



Arizona State Board of Dental Examiners

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

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OPEN SESSION MINUTES

**April 19, 2024
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 A, 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 items IV.B.29 and VI.D.4 as stated herein.

BOARD MEMBERS

| | | |
|---|--|--|
| | Anthony Herro, DDS | President and Licensed Dentist Member |
| | Lisa B. Bienstock, DMD | Vice-President and Licensed Dentist Member |
| X | 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. Karmo, 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 | |
| | <i>Board members in italics participated in-person</i> | |

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

| | |
|------------------------------|----------------------------|
| <i>Kristina C. Gomez</i> | Deputy Director |
| <i>Seamus Monaghan, Esq.</i> | Assistant Attorney General |
| <i>John W. Dovgan, DDS</i> | Chief Investigator |
| <i>Sherrie Biggs</i> | Assistant Deputy Director |
| <i>Selena Acuna</i> | Licensing Specialist |
| <i>April Romero</i> | Chief Compliance Officer |
| <i>Mary Ford</i> | Compliance Officer |
| <i>Yazmin Bustamante</i> | Executive Assistant |
| Jessica Thomas | Rules Administrator |

Staff members in italics participated in-person

GUESTS PARTICIPATING AND/OR PRESENT

| | |
|-------------------------|--------------------------|
| Loretta Jane Hare | Applicant |
| Kevin M. Kryder | Applicant |
| Cortney S. Leyden | Applicant |
| Dalin Livingston | Applicant |
| David Smith | Applicant |
| Manu Arora | Respondent |
| Mandi Karvis, Esq. | Attorney for Respondents |
| Jefferson Hayden, Esq. | Attorney for Respondents |
| Rodger Sears | Respondent |
| Kathrine Kindt, Esq. | Attorney for Respondent |
| S.M. | Complainant |
| Matthew Garrett | Respondent |
| Leah Schachar, Esq. | Attorney for Respondents |
| Bradley Wilcox | Respondent |
| Jeffery J. Tonner, Esq. | Attorney for Respondents |
| Bradley Willcox | Respondent |
| Anthony Caputo | Guest |
| Matthew Arnall | Guest |
| Heath Snell | Guest |
| Jason Brady | Guest |
| Kevin Earle | Guest |
| Leanne Hay, Esq. | Attorney for Respondents |
| Chris Epperson | Respondent |
| Kenneth Moskow, Esq. | Attorney for Respondent |
| Dirk Donovan | Respondent |
| Karun Gaba | Respondent |
| Johnny Smith | Respondent |
| Lamey Sabbash | Respondent |
| Michele Thompson, Esq. | Attorney for Respondents |
| Douglas Sewright | Respondent |
| Amber Dresslar, Esq. | Attorney for Respondent |
| Chandan Walia | Respondent |
| P.H. | Complainant |
| KW. | Complainant |
| Nathaniel Hill, Esq. | Attorney for Respondent |
| Abraham Miller | Respondent |
| Andrew Noble | Respondent |
| Justin Van Dusen | Respondent |

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Board's meeting to order at 8:04 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. Herro declared a conflict of interest with agenda item no. IV.B.11.

Dr. Bienstock declared conflicts of interest with agenda item nos. IV.B.13 and IV.B.18.

Dr. Morrow declared a conflict of interest with agenda item no. IV.B.10.

Dr. Christensen declared a conflict of interest with agenda item no. IV.B.29.

Dr. Dovgan declared a conflict of interest with agenda item no. IV.D.6

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

A. Discussion and approval of the Open Session Minutes from the March 8, 2024 board meeting.

B. Discussion and approval of the Executive Session Minutes from the March 8, 2024 board meeting.

Motion: Dr. Herro moved to approve the minutes from the March 8, 2024 board meeting.

