

MINUTES

**UTAH
DENTIST
&
DENTAL HYGIENIST
LICENING BOARD**

August 11, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 1:48 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Ronda Trujillo

Board Members Present:

James N. Ence, DDS, Chairperson
Alexander B. Larsen, DDS
Anna Policelli, RDH
Pamela L. Jolley
Stephen S. Morgan, DDS
Brian L. Lundberg, DMD – 10:15 am
Rich S. Radmall, DDS

Board Members Absent:

Karen S. Bateman, RDH
Vacant Position

Guests:

Dr. Don Mantyla, Professional/Insurance Exchange
Joleen VanBibber, DATC
Monte Thompson, Utah Dental Association (UDA)

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the June 13, 2008 Board meeting were read.

Stephen S. Morgan, DDS, made a motion to approve the minutes as read. Pamela L. Jolley seconded the

motion. **The Board vote was unanimous.**

APPOINTMENTS:

Division Update

Ms. Taxin informed the Board that the Division now has a compliance unit who will be the contact for probationers. She stated that the contact person will monitor the paperwork to be sure all reports have been received and contact probationers to remind them about their appointments and any missing documents.

Ms. Taxin introduced Ronda Trujillo, the compliance specialist for the Dental Board.

Ms. Trujillo explained that the unit has been in the process of making some changes on the probationer interview form. She stated that the form has some sample questions to assist the Board in asking appropriate questions relating to the probation. Ms. Trujillo stated that there are spaces for notes and a summary. She then reviewed the new organization of the probationary files.

Ms. Taxin stated that Ms. Trujillo reviews each file prior to a Board meeting and notes the reasons for compliance or non-compliance and then Ms. Taxin reviews each file and makes her notes. Ms. Taxin stated that she follows the book regarding clean drug tests for a year before she will consider termination of probation. She stated that out of range tests or positive tests are not ok and those tests need to be discussed with probationers.

Dr. Morgan asked Ms. Taxin what her interpretation is for an out of range test.

Ms. Taxin responded that there are individuals who will drink a lot of water to dilute the sample and it shows up as an out of range test. She stated that the odd problems that occur periodically are resolved by the drug program.

9:15 am

Ronda Trujillo, Compliance Update

Ms. Trujillo updated the Board regarding the compliance or non-compliance of probationers.

Ms. Trujillo reported that **Dr. John Myers** is currently in compliance with his Stipulation and Order.

Ms. Taxin commented that it is not clear if Dr. Stark is Dr. Myers employer, supervisor or both. She stated that Dr. Myers has had some out of range drug tests. She asked how many hours of CE Dr. Myers completed as the Stipulation and Order should have a specified amount and the Board cannot request additional hours.

Dr. Ence responded that in January 2008 Dr. Rasmussen was introduced as Dr. Myers supervisor and Dr. Myers is in Dr. Stark's office 2 days a week.

Dr. Radmall responded that he believes Dr. Myers completed additional CE hours. He stated that the Board sometimes asks probationers if they are in compliance with the renewal CE requirements.

Dr. Ence asked if the Board is allowed to make amendments in Stipulations and Orders.

Ms. Taxin responded that the Board is allowed to make recommendations for amendments but if an amendment is not necessary an amendment should not be recommended.

Ms. Trujillo reported that **Dr. David Hendrickson** is currently non-compliant with his Stipulation and Order based on the following:

1. Failure to submit official documentation of completing the CE requirement.
2. Failure to submit employer/associate reports or employer acknowledgement of reading the Stipulation and Order and willingness to assist Dr. Hendrickson in being successful in his probation.
3. Failure to submit copies of his prescriptions.

Ms. Taxin commented that the Stipulation and Order requires the Board to review patient records. She asked if the Board has reviewed Dr. Hendrickson's patient records.

Dr. Radmall responded that the Board did review some of Dr. Hendrickson's records once but have not reviewed any since.

