

MINUTES

**UTAH
DENTIST
AND DENTAL HYGIENIST
BOARD MEETING**

December 4, 2008

**Room 475 – 4th Floor – 1:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:30 P.M.

ADJOURNED: 6:08 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Division Compliance Specialist:

Ronda Trujillo

Board Members Present:

Anna Policelli, RDH, Board Chairperson

Pamela L. Jolley

James N. Ence, DDS

Brian L. Lundberg, DMD, acting Board Chairperson
in Ms. Policelli's absence

Rich S. Radmall, DDS

Greg T. Beyeler, DDS

Alexander B. Larsen, DDS

Karen S. Bateman, RDH

Board Members Absent:

Stephen S. Morgan, DDS

Guests:

Amy Carpenter, RDH, UDHA Vice President

Emily Stapp, Student DH

Emily Fuller, Student DH

Joleen Van Bibber

Heidi Brickey, RDH, UDHA President

Camille Shumway, Student DH

Richard C. Engar, DDS, PIE

Julie Christiansen

Undy Gore

Cynthia Benson

DOPL Staff Present:

David Stanley, Division Director

Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the October 23, 2008 Board meeting were read.

Dr. Radmall made a motion to approve the minutes with minor amendments. Dr. Lundberg seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

1:30 pm

Ronda Trujillo , Compliance Update

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

Ms. Trujillo reported that **Dr. Troy Yates** is currently out of compliance with his Stipulation and Order. She explained that Dr. Yates has obtained a new Physician, Dr. Randall, and used a new Pharmacy without approval of the Board. Ms. Trujillo stated that Dr. Yates has gone to 6 different Pharmacies and practitioners in 2007. Ms. Trujillo stated that Dr. Yates missed 2 drug tests and missed calling in 4 times but has called daily since August 2008. She stated that quarterly he needs to submit documentation of attending PIR and positive adjustment meetings once a week. Ms. Trujillo stated that Dr. Yates attended an intensive treatment program in 2005 but has not submitted documentation of completion of that program. She stated that he is not required to attend therapy but does submit therapist reports.

Ms. Taxin voiced her concerns regarding Dr. Yates. She stated that on-going therapy does not count as attendance at the required PIR meetings. Ms. Taxin reminded the Board that an amendment was made to allow Dr. Yates to attend PIR meetings instead of AA meetings. She stated that he is required to submit quarterly reports, do drug testing, give 24 hour advance notice regarding prescriptions, visit one prescriber and have prescriptions filled at one Pharmacy. Ms. Taxin

stated that Dr. Yates is scheduled to terminate probation in 2010 but, to date, he has not completed the requirements which is a concern.

Dr. Lundberg commented that he does not believe the Board has addressed the issue that therapy is no longer required.

Ms. Taxin stated that there was no vote in the minutes regarding termination of therapy. She stated that Dr. Yates evaluation states that he has a high probability of relapse and she believes that therapy would be important. Ms. Taxin stated that at a minimum a letter and recommendation should be required from the program he completed that documents he does or does not need therapy.

Ms. Trujillo stated that Dr. Yates is using the out-patient program as a support group.

Ms. Trujillo reported that **Dr. John A. Israelsen** is currently out of compliance. She stated that Dr. Israelsen's cards were received yesterday and the Board should remind him to submit the cards the first of each quarter. Ms. Trujillo stated that Dr. Israelsen has not completed the required physical evaluation, there have been no therapy reports since 2004 and the requested letter from Dr. Hinds was received yesterday. Ms. Trujillo stated that the psychological evaluation recommends therapy and there have been only 2 therapy reports submitted. She reminded the Board that Dr. Israelsen is scheduled for termination of probation in March 2009.

Ms. Taxin commented that, based on the psychological evaluation, Dr. Israelsen may not need a physical. She recommended that the Board have a discussion and then vote as Dr. Israelsen may not be out of compliance. She stated that he did miss calling once in July but has been consistently calling in daily.

Ms. Trujillo voiced concern that Dr. Israelsen calls the Division consistently to notify the Division that he will be out of town. She stated that there are

minimal times that the Division can adjust but not as frequently as Dr. Israelsen goes out of town. She stated that he has reported that he will be going hunting or camping when he notifies the Division that he will be out of town.

Ms. Trujillo reported that **Dr. Paul D. Benson** is currently in compliance.

Ms. Policelli stated that Dr. Benson is currently about 1/2 completed with his probation.

