

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING MINUTES  
August 25, 2017  
Sheraton Tampa East  
10221 Princess Palm Avenue  
Tampa, Florida 33610  
(813) 371-5939  
7:30 A.M.**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

**I. CALL TO ORDER/ROLL CALL**

**MEMBERS PRESENT**

Catherine Cabanzon, RDH, BASDH, Vice Chair  
Joseph Calderone, DMD  
T.J. Tejera, DMD  
Claudio Miro, DDS  
William Kochenour, DDS  
Robert Perdomo, DMD,  
Naved Fatmi, DMD  
Tim Pyle, Consumer Member

**ABSENT MEMBER**

Angela Sissine, RDH

**COURT REPORTER**

Integra Reporting Group  
610 W Azeele St., #101  
Tampa, Florida 33606  
813-868-5130

**STAFF PRESENT**

Jennifer Wenhold, Executive Director  
Jessica Sapp, Program Administrator

**BOARD COUNSEL**

Deborah Loucks, Esq.  
Assistant Attorney General

**PROSECUTION SERVICES**

Bridget McDonnell, Esq.  
John Wilson, Esq.  
Rose Garrison, Esq.  
Raj Misra, Esq.

Ms. Cabanzon called the meeting to order and welcomed Dr. Stan Levsky, former board member; Dr. Linda Niessen, Dean and Professor, Nova Southeastern University; and dental hygiene students from St. Petersburg College and Hillsborough Community College.

**II. REVIEW OF MINUTES**

**A. May 19, 2017 Board Meeting**

The minutes of the May 19, 2017 meeting were reviewed and the following action was taken by the Board:

Motion: by Dr. Kochenour  
Second: by Dr. Calderone  
Vote: Unanimous

### **III. Rebecca R. Poston, BPharm, MHL, FCCM – Prescription Drug Monitoring Program Presentation**

Ms. Poston presented to the Board an update on the Prescription Drug Monitoring Program (PDMP). She discussed data points reported by dispensers, provided an overview of the dispensing data and discussed how research is used to optimize PDMP information to improve public health.

### **IV. REPORTS**

#### **A. Board Counsel**

##### **i. Rules Report**

Ms. Loucks presented the Board of Dentistry rules report.

##### **ii. Approval of Declaratory Statement**

At the May 19, 2017 meeting, the Board answered a Petition for Declaratory Statement of Section 466.006(3), Florida Statutes in the negative. The Board reviewed Mr. Flynn's draft of the Final Order and the following action was taken:

Motion: by Dr. Tejera to approve

Second: by Dr. Fatmi

Vote: Unanimous

##### **iii. Annual Regulatory Plan**

Since the Annual Regulatory Plan is due before the next board meeting, Ms. Loucks requested the Board delegate authority to the Board Chair to review and approve. It will be brought before the Board at the next meeting for ratification.

Motion: by Dr. Tejera to delegate authority to the Board Chair to approve the Annual Regulatory Plan

Second: by Dr. Kochenour

Vote: Unanimous

#### **B. Executive Director**

##### **i. MQA's Multi-Board Workgroup Update**

Ms. Wenhold provided an update of MQA's Multi-Board Workgroup that was held on June 2, 2017. Dr. Tejera, Dr. Miro and Dr. Fatmi represented the Board of Dentistry along with members from the Boards of Medicine, Osteopathic Medicine, Nursing and Pharmacy. Discussion topics included Wrong Site Surgeries, Telehealth, Controlled Substances, and Anesthesia. A sub-group was formed from this meeting to continuing discussion on the opioid epidemic, which is scheduled for November 3, 2017.

At the request of Dr. Tejera, Dean Niessen explained what is being taught in their dental program.

ii. Revised Delegation of Authority

This revision includes the addition of the delegation to the Executive Director to certify rules indicating a minor violation.

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve  
Second: by Dr. Kochenour  
Vote: Unanimous

iii. Financial Reports

These reports were provided as informational only.

**C. Board Members**

i. Dr. Miro- Anesthesia Committee Update

Dr. Miro provided an update on the revision of the anesthesia inspection forms and the progress that has been made to move to the use of tablets for electronic inspections.

