



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
P: 602.242.1492

E: info@dentalboard.az.gov
W: www.dentalboard.az.gov

OPEN SESSION MINUTES

December 5, 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
	Brown “Skip” Harris, DDS	Vice-Chairperson
	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
Seamus Monaghan, Esq.	Assistant Attorney General
April Romero	Chief Compliance Officer
Jessica Solis	Compliance Officer
Mary Ford	Compliance Officer
Tracie Hester	Compliance Officer
Yazmin Bustamante	Executive Assistant

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 1:00 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. Berrigan declared a conflict of interest with agenda item no. IV.A.18.

Dr. Motahari declared conflicts of interest with agenda item nos. IV.A.28 and IV.A.33.

Dr. Fukami declared a conflict of interest with agenda item no. IV.A.27.

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

A. Discussion and approval of the Open Session Minutes from the October 24, 2023 committee meeting.

Motion: Dr. Harris moved to approve the Open Session Minutes from the October 24, 2023 committee meeting.

Second: Ms. Kappes

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

Dr. Motahari abstained.

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

The Committee discussed what cases would be appropriate for dismissal based on the information provided.

Motion: Dr. Harris moved to recommend that the Board dismiss the cases for agenda item nos. IV.A.1.202300028, IV.A.3.202300120, IV.A.4.202300158, IV.A.5.202300175, IV.A.6.202300177, IV.A.10.202300208, IV.A.11.202300209, IV.A.17.202300230, IV.A.19.202300234, IV.A.21.202300245, IV.A.22.202300249, IV.A.23.202300254, IV.A.25.202300265, IV.A.30.202300287, IV.A.32.202300289, IV.A.35.202300299, IV.A.36.202300314, IV.A.37.202300328 and IV.A.40.202300364.

Second: Dr. Motahari

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

The Committee proceeded to discuss what cases would be recommended for the Board to issue a letter of concern.

Motion: Dr. Harris moved to recommend that the Board issue a letter of concern for agenda item nos. IV.A.7.202300184, IV.A.12.202300211, IV.A.14.202300227 and IV.A.39.202300342.

Second: Dr. Berrigan

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

A. Review of Investigation(s)

7. 202300184

Motion: The Committee moved to recommend that the Board issue a letter of concern emphasizing the importance of thorough and complete recordkeeping, including information such as dental materials used.

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

12. 202300211

The Committee discussed that the sedation record was not complete and they did not see a specific sedation consent. The Committee further discussed that the time sequence represented in the record was not accurate and there was no specific information regarding the use of supplemental oxygen.

Motion: The Committee moved to recommend that the Board issue a letter of concern emphasizing the importance of appropriate consent specific to moderate sedation and having a sedation record that reflects time accurately in compliance with the board's sedation rules.

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

14. 202300227

Motion: The Committee moved to recommend that the Board issue a letter of concern recommending that the respondent consider the availability of translation resources as a reasonable approach which may help prevent future communication challenges. Also, to indicate that it is not historically appropriate to use a family member for translation unless no other translation service is available.

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

39. 202300342

Motion: The Committee moved to recommend that the Board issue a letter of concern emphasizing the importance of thorough and complete charting, specifically regarding clinical notes.

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

2. 202300089

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1263(D)(7) and (12) against the business entity.

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(7) and (12) and recommended that the Board assess a \$2,000 civil penalty for each violation.

Second: Dr. Harris

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

8. 202300185

The Committee reviewed the consultant's report and discussed a potential violation of A.R.S. § 32-1201.01(14) due to the dentist allowing the minor child to place material in the mouth.

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in ethics and 6 hours in administration of sedation, including dose, time of discharge, meeting appropriate discharge criteria and appropriate discharge to an adult.

Second: Dr. Fukami

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

9. 202300187

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14).

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(14).

Second: Dr. Harris

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

Motion: Dr. Harris moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in surgical complication management and 4 hours in risk management.

Second: Dr. Caputo

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

13. 202300215

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14) and (24). Deviations from the standard of care include, no treatment plan for root canal of tooth number 14, not charting details of the root canal such as amount of canals, location of the tooth, the working lengths and file lengths. In addition, the respondent's failure to follow up after the separated file, inadequate treatment and that there is no indication that a rubber dam was used.

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

Second: Dr. Asrari

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 12 hours of CE in endodontics. In addition, \$2,954 in restitution to the insurance and \$1,334.20 to the patient.

Second: Dr. Asrari

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

15. 202300228

Page |5

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14).

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(14).

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 6 hours of CE in implants. In addition, to consider potential restitution in the amount of \$2,250 to be further reviewed and confirmed by the Board. Also, to consider a referral to the Arizona Department of Insurance and Financial Institute for investigation of financial and billing practices and for the Board to consider conducting an audit of the practice.