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

Ms. Trujillo reported that **Dr. Brent C. Sonnenberg** is currently in compliance with his Stipulation and Order.

Ms. Trujillo reported that **Dr. David O. Hendrickson** is currently out of compliance with his Stipulation and Order. She stated that his expert intervention information was received yesterday. There was no employer, personal practice report or letter from Dr. Hendrickson stating that he is self employed and no reports have been submitted as the Board requested in the last meeting.

Ms. Taxin commented that the Board requested the letter regarding the expert intervention information in order to determine if the course was in family therapy or just a course he completed. She stated that Dr. Robert Moore has recommended Dr. Hendrickson's probation be termination.

Ms. Trujillo reminded the Board that they agreed to allow Dr. Hendrickson to submit a computerized list of prescriptions written instead of the triplicate copies. She asked the Board to stress the need to submit each month reports separately in order for her to compare

the prescriptions with the database report.

Ms. Taxin stated that a formal amendment needs to be prepared to accept computerized prescription lists in lieu of the required triplicate copies

Ms. Trujillo stated that there was a prescription for a person that is believed to Dr. Hendrickson's daughter. She asked the Board to clarify the name and to remind Dr. Hendrickson that his Stipulation and Order requires that he not prescribe to any family members. She stated that there is no report from a Pharmacy regarding prescriptions to family members under Dr. Hendrickson's name as he has said that all prescriptions he writes should be under Dr. Moore's name. Ms. Trujillo stated that after she sent Dr. Hendrickson a letter regarding information that should have been submitted he sent in a lot of information. She stated that she believes he is trying to submit what is needed in order to be in compliance.

Ms Taxin requested the Board to remind all probationers to have their paperwork submitted the first day of the month.

2:00 pm

Dr. Troy Yates, Probationary Interview

Dr. Yates met for his probationary interview.

Dr. Lundberg conducted the interview.

Dr. Lundberg informed Dr. Yates that he is about a year away from completing his probation and the Board needs to be sure all requirements of the Stipulation and Order have been completed. He stated that since Dr. Yates last met he has written 3 prescriptions that have shown up on the database. He asked Dr. Yates to explain.

Dr. Yates responded that his father, Dr. Yates, Sr., writes all the prescriptions out of their office but some prescriptions have been showing up as if he wrote them. He stated that he was informed that his DEA number has been suspended and he is unsure how a prescription can go through without the proper DEA number. Dr. Yates reviewed the list and stated that one patient was his and the other 2 patients are Dr.

Yates, Sr.'s patients.

Dr. Lundberg commented that when the office personnel call in the prescription they should be sure to stress which Dr. Yates has written the prescription.

Dr. Yates responded that he does not call in any prescriptions. He stated that his office employees call them in and he believes the Pharmacy Technicians are making the errors.

Dr. Larsen recommended Dr. Yates's father call in all prescriptions for him to be sure there are no errors.

Ms. Taxin asked if Dr. Yates intent is to ultimately be able to prescribe.

Dr. Yates responded that when his father retires he would like to offer a full dental business and that would include prescribing privileges.

Ms. Taxin asked if the controlled substance license would be something the Board would consider reinstating now to be able to monitor Dr. Yates for the next year of probation.

Dr. Ence responded that he understands Dr. Yates intentions but based on the issues that brought Dr. Yates before the Board he is not comfortable considering the controlled substance license at this time.

Dr. Radmall commented that perhaps the proposal of the controlled substance license would be more appropriate if Dr. Yates had a track record of being in compliance with his Stipulation and Order.

Dr. Lundberg recommended Dr. Yates bring the files with him to his next appointment for the Board to review and for him to contact the Pharmacy regarding the discrepancies on specifically three people and let the Pharmacy know these prescriptions were filled under the

wrong Dr. Yates name and an expired DEA number.

Dr. Yates responded that the prescription pads have both names and DEA numbers listed.

Dr. Lundberg stated that Dr. Yates, Sr. and Dr. Yates, Jr. should have separate prescription pads and that might help with the confusion. Dr. Lundberg stated that the Stipulation and Order requires Dr. Yates to use one pharmacy and one prescribing Physician. He stated that the file documents that Dr. Yates has seen a different Physician and has used a different pharmacy.

Dr. Yates explained that he broke his nose and went to see a family friend and had a prescription filled by a different pharmacy. He stated that he went to see different Physicians when his father thought he had depression, when he had pneumonia, etc.