Dr. Miro also explained the need for general anesthesia inspectors in North, Central, and Southwest Florida. Dr. Tejera indicated the Florida Society of Oral and Maxillofacial Surgeons has offered to help recruit dentists to apply to be an inspector. The Florida Dental Association also offered their assistance.

ii. ADEX Annual Meeting

Dr. Fatmi and Ms. Cabanzon attended this meeting and provided an overview. Ms. Cabanzon also encouraged board members to attend an exam administration as their participation is important.

iii. Dental Exam Committee

Dr. Fatmi provided an overview of ADEX for the students in the audience. He also summarized the changes. He will provide the final documentation of all changes to be included at the November 17 meeting.

Dean Niessen addressed the board to discuss the exam format at Nova. She clarified that the exam will not be limited to Nova students. Ms. Wenhold will coordinate a discussion with NOVA and the CDCA for clarification.

iv. Dental Hygiene Exam Committee

Ms. Cabanzon provided an overview and summarized the changes that will take place in 2018. These changes include the administration of the exam including exam check-in procedures; periodontal readings will now be taken post exam; and electronic assignment of examiners.

## **V. RULE DISCUSSION**

### **A. Application Form Rules, HB 229, An Act Relating to Health Care Practitioner Licensure**

- i. Rule 64B5-2.014, F.A.C.
- ii. Rule, 64B5-2.0142, F.A.C.
- iii. Rule 64B5-2.0144, F.A.C.
- iv. Rule 64B5-2.0146, F.A.C.
- v. Rule 64B5-7.003, F.A.C.
- vi. Rule 64B5-7.005, F.A.C.
- vii. Rule 64B5-7.007, F.A.C.
- viii. Rule 64B5-9.011, F.A.C.

Ms. Wenhold provided an overview of HB 229 which includes amendments to Section 456.0635 which revise the grounds for refusing to issue or renew a license in a health care profession. These changes will impact the Board's application rules.

Ms. Wenhold also informed the Board of the Department Standardized application project that is currently in progress. More details will be provided at a future meeting.

### **B. Rule 64B5-14, JAPC Comments**

Motion: by Dr. Calderone to delegate rule development authority to the Anesthesia Committee Chair so Mr. Flynn can work with the Chair on updating the rules in this chapter.

Second: by Dr. Tejera

Vote: Unanimous

### **A. Vice-Chair**

- i. Board Member Recognition

Ms. Cabanzon presented Dr. Perdomo a service plaque and recognized Dr. Perdomo for his dedicated service on the Board. Dr. Perdomo addressed the board and thanked the board members and his family for their support.

Ms. Cabanzon recognized Dr. Thomas for his dedicated service to the Board. While he was unable to be present at the meeting, Ms. Cabanzon read his letter to the Board.

Dr. Fatmi thanked Dr. Perdomo and Dr. Thomas for their service.

## **VI. DISCIPLINARY PROCEEDINGS**

### **A. Settlement Agreements**

- i. Tejashree Karkare, DDS, Case No. 2012-18960  
(PCP – Thomas, Britten, Calderone)

Dr. Karkare was present and sworn in by the court reporter. She was represented by

Melissa Krepps, Esq.

Mr. Misra summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by proceeding with extensive crown placement on patient's teeth without sufficiently addressing the risk of xerostomia; by placing crowns on multiple teeth that exhibits unremoved deep carries; and by placing crowns that exhibits a lack of appropriate retention on one or more of patient's teeth, necessitating that crowns seated by Respondent be re-cemented and/or re-made on multiple occasions.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- \$2,500 fine to be paid within six (6) months
- Costs of \$3,967.48 to be paid within six (6) months
- Continuing Education to be completed within six (6) months to include a 3-6 hour course as necessary to determine competency in Diagnosis and Treatment; a 3-6 hour course as necessary to determine competency in Crown and Bridge.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Kochenour to accept

Second: by Dr. Tejera

Vote: Unanimous

- ii. Amrita Selz, DDS, Case No. 2013-08396  
(PCP – Thomas, Britten, Calderone)

Dr. Selz was present and sworn in by the court reporter. She was represented by Scott Alby, Esq.

