively took CE courses and has learned that if something is not recorded in the chart it is perceived that it was not done. Dr. Daley proceeded to answer the Board's questions and indicated that he did not use a rubber dam; however, isolated the tooth to preserve tooth structure. Dr. Daley further clarified that the patient's insurance paid for treatment. The Board proceeded to discuss the failure to use a rubber dam, diagnosis and treatment of the case. After review, the Board concluded that there was sufficient evidence to find a violation for incorrect diagnosis of teeth #12 and #14 and for inappropriately treating #14 before a bridge was placed.

**Motion:** Dr. Morrow moved to find violation of A.R.S. § 32-1201.01(14) and offer a disciplinary consent agreement, requiring the completion of 4 hours of CE in risk management, 6 hours of root canal treatment planning, including diagnosis, instrumentation, and managing of complications and 6 hours in crown and bridge restoration. The CE hours shall be in addition to the hours required for license renewal and shall be completed within twelve months. The respondent has 30 days to sign the agreement.

**Second:** Ms. Penna

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

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

1. 202100034; DiVito, Enrico E.

Ms. Schachar requested that the Board consider issuing a non-disciplinary order with the agreement that restitution will be provided to the patient. The Board proceeded to review the drafted order.

**Motion:** Dr. Morrow moved to accept the draft as written.

**Second:** Dr. Seaman

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

**VI. CALL TO THE PUBLIC**

None.

**VII. ASSISTANT ATTORNEY GENERAL (“AAG”) REPORT**

Mr. Monaghan informed the Board that with today’s meeting, there are no outstanding old hearings left.

**VIII. EXECUTIVE DIRECTOR’S REPORT**

- 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

The Board did not have questions with respect to the E.D. report.

**IX. SUMMARY OF CURRENT EVENTS**

Mr. Edmonson informed the Board that all licensees will be sent an email to inform them of the new legislative changes that went into effect October 1, 2023.

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

The Board indicated that the four cases that were not heard during this meeting will be placed on the next meeting agenda.

**XI. NEXT BOARD MEETING DATE**

A. December 15, 2023

**XII. ADJOURNMENT**

Dr. Bienstock adjourned the meeting at 5:25 p.m.