

**MINUTES**

**UTAH  
DENTAL AND  
DENTAL HYGIENIST  
LICENSING BOARD  
MEETING**

**September 18, 2008**

**Room 474 – 4<sup>th</sup> Floor – 1:30 P.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 1:35 P.M.

**ADJOURNED:** 5:59 P.M.

**Bureau Manager:**

Noel Taxin

**Board Secretary:**

Karen McCall

**Division Compliance Specialist:**

Ronda Trujillo

**Board Members Present:**

Anna Policelli, RDH, Chairperson

Alexander B. Larsen, DDS

Karen S. Bateman, RDH

Stephen S. Morgan, DDS

James N. Ence, DDS

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Greg Beyeler, DDS

**Board Members Absent:**

Pamela L. Jolley

**Guests:**

Joleen VanBibber

Dr. Donald G. Mantyla

Steven Steed

Chelsea Buckwalter

Denae Lemrich

Nicole Lewis

Chelsea Yates

**DOPL Staff Present:**

Kent Barnes, Sr. Business Analyst

Mitchell Jones, AG

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Swearing in of Greg T. Beyeler, DDS, as a

Ms. Taxin conducted the swearing in of Dr. Beyeler as

Board Member

a Board member. **The Board welcomed Dr. Beyeler.**

**MINUTES:**

The minutes from the August 11, 2008 Board meeting were read.

Dr. Ence made a motion to approve the minutes with minor revisions. Dr. Morgan seconded the motion. **The Board vote was unanimous.**

**BUSINESS FROM PREVIOUS MEETING:**

Continue Discussion regarding Bleaching Kiosks – Who may Perform Service?

Ms. Taxin explained that the Division has received several phone calls regarding the issue of who may perform bleaching at the mall Kiosks. Ms. Taxin requested the Board to clarify the issue for her.

**Ms. Bateman responded that there has previously been discussion regarding the Kiosks performing bleaching. She stated that the Division Investigations decided to enforce that anyone can administer the solution but cannot do the impressions.**

**Dr. Morgan responded that a patient went to get her hair done and had her teeth bleached at the same time. He stated that she was injured with the impression chemicals and filed a complaint. Dr. Morgan stated that the incident was investigated and the Board was informed that if the patient took the impression themselves then it was ok for businesses to do bleaching of teeth. He stated that the Law should require a Dentist to do the procedure.**

Ms. Taxin stated that she would need to review the Law to be sure the Board has the authority to write a Rule as that would be the easiest. She stated that, if the Board believes the procedure should be done in a Dentists office, the Rule could require a specified percent mixture has to be done in a Dentists office. She stated that one Dentist who called appeared to know the percent of the ingredients used.

**Dr. Morgan responded that the Dentists believe that bleaching of a patient's teeth should be done by the Dentist or Dental Hygienist in the Dental**

**office.**

Ms. Taxin stated that she believes there may be two places in the Rules where she could insert a Rule for bleaching. She referred the Board to the Practice of Dentistry and unprofessional/unlawful conduct in the Rules. Ms. Taxin stated that if the Law needs to be changed then she will contact Monte Thompson at the Utah Dental Association regarding a Law change.

**Dr. Larsen commented that patients could lose teeth if the tray is not positioned correctly. He stated that a Dentist goes to school to receive the education to be able to bleach teeth safely.**

**Dr. Lundberg read the Law regarding treating conditions of the teeth. He stated that discoloration is a condition of the teeth.**

**Dr. Ence commented that some Kiosks do not take impressions as they have the patient paint the solution on their teeth.**

Ms. Taxin asked about laser treatments.

**Dr. Radmall responded that it is not really a laser but it is a light. He stated that it is an issue as people are using this modality to lighten the teeth from 2 to 6 shades. He stated that patients believe their crowns will also be lightened and they will not.**

Ms. Taxin asked what happens if someone is using the light and the patient's tooth chips.

**Ms. Bateman commented that it is difficult to draw the line on this procedure as acceptable but this procedure is not. She stated that at least the Kiosk is taking an impression.**

Ms. Taxin questioned if the patient thinks they are getting Dental practitioners at the Kiosk. She stated that at the Dentists office the solution should be stronger and should work better. Ms. Taxin stated that the question is if the Kiosk and Dentists office are using the same percent of chemicals.

**Dr. Morgan requested Ms. Taxin to talk with the AG's office regarding this issue and then report back to the Board.**

Ms. Taxin responded that she will talk with the AG's office.

**Dr. Ence commented that he believes the person needs to be a patient of record with a health history and the person performing lightening needs to be a licensed person. He stated that laser lightening falls under the treatment of teeth and it has to be done by the Dentist or Dental Hygienist.**

Ms. Taxin stated that she will report back to the Board next month.