Mr. Misra summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to take new impressions for a permanent crown even though Respondent completed the impressions for a permanent crown before the root canal procedure was completed.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- \$2,500 fine to be paid within six (6) months
- Costs of \$3,114.69 to be paid within six (6) months
- Continuing Education to be completed within six (6) months to include a 3-6 hour course as necessary to determine competency in Diagnosis and Treatment; a 3-6 hour course as necessary to determine competency in Crown and Bridge. Respondent shall be restricted from performing those dental procedures until courses are complete.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept

Second: by Dr. Kochenour

Vote: Unanimous

- iii. Jean Mary Robert Marius, DDS, Case No. 2016-20164  
(PCP – Thomas, Miro, Ross)

Dr. Marius was present and sworn in by the court reporter. He was represented by Edwin Bayo, Esq.

Mr. Misra summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to diagnose and remove retained root tips following extractions, and by failing to remove the two root tips and/or refer the patient to a specialist. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to maintain diagnostic findings justifying the course of treatment.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- \$8,000 fine to be paid within eighteen (18) months
- Costs of \$2170.00 to be paid within eighteen (18) months
- Continuing Education to be completed within twelve (12) months to include a 7-12 hour course as necessary to determine competency in Exodontia; a 7-12 hour course as necessary to determine competency in Diagnosis and Treatment Planning. Respondent shall be restricted from performing those dental procedures until courses are complete.
- Patient reimbursement of out-of-pocket fees and third party reimbursement if applicable, within six (6) months
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Kochenour to reject the settlement agreement

Second: by Dr. Fatmi

Vote: Motion failed with a 2/6 vote

The Board clarified that Respondent is restricted from performing Exodontia and Diagnosis and Treatment Planning until he completes remediation.

After further discussion, the following action was taken:

Motion: by Dr. Perdomo to accept

Second: Dr. Kochenour

Vote: Unanimous

- iv. Colin Michael McKinney, DMD, Case No. 2015-30613  
(PCP – Thomas, Miro, Ross)

Dr. McKinney was present and sworn in by the court reporter. He was represented by Richard Brooderson, Esq.

Ms. Garrison summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing adequately diagnose and/or evaluate patient's biopsy; by failing to provide the patient with a referral to a specialist or to otherwise provide adequate treatment for the leukoplakia; and by having an indemnity paid in the amount of \$500,000 to patient as a result of negligent conduct on the part of Respondent.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Reprimand
- \$7,500.00 fine to be paid within twelve (12) months
- Costs of \$3,795.40 to be paid within eighteen (18) months
- Continuing Education to be completed within twelve (12) months to include a 7-12 hour course as necessary to determine competency in Oral Pathology. Respondent shall be restricted from performing those dental procedures until courses are complete.
- Patient reimbursement of out-of-pocket fees and third party reimbursement if applicable, within six (6) months
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Kochenour to reject

Second: by Dr. Tejera

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Kochenour to offer a counter agreement which contains the same terms with the exception that Respondent be suspended until he completes remediation in Oral Pathology.

Second: by Dr. Tejera

Vote: Unanimous

Dr. Tejera added a friendly amendment to extend the payment of the fine to eighteen months.

Dr. Kochenour indicated the aggravating factor to justify suspension is the irreversible damage to the patient.

Respondent's counsel requested to receive the counter agreement by email.

v. James Steven Begley, DDS, Case No. 2016-10267  
(PCP – Thomas, Britten, Fatmi)

Dr. Begley was present and sworn in by the court reporter. He was represented by John Bowen Brown, Esq.