Second: Dr. Bienstock

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. 202400052; Nguyen, Allen

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

1. 202200182; Perfect Teeth

~~2. 202300120; Dhaliwal, Parvin~~

3. 202300159; Grant Road Dentistry, LLP

4. 202300168; Beyramian, Hassan

5. 202300230; Cadwell, Joshua Earl

6. 202300248; Sweidan, Haya

7. 202300253; Silverman, Mitchell

8. 202300265; Taylor, John

~~9. 202300295; Nguyen, Tiffany~~

~~10. 202300305; Arora, Manu~~

~~11. 202300308; Sekandari, Nahid~~

12. 202300312; Whetman, Jeremiah

13. 202300321; Ho, Miran

14. 202300328; Weinreich, Dana

15. 202300339; Bradley, Kelly

16. 202300340; Riche, Brett

17. 202300352; Alexander, Elena

18. 202300358; Andersen, Tiffany

~~19. 202300366; Lee, Sin Hui~~

~~20. 202300370; Sears, Rodger~~

21. 202300372; Parry, Blake

22. 202300381; El-Hillal, Ousama

23. 202300391; Patel, Samip
24. 202300393; Hansen, Michael
25. 202300394; Liu, Sarah
26. 202300395; Bhalla, Annu
27. 202300396; Tran, Nicholas
28. 202300419; Van de Brake, Cristine
- ~~29. 202300463-MP; Christensen, Edward~~

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

1. 202300261; Kindt, Katherine
2. 202300338; Patel, Samip
3. 202300342; Kantor, Michael
4. 202300369; Jafari, Kamran
5. 202300380; Gasser, Kevin

The Board pulled cases IV.B.2, IV.B.9, IV.B.10, IV.B.11, IV.B.19, IV.B.20 and IV.B.29 from the consent agenda.

Motion: Dr. Herro moved to accept the consent agenda as is, with the exception of the cases that were pulled out for separate action.

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

2. 202300120; Dhaliwal, Parvin

Audio Start Time: 0:06:00

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(23) for failure to comply with a subpoena.

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 with a \$500 civil penalty for failure to comply with a subpoena.

Second: Dr. Morrow

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

9. 202300295; Nguyen, Tiffany

Audio Start Time: 0:08:30

Motion: Dr. Herro moved to issue a letter of concern for lack of blood pressure recordings and poor recordkeeping.

Second: Dr. Bienstock

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

10. 202300305; Arora, Manu

Audio Start Time: 0:10:10

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Bienstock

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

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

11. 202300308; Sekandari, Nahid

Audio Start Time: 0:10:35

Motion: Dr. Bienstock moved to dismiss the case.

Second: Dr. Morrow

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

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

19. 202300366; Lee, Sin Hui

Audio Start Time: 0:11:17

Motion: Dr. Herro moved to open a case against Angie Jackson, as identified in the consultant report.

Second: Dr. Morrow

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

Mr. Dynar voted against the motion.

Motion: Dr. Herro moved to open a case against Aspen Dental.

Second: Dr. Bienstock

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

Mr. Dynar, Ms. Karmo, Dr. Morrow and Ms. Penna voted against the motion.

The Board was later informed that Aspen Dental is not a registered business entity. As a result, Dr. Herro rescinded the motion to open a case against the entity.

During discussion, the Board directed staff to request a clear perio-chart image.

Motion: Dr. Morrow moved to remand the case to the investigator and agendize it for the same meeting as the hygienist case.

Second: Dr. Bienstock

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

20. 202300370; Sears, Rodger

Audio Start Time: 0:19:10

The respondent was having technical issues. Discussion of the case was postponed to a later time in the meeting.

29. 202300463-MP; Christensen, Edward

Audio Start Time: 0:23:30

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

Dr. Herro rescinded the motion.

Motion: Mr. Goodman 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 8:30 a.m.

The Board returned to open session at 8:41 a.m.

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

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Karmo

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

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

VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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. Hare, Loretta Jane, DDS (*by Credentials*)

Audio Start Time: 0:38:35

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Bienstock

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

2. Kryder, Kevin M., DDS (*by Credentials*)

Audio Start Time: 0:38:55

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Christensen

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

3. Leyden ,Cortney S., RDH *(by Universal Recognition)*

Audio Start Time: 0:41:00

Motion: Ms. Penna moved to grant licensure.

Second: Dr. Bienstock

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

4. Livingston, Dalin Lance, RDH *(by Examination)*

Audio Start Time: 0:42:00

Motion: Dr. Morrow moved to grant licensure.