Ms. Taxin asked if the Board believes the Stipulation and Order should be amended to require a supervisor to review Dr. Hendrickson's patient records or does the Board want to continue to review a percentage of the records.

Ms. Policelli responded that there are times when patient records are not in order and it would be appropriate for the Board to review Dr. Hendrickson's files.

Ms. Taxin stated that the Board should request Dr. Hendrickson to bring in 6 to 8 files for review when he meets again.

Dr. Ence responded that Dr. Hendrickson retains his prescriptions on his computer and brings in hard copies with the number written in the upper corner.

Ms. Taxin stated that the prescriptions should be in triplicate with one copy to the patient, a copy in the file and a copy for the Board. She stated that the numbers must be consecutive and printed on the prescription pad. Ms. Taxin stated that this method is easier to match with the Division list of prescriptions Dr. Hendrickson has written.

Ms. Trujillo reported that Dr. Rod T. Gardner is currently in compliance with his Stipulation and Order. She stated that Dr. Gardner has submitted a request for early termination of his probation.

Ms. Taxin commented that there is no formal documentation in Dr. Gardner's file regarding completion of his court probation. She stated that the Board may recommend termination of probation and request Dr. Gardner to submit documentation of completing his court probation. Ms. Taxin stated that Dr. Gardner's file indicates Dr. Dale Hibbert is Dr. Gardner's supervisor but a letter was received from Jennifer Brown.

Dr. Morgan responded that the Board made the change in supervisor from Dr. Hibbert to Dr. Brown as there has been some turmoil in that office.

Ms. Trujillo reported that **Dr. Paul D. Benson** is currently in compliance with his Stipulation and Order.

Ms. Taxin stated that Kerry Jenkins is the supervisor and chaperone and has not acknowledged that she has chaperoned Dr. Benson in addition to his office practice.

Ms. Policelli responded that Dr. Benson is required to have a chaperone for each appointment. She stated that Ms. Jenkins does not always chaperone but does make sure there is someone in the room as chaperone.

Ms. Taxin stated that the psychological evaluator suggested Dr. Benson attend a one day Yamagata program. She stated that Dr. Benson did not attend that program but did attend a Pace program. She stated that the Board needs to acknowledge that Dr. Benson completed the Pace program and determine if he needs to complete the Yamagata course.

9:30 am

Dr. John Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Division staff were introduced.

Dr. Morgan conducted the interview.

Dr. Morgan asked if Dr. Myers is still in therapy and if he is attending any aftercare programs.

Dr. Myers responded that he attends an aftercare program weekly and has therapy with Dr. Verge. He stated that Dr. Verge prescribes a medication that suppresses any urges he may have. He stated that he is now being supervised by Cory Starks and either Dr. Boyer or Dr. Rasmussen. He stated that he will submit a supervision form from both offices.

Dr. Morgan informed Dr. Myers that there have been a couple of out of range UA tests, one in April and one in July. He stated that an out of range reading indicates the specimen was possibly diluted. He asked if Dr. Myers could explain those 2 tests.

Dr. Myers responded that he makes sure he is well hydrated when he goes for a test as it is difficult to be observed for a test.

Dr. Morgan asked Dr. Myers how long he has been sober. He also asked who the primary Physician is that Dr. Myers sees and what pharmacy he uses as the Stipulation and Order requires Dr. Myers to use one pharmacy.

Dr. Myers responded that he has been sober since November 2, 1994. He stated that Dr. Black retired and he now sees Dr. Burch, another Psychiatrist. Dr. Myers stated that Dr. Burch prescribes all his medications. He stated that he receives some medications through Medco and some through the University Medical Center.

Ms. Taxin stated that in order for Dr. Myers to obtain his medications from more than one location his Stipulation and Order will need to be amended.

The Board requested Ms. Taxin to amend Dr. Myers Order.

Dr. Morgan asked what type of support system Dr. Myers has in place to assist him.

Dr. Myers responded that he has his family, children, his AA sponsor and at work he has Dr. Boyer. He stated that all of these people have been a great support for him.