Ms. Garrison summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to remove decay before

placing bridges on patient's teeth; by failing to adequately seat and verify the fit of the bridges Respondent placed for patient so as to avoid open margins; or by having an indemnity paid in the amount of \$60,000.00 to the patient as a result of negligent conduct.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- \$7,500 fine to be paid within twelve (12) months
- Costs of \$3,276.64 to be paid within twelve (12) months
- Continuing Education to be completed within twelve (12) months to include a 3-6 hour course as necessary to determine competency in Crown and Bridge; a 3-6 hour course as necessary to determine competency in Diagnosis and Treatment Planning. Respondent shall be restricted from performing those dental procedures until courses are complete.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Tejera to reject and offer a counter agreement with the same terms with the exception to decrease the fine to \$5,000.00

Second: by Dr. Kochenour

Vote: Unanimous

The Respondent accepted the counter agreement on the record.

vi. Lourdes V. Ballet, DDS, Case No. 2016-11394  
(PCP – Thomas, Miro, Ross)

Dr. Ballet was present and sworn in by the court reporter. She was represented by Bill Dillon, Esq.

Ms. Garrison summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by recommending a treatment plan not supported by the patient's dental condition.

The Department dropped the second count: **Count II:** Section 466.028(1)(z), Florida Statutes, by delegating a dental assistant to perform a dental cleaning on the patient.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- \$2,500 fine to be paid within twelve (12) months
- Costs of \$3,417.26 to be paid within eighteen (18) months
- Continuing Education to be completed within twelve (12) months to include a 3-6 hour course as necessary to determine competency in Ethics; a 3-6 hour course as necessary to determine competency in Periodontics. Respondent shall be restricted from performing those dental procedures until courses are complete.
- Patient reimbursement of out-of-pocket fees and third party reimbursement if applicable.



- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to reject

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Ms. Cabanzon to offer a counter agreement that includes all original terms with the addition of a 3-6 hour course to achieve competency in Treatment Planning.

Second: by Dr. Tejera

Vote: Unanimous

Respondent requested a written copy of the counter agreement.

- vii. Nelson Roberto Marques, DDS, Case No. 2013-13083 and 2014-06823  
(PCP – Thomas, Britten, Fatmi)

Dr. Marques was not present. He was represented by Randolph Collette, Esq.

Ms. McDonnell summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(m), Florida Statutes, by failing to keep an accurate dental record of the dental radiographs performed. **Count II:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to perform a diagnosis of the periodontal health of the patient prior to performing the periodontal treatment of scaling and root planing; by failing to adequately seat and verify the fit of permanent crowns so as to avoid open margins; and by failing to adequately diagnose the patient's dental condition and develop an appropriate treatment plan.

A Settlement Agreement was presented to the Board at the May 19, 2017 meeting with the following terms:

- Appearance
- Reprimand
- \$10,000.00 fine to be paid within twenty-four (24) months
- Costs of \$8,000.00 to be paid within twenty-four (24) months
- Level I Crown and Bridge course completed through an accredited college of dentistry within twelve (12) months.
- Level I Implants course completed through an accredited college of dentistry within twelve (12) months.
- Level I Record Keeping course completed through an accredited college of dentistry or through a Board-approved continuing education provider within twelve (12) months.
- Patient reimbursement of out-of-pocket fees and third party reimbursement if applicable, within twenty-four months
- Successful completion of the Laws and Rules exam within twenty-four months

The Board rejected this agreement and offered the following counter agreement:

- Appearance
- Reprimand

- \$2,500.00 fine to be paid within twenty-four (24) months
- Costs of \$8,000.00 to be paid within twenty-four (24) months
- Successful completion of the twenty-five month AGD Master Track program at the University of Florida, with verified competency, to be completed within 30 months of the Final Order
- Three hours of Ethics completed through an accredited college to be completed within twelve (12) months of the Final Order
- Patient reimbursement of out-of-pocket fees and third party reimbursement if applicable, within twenty-four (24) months

The Department has presented a revised counter agreement with the same terms with the exception of the AGD Master Track program to be completed within 60 months, as Respondent currently resides outside of the United States for part of the year.

After discussion, the following action was taken:

Motion: by Dr. Calderone to accept

Second: by Dr. Tejera

Vote: failed 2/5

After further discussion, another vote was taken on the original motion to accept.

Vote: Carried 5/2

#### **B. Determination of Waiver/Hearing Not Involving Disputed Issues of Material Fact**

- i. Ben Mac-Ryan Spivey, DMD, Case No. 2014-07055  
(PCP – Thomas, Morgan, Fatmi)

Dr. Spivey was not present nor represent by counsel.

Ms. McDonnell summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(m), Florida Statutes, by failing to keep an accurate dental record of the treatment rendered to the patient. **Count II:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to provide post –operative treatment to the patient on one or more occasions. **Count III:** Section 466.028(1)(z), Florida Statutes, by delegating the task of a patient examination to a dental assistant on one or more occasion; by delegating the task of adjusting a denture on one or more occasion; and by delegating the task of performing a diagnosis of the patient’s dental condition. **Count IV:** Section 466.028(1)(aa), Florida Statutes, by failing to comply with a lawfully issued subpoena of the board or department.

Motion: by Ms. Cabanzon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing.

Second: Dr. Tejera

Vote: Unanimous

Motion: by Dr. Calderone to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Kochenour  
Vote: Unanimous

Motion: by Dr. Kochenour to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Tejera  
Vote: Unanimous

Motion: by Dr. Kochenour to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Tejera  
Vote: Unanimous

Motion: by Dr. Kochenour to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Tejera  
Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Kochenour to revoke Respondent's license

Second: by Dr. Tejera  
Vote: Unanimous

The Department requested the Board assess cost of \$10,921.46.

Motion: by Dr. Tejera to pay costs in the amount of \$10,921.46 within 12 months

Second: by Dr. Kochenour  
Vote: Unanimous

- ii. Ben Mac-Ryan Spivey, DMD, Case No. 2015-09776  
(PCP – Thomas, Morgan, Fatmi)

Dr. Spivey was not present nor represent by counsel.

Ms. McDonnell summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(m), Florida Statutes, by failing to keep an accurate dental record of the treatment rendered to the patient. **Count II:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to develop an appropriate treatment plan based on his diagnosis of patient's periodontal condition.

Motion: by Dr. Kochenour to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to be heard.

Second: by Dr. Dr. Tejera  
Vote: Unanimous

Motion: by Dr. Kochenour to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Calderone

Vote: Unanimous

Motion: by Dr. Calderone to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: Dr. Kochenour

Vote: Unanimous

Motion: by Dr. Miro to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Calderone

Vote: Unanimous

Motion: by Dr. Kochenour to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Tejera

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Tejera to revoke

Second: by Dr. Kochenour

Vote: Unanimous

### **C. Voluntary Relinquishments**

- i. Joseph Gorfien, DDS, Case No. 2016-12934 (PCP – Thomas, Tejera)
- ii. Joseph Gorfien, DDS, Case No. 2014-00011 (PCP – Melzer, Morgan, Winker)
- iii. Joseph Gorfien, DDS, Case No. 2014-10921 (PCP – Thomas, Fatmi, Britten)
- iv. Joseph Gorfien, DDS, Case No. 2013-12961 (PCP – Melzer, Morgan, Winker)
- v. Joseph Gorfien, DDS, Case No. 2012-11964 (PCP – Britten, Tejera, Robinson)
- vi. Joseph Gorfien, DDS, Case No. 2011-17150 (PCP - Britten, Tejera, Robinson)
- vii. Joseph Gorfien, DDS, Case No. 2011-07237 (Morgan, Melzer, Thomas, Britten)
- viii. Joseph Gorfien, DDS, Case No. 2016-14011 (PCP Waived)
- ix. Joseph Gorfien, DDS, Case No. 2016-12930 (PCP – Thomas, Robinson, Fatmi)
- x. Joseph Gorfien, DDS, Case No. 2016-25224 (PCP Waived)

Dr. Gorfien was present and sworn in by the court reporter and indicated he was representing himself. He addressed the board and stated he does not want to relinquish his license. He requested the board table his cases while he completes rehabilitation.

Ms. McDonnell presented the cases which consist of the following violations: Section 466.028(1)(mm), Florida Statutes, through a violation of Section 456.072(1)(c), Florida Statutes,

by entering a plea of guilty to crimes related to the practice of dentistry; Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of practice; Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment; Section 466.028(1)(j), Florida Statutes, by making or filing a report which the licensee knows to be false; Section 466.028(1)(t), Florida Statutes, by committing fraud, deceit, or misconduct in the practice of dentistry; Section 466.028(1)(s), Florida Statutes, by being unable to practice dentistry with reasonable skill and safety.

