



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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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, March 3, 2023 at 8:00 a.m.** The meeting will be held in **Boardroom C** located at 1740 West Adams Street, Phoenix, Arizona 85007. One or more members of the Board may participate in the meeting by telephonic communications. Board members and members of the public may access the meeting telephonically by dialing +1 352-608-0164 followed by the meeting pin – 784 601 274# or virtually, by video conferencing through this link: meet.google.com/djx-ynkx-yyg. 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 www.dentalboard.az.gov or by calling the Board’s office at 602.242.1492 The Agenda is subject to change up to 24 hours prior to the meeting. Agenda items are noted by number and letter for convenience and reference. The Board may address the agenda items in any order within the time frame, if any, indicated and may set over matters to a later time when necessary. The Board reserves the right to change the order of the agenda items, except for matters set for a specific time.

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

ARIZONA STATE BOARD OF DENTAL EXAMINERS

Ryan P. Edmonson, Executive Director

Posted on February 16, 2023:

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March 3, 2023 Board Meeting Agenda

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

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

*The following **highlighted** agenda items are new and everything else has been carried over from the January 27, 2023 meeting.*

I. CALL TO ORDER AND ROLL CALL

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

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

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

Upon a vote of the majority of a quorum, the Board may go into executive session for item C 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 December 16, 2022 special board meeting.
- B. Discussion and approval of the Open Session Minutes from the January 27, 2023 board meeting.
- C. Discussion and approval of the Executive Session Minutes from the January 27, 2023 board meeting.

IV. CONSENT AGENDA

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

listed under the Consent Agenda are considered to be routine or have been previously reviewed by the Board or the Board's Designee and may be considered for approval as a single action, unless a Board Member wishes to remove an item for independent review, discussion and possible action).

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

1. 202000126; Nelson, Amanda
2. 202000278; Rosales, Daniel
3. 202000342; Tran, Bryan
4. 202100013-MP; Brown Stephen
5. 202100161; Wilcox, Donald
6. 202200001; Line, Darren
7. 202200036; Stein, Bruce
8. 202200178; LaFeber, Nicholas
9. 2019000216; Hawke, Robert

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. Akhtar, Rahil, DMD (*by Examination*)
2. Lee, Bruce W., DDS (*by Credentials*)
3. Neal, Rachel G., DMD (*by Credentials*)

B. Review of Investigation(s)

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

1. 202200097; Toal, Maureen M.
2. 202200131; Whatcott, Josh
3. 202200135; Scheckley, Sal
4. 202200141-MP; Winterholler, Chris W.

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

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

1. 202000306; Hossieni, Rozbeh (*Bienstock conflicted*)
2. 202100030; Line, Darren (*Bienstock conflicted*)
3. 202100034; DiVito, Enrico (*El-Gendy & Herro conflicted*)
4. 202100131; Brown Jr., Calvin Cephus
5. 202100133; Arora, Manu
6. 202200179; Boyse, Brent (*Christensen & Goodman conflicted*)
7. 202200216; Noble, Andrew
8. 202200220-MP; Chaffee Jr., David Lee (*Bienstock & Christensen conflicted*)

D. Review of Investigation – Case(s) Recommended for a Formal Hearing for Revocation

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

1. 202200187; Yuen, Alex W.

E. Formal Interview(s)

Board to conduct formal investigative interviews and review, discuss and take possible action for the following case(s):

**Formal interviews are scheduled for 45 minutes*

1. 202100115 & 202100094; Anderson, Lori Karen
 - a. Lead Board Member: Dr. Bienstock
 - b. Summary of Investigation: Dr. Dovgan

2. 202100127; Valencia, Juan Carlos
 - a. Lead Board Member: Dr. Seaman
 - b. Summary of Investigation: Dr. Dovgan

3. 202200142-MP; Denton, Luke

- a. Lead Board Member: Dr. Christensen
- b. Summary of Investigation: Dr. Dovgan

F. Malpractice, Adverse Occurrence Report and/or Self-Report Pursuant to A.R.S. § 32-3208

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

1. 202200278-AO
2. 202200282-AO
3. 202200297-AO
4. 202200342-AO
5. 202300005-AO
6. 202300006-AO

G. Board to Conduct Rehearing/Review – A.A.C. R4-11-1701

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

1. 202000343; Garza John

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

Review, discussion and possible action on 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. 201900282-AO, 202100213-MP; Pourshirazi, Ehsan
2. 202200330; Svoboda, Christina

I. Rescission of Formal Hearing and Reconsideration of Matter

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

1. 201900084; Black Canyon City Dentistry

J. Review of Prior Board Action

Board to review and discuss the following case(s), including its previous motion and may take action to either rescind its December 2, 2022 motion for executive director termination and rehear the matter, or to not rehear the matter and articulate why they believe the executive director termination was appropriate.

1. 202100112; Garagozloo, Behzad (*Bienstock conflicted*)

K. Request for Termination of Practice Restriction

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

1. 201300033; Raiffe, David

L. Initial Review

Board to review, discuss and take possible action on information received to determine whether cause exists to open an investigation file and/or take non-disciplinary/disciplinary action regarding a complaint filed by complainant with the initials T.M.

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

Board to review, discuss and take possible action pursuant to A.R.S. § 32-1208 regarding the following case(s):

1. 202200284; Kim, Sean Y.

N. Motion for Rehearing/Review – A.A.C. R4-11-1701

Board to review, discuss and take possible action regarding the motion for rehearing or review on the following case(s):

1. 202100148; Jensen, Matthew

VI. NOTICES OF PROPOSED RULEMAKING (“NPR”)

Board to review, discuss and take possible action to approve, reject or modify the draft NPRs for submission to the Governor’s Regulatory Review Council, including proposed changes to Title 4, Chapter 11, Articles 4, 5, 7, 9, 11 and 15, which include the amendments to the Board’s rules regarding Licensing Fees, Mobile Dental Facilities and Portable Dental Units Annual Registration Fees and Late Fees, general amendments and Advertising.

VII. SUBCOMMITTEE FORMATION

Board to review, discuss and take possible action on the Anesthesia and Sedation Committee’s recommendation to form a subcommittee of the larger committee to include the following names:

- A. Matthew Arnall, DDS
- B. Ali Baghai, CRNA
- C. Jason Brady, DMD
- D. Anthony Caputo, DDS
- E. Edward “Eddie” Christensen, DDS

VIII. AGENCY SUBSTANTIVE POLICY STATEMENTS (“SPS”)

Board to review and discuss Agency Substantive Policy Statements and take possible action to direct staff to collaborate with the Arizona Secretary of State’s Office to repeal irrelevant SPS or draft language to codify the SPSs as a board statute or rule.

IX. ANESTHESIA AND INTRAVENOUS SEDATION COMMITTEE

Board to review, discuss and take possible action to add new members, reduce the committee size and/or remove members.

X. 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.

XI. EXECUTIVE DIRECTOR'S REPORT

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

- A. Budget Update
- B. Agency Operations
- C. Complaint Log
- D. Anesthesia Model(s)
- E. Dental Related Legislative Bills

XII. 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.

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

XIV. NEXT BOARD MEETING DATE

- A. March 31, 2023

XV. ADJOURNMENT