Dr. Morgan asked how Dr. Myers handles stress.

Dr. Myers responded that when he is stressed he attends his AA meetings, goes to his aftercare meetings, talks with his wife and friends or watches

TV. He stated that he began working at Fashion Place Mall in May 2007 and then at Mountain View. Dr. Myers stated that he works about 38 to 40 hours a week and has encouraged his wife obtain her loan officer license and to take over their business.

Dr. Ence again commented on the out of range drug tests. He stated that Dr. Myers should be aware that if the out of range testing is consistent and shows a pattern then additional sanctions could be taken against the license.

Dr. Morgan commented that the Board reviews the test history for the last several months and it is a little concerning when there have been so many negative tests and then 2 recent out of range tests.

Dr. Myers responded that he will be more aware and try not to hydrate as much when he has to test.

Dr. Myers asked if the Board would consider allowing him to use nitrous oxide on the few patients that want it.

Dr. Morgan asked Dr. Myers to submit a formal request in writing and to discuss the issue with his insurance carriers.

Ms. Taxin asked Dr. Myers to ask his supervisor to also write a letter of recommendation or concerns for the Board to review along with the request.

Dr. Myers will be notified of the date of his quarterly interview after the date has been established.

9:45 am

Dr. David Hendrickson, Probationary
Interview

Dr. Hendrickson met for his probationary interview.

Division staff were introduced.

Dr. Ence conducted the interview.

Dr. Ence stated that the Board reviewed Dr. Hendrickson's Stipulation and Order and will be reviewing some areas with Dr. Hendrickson. He

stated that the Division staff are now reviewing prior to meetings to make sure all information has been received. He stated that the Board approved the intervention program but did not receive any documentation of Dr. Hendrickson completing the program. He asked if the Dr. Hendrickson completed the program.

Dr. Hendrickson responded that the Board should have received a letter from the Court documenting completion of the program.

Dr. Ence responded that the letter is an introduction to the program only.

Ms. Taxin requested Dr. Hendrickson have the program coordinator write a short summary regarding Dr. Hendrickson completing a prescribing course with him, what was covered in the course and Dr. Hendrickson's level of participation.

Dr. Ence requested that the letter also include that Dr. Hendrickson and his family are continuing in the program.

Ms. Taxin asked if the course dealt with how to handle prescribing to family members, etc.

Dr. Hendrickson responded that the course dealt with how to get a family member into treatment and how to deal with a family member in treatment. He stated that he has completed a course in ethical prescribing. Dr. Hendrickson submitted a copy of the computerized certificates of completion.

Ms. Taxin requested Dr. Hendrickson to submit his list of prescriptions and his log of what he has prescribed each month when he submits his reports. She stated that she can then be sure his list and log match with the Division data base. She requested Dr. Hendrickson to submit the prescriptions and log for the last month to be up to date.

Dr. Ence reminded Dr. Hendrickson that

information is due to the Division by the first of the month in which he will be meeting. He stated that the Board has discussed the triplicate prescriptions with him but he believes the documentation Dr. Hendrickson is currently using will work as the Division has a prescription print-out.

Dr. Larsen noted that Dr. Hendrickson also had copies of his charts for the Board to review.

Dr. Ence requested Dr. Hendrickson to bring 6 to 8 actual patient files including the charts with him to his next appointment. He stressed the importance of choosing the charts at random.

Dr. Ence asked if Dr. Hendrickson is self employed.

Dr. Hendrickson responded that he is self employed.

Dr. Ence read the portion of the Stipulation and Order regarding notifying an employer of the Stipulation and Order and causing reports to be sent.

Ms. Taxin requested Dr. Hendrickson to write a letter stating he is self employed, that he does not have an employer and employer reports will not be submitted. She stated that the letter will identify that this requirement is met at this time.

The Board determined Dr. Hendrickson is currently in compliance with his Stipulation and Order.

An appointment will be made for Dr. Hendrickson to meet again in November and he will be notified after Board has determined the date.