Second: Dr. Harris

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

16. 202300229

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1263(D)(9) against the business entity.

Motion: Dr. Harris moved to identify violation of A.R.S. § 32-1263(D)(9).

Second: Dr. Caputo

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

Motion: Dr. Caputo moved to recommend that the Board issue a \$2,000 civil penalty and order restitution in the amount of \$420.

Second: Dr. Harris

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

17. 202300230

The Committee moved to recommend that the Board issue a letter of concern to Dr. N.S., as identified in the consultant's report, emphasizing the importance of thorough and complete charting and clinical notes.

18. 202300233

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14) and (24).

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

Second: Dr. Harris

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

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

Motion: Dr. Caputo moved to recommend that the Board offer a disciplinary consent agreement, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 8 hours of CE in crown and bridge restorations and diagnosis and treatment planning. In addition, to order restitution in the amount of \$2,500.

Second: Dr. Harris

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

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

20. 202300241

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(24) and 32-1264(D) for failure to timely respond with a request for records. During discussion, the Committee took into consideration the possible turnover from acquiring a practice.

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1264(D).

Second: Dr. Harris

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

Drs. Berrigan and Fukami voted against the motion.

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and a \$500 penalty.

Second: Ms. Kappes

Vote: 7-aye, 1-nay, 1-abstain, 0-recuse, 2-absent. Motion passed.

Dr. Berrigan voted against the motion.

Dr. Fukami abstained.

24. 202300257

The Committee moved to recommend that the Board combine agenda item nos. IV.A.24.202300257 and IV.A.20.202300241.

26. 202300269

Based on the review of the consultant's report, the Committee concurred that there was poor recordkeeping and consent issues.

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in recordkeeping.

Second: Dr. Motahari

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

27. 202300284

The Committee reviewed the consultant's report and discussed that there were three general dentists that saw the tooth. The Committee did not consider there was a violation.

Motion: Dr. Asrari moved to recommend that the Board issue a letter of concern emphasizing the importance of communication with the restorative dentist regarding prognosis and restorability before doing endodontic treatment.

Second: Dr. Motahari

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

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

28. 202300285

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14).

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(14).

Second: Dr. Harris

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

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 6 hours of CE in restorative dentistry.

Second: Dr. Berrigan

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

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

29. 202300286

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14) and (24).

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 8 hours of CE in treatment planning, diagnosis, prognosis and restorative dentistry.

Second: Dr. Motahari

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

31. 202300288

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14), (23) and (24).

Motion: Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(14), (23) and (24).

Second: Ms. Kappes

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

Motion: Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 6 hours of CE in implants, diagnosis and treatment planning and 3 hours in recordkeeping. In addition, to assess a \$500 penalty for failure to respond to the subpoena.

Second: Dr. Motahari

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

33. 202300296

The Committee reviewed the consultant's report and discussed the sodium hypochlorite incident.

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in recordkeeping and 4 hours in management of endodontic complications.

Second: Dr. Asrari

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

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

34. 202300297

Based on the review of the consultant's report, the Committee identified violation of A.R.S. § 32-1201.01(14) and (24).

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

Second: Dr. Harris

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

Motion: Dr. Caputo moved to recommend that the Board offer a disciplinary consent agreement, requiring participation in CRDTS' C.A.R.E.S. program and the completion of 12 hours of CE in endodontics and 4 hours in ethics. Also, to recommend a practice restriction for no root canal treatment until the program is completed and reviewed by the Board. Following completion of the program and receiving approval by the Board to resume root canal treatment and after commencing treatment, to conduct an audit for a period of 3 months in all endodontic therapy.

Second: Dr. Fukami

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

38. 202300329

The Committee reviewed the consultant's report and discussed the allegation of misdiagnosis and the patient's failure to follow-up with treatment.

Motion: Dr. Caputo moved to recommend that the Board issue a non-disciplinary order, requiring the completion of 3 hours of CE in recordkeeping and 3 hours in endodontic treatment planning.

Second: Dr. Motahari

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

V. COMPLAINT LOG

The Committee reviewed the Board's open complaints.

VI. 2024 COMMITTEE MEETING DATES

1. January 9, 2024
2. February 27, 2024
3. April 2, 2024
4. May 14, 2024
5. June 25, 2024
6. August 6, 2024
7. September 24, 2024
8. October 29, 2024
9. December 17, 2024

The Committee approved the proposed dates for 2024.

VII. SUMMARY OF CURRENT EVENTS

Mr. Edmonson informed the Committee that Mission of Mercy is December 8 and 9. The information is available on the Board's website.

VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

None.

IX. NEXT COMMITTEE MEETING DATE

- A. January 9, 2024

X. ADJOURNMENT

Dr. Caputo adjourned the meeting at 4:16 p.m.