Continue Discussion and Review Proposed Rules

Ms. Policelli stated that she talked with Joe Mercy, a former Board member, and he was concerned that the Rules have not yet been updated. She stated that Dr. Mercy was instrumental in writing the language for oral sedation. Ms. Policelli stated that Dr. Mercy would like to serve on a committee to re-write the Rules for review.

**Ms. Taxin read Dr. Mercy's letter and stated that writing Rules is the responsibility of the Board. She stated that she appreciated Dr. Mercy's concern and input.**

**Dr. Ence responded that he believes the Board is capable of writing the Rules. He stated that there are some things in the old proposed Rules that could be used and maybe the Board could do inquiries if they come across some areas they question.**

**Ms. Bateman responded that there is very little that she would recommend taking out or changing in the proposed Rules.**

Ms. Policelli suggested the board review the anesthesia section only at this time.

**Dr. Ence recommended Board members review the**

**current Rules with the proposed Rules and compare them before further discussion and before changes are made.**

Ms. Taxin suggested the Board pick the top two issues or sections to review and then be prepared with recommendations at the next Board meeting. She stated that she could then type the draft for review prior to scheduling a Rules Hearing.

**Dr. Ence stated that it would be helpful if the entire proposed Rules were incorporated with the current Rules.**

Ms. Taxin responded that she will try to write it for the next Board meeting.

**Ms. Bateman commented that the ethics requirement the Board agreed to is not in the proposed Rules.**

Ms. McCall stated that a few people have called asking if CPR recertification will count for CE. She stated that the Board may want to clarify in the proposed Rules if CPR recertification will or will not be accepted.

Ms. Taxin stated that the Division has received a call from a person wanting to complete a video CPR class. She stated that she informed the caller that a hands on class would be required. Ms. Taxin again stated that she would try to write the proposed Rules into the current Rules for the Board to review.

Continue Discussion regarding CE  
Documentation

Ms. Policelli requested this item be deferred to the October meeting.

**Ms. Taxin informed the Board that she will be meeting with Monte Thompson, Association Executive Director, regarding CE documentation that will be accepted for CE audits. She explained that some of the CE audit documentation was a name tag attached to an agenda. Ms. Taxin stated that she could not accept the name tag as completing CE requirements.**

Ms. Policelli stated that the Rules allow for peer group programs. She stated that she believes an hour of CE credit should be given when organizations are asked to give training in the office.

**Ms. Taxin responded that she and Mr. Thompson will review the Rules and she will report back to the Board.**

## **APPOINTMENTS:**

**1:45 pm**

Ronda Trujillo, Compliance Update

Ms. Trujillo explained the revised probationer sheet for the Board. She stated that the form has some sample questions that the Board may ask probationers if they are not sure what should be reported.

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

Ms. Trujillo reported that **Tabitha Neal** is currently in compliance with her Stipulation and Order. She stated that this will be Ms. Neal's initial interview as she was out of town last month and unable to attend. Ms. Trujillo stated that Ms. Neal has submitted some paperwork for the Board to review.

Ms. Trujillo reported that **Dr. Perry Fifield** is currently out of compliance with his Stipulation and Order in the following areas:

1. Dr. Fifield has not yet paid off his fine.
2. Dr. Fifield was requested to submit a note when his quarterly reports are due stating he has not written any prescriptions and has no controlled substance log. He has not sent anything regarding prescriptions and said in the March 14, 2008 appointment that he has not prescribed since April 2006.
3. The DOPL Controlled Substance (CS) database report shows several prescriptions written by Dr. Fifield and the required triplicate copies have not been submitted.
4. Dr. Fifield submitted the Supervision/Employer report in June from Salt Lake Donated Dental and has not submitted

anything since that date.

5. Dr. Fifield submitted proof of only 160 hours of community service with Salt Lake Donated Dental.

Ms. Trujillo stated that Dr. Fifield is required to work 16 hours a week in order for the time to count on his probation.

**Dr. Lundberg asked if Dr. Fifield has a probationary CS license.**

Ms. Taxin responded that he does have the probationary CS license. She stated that this will be her first time meeting with Dr. Fifield and she is unsure what the Board has discussed with him during previous appointments.

Ms. Trujillo stated that all information should be submitted by the first of the month when Dr. Fifield is meeting in order for her to prepare the information for the file and for the Board to review.

Ms. Trujillo reported that **Dr. Rodney Slater** is currently out of compliance with his Stipulation and Order in the following areas:

1. The Division has received notification that he is receiving a prescription for Suboxone and there is no documentation of notification or copy of the prescription in the file.
2. There is no letter from Dr. Kent Turner acknowledging he has read Dr. Slater's Stipulation and Order and is willing to supervise Dr. Slater in his probation to help him be successful. The Board requested this letter at the June 13, 2008 appointment.
3. There is no current supervision report from Dr. Kent Turner. These reports should be submitted quarterly per the amendment to the Stipulation and Order.
4. There are no monthly therapy reports from Dr. Crookston since June 11, 2008. The Board requested a monthly report on March 14, 2008 and another report on June 13, 2008.
5. There is no 12 Step documentation since April

11, 2007 with the exception of one report dated October 2007. Dr. Slater is required by his Stipulation and Order to attend meetings twice a month.