10:00 am
Dr. Rod Gardner

Dr. Gardner met for his probationary interview.

Division staff were introduced.

Ms. Policelli conducted the interview.

Ms. Policelli stated that the Division received a

letter from Dr. Gardner requesting early termination of his probation. She asked Dr. Gardner to update the Board regarding his new practice prior to discussing his request.

Dr. Gardner responded that the new office is not yet completed. He stated that the new equipment is being installed and he hopes to see patients there the first part of September 2008. He stated that there will be 4 operative locations but they will use only 3 at this time.

Ms. Policelli stated that a report of closure of the Court ordered probation has not been received. She asked if he has completed that requirement and, if so, when it was completed.

Dr. Gardner responded that he completed the probation about 3 years ago. He stated that a letter was sent to the Division at that time.

Ms. Policelli again reviewed Dr. Gardner's file and found a letter from Rob Nelson, dated September 28, 2004, documenting the case was terminated.

She asked if Dr. Gardner has continued attending recovery programs and if he has taken additional steps or intends to start any additional programs to continue his recovery.

Dr. Gardner responded that he has continued with a recovery program that is through his church. He stated that he and his wife have been called to serve for 2 years as facilitators to run the meeting with missionaries assigned to assist them. He stated that the meetings have become a big part of their lives. He stated that for now he will continue what he is now doing.

Ms. Taxin asked Dr. Gardner to explain the steps he has in place in case his cravings re-occur.

Dr. Gardner responded that he had many opportunities where he currently works to partake of controlled substances. He stated that he is confident that those cravings will not come back if he continues to do what

he is currently doing. He stated that everyone in the office and his family and friends are aware of the issues he has had. He stated that he continues to meet monthly with his therapist and meets frequently with his sponsor.

Ms. Policelli made a motion to terminate Dr. Gardner's probation based on his continued compliance with the Stipulation and Order and the growth he has shown.

Dr. Morgan seconded the motion.

Dr. Larsen, Ms. Policelli, Dr. Morgan, Dr. Lundberg, Ms. Jolley and R. Radmall voted in favor of the motion. Dr. Ence voted against the motion. The motion passed based on a majority vote.

Ms. Taxin stated that she wants to see Dr. Gardner be successful in his profession. She stated that 5 years is when people start to relapse. She stated that opening a new office can be stressful and she recommended Dr. Gardner think of a plan so that if he does start having cravings he does not make bad choices. She then explained the process of terminating probation and reminded Dr. Gardner that he must continue to call the UA center every day until the process is complete.

Dr. Gardner thanked the Board for their help and support even though he has not always liked meeting with the Board.

10:15 am

Dr. Paul Benson, Probationary Interview

Dr. Benson met for his probationary interview.

Division staff were introduced.

Dr. Larsen conducted the interview.

Dr. Larsen requested Dr. Benson to update the Board regarding his practice.

Dr. Benson responded that he and his wife had a baby boy about a year ago. He stated that his dental

business has been busy and is going well. Dr. Benson stated that Kerry Jukes is his office manager and chaperone.

Dr. Larsen requested Dr. Benson to ask Ms. Jukes to address her supervising of his practice and the chaperone aspect regarding her being the chaperone for each appointment or name the specific staff member(s) who acts as the chaperone for each appointment. He asked if Dr. Benson completed the Pace program in San Diego, California.

Dr. Benson responded that he did complete the Pace program.

Ms. Taxin stated that Dr. Benson's psychological evaluation recommended he attend a one day Yamagatta program. She asked if the Board would accept the Pace program or if he would also need to attend the Yamagatta program.

Dr. Benson responded that he had been involved in the Life Star program for about a year and a half and continues to meet with Dr. Gray monthly but attends no other programs at this time. He stated that the Life Star program is more focused on personal boundaries that cross over into the professional realm, specifically sexual addictions and co-dependency. Dr. Benson stated that sexual addicts follow some 12 step programs that go on for years.