Second: Ms. Penna

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

5. Loftus, Jeffrey T., DDS *(by Credentials)*

Audio Start Time: 0:43:30

Motion: Dr. Herro moved to grant licensure.

Second: Dr. Morrow

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

6. Smith, David G., DMD *(by Credentials)*

Audio Start Time: 0:44:00

Motion: Ms. Penna moved to grant licensure.

Second: Ms. Karmo

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

B. Initial Review

1. A.K., DMD

Audio Start Time: 0:45:10

Motion: Dr. Herro moved to open a case against A.K. and offer an interim consent agreement for a full practice restriction. The respondent has 10 days to sign the agreement. If not signed, the matter is to be agendized for the next meeting.

Second: Dr. Bienstock

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

Mr. Dynar voted against the motion because people's civil liberty of being innocent until proven guilty is an important protection and it is being ignored.

Mr. Goodman, Ms. Karmo and Ms. Penna voted against the motion.

C. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non-Disciplinary Order for Continuing Education and/or Assessment of Administrative Penalty For Failure to Respond to Subpoena – A.R.S. § 32-1263.02(G)(3) and (4)

1. 202300240; Garrett, Matthew

Audio Start Time: 0:51:10

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1201.01(23).

Second: Mr. Goodman

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

Motion: Dr. Herro moved to issue a non-disciplinary order to impose a \$500 penalty for failure to comply with a subpoena; based on the consultant report and the previously adopted statutory violation.

Second: Ms. Penna

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

Mr. Dynar voted against the motion.

G. Review of ALJ Recommended Decision(s)

1. 202100066-AO & 202100278; Endicott, Thomas
OAH Case No.: 23F-21066-21278-DEN

Audio Start Time: 0:58:30

The respondent was not present during the Board's consideration of the case.

Motion: Dr. Herro moved to adopt findings and facts in its entirety as recommended by the ALJ.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to adopt the conclusions of law in its entirety as recommended by the ALJ.

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to accept the ALJ's order for revocation in its entirety.

Second: Dr. Morrow

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 and/or Assessment of Administrative Penalty For Failure to Respond to Subpoena – A.R.S. § 32-1263.02(G)(3) and (4)

2. 202300307; Chang, Paul

Audio Start Time: 1:05:00

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

Second: Dr. Christensen

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 risk management and 4 hours in diagnosis and treatment planning in FPD; based on the discussion held during the meeting, the consultant report and the Investigative Committee's recommendation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

Second: Dr. Morrow

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

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

3. 202300375; Spring, David

Audio Start Time: 1:13:10

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

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 diagnosis, treatment planning and restoration of caries, 4 hours in risk management and 3 hours in geriatric dentistry; based on the discussion held during the meeting, the consultant report and the previously adopted violations. The CE hours shall be in addition to the hours required for license renewal and shall be completed within three months.

Second: Dr. Bienstock

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

Mr. Goodman voted against the motion.

4. 202300449; Willcox, Bradley

Audio Start Time: 1:24:00

Motion: Ms. Penna moved to dismiss the case.

Second: Dr. Christensen

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

Dr. Bienstock, Ms. Karmo and Dr. Morrow voted against the motion.

Mr. Dynar temporarily departed the meeting at 9:45 a.m.

The Board took a break from 9:45 a.m. to 10:06 a.m.

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

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

Audio Start Time: 2:01:35

The Board reviewed the comments submitted for the anesthesia and sedation NPR. Dr. Arnall informed the Board that he met with stakeholders and they agreed on language that clarifies that a dentist who is a Section 1301, 1302 and 1303 Permit holder may work with any QAP without needing to notify the Board. It also clarifies that a non-permit holder may work with any QAP if the dentist signs an affidavit that states that the QAP will follow the rules that apply to them. When utilizing a QAP and treating a patient less than 8 years of age, the QAP will follow the pediatric endorsement rules in their applicable section. In addition to having an attestation, the licensed dentist involved in the case, shall submit a form with the QAP’s information. After discussion, the Board considered it prudent to discuss the proposed language at a future meeting.

Motion: Dr. Herro moved to reject the written comments specific to Section 1304 in anticipation that more comprehensive comments would be provided at a future stakeholder meeting limited to Section 1304.

Second: Mr. Goodman

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

The Board proceeded to review comments submitted for Section 1306.

Motion: Dr. Herro moved to approve Snell's comment to rename Section 1306 as “Enteral Minimal Sedation”.

Second: Dr. Bienstock

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

Mr. Dynar rejoined the meeting at 10:53 a.m.

The Board proceeded to review comments submitted for Section 1307.

Motion: Dr. Herro moved to accept Dr. Snell’s comment to amend language to read “arrange for an onsite evaluation as applicable” considering onsite evaluations are only needed every 6 years.

Second: Dr. Bienstock

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

VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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

1. 202200185; Park, Simon

Audio Start Time: 2:55:35

Motion: Dr. Herro moved to rescind the motion from the previous meeting and dismiss the case.

Second: Dr. Morrow

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

2. 202300076; Epperson, Christopher

Audio Start Time: 2:57:20

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

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 risk management, 4 hours in local anesthesia administration and technique and 4 hours in periodontal diagnosis and treatment planning; based on the consultant report, the discussion held during the meeting and the Investigative Committee's recommendation. The CE hours shall be in addition to the hours required for license renewal and shall be completed within four months.

Second: Dr. Christensen

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

Mr. Goodman temporarily departed the meeting at 11:08 a.m.

4. 202300246-AO; Donovan, Dirk

Audio Start Time: 3:09:10

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

Second: Dr. Bienstock

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

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

The Board entered into executive session at 11:33 a.m.

The Board returned to open session at 11:42 a.m.

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

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in anesthesia and sedation and 4 hours in treatment planning for medically complex patients; based on the previously established violation, the discussion held during the meeting and the consultant report. 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: 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

5. 202300292; Gaba, Karun

Audio Start Time: 3:40:00

Motion: Ms. Karmo moved to dismiss the case.

Second: Dr. Christensen

Vote: 7-aye, 1-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

Dr. Bienstock voted against the motion.

6. 202300283; Thomas and Thomas Dental

Audio Start Time: 3:49:20

Motion: Dr. Christensen moved to dismiss the case.

Second: Dr. Morrow

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

Drs. Herro and Bienstock voted against the motion.

7. 202300300; Smith, Johnny

Audio Start Time: 3:56:20

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

8. 202300330; Suncoast/Westwind Dental

Audio Start Time: 4:03:30

Motion: Dr. Herro moved to adopt violation of A.R.S. § 32-1263(D)(10) and (12).

Second: Dr. Bienstock

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement and impose a \$4,000 civil penalty for failure to comply with a board subpoena multiple times. The respondent has 30 days to sign the agreement and pay the penalty.

Second: Dr. Bienstock

Vote: 7-aye, 0-nay, 1-abstain, 0-recuse, 3-absent. Motion passed.

Mr. Dynar abstained.

9. 202300351; Walia, Chandan

Audio Start Time: 4:07:00

Motion: Dr. Herro moved to issue a letter of concern for record keeping and local anesthesia.

Second: Dr. Christensen

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

Dr. Morrow and Ms. Penna voted against the motion.

10. 202300359; Eicon Dental Care

Audio Start Time: 4:27:00

Motion: Dr. Herro moved to open a case against Dr. Tam, as identified in the consultant report.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to adopt violations of A.R.S. § 32-1263(D)(9),(10) and (12).

Second: Dr. Morrow

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

Motion: Dr. Herro moved to offer a disciplinary consent agreement and impose a \$6,000 civil penalty for the previously adopted violations. The respondent has 30 days to sign and pay the penalty.

Second: Dr. Morrow

Vote: 7-aye, 0-nay, 1-abstain, 0-recuse, 3-absent. Motion passed.

Mr. Dynar abstained

11. 202400091; Lamah's Denture Center

Audio Start Time: 4:30:00

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Christensen

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

20. 202300370; Sears, Rodger

Audio Start Time: 4:35:00

Motion: Dr. Morrow moved to issue a letter of concern for lack of documentation and record keeping.

Second: Dr. Herro

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

Dr. Herro voted against the motion and stated that he thinks the case should be dismissed

Dr. Christensen, Mr. Dynar, Ms. Karmo and Ms. Karmo voted against the motion.

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Penna

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

Drs. Bienstock, Morrow and Seaman voted against the motion.

The Board took a break from 12:52 p.m. to 1:08 p.m.

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

E. Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. §§ 32-3208 and/or 32-1272, et seq.

1. 202400055-AO
2. 202400064-AO
3. 202400065-AO
4. 202400088-AO
5. 202400092-AO

Audio Start Time: 5:05:00

Motion: Dr. Herro moved to take no action on agenda items E.1 through E.5.

Second: Dr. Morrow

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

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

3. 202300081; Sewright, Douglas

Audio Start Time: 5:05:45

Motion: Dr. Herro moved to dismiss the case.

Second: Dr. Morrow

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

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

1. 202200263; Miller, Abraham

Audio Start Time: 5:11:00

Motion: Dr. Herro moved to approve the consent agreement with the correction of the typo.

Second: Dr. Morrow

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

H. Formal Interview(s)

3. 202200216; Noble, Andrew

Audio Start Time: 5:13:00

Mr. Goodman rejoined the meeting at 1:30 p.m.

Motion: Dr. Seaman moved to issue a letter of concern for recordkeeping.
Motion failed due to a lack of a second.

Dr. Christensen briefly departed the meeting at 1:52 p.m.

Motion: Dr. Herro moved to dismiss the case.

Second: Ms. Penna

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

1. 202200162; Van Dusen, Justin

Audio Start Time: 5:47:35

Dr. Christensen rejoined the meeting at 1:54 p.m.

Motion: Dr. Herro moved to adopt the findings of facts as listed in the disciplinary consent agreement.

Second: Dr. Morrow

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

Motion: Dr. Herro moved to adopt the conclusions of law as stated in the disciplinary consent agreement.

Second: Dr. Morrow

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

Motion: Dr. Morrow moved to issue a disciplinary consent agreement, requiring an audit of 5 charts a month for 6 months; based on the discussion held during the meeting and the consultant report.

Second: Dr. Herro

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

Dr. Herro, Dr. Christensen, Mr. Dynar, Ms. Karmo and Ms. Penna voted against the motion.

Motion: Dr. Herro moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in endo and 4 hours in risk management.

Second: Dr. Christensen

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

Drs. Morrow and Seaman voted against the motion.

2. 202200187; Yuen, Alex

Audio Start Time: 6:08:00

The respondent was not present during the Board's consideration of the case.

Motion: Dr. Herro moved to reoffer the disciplinary consent agreement; based on the consultant report. If not accepted within 15 days, move to formal hearing.

Second: Dr. Morrow

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

I. Review of Information/Complaint for Possible Referral to the Attorney General's Office

1. G.A.

Audio Start Time: 6:09:00

Motion: Dr. Herro moved to refer the matter to the Attorney General's Office.

Second: Dr. Bienstock

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

J. Delegation of Authority for Referral of Potential Criminal Matters to Attorney General's Office

Audio Start Time: 6:10:00

Motion: Dr. Herro moved to authorize the Executive Director or its designee to refer potential criminal matters or allegations to the Arizona Attorney General's Office for investigation.

Second: Dr. Bienstock

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

VII. CALL TO THE PUBLIC

No one addressed the Board during the call to the public.

VIII. ASSISTANT ATTORNEY GENERAL ("AAG") REPORT

Mr. Monaghan informed the Board that there are no outstanding hearings.

IX. EXECUTIVE DIRECTOR'S REPORT

- A. Budget Update
- B. Agency Operations
- C. Complaint Log
- D. Legislative Update
 - a. Dental Specific Bills
 - b. Other Impactful Bills

The E.D. Report was postponed for a future meeting.

X. SUMMARY OF CURRENT EVENTS

None were discussed.

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

The Board directed staff to place AO incidents on the consent agenda.

XII. NEXT BOARD MEETING DATE

A. May 31, 2024

XIII. ADJOURNMENT

Dr. Herro adjourned the meeting at 2:18 p.m.

DRAFT