6. There is no Professionals in Recovery (PIR) attendance documentation since June 11, 2008. He is required by his Stipulation and Order to attend PIR meetings twice a month.
7. There are no signatures on the PIR documents that have been received. The Board notified Dr. Slater that he must submit signed and dated documentation.

Ms. Trujillo stated that she requested a database report for Dr. Slater and was notified that there were no new prescriptions under his name.

**Ms. Taxin informed the Board that a letter was received from Dr. Boehme which says that Dr. Boehme allows Dr. Slater to use his DEA number but to notify him when Dr. Slater uses the number. She stated that the letter also states that when Dr. Boehme is out of the office he also allows the office staff to use his DEA number. She stated that it is concerning that Dr. Slater's supervisors do not understand that the DEA number can only be used by the person to whom the DEA number belongs.**

**Ms. Taxin asked what the Board's plan is for someone who is consistently out of compliance with their Stipulation and Order.**

**Dr. Morgan responded that when someone is consistently out of compliance the Board has recommended the probation time stops until they are compliant again.**

**Dr. Ence commented that he believes the Board would like to be able to do an Order to Show Cause sooner that they have been allowed.**

**Ms. Taxin stated that this is her first time meeting with these probationers. She stated that the Board may recommend an Order to Show Cause based on non-compliance if they believe they have been clear on expectations and have given the probationer a**

**chance to correct the deficiency.**

**Dr. Ence asked what some reasons could be used to recommend an Order to Show Cause.**

**Ms. Taxin responded that not submitting the required paperwork, missing appointments, etc., are reasons for an Order as the Board is to protect the public. She stated that the probationers need to be informed if they are in or out of compliance.**

**Ms. Policelli commented that the Board has been very lax in letting probationers know what is expected and how they are out of compliance.**

**2:00 pm to 2:45 pm**

Tabitha Neal, RDH, Initial Probationary Interview

Ms. Neal met for her initial probationary interview.

Board members and Division staff were introduced.

Dr. Lundberg conducted the interview.

**Dr. Lundberg requested Ms. Neal to briefly explain to the Board why she is on probation.**

Ms. Neal responded that when she completed her application there was no pending litigation and she answered correctly to the question on the Qualifying Questionnaire in the application. She stated that she did not submit the application immediately and by the time she did submit the application she then did have pending litigation. She explained that she worked for a Dentist for about 5 years and then went to Dental Hygiene school. She stated that the Dentist would send patients to her at the school. She stated that he would set up a program for the patients to pay her and she would sign the payments and give them to the Dentist. She stated that she realized she was doing something wrong when she took the ethics class at school. Ms. Neal stated that the charges against her have now been dismissed. She stated that she completed her education and returned to the Dentists office to work as a Dental Hygienist.

**Dr. Lundberg asked if Ms. Neal has documentation from New Mexico that the charges were dismissed.**

Ms. Neal responded that New Mexico has not taken action against her license and after she completes some community service hours there will be no record of the incident.

**Dr. Lundberg stated that Ms. Neal will need to submit documentation confirming the charges have been dropped.**

Ms. Neal stated that she submitted a letter with her application and then submitted a copy of the letter from New Mexico to be included in her file.

**Dr. Lundberg commented that Ms. Neal has worked 5 or 6 weeks and the Board received a report from her employer. He stated that she will need to be sure the reports are submitted monthly.**

**Dr. Lundberg then reviewed the requirements of the Stipulation and Order with Ms. Neal and asked if she had any questions.**

Ms. Neal asked where she might locate an ethics course and, if she locates one, does she submit the course description for the Board to review to approve. She stated that she is living in the Salt Lake area and working at Foothill Dental.

**Ms. Taxin suggested Ms. Neal contact her or Ms. Trujillo for the name of an approved course.**

**Ms. Policelli stated that Ms. Neal should search out a course. She stated that the Board, Ms. Taxin and Ms. Trujillo can provide information if she is unsuccessful.**

Ms. Neal stated that she will start looking for a course on ethics. She then stated that she has read her Stipulation and Order many times and believes that she understands the requirements.

**Dr. Lundberg noted that Ms. Neal is in compliance with her Stipulation and Order at this time.**

**An appointment was made for Ms. Neal to meet**

**again December 4, 2008.**

**2:15 pm**

Dr. Perry Fifield, Probationary Interview

Dr. Fifield met for his probationary interview.

Board members and Division staff were introduced.

Dr. Larsen conducted the interview.

**Dr. Larson requested Dr. Fifield to update the Board regarding how he is doing.**

Dr. Fifield responded that he is not doing well in his life as he has been on probation now for 3 years. He stated that he has been offered positions but the offers are withdrawn when he disclosed that he is on probation. Dr. Fifield stated that he has hired an attorney to find out why positions have been withdrawn and was informed that it is due to his admitting to HIPPA violations.

**Dr. Larsen responded that the Board understands Dr. Fifield's frustration in the process but it is less painful if Dr. Fifield is forthright with the Board. He stated that in March 2008 the Board informed Dr. Fifield that he must retain a log if he is administering controlled substances in his office and, if he is writing any controlled substance prescriptions, he is required to submit the triplicate copy of that prescription. He asked if Dr. Fifield was prepared to submit his documentation.**

Dr. Fifield responded that he did not know what Dr. Larsen was talking about.

**Dr. Larsen stated that the Board has a copy of Dr. Fifield's prescription report from the database and that indicates Dr. Fifield wrote 26 controlled substance prescriptions in 2007 and 17 controlled substance prescriptions in 2008. He requested Dr. Fifield to explain.**

Dr. Fifield reviewed the list and responded that he is not familiar with the patients named. He stated that someone else must be writing prescriptions on his prescription pad. He stated that he takes his

prescription pads with him but does keep a box of them in his home.

**Ms. Taxin stated that Dr. Fifield has submitted only a few triplicate prescriptions and those are the only ones that should be showing on the list. She suggested the Division open an investigation to look into who is writing prescriptions in Dr. Fifield's name. Ms. Taxin informed Dr. Fifield that an investigator should be contacting him after they have the Pharmacy pull the prescriptions to verify who wrote and signed them.**

Dr. Fifield commented that Donated Dental does not want him to write any controlled substance prescriptions. He stated that antibiotics should be all that is on the list as that is all he has written.

**Ms. Taxin requested Dr. Fifield to submit all triplicate prescriptions that he writes from now on in order to document everything he is writing. She stated that Ms. Trujillo is now his immediate contact and to be sure to submit his information early for Ms. Trujillo to prepare it for the Board to review.**

**Dr. Ence asked Dr. Fifield if he is still at Donated Dental.**

Dr. Fifield responded that he has not been scheduled to work for awhile. He stated that he asked who would cover the 2 days he is not there and was informed that the days were covered. He stated that Donated Dental then called him to say he was suppose to be there working. Dr. Fifield stated that he talked with them and then was informed that if someone is on the schedule and fails to show, Donated Dental will not schedule them again. He stated that he has completed about 200 total hours at Donated Dental and about 32 hour at Head Start.

**Ms. Taxin informed Dr. Fifield that he has not submitted documentation that he is working at Head Start. She reminded him that he is required to work 16 hours a week and if he is working at Head Start he needs to submit a letter from the**

**administrator or supervisor that they have read his Stipulation and Order, that they will provide monthly reports and they are willing to support him in being successful in his probation. Ms. Taxin stated that if Dr. Fifield has a problem and there is no information confirming he is working at Head Start then he would be out of compliance with his Stipulation and Order.**

Dr. Fifield responded that he was not aware he needed to notify the Board.

**Dr. Larsen asked Dr. Fifield to explain further about his termination of employment at Donated Dental.**

Dr. Fifield responded that he called and was informed that their Board would have to meet before they will call him again to work there.

**Dr. Larsen stated that the Board understands that he donates his time but he would suggest that while Dr. Fifield is at work that he should treat those people with the utmost respect. He recommended Dr. Fifield watch the type of conversation he has with his patients and perhaps keep his conversations to the weather and dentistry to be sure he is not offensive to anyone.**

Dr. Fifield responded that he has not intentionally been offensive.

**Dr. Ence asked Dr. Fifield if he has other income.**

Dr. Fifield responded that he does have social security. He stated that Dr. Hibler is making arrangement for him to work at that clinic on Tuesdays and Saturdays.

**Ms. Taxin informed Dr. Fifield that he has not submitted any documentation regarding working with Dr. Hibler. She reminded him that the documentation is required prior to his working with Dr. Hibler. She stated that Dr. Hibler will need to write a letter that he has read the Stipulation and Order, document the days Dr. Fifield will be working at his clinic, document the**

**duties Dr. Fifield will be doing, that he understands he is to provide monthly reports and a willingness to assist Dr. Fifield to be successful in his probation.**

**Ms. Trujillo informed Dr. Fifield that there is nothing current in his file since 2007.**

**Dr. Larsen encouraged Dr. Fifield to pay his fine as soon as possible. He stated that Dr. Fifield needs to submit documentation of all the hours he has worked and a current employment record.**

**Dr. Ence stated that no payment on the fine makes Dr. Fifield out of compliance in that area. He stated that Dr. Fifield should be making some type of regular payments.**