Ms. Taxin stated that the Board may leave the Yamagatta program recommendation as a recommendation at this time but he may want to look into the Yamagatta program within the next year as there might be something else he can learn.

Dr. Benson stated that he has learned from the education he has attended. He stated that the problems that brought him before the Board have been a non-issue for a long time. He stated that he did not receive a copy of the psychological evaluation and asked if he could have a copy.

The Division made a copy of the Evaluation for Dr.

Benson and Dr. Ence responded that Dr. Benson should contact Dr. Brunson and to ask how beneficial he believes the Yamagatta program might be for Dr. Benson.

Ms. Taxin asked Dr. Benson how he would respond if a patient came in that was very cute made a pass at him and was quite persistent.

Dr. Benson responded that originally that type of thing stroked his ego and he believes that at times of stress he sought that out. He stated that his boundaries are now set and his office policy now is that nothing personal is discussed in the office. He stated that if the patient was persistent then he would now refer them to another Dentist. He stated that in the past there was some flirting in the office but he now has his office staff call for any follow-up appointments or information and that takes away flirt issues.

Dr. Lundberg commented that Dr. Benson is also licensed as a Physician and Surgeon. He asked if the Physician's Board also receives reports.

Ms. Taxin responded that the Dental Board monitors Dr. Benson and the Physician's Board does not receive any reports.

Dr. Ence asked Dr. Benson if the internet is still an issue for him as it was when he first started meeting with the Board.

Dr. Benson responded that they have internet service at home and the computer is in a central location so that he cannot go off by himself to use it. He stated that the office manager logs him into the computer at work, he looks up the information he needs and she logs him off. He stated that he has not been tempted to use the internet.

Dr. Ence asked if Dr. Benson completes patient histories when he checks patients into the hospital.

Dr. Benson responded that he does complete the patient histories when he checks patients into the hospital and refers female patients to other

practitioners for intimate female issues as they do not pertain to the dental practice. He stated that he handles stress by talking more with his wife about issues, does more exercise and leaves his work at work when he goes home.

The Board determined Dr. Benson is currently in compliance with his Stipulation and Order.

An appointment will be made for Dr. Benson to meet again in November and he will be notified after Board has determined the date.

10:30 am

Dr. James Abraham, Dentist Application by Endorsement Review

Ms. Taxin explained that Dr. Abraham will not meet with the Board today but will be available by telephone if necessary.

The Board reviewed Dr. Abraham's application and noted that the area in question was if the Nevada State Examination he completed in July 1984 was equivalent to the required WREB examination at the time Dr. Abraham took the Nevada State Examination.

Dr. Morgan made a motion to accept the Nevada State Examination as equivalent to the WREB examination at the time Dr. Abraham passed the examination. Dr. Larsen, Ms. Policelli, Dr. Morgan, Dr. Ence, Dr. Lundberg and R. Radmall voted in favor of the motion. Ms. Jolley abstained from voting. The motion passed based on a majority vote.

The Board recommended Dr. Abraham be issued a Utah Dentist license if the application is complete.

11:15 am

Zsana B. Baumann, Dental Hygienist Application by Endorsement Review

Ms. Baumann met for the review of her application for licensure.

Board members and Division staff were introduced.

Ms. Baumann explained that she graduated from Weber State University about 10 years ago, moved to Florida and completed their State clinical examination

instead of taking the WREB examination. She stated that Florida does not have the anesthesia component in their examination as they are not allowed to administer anesthesia. She stated that she has now moved back to Utah and would like to be licensed under the endorsement provision of the Laws and Rules as she has worked over 2,000 hours. Ms. Baumann stated that she passed the Florida State examination in 1998.

Ms. Taxin stated that Ms. Baumann provided the Florida requirements to assist the Board in their review.

Ms. Baumann stated that she also provided information regarding the components of the Florida State examination.

