



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

MICHIGAN BOARD OF DENTISTRY DISCIPLINARY SUBCOMMITTEE

AUGUST 8, 2019 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Dentistry Disciplinary Subcommittee met on August 8, 2019, at 611 West Ottawa Street, Upper Level Conference Center Room 3, Lansing, Michigan 48933.

CALL TO ORDER

Rita Hale, Chairperson, called the meeting to order at 12:18 p.m.

ROLL CALL

Members Present: Rita Hale, Public Member, Chairperson
Cheryl Bentley, RDH
Peter Chiaravalli, DDS
Joshua Goodrich, Public Member
Mark Johnston, DDS

Members Absent: None

Staff Present: Laury Brown, Analyst, Compliance Section
Bridget Smith, Assistant Attorney General
Stephanie Wysack, Board Support, Boards and Committees Section

APPROVAL OF AGENDA

MOTION by Goodrich, seconded by Chiaravalli, to approve the agenda as presented.

A voice vote followed.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Goodrich, seconded by Bentley, to approve the minutes from June 13, 2019, as presented.

A voice vote followed.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Nabil Berry, DDS – Consent Order and Stipulation

MOTION by Johnston, seconded by Bentley, to accept the Consent Order and Stipulation.

A roll call vote was taken: Yeas: Bentley, Goodrich, Johnston, Hale
Nays: None
Recuse: Chiaravalli

MOTION PREVAILED

George J. Carlino, DDS – Consent Order and Stipulation

MOTION by Bentley, seconded by Goodrich, to accept the Consent Order and Stipulation.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Hale
Nays: None
Recuse: Johnston

MOTION PREVAILED

Jack D. Healy, DDS – Consent Order and Stipulation

MOTION by Chiaravalli, seconded by Goodrich, to accept the Consent Order and Stipulation.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

Kris Kendall, DDS – Consent Order and Stipulation

MOTION by Bentley, seconded by Johnston, to reject the Consent Order and Stipulation with a counteroffer. Counteroffer terms include increasing the fine to \$4,000.00 and completion of a minimum of three hours each of in-person continuing education in ethics and periodontal treatment. Charts for the records review shall be randomly selected by the board-approved reviewer. All other terms of the Consent Order and Stipulation remain the same.

Discussion was held.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

Dario Merlos, DDS – Consent Order and Stipulation

MOTION by Chiaravalli, seconded by Johnston, to accept the Consent Order and Stipulation.

Discussion was held.

MOTION withdrawn.

MOTION by Bentley, seconded by Johnston, to reject the Consent Order and Stipulation with a counteroffer. Counteroffer terms include increasing the fine to \$4,000.00 and completion of a minimum of three hours of continuing education in restorative treatment. All other terms of the Consent Order and Stipulation remain the same.

Discussion was held.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

Mark Ronald Mortiere, DDS – Consent Order and Stipulation

MOTION by Bentley, seconded by Goodrich, to discuss.

A voice vote followed.

MOTION PREVAILED

Discussion was held.

MOTION by Goodrich, seconded by Bentley, to accept the Consent Order and Stipulation.

A roll call vote was taken: Yeas: Bentley, Goodrich, Hale
Nays: None
Recuse: Chiaravalli, Johnston

MOTION PREVAILED

Adam Zaher, DDS – Consent Order and Stipulation

MOTION by Goodrich, seconded by Bentley, to discuss.

A voice vote followed.

MOTION PREVAILED

Discussion was held.

MOTION by Bentley, seconded by Goodrich, to reject the Consent Order and Stipulation with a counteroffer. Counteroffer terms include placing the Respondent on probation for a minimum of 1 day not to exceed 6 months in order to complete 3 hours of continuing education in ethics. All other terms of the Consent Order and Stipulation remain the same.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

Christian Anthony Peabody, DDS – Disciplinary Subcommittee’s Findings of Fact and Conclusions of Law

MOTION by Goodrich, seconded by Bentley, to accept the Disciplinary Subcommittee’s Findings of Fact and Conclusions of Law.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

MOTION by Goodrich, seconded by Bentley, to discuss.

A voice vote followed.

MOTION PREVAILED

Discussion was held.

MOTION by Bentley, seconded by Chiaravalli, to limit the Respondent’s license for a minimum of two years, during which time the Respondent may not provide removable prosthetics. Respondent must apply for reclassification. Respondent is fined \$10,000.00 to be paid within one year and provide proof to the department of paying restitution of \$2,100.00 to the patient within 60 days. Failure to pay either the fine or provide proof of restitution within the time frames will result in suspension of the license for a minimum of one day.

Discussion was held.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

John Victor King, DDS – Proposal for Decision

MOTION by Bentley, seconded by Goodrich, to discuss.

A voice vote followed.

MOTION PREVAILED

Discussion was held.

MOTION by Goodrich, seconded by Chiaravalli, to dissolve the Summary Suspension, suspend the license for six months and a day, and fine the Respondent \$6,000.00 to be paid prior to applying for reinstatement.

A roll call vote was taken: Yeas: Bentley, Chiaravalli, Goodrich, Johnston, Hale
Nays: None

MOTION PREVAILED

PUBLIC COMMENT

None.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held October 10, 2019, immediately following the Michigan Board of Dentistry meeting scheduled to begin at 10:00 a.m. at 611 West Ottawa Street, Upper Level Conference Center Room 3, Lansing, Michigan 48933.

ADJOURNMENT

MOTION by Goodrich, seconded by Bentley, to adjourn the meeting at 1:53 p.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on October 10, 2019.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

August 9, 2019