



Douglas A. Ducey,
Governor

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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2nd 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, June 11, 2021 at 8:00 a.m.** The meeting will be held in Boardroom A located at 1740 West Adams Street, Phoenix, Arizona 85007. One or more Board members may participate virtually or telephonically. If members of the public choose *not* to attend the meeting in-person, they may also choose to participate virtually or telephonically. Board members and members of the public may access the meeting telephonically by dialing 585.491.8240 followed the meeting pin – 292 014 506# or virtually, by video conferencing, through this link: meet.google.com/tbb-cfna-mbf. 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.

The meeting is open to the public. However, 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 <https://dentalboard.az.gov/> or by calling the Board’s office at 602.241.1492 The Board 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 a 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

A handwritten signature in black ink, appearing to read "Ryan P. Edmonson".

Ryan P. Edmonson, Executive Director

Posted:

<https://dentalboard.az.gov/>

<https://>

publicmeetings.az.gov/ on

June 7, 2021



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June 11, 2021

2nd 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.

I. CALL TO ORDER AND ROLL CALL

II. 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.

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

IV. 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(s) B and D 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 April 2, 2021 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the April 2, 2021 board meeting.
- C. Discussion and approval of the Open Session Minutes from the May 7, 2021 board meeting.
- D. Discussion and approval of the Executive Session Minutes from the May 7, 2021 board meeting.

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. Dang, Peter H., RDH (*tabled from May 7, 2021 board meeting*)
2. Kim, John J., DDS
3. Verne, Serge, DDS
4. Yoon, Paul C., DDS

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

Board to review and discuss the results of the investigation(s) and take possible action to *dismiss* the following case(s):

1. 202000339-AO; Romney, Gregory A.

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. 202000060-MP; Dickerson, Todd E
2. 202000050; Raiffe, David Mark

D. Review of Investigation(s) – Case(s) Recommended for Issuance of 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* Non-Disciplinary Board Orders on the following case(s):

1. 202000052; Fulcher, William C.
2. 202000059; Brower, Darren
3. 202000094; Savino, Paul A.

E. Review of Investigation(s) – Case(s) Recommended for Offer of Disciplinary Consent Agreements

Board to review and discuss the results of the investigation(s) and take possible action to *offer* Disciplinary Consent Agreements on the following case(s):

1. 201900152; Phillips, Matthew David
2. 202000045-MP; Walker, Ronald D.
3. 202000056; Miller, Neil T.
4. 202000108; Valerio, Nicole

F. Review of Investigation(s) – Case(s) Recommended for Hearing for Suspension of License for Failure to Provide Patient Records – A.R.S. §§ 32-1263(D)(8) & 32-1264(D)

Board to review and discuss the results of the investigation(s) and take possible action to *vote the matter* to an administrative hearing for failure to provide patient records to the patient after written request for the following case(s):

1. 202000053; Janisse, Robert Craig

- G. Reconsideration of the Board's Decision to Invite Licensee to Attend a Board Meeting to Participate in a Formal Interview
Board to review and discuss the board staff's request for reconsideration of the Board's decision to invite the licensee to attend a board meeting to participate in a formal interview and may take possible action to rescind their prior decision and take alternative action.
1. 202000023; Lam, Kenny D.
- H. Initial Review
Board to review, discuss and take possible action on information received from an anonymous complainant to determine whether cause exists to open an investigation file and/or take disciplinary action for the following:
1. Mohlem, John
- I. Notice of Violation(s) – A.R.S. §§ 32-1288 & 32-3227
Board to review and discuss the response/non-response(s) received regarding the unauthorized practice as a dentist and may take possible action to refer the unauthorized practice of a health profession to the county attorney or attorney general for prosecution on the following case(s):
1. 202000314; Cognito, Randy
- J. Review of Compliance/Non Compliance for Consent Agreement(s)/Board Order(s)
Board to review and discuss whether or not the requirements of the Consent Agreement(s)/Board Order(s) have been met, and if not, may vote to take further action on the following case(s):
1. 201900149-MP; Jackson Roger L.
- K. Response/Non-response to Offered Consent Agreement(s)/Board Order
Update on the status of an offered consent agreement. Board to review, discuss and take possible action on any response/counteroffer or failure to respond on the case(s):
1. 201900238; Goodman, Caleb
 2. 202000039; Chiang, Leonard