**Ms. Taxin stated that if Dr. Fifield works things out with Donated Dental then reports will be required monthly from them. She again stated that Dr. Fifield must notify the Division regarding anywhere he is working and submit letters that they have read his Stipulation and Order, will submit monthly reports and are willing to assist Dr. Fifield in being successful in his probation. She stated that all information must be submitted to Ms. Trujillo. Ms. Taxin stated that making regular payments on the fine will show due diligence on Dr. Fifield's part and he should be making those payments.**

**Dr. Fifield did not respond. He stated that his attorney informed him as to the reasons he was not hired by the entities where he has applied.**

**Ms. Taxin informed Dr. Fifield that most probationers have jobs in their field of expertise. She stated that if any potential employer has any questions, they may contact her or Ms. McCall.**

**Dr. Morgan stated that Dr. Fifield submitted some triplicate copies of prescriptions for 2006 and he needs to now submit all triplicate copies for 2007 to present. He stated again that Dr. Fifield has denied writing any controlled substance prescriptions but**

**the record documents he has written some in 2007 and 2008. He stated that with all triplicate copies being submitted the Board will be able to compare those with the database list for verification.**

**Ms. Taxin stated that someone will escort Dr. Fifield to the database staff who will assist Dr. Fifield in signing on to be able to receive copies in the future.**

**Mr. Jones, AG, commented that Dr. Fifield will then be able to check on his prescriptions on an on-going basis.**

**Dr. Lundberg recommended Dr. Fifield contact the Pharmacy if he has any questions regarding the list of prescriptions.**

**Dr. Larsen commented that the Board senses and understands Dr. Fifield's frustration. He stated that the Board and Division are here to assist Dr. Fifield through the probation process. He asked if Dr. Fifield had any questions.**

Dr. Fifield asked if there is a way for him to have his probation terminated early.

**Dr. Morgan responded that Dr. Fifield will need to prove himself by being in compliance for a period of time before the Board would recommend early termination. He stated that the Board has been as tender with Dr. Fifield as they can be. He stated that Dr. Fifield passes off excuses to other people and he needs to get on board with his requirements, submit his reports early, pay on his fine and consistently be in compliance. Dr. Larsen stated that the Board could request an Order to Show Cause now and Dr. Fifield would then lose his license. He stated that there has been no due diligence to get in compliance and to get information submitted. Dr. Larsen stated that it is on the record that the Board has had this type of conversation with Dr. Fifield before. He recommended Dr. Fifield come into compliance for a period of time before he brings up early termination again.**

**Dr. Ence commented that Dr. Fifield has met with the Board 12 times and over 50% of that time he has been out of compliance. He stated that the Board senses Dr. Fifield's frustration but he hopes Dr. Fifield senses the frustration of the Board.**

**Ms. Taxin stated that the meetings will be more efficient and not as long if Dr. Fifield submits his information early. She stated that early termination is not an option until he is in compliance.**

**Dr. Morgan informed Dr. Fifield that he is out of compliance with his Stipulation and Order. He stated that the Board expects him to be in compliance at his next appointment. Dr. Morgan asked Dr. Fifield if he understands the information he needs to provide to the Division.**

Dr. Fifield stated he wrote all requirements down and he understands.

**An appointment was made for Dr. Fifield to meet again December 4, 2008.**

**2:45 pm**

Dr. Rodney Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Division staff were introduced.

Ms. Policelli conducted the interview.

**Ms. Policelli stated that she would like to discuss Dr. Slater submitting his information more timely for Ms. Trujillo to prepare for the Board meeting. She stated that Dr. Slater's information regarding the 12 step program, the PIR information, a letter from Kent Turner and medication he is currently taking was faxed today. Ms. Policelli asked Dr. Slater how familiar he is with his Stipulation and Order.**

Dr. Slater responded that he has read his Stipulation and Order.

**Ms. Policelli informed Dr. Slater that he should read his Stipulation and Order often to be sure he is in compliance with the requirements. She stated that it has come to the attention of the Board that Dr. Slater is taking Suboxone. She stated that there is no prescription documentation in his file notifying the Board/Division that he is taking a prescription medication.**

**Ms. Trujillo informed Dr. Slater that his Stipulation and Order requires him to notify the Division within 48 hours of any prescription or controlled substance he is taking.**

Dr. Slater responded that he was not aware that Suboxone was a controlled substance.

**Ms. Bateman asked if Dr. Slater is still taking Cymbalta.**

Dr. Slater responded that he is still taking Cymbalta and is also taking Welbutrin.

**Ms. Policelli stated that the report from Dr. Kent Turner was received. She stated that Dr. Turner still needs to submit a letter acknowledging that he has read Dr. Slater's Stipulation and Order and will support Dr. Slater in the probationary process by providing monthly reports. She then asked if Dr. Slater is still seeing Dr. Crookston and how often if he is.**

Dr. Slater responded that he is still seeing Dr. Crookston and they meet monthly. He stated that he saw Dr. Crookston today and he filled out the report after their meeting.

**Ms. Policelli reminded Dr. Slater that monthly reports are required.**

**Ms. Taxin stated that the reports are due monthly for 6 months and then quarterly thereafter with Board approval.**

**Dr. Larsen commented that, with glowing reports, Dr. Slater should want to submit them often.**

**Ms. Policelli stated that the reports need to be submitted at the first of each month. She asked how often Dr. Slater attends PIR, AA meeting and the 12 Step meetings.**

Dr. Slater responded that he attends meetings most Mondays and some AA meetings on Saturdays.

**Ms. Policelli reminded Dr. Slater that the PIR documentation must be signed by a coordinator of the meetings. The AA and 12 step cards must also be signed. She stated that all documentation must be submitted monthly.**

**Ms. Taxin stated that Dr. Slater must submit the signed cards and not the schedule.**

Dr. Slater responded that this is the first meeting that he has heard this information for signed documentation of attending the meetings.

**Ms. Policelli asked Dr. Slater to explain his process for prescribing to patients.**

Dr. Slater responded that he asks the patient what Pharmacy they use and then his assistant calls in the prescription. He stated that Dr. Turner is notified of the prescription being called in so that he is aware of all Dr. Slater's prescriptions.

**Dr. Ence asked if Dr. Turner is notified whenever Dr. Slater has to call in a prescription.**

Dr. Slater responded that Dr. Turner is notified every time and gives his approval.

**Dr. Ence asked how many prescriptions a day Dr. Slater has called in.**

Dr. Slater responded that there are 6 or 7, but maybe 10 prescriptions a day called in.

**Ms. Policelli asked if the receptionist speaks directly with Dr. Turner prior to calling in each prescription.**

Dr. Slater responded that Dr. Turner is made aware of the prescriptions on a daily basis.

**Ms. Policelli informed Dr. Slater that the DEA number is Dr. Turner's DEA number by Federal Law and he is responsible for the prescriptions written under that specific number. She stated that by allowing Dr. Slater to use the DEA number, Dr. Turner's license is also on the line.**

**Dr. Lundberg asked if the staff always calls in the prescriptions or if Dr. Slater sometimes calls in.**

Dr. Slater responded that he sometimes calls.

**Ms. Taxin commented that controlled substance prescriptions should be written and not called in.**

**Dr. Morgan stated that the discussion is not accusatory but only a discussion.**

Dr. Slater asked the Board how other Dentists do their prescribing. He explained that when he graduated he wrote prescriptions under the Dentist where he worked.

**Dr. Ence stated that the Board is reviewing that protocol. He stated that the real concern is that Dr. Turner is not calling in the prescriptions himself. He stated that the Board wants to be sure Dr. Slater is not calling in the prescriptions with Dr. Turner's DEA number and then picking up prescriptions under another name for himself. He stated that there are always ways around the system but Dr. Slater is on his honor with the Board. He reminded Dr. Slater that anytime he takes any controlled substance he is to notify Ms. Trujillo within 48 hours. He stated that Dr. Slater should not call prescriptions in under Dr. Turner's name. Dr. Ence stated that it is a protection for Dr. Slater as well as Dr. Turner.**

**Ms. Taxin requested Dr. Slater ask Dr. Turner to include in his next report the procedure for prescriptions and that he is aware of the**

**prescriptions Dr. Slater suggests.**

**Dr. Ence suggested that the office staff who is responsible for calling in prescriptions keep a log of the name of the patient, the prescription and the date for Dr. Slater to submit the log for the Board to review. He stated that if Dr. Slater calls in a prescription for him then he should also write the information in the log.**

**Ms. Taxin recommended Dr. Slater contact the DEA and ask if they would ever issue him another DEA license.**

Dr. Slater asked if other probationers ever get their Controlled Substance license and DEA again.

**Ms. Taxin responded that some Stipulations and Orders allow for the probationer to request their CS license again after a period of time. She stated that she believes the Board would rather monitor his writing CS's while on probation instead of terminating his probation and then his having problems. Ms. Taxin stated that she has the name of a person at the DEA that Dr. Slater may contact if he will call her for the information. She stated that she knows he must have the Utah CS license first before DEA will issue their number but at least they could give him an idea of their expectations.**

**Dr. Ence asked if Dr. Turner writes any of his prescriptions or if they are all phoned in to the Pharmacy.**

Dr. Slater responded that Dr. Turner phones in most prescriptions but does write a few.

**Dr. Ence stated that it would be easy for one or two people to be designated as the only people calling in the prescriptions for Dr. Slater.**

**Ms. Taxin again informed Dr. Slater that he needs to submit the documentation for review. She stated that it protects him and the public. She reminded Dr. Slater to contact Ms. Trujillo or herself if he**

**has any questions.**

**The Board determined Dr. Slater is in compliance today as his paperwork was submitted. However, if the paperwork is not submitted in a timely manner in the future in order to be prepared for the Board meeting, Dr. Slater will be considered out of compliance with his Stipulation and Order.**

**An appointment was made for Dr. Slater to meet again December 4, 2008.**

**APPLICATIONS:**

Dr. Paul D. Hanna, Examination Comparison Review

Ms. Policelli informed the Board that Dr. Hanna took the California State examination in 1984.

Dr. Ence volunteered to review Dr. Hanna's California State examination and the WREB comparison to determine equivalency.

Upon completion of the review, Dr. Ence determined the examinations were equivalent and recommended the license be issued.

**The Board concurred.**

**Dr. Ence and Dr. Larsen recommended the Division develop some type of worksheet for applicants to use to compare their State specific examination with the WREB examination.**

Ms. Taxin responded that she has requested her staff to start a list of the State specific examinations and dates that have been determined equivalent in order to assist with reviews in the future. She stated that she will make a copy of the spread sheet one applicant submitted and bring it to the Board to review.

Dr. David E. Iroz, Examination Comparison Review

Dr. Iroz did not submit the information for review at this Board meeting.

**DISCUSSION ITEMS:**

National Practitioners Data Bank

Ms. Policelli requested that Ms. Taxin explain the National Data Bank.

Ms. Taxin explained that every probationer is reported to the National Data Bank. She stated that other State Boards, Divisions and insurance companies receive the information from the database. She stated that the insurance companies place restrictions on the probationers. Ms. Taxin stated that she is not sure how the information is separated by the insurance companies regarding who is consequence and who is not.

**Dr. Donald Mantyla commented that one of the insurance company constraints is that any 3<sup>rd</sup> party paying restitution for anything is required to report that payment to the databank. He stated that there are several different Divisions who make different decisions.**

**Ms. Policelli and Ms. Bateman asked who has access to read the information on the National Data Bank.**

Ms. Taxin responded that she believes the organization has to approve who has access to the information. She stated that she receives regular reports and if one of our applicants or licensees is on the list then there is an investigation. Ms. Taxin stated that once a person is on the list they are never removed.

**The Board thanked Ms. Taxin for the information.**

#### Dental Assistant School/Education Programs

Ms. Joleen VanBibber submitted an advertisement regarding a Dental Assistant education program. She stated that there are other options for Dental Assistants to be sure they obtain a reputable program such as High School programs, ADA accredited programs and on the job training programs. Ms. VanBibber stated that those who are offering many of these programs are also charging high fees for an 11 week, 8 hours a day program. She stated that she has contacted ADA and asked them what is happening across the United States and they responded that these programs are being offered and the States are not doing anything about them. Ms. VanBibber stated that California allows for on the job training if you are an employee and want to learn expanded duties but they cannot

charge for that training. She stated that the training does have some specific requirements that are to be taught.

**Ms. Taxin stated that the Board has approved several Dentists to do the Radiology training program. She stated that she does not have a formal list of those approved to do the training. However, she does have a list that was retained by Dan T. Jones, one of the previous Bureau Managers. Ms. Taxin stated that one of the approved programs called and requested her to make a certificate for them that would give them DOPL approval. She stated that she was unable to provide certificates and/or DOPL approval. She stated that since Dental Assistants are not regulated then the Division cannot give any guideline approval.**

**The Board concurred.**

Appropriate Advertising

This item was deferred to the October 23, 2008 Board meeting.

WREB Update

**The Board reviewed the WREB correspondence with no action taken.**

Ms. Policelli informed the Board that WREB will be contacting a Utah Board member to serve on their Dental Examination Review Board.

Laser Periodontal Therapy by Dental Hygienists

Ms. Policelli explained that Ms. Taxin received an e-mail asking if a Dental Hygienist is allowed to do laser periodontal therapy. She stated that a few times a year the question is asked if Dental Hygienists are allowed to use laser periodontal therapy to clean pockets. She stated that the Board does not want a laundry list of what Dentists and Dental Hygienists can and cannot do. She stated that this question has come up frequently enough that she believes it might be a benefit to include the laser periodontal therapy use of laser by Hygienists be in the scope of practice section of the Rules.

**Ms. Bateman commented that the profession and the Board have interpreted the use of the laser to**

**allow the Dental Hygienist to use it for the cleaning of pockets and to lighten teeth.**

**Ms. Taxin responded that she will review the Law and Rules to determine if a section can be included.**

Dr. John Myers request to use Nitrous Oxide

Ms. Trujillo informed the Board that Dr. Myers requested he be allowed to use Nitrous Oxide and the Board requested he submit a formal letter of request from himself with letters from two Dentists who would support his request. She stated that all the letters have been received.

**Dr. Ence made a motion to approve Dr. Myers request to use Nitrous Oxide based on his compliance, his request and the support of two Dentists.**

**The motion died for lack of a second.**

**Ms. Taxin read the facts of Dr. Myers case and the reasons he is on probation.**

**Ms. Policelli reminded the Board that Dr. Myers is working in a pediatric practice with Dr. Rasmussen and Dr. Burch. She stated that she is sure both Dentists are excellent peer supervisors for Dr. Myers.**

**Dr. Beyeler asked what access Dr. Myers would have to the Nitrous Oxide before using it and after using it.**

**Dr. Radmall responded that Dr. Myers could have access to Nitrous Oxide now. He stated that Dr. Myers has had lapses of judgment over the course of his career. He recommended that the motion include that Dr. Myers be allowed to use Nitrous Oxide with supervision when he is using it.**

**Dr. Ence again made a motion to approve Dr. Myers request to use Nitrous Oxide under general supervision based on his compliance, his request and the support of two Dentists**

**Dr. Lundberg seconded the motion**

**Ms. Policelli, Dr. Beyeler, Dr. Radmall, Dr. Ence and Dr. Lundberg voted in favor of the motion.**

**Ms. Bateman and Dr. Larsen voted against the motion.**

**The motion passed with a majority of the quorum.**

Dr. Kent Heideman question regarding Non-placement, Unlicensed Sr. Dental Students assisting a Licensed Dentist – Do they require a License of some type?

Ms. Taxin informed the Board that she received an e-mail from Dr. Heideman asking if unlicensed, non-placement dental students in their senior year in Dental school at UNLV could assist a licensed Dentist. She then read Dr. Heideman's e-mail.

**Dr. Lundberg commented that Dr. Heideman also called him and Dr. Ence regarding this issue. He explained that Dr. Heideman would like to have students assist him in treating Medicaid patients. He stated it would give the student hands on experience in treating patients. Dr. Lundberg stated that Dr. Heideman would provide an equipped RV and travel around Utah to provide the services.**

**Ms. Policelli responded that she believes it is the practice of Dentistry without a license.**

**Ms. VanBibber informed the Board that Primary Children's Medical Center has a senior student Dental program.**

**Ms. Bateman asked if Dr. Heideman would be with the students or if he provides the equipped van and allows the students to go out and practice.**

**Dr. Ence responded that Dr. Heideman would be an adjunct professor of UNLV but was unsure if Dr. Heideman would be going out with the students.**

**Dr. Lundberg read 58-1-307, Exemptions from licensure. He stated that Dr. Heideman is not yet prepared to present a full proposal. Dr. Lundberg stated that he contacted UNLV and was informed that any proposal is about a year or more out at**

**this time.**

Ms. Taxin stated that the Board/Division would have to be sure Dr. Heideman will be giving supervision and not just providing the arena for unlicensed practice. She asked Dr. Lundberg if he would contact Dr. Heideman and inform him that a formal proposal must be submitted for review prior to approval.

**Dr. Lundberg accepted the assignment.**

**Ms. Bateman made a motion that it would be a possibility to approve for Dr. Heideman to use senior students from the UNLV Dental school if his proposal meets the criteria of 58-1-307, exemptions from licensure.**

**Dr. Ence seconded the motion.**

**The Board vote was unanimous.**

Tentative 2009 Board Meeting Schedule

The Board noted the following tentative dates for the 2009 Board meeting schedule: Thursdays, January 8, February 26, March 19, April 16, May 21, June 18, July 16, August 20, September 17, October 22, November 19 and December 17, 2009.

**Ms. Taxin requested Board members to review the tentative schedule for 2009 to be sure it will meet their schedules.**

**CORRESPONDENCE:**

FYI

The Board reviewed David R. Mlnarik's, DDS, letter regarding the Nebraska Board's stand on the Central Regional Testing Service. **No Board action was taken.**

FYI

The Board noted that Dr. Alexander B. Larsen and Karen Bateman, RDH, have been reappointed as Board members.

Eliza Raymond Letter

The Board requested Ms. Bateman to review Ms. Raymond's letter regarding her Radiology Curriculum and Examination for a Dental Assistant program.

**Ms. Bateman reviewed the curriculum and determined it meets requirements.**

Jennifer Snodgrass Letter

The Board reviewed Ms. Snodgrass's letter asking if the administration of Botox and the use of dermal filler for elective cosmetic procedures falls within the definition of Dentistry.

**The Board agreed that they do not support Dentists using Botox for cosmetic/esthetic reasons but do support the use only for medical reasons.**

**Dr. Ence commented that it is not in the scope of practice for Dentists presently unless an oral surgeon requests assistance from a Dentist due to reconstructive surgery.**

FYI

Ms. Policelli requested Dr. Sage White meet for his probationary interview in October and she recommended Dr. White's probation be extended if he is unable to meet. **The Board concurred.**

Dr. Ence notified the Board/Division that he will be absent for the October 23, 2008 meeting.

**NEXT MEETING SCHEDULED FOR:**

October 23, 2008

**ADJOURN:**

The time is 5:59 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.*

October 23, 2008  
Date Approved

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

September 29, 2008  
Date Approved

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