Ms. Taxin stated that he must follow the requirements of his Stipulation and Order and stay with one Physician and one pharmacy or send an explanation regarding who he saw and the reason for making the change if more than one practitioner is medically necessary.

Dr. Lundberg reminded Dr. Yates that if he is not compliant with the Stipulation and Order requirements then he cannot be taken off the Stipulation and Order. He then asked Dr. Yates to address the missed drug tests.

Dr. Yates responded that most of the missed tests are times when he is at Lake Powell, Jackson Hole or other such places where he has gone camping or hunting. He stated that he always has his wife call in when he cannot.

Ms. Taxin informed Dr. Yates that he is the one on probation and must be the person calling in. She stated that if he is having someone else call in for him the drug testing documents that he has called as it does not distinguish between Dr. Yates or his wife calling. Ms. Taxin stated that Dr. Yates

should let Ms. Trujillo know if he is going out of town and he should try not to be out of town so frequently or find testing sites where he travels to.

Ms. Trujillo commented that if there is a drug testing center within an hour's drive of where Dr. Yates is staying then he is required to be tested even when he is out of town.

Dr. Lundberg stated that it appears Dr. Yates has had consistent attendance at his support groups but he needs to be sure to submit the documentation on a quarterly basis at the first of the month.

Ms. Trujillo stated that information is due March 1, June 1, September 1 and December 1.

Ms. Taxin asked what Dr. Yates is getting out of attending the PIR groups.

Dr. Yates responded that sometimes he gets nothing out of attendance but other times the meetings are great. He stated that he tries to attend early on Sunday mornings before taking the family to church. He stated that sometimes he attends the attitude adjustment sessions after work. He stated that he does not believe he needs to meet with a therapist and would like the probation to end as soon as possible.

Ms. Taxin stated that the Stipulation and Order requires Dr. Yates to attend therapy. She stated that she heard him say that therapy was part of his aftercare program. She asked if he has a letter or something for documentation.

Dr. Yates responded that he received a diploma that has something written at the bottom.

Ms. Taxin asked if his actions hurt him and, if so, to explain.

Dr. Yates responded that his actions did hurt him. He stated that he would not tell anyone initially but now he does not mind sharing his experience. He stated that his life would be easier without the mistakes he has made. Dr. Yates stated that the classes talk about

drug use, diet and exercise and all of this has helped him in his recovery.

Dr. Lundberg requested Dr. Yates to submit a letter from the treatment program that he has completed the program and the therapy.

The Board determined Dr. Yates is out of compliance with his Stipulation and Order.

An appointment was made for Dr. Yates to meet again March 19, 2009.

2:20 pm

Dr. John A. Israelsen, Probationary Interview

Dr. Israelsen met for his probationary interview.

Ms. Jolley conducted the interview.

Ms. Jolley requested Dr. Israelsen to update the Board regarding what he is doing and how he is doing.

Dr. Israelsen responded that he is doing ok. He stated that he is coaching the Sophomore basketball team and working with the church team.

Ms. Jolley reminded Dr. Israelsen that his attendance cards for aftercare must be submitted the first of each quarter; March 1, June 1, September 1 and December 1, 2009. Ms. Jolley stated that Dr. Israelsen will also need to submit a report documenting that he is physically capable to practice. She asked the name of his Physician.

Dr. Israelsen responded that Dr. Salisbury is his Physician and he will contact him for a report.

Ms. Jolley informed Dr. Israelsen that he missed some drug tests. She asked him to respond regarding his reasons for missing.

Dr. Israelsen responded that if Ms. Jolley will give him the dates that were missed he will check his calendar to find out why he missed those dates because he believes he did not miss any tests and he called in and informed the Division of his out of State

status.

Ms. Taxin recommended Dr. Israelsen start now and be sure to call in daily to prevent any additional dates being missed on his drug testing.

Dr. Israelsen agreed to try to be more consistent in his calling. He then stated that he want to have his Controlled Substance (CS) license back after his probation is completed. He stated that the probationary process has not been fun but it has been good for him and he hopes it has made him a better person.

Ms. Taxin recommended he submit his application for the CS license for her to review. She also recommended Dr. Israelsen meet monthly until March 2009 in order for the Board to track his prescribing. Ms. Taxin reminded him that if his CS license is reinstated then he must submit triplicate prescription copies for the Division to match up with the database listing. She recommended Dr. Israelsen contact the DEA regarding reinstatement of his DEA license as he will be required to have the DEA license if he has the CS license. She stated that he will be able to prescribe once he has both licenses.

Dr. Israelsen thanked Ms. Taxin for the recommendations. He then stated that he has kept a log of the office prescriptions and discovered that it appears they have been prescribing too much and now have been decreasing the times/amounts they prescribe.

Dr. Ence made a motion to reinstate the CS license after a complete application has been received by the Division.

Dr. Larsen seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process and stated that Dr. Israelsen's Stipulation and Order will be amended to allow him to have the CS license once the

application has been received.

The Board found Dr. Israelsen in compliance with his Stipulation and Order.

An appointment was made for Dr. Israelsen to meet again January 8, 2009.

3:00 pm

Dr. Paul D. Benson, Probationary Interview

Dr. Benson met for his probationary interview. Dr. Benson's wife, Cynthia, was also in attendance.

Ms. Bateman conducted the interview.

Ms. Bateman commented that Dr. Benson has communicated well with the Board. She stated that he submitted a letter regarding doing a different type of work than he usually does. Ms. Bateman requested Dr. Benson to explain.

Dr. Benson explained that when a person is on probation they are dropped from many insurance company panels. He stated that there is a clinic in Salt Lake that was looking for an oral surgeon, he applied for the position and was accepted. He stated that he has worked at the clinic two days a month and this month he has seen patients. Dr. Benson stated that he is going to try to maintain his own practice and work at the clinic part-time.

Ms. Bateman commented that the Board has had discussions regarding the insurance panels and understand the difficulty and hardship probationers face. She stated that Dr. Benson has completed half of his probation and everything has been received. She requested Dr. Benson to discuss the letter he submitted and his request.

Dr. Benson responded that he completed a very beneficial education program on boundaries and has met his probationary requirements except the time frame. He stated that he still meets monthly with Dr. Grey but there has been no actual therapy for the last nine months. Dr. Benson stated that having the availability for therapy if necessary has been good for him. He stated that he would like the Board to

consider his request for early termination of his probation.

Dr. Lundberg stated he would like to ask Mrs. Benson how she has handled the probation of Dr. Benson.

Mrs. Benson responded that she is nurse. She stated it has been a difficult time for their family to have Dr. Benson on probation. She stated that she believes Dr. Benson has worked hard and they have been able to strengthen their family. Mrs. Benson stated that she helps in Dr. Benson's office and there is now quality improvement at the office. She stated that the CE classes really opened the eyes of both of them on a personal and professional basis regarding boundaries. Mrs. Benson stated that Dr. Benson has incorporated some of the ideas at his office. She stated that professionals need to be professional and appropriate. Mrs. Benson stated that she had a similar situation as a nurse when a patient was inappropriate and she was able to handle the situation. She concluded that Dr. Benson is a caring and professional person who patients and others are comfortable being around. She stated that she believes Dr. Benson and his staff will continue to handle situations professionally and that he is a safe practitioner and the situation would not happen again.

Dr. Lundberg thanked Mrs. Benson for her comments. He then stated that the Board would want to know if Dr. Benson has really made changes in his life in order to consider early termination of probation.

Dr. Benson responded that he hoped to convey in his letter that he has better insight and awareness of his own needs and weaknesses. He stated that he knows he was seeking comfort in the wrong places and now has better coping mechanisms in place which have helped put his family in a happier place. Dr. Benson stated that he now has a better relationship with his family and his staff. He explained that he has some of the same staff members but others have left due to their own family issues.

The Board determined Dr. Benson is in compliance

with his Stipulation and Order.

Dr. Ence made a motion to terminate probation early based on Dr. Benson being consistently in compliance with his Stipulation and Order except for the time frame.

Ms. Bateman and Dr. Larsen seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process and stated that once probation is terminated Dr. Benson's Dentist license and Physician license will be active.

3:20 pm

Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Ms. Policelli conducted the interview.

Ms. Policelli stated that Dr. Myers is in compliance with his Stipulation and Order. She voiced appreciation to Dr. Myers for his compliance. She stated that he has been successful in his probation and easy for the Board to work with. Ms. Policelli stated that the regular report from Dr. Stark and Dr. Rasmussen as employers have been received. She clarified that they are also his supervisors and notified Dr. Myers that there is a different form for them to complete with addresses, employment and supervision. She gave Dr. Myers the form. Ms. Policelli then asked if Dr. Myers is still attending the aftercare program. She explained that he is not required to continue attending.

Dr. Myers responded that he is attending on Tuesdays as he believes he benefits by attending.

Ms. Policelli asked if his business has slowed down with the economy situation.

Dr. Myers responded that there have been more cancellations and the business has slowed down a little. He stated that he is in the process of purchasing the Tanner practice and has a letter of notification for the Board. He stated that Dr. Tanner is aware of his

situation. He stated that Dr. Tanner's office is not plumbed for nitrous oxide and a CS license is not needed.

Ms. Taxin asked how long Dr. Myers has been clean.

He responded that he has been clean since November 2, 2004.

Ms. Policelli asked if Dr. Myers plans to apply for the CS license when his probation is completed. She explained that if Dr. Myers does want his CS license the Board has recommended probationers apply while on probation so that the Board is able to monitor them while on probation.

Dr. Myers responded that he does not want his CS license at this time but will consider what Ms. Policelli stated regarding reinstatement.

Ms. Taxin asked if Dr. Myers finds attendance at aftercare beneficial.

Dr. Myers responded that he does find attendance beneficial to him and would like to continue attending every other week for his sobriety.

Ms. Taxin commented that the aftercare reports that have been submitted provide the Board with valuable information. She stated that if Dr. Myers decides to stop the aftercare program he should submit a letter from someone in the program that states aftercare is no longer necessary and Dr. Myers is safe to practice but to continue submitting reports as long as he is attending.

The Board determined Dr. Myers is in compliance with his Stipulation and order.

An appointment was made for Dr. Myers to meet again on March 19, 2009.

3:40 pm
Dr. Brent C. Sonnenberg, Probationary
Interview

Dr. Sonnenberg met for his probationary interview.
Division staff were introduced.

Ms. Jolley conducted the interview.

Ms. Jolley asked Dr. Sonnenberg how his back problems are doing.

Dr. Sonnenberg responded that his back is doing better.

Ms. Jolley stated that Dr. Sonnenberg is in compliance with his Stipulation and Order. She then asked if he misses attending the PIR meetings since his Order was amended.

Dr. Sonnenberg responded that he has continued to attend aftercare as he likes the Director but found the PIR meetings depressing as those who attended did not have the same issues he has.

Ms. Jolley stated that the supervisor reports have been submitted randomly. She stated that they are not required but he may continue to submit them.

Ms. Taxin asked Dr. Sonnenberg how long he has been clean.

Dr. Sonnenberg responded that he has been clean for 2 ½ years. He stated that he believes he has complied and followed the Stipulation and Order as completely as possible and would like to request early termination of his probation. He stated that he believes he needs to move on with his life. Dr. Sonnenberg stated that the climate of Dentistry in Utah has changed and he has more patients now from referrals.

Ms. Taxin stated that Dr. Sonnenberg is requesting termination of his probation but his substance abuse problem is what brought him before the Board. She asked what Dr. Sonnenberg has in place to be sure he does not get into trouble again in the future.

Dr. Sonnenberg responded that he hopes not be injured again in the future. He stated that he hopes to continue his prowess in exercise and does not plan to use again.
Ms. Taxin recommended Dr. Sonnenberg have a

plan in place in case he is injured again. She stated that he has been addicted so he has a propensity for a problem in the future.

Dr. Sonnenberg responded that his Physician has said that he was not addicted. He stated that he does not believe everyone should be in the same category of addiction.

Ms. Policelli asked how Dr. Sonnenberg came to the attention of the Division.

Dr. Sonnenberg responded that DOPL investigated him. He stated that when he got in circumstances with his back pain and could not continue working then he started to treat himself.

Dr. Ence asked if Dr. Sonnenberg plans to apply for his CS license again.

Dr. Sonnenberg responded that he does plan to apply for the CS license again.

Dr. Larsen asked how Dr. Sonnenberg has functioned without the CS license.

Dr. Sonnenberg responded that if he needs a CS prescribed then he has his supervisor fill out the prescription.

Dr. Larsen voiced support regarding Dr. Sonnenberg's request for early termination of probation.

Dr. Lundberg responded that he would be more comfortable with Dr. Sonnenberg applying for the CS license and being monitored while on probation for a time.

Ms. Taxin stated that she would like to address the 5 years of probation. She stated that she does not have a blanket amount of 5 years. However, 5 years is the general time frame a person may relapse. Therefore, she suggested him staying on probation closer to the 5 year period. She stated that it is interesting that Dr. Sonnenberg says he

has not received any benefit from the therapy, PIR or AA. She asked him to explain.

Dr. Sonnenberg responded that he now has different time demands. He stated he has been called to a position of responsibility in his church which shows their trust in him and he is no longer concerned about this probation and its focus.

Ms. Taxin reminded Dr. Sonnenberg that the focus of the probation is on Dr. Sonnenberg. She stated that he did not have a high concern for substance abuse but the evaluator was concerned regarding what Dr. Sonnenberg would do if faced with pain in the future. She stated that everyone gets hurt, gets older and things happen. She asked what resources Dr. Sonnenberg has in place and what his plan is so that it does not happen again.

Dr. Sonnenberg responded that he would quit working if a similar case happened. He stated that he had already started to taper off the drugs before DOPL came in to investigate. He stated that he does not have a substance abuse problem as he only prescribed to himself. He stated that economically he can not stay in practice the way things are today and being on probation.

Dr. Ence commented that he believes Dr. Sonnenberg has cooperated with the Board and he does not have any concerns that Dr. Sonnenberg is not capable to practice safely. He voiced concerns regarding the CS license and whether Dr. Sonnenberg is an addict or not. He stated that he would support early termination of probation and having Dr. Sonnenberg apply for the CS license in a few years.

Ms. Taxin stated that Dr. Ence could make that type of a motion.

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

Dr. Ence made a motion to terminate probation early but for the CS license to remain revoked until

October 4, 2011 when the probation would have ended.

Dr. Larsen seconded the motion.

Dr. Ence, Dr. Larsen, Dr. Lundberg, Dr. Radmall, Ms. Jolley and Dr. Beyeler voted in favor of the motion.

Ms. Bateman voted against the motion.

The motion carried with a majority vote.

Ms. Policelli stated that after Dr. Sonnenberg submits his letter requesting early termination then the Division will prepare the amended Order paperwork.

Ms. Taxin reminded Dr. Sonnenberg that this is a Board recommendation and the Director of the Division has to approve the recommendation. She stated that if the Director approves the recommendation then Dr. Sonnenberg will be issued an unrestricted license. She reminded Dr. Sonnenberg that he must continue to call each day for the drug testing until his request has been processed.

4:00 pm

Dr. David O. Hendrickson, Probationary Interview

Dr. Hendrickson met for his probationary interview.

Dr. Ence conducted the interview.

Dr. Ence informed the Board and Division that Dr. Hendrickson called and asked if he could send Dr. Ence some information to review to determine if Dr. Hendrickson was in compliance with his Stipulation and Order. Dr. Ence stated that he agreed to review the information but Dr. Hendrickson did not send it for review.

Ms. Trujillo informed Dr. Hendrickson that the Division did not receive his letter stating that he is self employed.

Dr. Hendrickson responded that he will submit the letter.

Dr. Ence stated that the Board received and reviewed the database report. He stated that Division staff compared the triplicate copies with the database information and there are some discrepancies. Dr. Ence stated that one name on the database list appears to be a family member.

Dr. Hendrickson reviewed the database list and responded that he does not understand why the triplicate copy is not in his information as all prescriptions are written in triplicate copy.

Dr. Ence stated that the Stipulation and Order requires Dr. Hendrickson to write prescriptions in triplicate and submit the triplicate copy. He stated that the Board approved for Dr. Hendrickson to submit either the triplicate copies or the computer generated printout of prescriptions written.

Dr. Ence made a motion to amend Dr. Hendrickson's Order to allow him to write prescriptions in triplicate and submit the triplicate copy or to submit the computer generated printout of the prescriptions he has written.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Dr. Ence asked Dr. Hendrickson if Dr. Moore wrote his prescriptions.

Dr. Hendrickson responded that Dr. Moore works with him and they review the prescription printout but Dr. Moore would not write the prescriptions as he does not see the patients. He stated that Dr. Moore wrote the letter so that it would be ok for Dr. Hendrickson to write the prescriptions.

Dr. Ence read the letter to the Board and stated that he believes the letter addresses the issue of Dr. Moore reviewing the prescriptions but not writing any for Dr. Hendrickson.

Ms. Jolley commented that Dr. Hendrickson's Stipulation and Order is specific and requires that he not treat any family members. She stated that she believes Dr. Hendrickson is getting around the requirement by having Dr. Moore review but not assess and determine treatment.

Dr. Hendrickson reminded the Board that Dr. Moore's signature is on the substance abuse treatment center letterhead.

Ms. Policelli remarked that she also believes Dr. Hendrickson is getting around the requirement and not following the intent of the Stipulation and Order.

Ms. Taxin stated that the letter clarifies Dr. Hendrickson is writing prescriptions and he should not be writing any for family members. She stated that family members should see other practitioners. Ms. Taxin asked Dr. Hendrickson why he thinks practitioners should not treat family members.

Dr. Hendrickson responded that he was not aware that practitioners could not treat family members. He stated that it appears to be burdensome if you cannot treat your family.

Dr. Larsen reminded Dr. Hendrickson that treating family members is what got him into some of his problems. He stated that Dr. Hendrickson was manipulated by his family and if practitioners do not treat family members then they do not have that issue.

Dr. Ence commented that the Stipulation and Order does not prohibit treating family members but it does prohibit prescribing for family members.

Dr. Hendrickson asked if he could petition for an amendment as he did not understand that he could not prescribe for family members when he signed the agreement.

Ms. Policelli responded that many of the

probationers meeting today have said that since they do not have the CS license they have had many other practitioners write their CS prescriptions. She stated that they have also informed the Board that they have not needed the CS license. She asked Dr. Hendrickson if he is over prescribing.

Dr. Hendrickson did not respond.

Dr. Ence reminded Dr. Hendrickson that he was requested at the last meeting to check with the pharmacist regarding the prescriptions being written for his family members and report back to the Board. He asked if Dr. Hendrickson had completed that assignment.

Dr. Hendrickson responded that Dr. Moore at the Ogden Regional Center has reviewed his prescriptions.

Ms. Policelli clarified that Dr. Moore is a Physician and not a Dentist.

Dr. Hendrickson responded that he will comply but will request an amendment to allow for him to prescribe antibiotics for family members.

Ms. Policelli stated that Dr. Hendrickson may make the request but the Stipulation and Order says he cannot write any prescriptions for family members. She then asked how frequently he needs to prescribe antibiotics.

Dr. Hendrickson responded that he prescribes antibiotics as frequently as it is needed. He stated that he has 7 children, of which 5 are married and there are other family members. He stated that the antibiotics are mainly for dental infections.

Ms. Policelli stated that Dr. Hendrickson may submit a letter requesting an amendment for the Board to review. She stated that she understands it is difficult if a child or grandchild has a problem. She stated that Dr. Moore should not prescribe for the practice of dentistry as he is a physician.

Dr. Ence commented that prescriptions need to be written on an individual case and written by the appropriate practitioner.

Ms. Policelli stated that she believes Dr. Hendrickson now understands. She stated that when Dr. Hendrickson is working with someone else to write the prescriptions then the other practitioner should have the file/chart in front of them so they know the allergies, any problems, etc. and they should write the prescription on their own prescription pad.

Ms. Taxin stated that the provider needs to document why they wrote the prescription and have it documented in the patient files.

The Board determined Dr. Hendrickson is out of compliance with his Stipulation and Order.

An appointment was made for Dr. Hendrickson to meet again March 19, 2009.

Dr. Ence stated that Dr. Hendrickson has talked to him regarding termination of probation and Dr. Moore's letter suggests termination of probation. He stated that he informed Dr. Hendrickson that he could submit a request for the Board to review and make a recommendation.

EDUCATION REVIEW:

Dr. Jason M. Pitts, DDS, Dental Assistant
Program Review

Ms. Policelli read the information to the Board.

Ms. Bateman volunteered to take the information to review and will get back to the Division.

Jackie Cole, Rosewood Dental, Examination
Question Review

Ms. Bateman reviewed the examination question and determined it now meets the requirements.

APPLICATIONS:

John R. Lee, Examination Comparison Review

Dr. Ence reviewed the examination comparison and recommended the license be issued based on the comparison documenting equivalency.

The Board concurred.

DISCUSSION ITEMS:

Update on Education Equivalency for
Endorsement

Ms. Taxin stated that at the last Board meeting the Board reviewed 3 application examinations for equivalency and recommended all 3 be denied based on the State specific examinations not being equivalent to the WREB examination. Ms. Taxin stated that she pulled previously approved applications and noted that they were all missing the same components. She stated that, based on the precedence that has already been set, she approved and issued the 3 licenses last month.

Ms. Taxin explained that she and Ms. McCall met with Dan T. Jones to discuss which State examinations have been accepted. She stated that Mr. Jones confirmed that the California examinations and several other State examinations have been accepted for Dentists.

Ms. Taxin stated that we know there is an issue that needs to be resolved based on prior discussions. Ms. Taxin stated that there is not a good tracking system regarding which State examinations have been accepted and which have not. Ms. Taxin recommended that the Association make a Law change which Monte Thompson stated in the last meeting.

Ms. Policelli requested the Dental Hygienists also work with the Association regarding their examination requirements.

The Board requested further discussion at the January meeting.

Update on Rules/Anesthesia Categories

Ms. Taxin stated that she talked with the Association and Dr. Joe Mirci do not believe updating the Rules in the Anesthesia categories is an issue at this time. She stated that the Association and Dr. Merci are willing to assist the Board and Division if necessary.

The Board agreed.

Ms. Taxin requested the Board to review the language she has written for the Rules regarding ethics as a CE requirement and any other areas they believe need to be updated. She stated that Rules can be written and approved in a short period of time.

The Board requested additional discussion at the January meeting.

Executive Order

Ms. Taxin informed the Board that the Governor has issued an Executive Order that deals with acting ethically, accepting gifts, nepotism in hiring and contracting and prohibiting lobbying executive branch department or agency employees. She recommended the Board review and be familiar with the document.

WREB Update

Ms. Taxin explained that she believed it was mandatory for Board members to participate in writing and reviewing the WREB examinations. She stated that she has learned that Board members volunteer to assist with the WREB examinations. She stated that Utah was complimented and appreciated for their voluntary support. Ms. Taxin stated that she is working on approval of travel for board members to continue assisting WREB with the examinations.

Board members thanked Ms. Taxin for her efforts.

CORRESPONDENCE:

WREB Correspondence

The Board reviewed the following WREB correspondence:

1. Notification of Change to Conjunctive Scoring. **No Board action taken.**
2. Fall 2008 Newsletter. **No Board action taken.**

ADA Survey Booklet

The Board reviewed the ADA Survey Booklet. **No Board action was taken.**

CRDTS, Bruce J. Barrette, DDS, Resignation

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

Leah Diane Howell, Mississippi Executive Director, E-mail regarding Uniform National Clinical Licensure Examination Administration by Various Regions

The Board reviewed Ms. Howell's e-mail and determined that Utah examination requirements should remain as they are currently written in the Laws and Rules.

Dr. Ence made the motion to support the decision the WREB's Board of Directors makes toward a uniform examination.

Ms. Bateman seconded the motion.

The motion passed unanimously.

Academy of General Dentistry (AGD)

The Board discussed the offer of the AGD maintaining CD transcripts. The Board stated they support the WREB examination and Utah is not interested in a uniform clinical licensure examination at this time. The Board stated Utah is committed to the WREB examination. The Board also stated that the Board does not pre-approve continuing education and it is each licensee responsibility to meet requirements according to Utah Law & Rules.

Substance Abuse

Ms. Taxin asked if the Board would desire education on how to monitor substance abuse probationers. Ms. Taxin and the Board discussed the problems of substance abuse in the Dental profession and probationers.

Department of Insurance

The Board would like to discuss the options of probationers and the loss of insurance privileges. The Board requested someone from the State Division of Insurance come to a Board meeting to discuss options or to have someone from the Board represent themselves at the Division of Insurances meetings.

Ms. Taxin stated she would like to discuss with Mr. Stanley the best approach on working with the Division of Insurance.

Application Feed Back

Ms. Policelli challenged each member of the Board to go on DOPL's website, review the application, and provide positive feedback on improving the application.

Ms. Policelli requested this be put on the agenda for discussion at the next Board meeting.

Novalar Pharmaceuticals, Inc

Dr. Ence stated that it was acceptable for Dental Hygienist to give the OraVerse Injection as this

injection is similar to all other injections provided by
Dental Hygienists.

NEXT MEETING SCHEDULED FOR: January 8, 2009

ADJOURN: The time is 6:08 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.*

January 8, 2009
Date Approved

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

January 8, 2009
Date Approved

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