Motion: by Dr. Calderone to deny Respondent's request for continuance  
Second: by Dr. Kochenour  
Vote: Unanimous

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment in cases 2016-12934, 2012-11964, 2011-17150  
Second: by Dr. Fatmi  
Vote: Unanimous. Dr. Tejera was recused

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment in case 2014-10921  
Second: by Dr. Tejera  
Vote: Unanimous. Dr. Fatmi was recused

Motion: by Dr. Kochenour to accept to accept the Voluntary Relinquishment in cases 2014-00011, 2013-12961, 2011-07237, 2016-14011, 2016-25224  
Second: by Dr. Tejera  
Vote: Unanimous

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment in cases 2016-12930  
Second: by Dr. Calderone  
Vote: Unanimous. Dr. Fatmi was recused

- xi. Kathryn Swearingen, DR, Case No. 2012-17395  
(PCP – Thomas, Britten, Calderone)

Ms. Swearingen was not present nor represented by counsel.

Ms. McDonnel presented the case which consist of the following violation: Section 456.072(1)(x), by failing to report her plea of nolo contendere and adjudication of guilt in the charge of grand theft.

Motion: by Dr. Kochenour to accept the voluntary relinquishment  
Second: by Dr. Fatmi  
Vote: Unanimous

- xii. Samantha Marie Forrest, DH, Case No. 2017-03819  
(PCP – Thomas, Britten, Fatmi)

Ms. Forrest was not present nor represented by counsel.

Ms. McDonnel presented the case which consist of the following violations: **Count I:** Section

456.028(1)(c), by entering a plea of nolo contendere to one count of possession of a controlled substance, a third degree felony, in violation of Section 893-13(6)(a), Florida Statutes. **Count II:** Section 456.072(1)(x), by failing to report her plea of nolo contendere and adjudication of guilt in the charge of grand theft.

Motion: by Dr. Tejera to accept the voluntary relinquishment

Second: by Dr. Kochenour

Vote: Unanimous

## **VII. PROSECUTION REPORT**

### **A. Bridget McDonnell, Assistant General Counsel**

Mr. John Wilson provided the prosecution report to the board.

Motion: by Dr. Kochenour to allow prosecution to continue prosecuting year old cases.

Second: by Dr. Tejera

Vote: Unanimous

## **VIII. PETITION FOR DECLARATORY STATEMENT**

### **A. William B. Parker, DDS**

#### **i. Petition for Declaratory Statement of Section 466.002(6)**

### **B. Romer Ocanto, DDS**

#### **i. Petition for Declaratory Statement of Section 466.002(6)**

Angelina Gonzalez, Esq. was present to represent Dr. Parker and Dr. Ocanto.

Dr. Parker and Dr. Ocanto filed a Petition for Declaratory Statement for the board to consider whether they are exempt from the anesthesia permitting requirements in Section 466.017, F.S. as dental instructors per Section 466.002(6), F.S.

After discussion, the following action was taken:

Dr. Tejera answered yes, they are exempt from sedation permit requirements in the instructional setting while teaching students and residents whether it is in the clinical or classroom setting, as long as it is being done within the curriculum.

Dr. Perdomo addressed the issue of teaching permits. He clarified that teaching permit holders are only allowed to see private patients in the faculty practice, in the clinic, one day a week. Other days, should be spent utilizing the teaching permit what it is for- teaching the residents and students of the program. He also encouraged the dental programs to ensure they bring in qualified faculty members who have received appropriate training in sedation.

Dean Niessen indicated that faculty contracts specify that faculty can work one day a week in the faculty practice and also a half day on the weekend if they choose.

Motion: by Dr. Tejera to answer Question A in the declaratory statement in the affirmative, stating as instructors Dr. Parker and Dr. Ocanto are exempt from the sedation permitting requirements.

Second: by Dr. Kochenour

Vote: Unanimous

Ms. Gonzalez clarified that the intent of Question B within the petition refers to faculty treating patients being seen as part of the curriculum.

Dr. Tejera stated that the Board's response to Question A provides the answer to the petition.

Ms. Gonzalez withdrew Question B from the petition.

Dr. Parker requested to withdraw his application

Motion: by Dr. Tejera to accept

Second: by Dr. Kochenour

Vote: Unanimous

Dr. Ocanto requested to withdraw his application

Motion: by Dr. Tejera to accept

Second: by Dr. Kochenour

Vote: Unanimous

## **IX. REVIEW OF APPLICATIONS**

### **A. Applications for Dental License**

#### **i. Genrietta Arakelova, DDS**

Dr. Arakelova was present and sworn in by the court reporter. She was represented by Edwin Bayo, Esq.

Dr. Arakelova has applied for licensure as a dentist and disclosed past disciplinary history.

After discussion, the following action was taken:

Motion: by Dr. Kochenour to deny based upon previous discipline and an ongoing investigation.

Second: by Dr. Calderone

Further discussion ensued. Mr. Bayo waived the 90 day action requirement and waived the 15 day investigation requirement.

Dr. Kochenour withdrew his motion. Mr. Bayo requested a continuance.

#### **ii. Randall Gerson Cohen, DDS**

Dr. Cohen was present and sworn in by the court reporter. He was represented by Edwin Bayo, Esq.

Dr. Cohen has applied for licensure as a dentist and disclosed past disciplinary history.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to grant licensure  
Second: by Dr. Calderone  
Vote: Unanimous

iii. Kazem Seyed Sadati, DDS

Dr. Sadati was present and sworn in by the court reporter. He was represented by Edwin Bayo, Esq.

Dr. Sadati has applied for licensure as a dentist and disclosed past disciplinary history. His Florida license was revoked in January 2004.

After discussion, the following action was taken:

Motion: by Dr. Perdomo to approve application contingent upon successful completion of the ADEX, with conditions that he cannot treat Medicaid patients  
Second: Dr. Tejera  
Vote: 6/2

iv. Samuel Samir Wakim, DDS

Dr. Wakim was present and sworn in by the court reporter.

Dr. Wakim has applied for licensure as a dentist and disclosed past criminal and disciplinary history.

After discussion, the following action was taken:

Motion: by Dr. Miro to grant licensure  
Second: by Dr. Calderone  
Vote: Unanimous

v. Hillary Elizabeth Frey, DDS

Dr. Frey was not present nor represented.

Dr. Frey received her Florida dental license on January 25, 2016 and was required to submit proof of working 1200 hours within 12 months. Dr. Frey indicated she will have the hours complete by October 2017.

After discussion, the following action was taken:

Motion: by Dr. Calderone to deny the request for extension and issue a Notice of Expiration  
Second: by Dr. Perdomo  
Vote: Unanimous

**B. Application for Dental Expanded Duties**

i. Florida Dental Association Online Radiography Program

Casey Stoutamire was present and sworn in by the court reporter. The Florida Dental Association submitted this application for the Board to consider approving their proposed online radiography program.



Ms. Stoutamire requested this item be continued.

**X. FOR YOUR INFORMATION**

**A. Testing Agencies Respond to ADA OSCE Initiative**

**B. Proposed New ADA Agency to Recognize Dental Specialties and Certifying Boards**

**C. AADB Tele-Seminar Program**

**D. PDMP Update**

**E. Response to the ADA DLOSCE Talking Points**

**F. AAOMS Statement on Anesthesia**

**XI. NEW BUSINESS**

**A. Licensure Ratification Lists**

After discussion, the following action was taken:

Motion: by Dr. Kochenour to approve

Second: by Dr. Tejera

Vote: Unanimous

**B. Board Chair Vacancy**

After discussion, the following action was taken:

Motion: by Dr. Kochenour to ascend Ms. Cabanzon to Chair

Second: by Dr. Tejera

Vote: Unanimous

**XII. OLD BUSINESS**

**XIII. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 1:05 p.m.