Dr. Ence explained that Utah has granted licensing to applicants who have taken equivalent State examinations as the Law requires a regional examination. He stated that Ms. Baumann's issue is to prove that the Florida State examination was equivalent to the WREB examination at the time the examination was taken. He stated that the pass rate for WREB is 75% or higher which appears to be the same pass rate for the Florida examination. He informed the Board that Ms. Baumann is not applying for the anesthesia license at this time. He stated that the Board does not have the 1998 WREB requirements to compare to the Florida requirements. He recommended Ms. Baumann contact WREB in Arizona to obtain the 1998 requirements and write up a comparison for the Board to review. He stated that if equivalency is determined then there is no question regarding issuing Ms. Baumann a Dental Hygienist license.

Ms. Taxin requested 2 Board members to review the information if it is received prior to the next Board meeting.

Ms. Policelli suggested Dr. Ence, herself and/or Ms. Batemen be appointed as a committee to review the information.

Dr. Larsen made a motion for the committee of Dr.

Ence and a Dental Hygienist, either Ms. Policelli or Ms. Batemen, to review the information if it is received prior to the next Board meeting and, if appropriate, recommended the license be issued. Ms. Policelli seconded the motion. The Board vote was unanimous.

11:40 am

Monica Spannbauer, Dental Hygienist
Application by Endorsement Review

Ms. Spannbauer met for the review of her application for licensure.

Board members and Division staff were introduced.

Dr. Ence requested Ms. Spannbauer to give the Board some background regarding where she has been practicing, how long she has practiced and the type of examinations she has completed.

Ms. Spannbauer responded that she graduated from the Community College of Southern Nevada in 2004 and received her license as a Dental Hygienist after she passed the Nevada State examination. She stated that she moved to Utah in March but has continued to practice in Nevada 2 days a week. Ms. Spannbauer stated that the Nevada examination does not include a clinical component and she does not plan to perform any clinical work in Utah. She stated that she has completed not less than 2,000 hours in the last 2 years and would like to be licensed in Utah by Endorsement.

Dr. Ence asked Ms. Spannbauer if she has a listing of the clinical procedures she performed during the Nevada State examination and the comparison of the WREB examination for the same year.

Ms. Spannbauer responded that she did not have the information to present to the Board today.

Dr. Ence explained that Utah will accept the regional examinations but since Ms. Spannbauer took a State specific examination then the Board would need a copy of the clinical procedures performed in the examination, the passing score and a copy of the WREB components for the same year to compare for equivalency. He stated that Ms. Spannbauer may contact the WREB office in

Arizona to obtain the WREB requirements for 2004. Dr. Ence recommended Ms. Spannbauer write out the comparison for the Board to review. He stated that if it is determined that the examinations were equivalent Ms. Spannbauer would be issued a license and if they are not equivalent then she would be required to take and pass the WREB examination.

Ms. Policelli stated that Ms. Spannbauer's school should have the information regarding the Nevada State specific examination.

State Specific Examinations

Ms. Taxin asked the Board if they have reviewed State specific examinations content often.

The Board responded that they often review State specific examination content and compare them to the regional examinations.

Ms. Taxin stated that she and the Board may want to include in the application a flow chart for the Dentist or Dental Hygienist to submit the comparison for the Board/Division to review for equivalency.

12:30 pm

WORKING LUNCH

DISCUSSION ITEMS:

Board Chairperson

Ms. Taxin explained that the Division Fiscal Year begins July 1 of each year. She stated that the Board chairperson is included on the agenda at the first Board meeting after July 1 in order to give the Boards the opportunity to make a change in their chairperson or to retain the chairperson.

Dr. Morgan made a motion for Anna Policelli to be the Board chairperson for the 2008/2009 year. Ms. Jolley seconded the motion. The Board vote was unanimous.

Schedule Board Meetings through December 2008

The Board determined the following dates and times for the Board meetings through the end of 2008:

September 18, 2008, 1:30 pm

October 23, 2008, 1:30 pm

December 4, 2008, 1:30

The Board requested their 2009 meetings be scheduled for Thursdays at 1:30 pm if possible.