VI. **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 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. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)
Board to review, discuss and take possible action regarding approval of the following individual(s) to perform investigative consulting and/or evaluating services for the Board:
1. Eugene J. Kim, DDS – Anesthesia and Sedation Evaluator

2. Shellese A. King, DDS - Anesthesia and Sedation Evaluator
3. Derek Miller, DDS MD - Anesthesia and Sedation Evaluator
4. Mark D. Pogue MD, DDS, FACS – Anesthesia and Sedation Evaluator
5. Bobby L. Raber, DMD – Pediatric Dental Consultant
6. Robert S. Wood, DDS – Anesthesia and Sedation Evaluator

B. Executive Director Complaint Terminations A.R.S. § 32-1263.03

Board to review, discuss and take possible action on the following confidential list of complaints that were terminated by the executive director, with the concurrence of the Board’s investigative staff due to the complaints being without merit and termination being appropriate:

1. 201900285
2. 202000001
3. 202000008
4. 202000012
5. 202000013
6. 202000015
7. 202000287-AO

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

1. 201700164; Margolis, Michael
2. 201900116: Tehrani, Mojdeh
3. 202000007; Sims, Darrell

VII. ADVERSE OCCURRENCE PROCEDURES

Board to review, discuss and take possible action on board staff’s procedure when in receipt of adverse occurrences reports and the prioritization of such reports.

VIII. NOTICE OF PROPOSED RULEMAKING (“NPR”)

Board to review, discuss and take possible action to approve the draft Notice of Proposed Rulemaking for submission to the Governor’s Regulatory Review Council, including proposed changes to Title 4, Chapter 11, Article 4, which include amending its rules to update the license renewal deadlines consistent with SB1013.

IX. FIVE-YEAR RULE REVIEW

Board to review, discuss and take possible action to approve the draft Five-Year Rule Review for submission to the Governor’s Regulatory Review Council.

X. BOARD RULES ADVISORY GROUP (“GROUP”)

Board to review and discuss the current members of the Group and may consider taking action to change the composition of the Group.

XI. CONTINUING EDUCATION (“CE”) EXTENSION REQUESTS

Board to review and discuss the current process regarding CE extension requests, received by licensees renewing, and may take action to delegate authority to board staff to determine whether or not to grant CE extensions based on the information provided.

XII. CENTERS FOR DISEASE CONTROL AND PREVENTION’S (“CDC”) GUIDANCE FOR HEALTHCARE PERSONNEL (“HCP”)

Board to review and discuss the CDC’s statement, which reads, “fully vaccinated HCP should continue to wear source control while at work. However, fully vaccinated HCP could dine and socialize together in break rooms and conduct in-person meetings without source control or physical distancing. If unvaccinated HCP are present, everyone should wear source control and unvaccinated HCP should physically distance themselves from others”. The Board may take action to follow the guidance provided by the CDC.

XIII. 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. Legislation update on the following Bills:
 - 1. Dental Specific:
 - a. HB2102;
 - b. HB2258;
 - c. HB2547;
 - d. SB1013;
 - e. SB1034;
 - f. SB1140;
 - g. SB1160; and
 - h. SB1372.
 - 2. Other impactful bills:
 - a. HB2014;
 - b. HB2029;
 - c. HB2067;
 - d. HB2092;
 - e. HB2128;
 - f. HB2242;
 - g. HB2243;
 - h. HB2265;
 - i. HB2267;
 - j. HB2422;
 - k. HB2433;
 - l. HB2454;
 - m. HB2471;
 - n. HB2535;
 - o. HB2570;
 - p. HB2663;
 - q. SB1063;
 - r. SB1145;
 - s. SB1149;
 - t. SB1272; and
 - u. SB1373

XIV. 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.

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

XVI. NEXT BOARD MEETING DATE

- A. August 6, 2021

XVII. ADJOURNMENT