Environmental Scan

Ms. Taxin stated that this item was deferred from the last Board meeting.

Ms. Policelli explained that this is an area the Board has used to discuss items that may not have been specified on the agenda.

Ms. Taxin responded that future agendas have to be itemized for discussion items and that that agenda can not have an open ended discussion section. She stated that the Board may contact her prior to the 24 hour deadline of posting an agenda if they have any items that have come to their attention that should be included on the agenda.

Anesthesia Rules

Ms. Policelli stated that Ms. Poe was going to review the proposed rules that the Board had been working on for years and make any recommendations and/or updates she believed necessary. She stated that the classification of anesthesia licensure was included in the proposed rules.

Ms. Taxin responded that Ms. Poe did not have the time to review the proposed rules prior to the profession being moved to Bureau 1. She recommended she make a copy of the proposed rules for the Board to review to be sure they are appropriate and then have discussion at the next scheduled Board meeting.

Dr. Morgan stated that the proposed rules are patterned after the ADA standard and classifications.

Dr. Ence stated that he believed the proposed rules were on hold for the AG's office to review.

Ms. Taxin responded that the proposed rules were not sent to the AG's office to review. She stated that if the Board believes the proposed rules are ready then she will send a copy to the Association for their review.

Accepting CE without Certificates

Ms. Taxin asked the Board what type of documentation they have been accepting to document completion of CE courses. She explained that we have had people submit their name tag with a note saying they took specific classes for CE and she believed this should not be acceptable.

Ms. Policelli responded that the documentation requirement has been quite loose.

Ms. Taxin stated that she will accept being loose for this renewal period but by the next renewal date the licensees will be required to submit certificates of completion that document the CE course name, presenter name, licensee name and number of hours completed.

Dr. Radmall and Dr. Ence responded that the profession has been instructed to retain a self log listing of the CE as it is completed.

Monte Thompson, Utah Dental Association, stated that there are additional issues and if the Division is going to require certificates the issues should be discussed.

Ms. Taxin agreed to include additional discussion on the agenda for the next scheduled Board meeting.

Dr. Lundberg commented that the Board had made a motion May 16, 2008 on page 7 of the minutes to require a specific number of CE in ethics. He stated that he was not seeing that reflected in the current rules.

Ms. Policelli reminded Dr. Lundberg that the Board requested the specific number of CE in ethics be implemented for the 2010 renewal period but not enforced until the 2012 renewal period.

Ms. Taxin responded that she would check with Ms. Poe regarding language that may have been written and will report back at the next scheduled Board meeting.

CORRESPONDENCE:

DANB Report of Major Actions, February 15-16, 2008

The Board reviewed the information. **No Board action was taken.**

WREB Board of Directors Meeting Minutes & Dental Exam Review Committee Minutes

The Board reviewed the information. Ms. Policelli attended the meeting and was requested to present a brief report.

Ms. Policelli reported that there was discussion regarding integrating a crown preparation into the curriculum for the WREB examination. She stated that the information WREB received was that the Dental schools were not interested in integrating. She stated there will continue to be discussion on this issue. She stated the Board of Directors voted to include the crown preparation examination into the curriculum.

Ms. Policelli reported that another issue was WREB testing in foreign dental schools. She stated that California wanted WREB to go to a Mexican Dental school with the WREB examination so the people in Mexico could be licensed in California. She stated that there was a lot of discussion on this issue. Ms. Policelli stated that American citizens were being tested but the Mexican University does not require graduation from High School and the students would be going straight from High School into Dental School.

Ms. Policelli reported that California is accrediting now. She stated that the California Board is in sunset for about another 6 months. She stated that bordering States believe offering the WREB in Mexico is a way for foreign graduates to become licensed and start practicing. Ms. Policelli stated that there is a concern that the education from Mexico is not equivalent to an ADA accredited program.

Ms. Taxin reminded the Board that the new Utah Dental Law no longer accepts foreign trained equivalent education. She stated that all Dentist applicants must have the ADA accredited program.

Ms. Policelli cautioned the Division to review the California and New York applications carefully as their licensing requirements are different from most States.

The Board thanked Ms. Policelli for attending the conference and for the report.

Elaine Stafford Letter, University of Kentucky

Ms. Taxin explained that Elaine Stafford submitted a letter regarding a course through the University of Kentucky that is offered on the internet and by correspondence. She stated that the course is an ethics course that will have a letter sent upon completion to document 16 hours of credit. She asked if the Board believes this course to be a viable ethics course to use as a reference for licensees required to obtain an ethics course.

Dr. Ence recommended the information be retained and given to Dentists for an ethics course.

The Board concurred.

Ms. Taxin stated that she will retain the information for future reference.

PREVIOUS BUSINESS:

Review correspondence regarding what remediation needs to take place after a dental hygienist fails the WREB examination for anesthesia for the third time

The Board reviewed the information and stated that the individual who fails the WREB for the 3rd time would need to complete a mini course or repeat an accredited course. The Board stated that a one hour of study is not accepted. The Board stated that there is a course offered through Weber State University that would be acceptable.

DISCUSSION ITEMS FOR THE NEXT SCHEDULED MEETING:

Board requests

Dr. Larsen requested a discussion on appropriate advertising be on the agenda for the next scheduled Board meeting.

Molar Bleaching

Ms. Taxin requested a discussion on bleaching. She explained that she has received phone calls inquiring if an Esthetician could do bleaching. Ms. Taxin stated that she responded that bleaching is not in the scope of

practice for an Esthetician. She stated that the caller explained that the trays are made up and set then the gel is given to the patient to take home to use. Ms. Taxin stated that if there is a place in the Law that talks about bleaching then she and the Board can clarify who does the bleaching by Rule. She stated that the Association would have to make changes in the Law before a Rule can be written if there is nothing mentioned in the current Law. Ms. Taxin stated that those who are educated in skin care do not have the education for teeth care.

Ms. Policelli commented that medical spas are also providing whitening. She stated that she believes some changes need to be made in the Law to protect the public.

Dr. Ence commented that the Board believes they should be doing something besides babysitting probationers. He stated that colleagues contact Board members with concerns and they are unable to give any solid answers. He stated that they would like to make a difference and see some changes made to better the profession. He stated that the Board would also like to see that Stipulations and Orders and the Memorandums of Understanding requirements fit the cases instead of using boiler plate language for each probationer.

Ms. Taxin responded that the duty of the Board is to make sure the Laws and Rules are clear. She stated that each Bureau Manager manages differently and the Board will notice that she tries to make the Stipulation and Order fit the situation for probationers to work in their specific issues.

Dr. Ence commented that investigators have not known what they were looking for. He stated that if the Board could be consulted during an investigation they could assist the investigator and it might make a difference. He stated that the Board understands that they would be recused from any hearing regarding the licensee if they were consulted. Dr. Ence stated that the Board could discuss issues through e-mails.

Ms. Taxin responded that she has a list of professionals that can be used to consult in investigations. She stated that she tries to reserve the Board in case there is a hearing. Ms. Taxin stated that side discussions cannot take place. She stated that there are times that she sends information to the Board members to be review prior to a meeting but all discussion must take place in the open public Board meetings.

Office Visit

Ms. Taxin asked if a Board member would be willing to allow her to come to their office and shadow them for a day to become more familiar with the Dental profession.

Board members agreed to allow Ms. Taxin to shadow any of them at any time.

Ms. Taxin will call a Board member to make arrangements.

NEXT MEETING SCHEDULED FOR:

September 18, 2008 at 1:30 P.M.

ADJOURN:

The time is 1:48 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 18, 2008
Date Approved

(ss) Anna Policelli
Chairperson, Utah Dental & Dental Hygienist
Licensing Board

August 21, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing