

MINUTES

**UTAH
DENTIST AND
DENTAL HYGIENIST
BOARD MEETING**

January 8, 2009

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

CONVENED: 1:30 P.M.

ADJOURNED: 5:25 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Ronda Trujillo

Board Members Present:

Anna Policelli, RDH, Chairperson
Pamela L. Jolley, Public Member
Stephen S. Morgan, DDS
James N. Ence, DDS
Rich S. Radmall, DDS
Greg T. Beyeler, DDS
Alexander B. Larsen, DDS
Karen S. Bateman, RDH

Board Members Absent:

Brian L. Lundberg, DMD

Guests:

Monte Thompson
Dr. Don Mantyla
Amy Carpenter, RDH, UDHA
Heidi Brickey, RDH, UDHA

DOPL Staff Present:

David Stanley, Division Director
Wayne Holman, Chief Investigator
Mitchell Jones, AG
Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the December 4, 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:

Further Discussion regarding Education and Endorsement

Ms. Taxin reminded the Board that at the last meeting it was decided to leave the Rules as they are currently written in the anesthesia area and to review the continuing education and endorsement sections for revisions. She asked the Board if they had reviewed those sections and were prepared with comments for discussion today.

Ms. Policelli responded she believes further discussion should be postponed until a later date as there is so much going on in the examination community right now.

The Board concurred with Ms. Policelli.

Ms. Taxin stated her concern is in regard to those applicants who have not taken an accepted Regional Examination.

Monte Thompson, Utah Dental Association, commented his observation is the Board has been placed in a difficult position of having to review information to determine if the examinations taken are equivalent to Utah's Law requirement. He stated the Board should consider the number of years a person has practiced in another State in good standing and accept a specified period of time experience in lieu of requiring equivalency or an examination.

The Board determined further discussion will take place at a later date.

Further Discussion regarding Rules

This item was discussed during the Education and Endorsement discussion above.

Application Review and Recommendations

Ms. Taxin explained Ms. Policelli requested the Board to review the applications and make recommendations regarding updates. She stated she has recently updated the applications and requested the Board to review the

current application.

Dr. Radmall commented that the applications are very lengthy. He recommended they be reduced if possible. He asked if the 1928 requirement is necessary.

Ms. Taxin thanked Dr. Radmall for his comment. She stated the examination was required in 1928 and the Division frequently has older applicants calling for information.

Ms. Policelli remarked that the Law and application require an applicant to document taking and passing a State specific examination prior to 1976 or taking and passing an accepted Regional examination after 1976. She stated she understood the application is primarily for new applicants who are right out of Dentist or Dental Hygienist school. She stated the application does not address disciplinary action taken by the Dental or Dental Hygienist school and believes the application should address any disciplinary action that may have happened while enrolled in school.

Ms. Taxin stated the Qualifying Questionnaire has a universal set of questions for all professions. However, she recommended a question be included in the Dentist and Dental Hygienist education portion of the application regarding if the applicant has ever had disciplinary action that affected their graduation or contingencies put on their graduation and then request an explanation and have them provide documentation of the action.

Dr. Ence commented that examinations from 1979 forward are where States accepted only Regional examinations. He suggested something be included in the instructions regarding what the applicant must do to document equivalency on their examinations as the application has no instructions. Dr. Ence explained when applicants have called him and he explains what the Division and Board need, then the information has been submitted.

The Board requested #7 of the application

instructions be taken out and a statement added on to #8 explaining that the applicant must submit documentation of taking and passing a State examination prior to 1976 and submit a comparison showing equivalencies of their examination to the WREB examination for the same year.

Mr. Thompson again commented that it bothers him that the Board wants documentation of equivalency of examinations taken 30 years ago. He stated examinations from 30 years ago are irrelevant to the practice and examinations today. Mr. Thompson stated he still believes the Board should consider the years of experience in some way as many new applicants were not even born in 1979.

Ms. Taxin again stated the Law does need to be changed but the Division and Board must abide by the current Law the way it is written, which equivalency must be shown.

Ms. Bateman stated the requirement is for endorsement applicants. She recommended the issue be addressed again later.

Ms. Taxin confirmed it is an endorsement requirement but applicants are required to meet requirements of new applicants and have to ask their State and WREB for examination content and then the Board can make the comparisons.

Dr. Larsen asked Ms. Taxin to explain the motivation regarding having the same discussions over and over again as he is not sure they are pertinent issues where licensees are so mobile.

Ms. Taxin responded that the endorsement issue is ongoing and the Division and Board are making an assumption that applicants are not as competent practitioners if they do not have equivalent examinations. She stated what we have been doing seems to work for now and the staff will continue to request applicants to complete a comparison for the Division and Board to review. She recommended a

change in the Law and the Association and Board consider language regarding a specified number of years experience with the license active in good standing be accepted for licenses to be issued. She recommended a Dentist or Dental Hygienist be given credit for their experience.

Dr. Morgan commented there are Dentists who want to be licensed in Utah who have said they have a specialty and then the Division has discovered they do not have that type of specialty. He asked how that type of situation would be handled with giving credit for a specified number of years of active license in another State.

Ms. Taxin responded that unprofessional conduct issues are handled differently.

Dr. Radmall responded that the Board has recommended individuals who have problems in another State or States go back to the State where the problems originated and complete all requirements for their license to be in good standing before they apply in Utah.

Ms. Policelli commented that Ms. Taxin is suggesting an open door policy. She stated most States have restrictions similar to Utah's.

Ms. Taxin asked if the intent is for the public's best interest or if it is for gate keeping. She asked if the Board wants to trust that the applicant has done a good job in the other State or limit how and who comes into Utah to be licensed.

Ms. Bateman stated requirements should have provisions that can take care of extenuating circumstances for those applicants.

Dr. Ence stated the requirements should be wide enough to give the Board some latitude in making decisions on the applications they review. He stated instructions in the application would assist the Board in their review to determine equivalency.

Ms. Taxin stated she will include a section regarding if

the applicant completed a State specific examination then they must include with the application a comparison of their examination to the WREB examination for the same year.

Ms. Bateman made a motion to remove #7 from the application instructions.

Dr. Larsen seconded the motion.

Ms. Jolley, Dr. Morgan, Dr. Radmall, Dr. Beyeler, Dr. Larsen and Ms. Bateman voted in favor of the motion. Dr. Ence voted against the motion. The motion passed with a majority of favorable votes.

APPOINTMENTS:

1:45 pm

Ronda Trujillo , Compliance Update

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

Ms. Trujillo reported **Dr. Tad Butterfield** is currently in compliance with his Stipulation and Order as this is his first appointment. She requested the Board to review each clause and due dates of the Stipulation and Order to be sure he understands the requirements. Ms. Trujillo stated Dr. Butterfield is self employed. She asked the Board if Dr. Butterfield should submit the supervisor/employer report with the statement that he is self employed.

Dr. Ence stated he had Dr. Butterfield's file and upon review of the file he believes Dr. Butterfield should have some supervision. He then read the facts of the case to the Board.

Ms. Taxin stated she has received additional complaints. She stated patients are frustrated that they have paid but have not received their crowns or bridges and are unable to reach Dr. Butterfield.

Ms. Trujillo reported **Dr. John A. Israelsen** is currently in compliance with his Stipulation and Order. She reminded the Board that last month they approved for him to apply for his controlled substance (CS) license. She stated the CS license was issued

with no restrictions.

Dr. Larsen asked if this would be Dr. Israelsen's last appointment with the Board.

Ms. Taxin responded his probation is scheduled to end in March 2009. She reminded the Board that he was requested to meet monthly until probation is terminated in order to monitor his use of the CS license. She stated Dr. Israelsen agreed to meet monthly.

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

1. The Division agreed to assist Dr. Fifield in paying off the assessed fine by extending the time and not charging additional late fees. Dr. Fifield has made no payments since December 2007. The balance due is \$1100.00. The collection and late fees will start accruing again.
2. Dr. Fifield mentioned at his last appointment that he was working at Head Start but he has not submitted any paperwork from Head Start.
3. The Board requested at the last Board meeting for him to submit documentation of all hours he has worked or a current employment record.
4. On October 16, 2008 there were four supervisor reports received from Dr. Hibler that were dated January 3, January 9, June 10 and September 25, 2008. The required monthly reports have not been received consistently enough to recommend moving from monthly to quarterly reports. Also, some reports from Donated Dental document negative feedback.
5. Patient treatment logs have not been submitted since 2006.
6. Only 14 triplicate copies of prescriptions have been submitted from 2006 and they are not consecutively numbered as required. Also, the Utah CS Database documents 15 pages of prescriptions prescribed by Dr. Fifield.

The Utah CS Database has 3 new prescriptions since Dr. Fifield last met with the Board. The triplicate copies have not been submitted.

Ms. Taxin commented that there is an open case on Dr. Fifield and she can only give out certain facts. She stated he has been on probation since 2005 and there are 15 pages of prescriptions that he denies he has written. She stated we have found he was not honest with us as Dr. Fifield has been calling in the prescriptions. Ms. Taxin stated many of the prescriptions were written for Dr. Fifield's girlfriend and her daughter. Ms. Taxin stated Dr. Fifield provided a log book and has stated it is the list of what he prescribed from 2005 to 2007. She stated we know he has prescribed since then. She stated he should submit all triplicate prescriptions written or called in for 2007 and 2008 and then he needs to submit the log. She stated the log submitted does not document the 3 new prescriptions. She stated he has not submitted the triplicates for these 3 people. Ms. Taxin stated she would like to know where he treated the patients, the procedures performed or the dates he saw the patients as he has said he is not working. Ms. Taxin stated Investigator Hooper contacted Dr. Hibler and found the relationship is more of a friend who is helping Dr. Fifield and Dr. Fifield does not work for Dr. Hibler. She stated Dr. Hibler did confirm Dr. Fifield sees a patient here and there and uses Dr. Hibler's staff when needed but there are some problems with using the staff. Ms. Taxin stated Dr. Fifield needs to find employment or an appropriate supervisor and the supervisor needs to meet with the Board. She stated Dr. Hibler has written some reports but has not been consistent. She stated this is Dr. Fifield's fault for hiring a friend.

Dr. Ence and Ms. Jolley commented that Dr. Fifield will say he can not get a job due to the probation and his age.

Ms. Taxin stated she has suggested Dr. Fifield apply with the Indian services as there is always a need there.

Dr. Morgan and Ms. Jolley stated probationers have reported they have had to quit their jobs with the Bureau of Indian Affairs as it is a Federal program and while on probation they cannot work for Federal programs.

Ms. Taxin stated the Board will need to ask about the Donated Dental clinic. She stated she believes Dr. Fifield should meet monthly with the Board at this time and his supervisor should be invited to meet once with the Board. She again stated Dr. Fifield is prescribing but he denies he is prescribing.

Dr. Ence remarked he believes Ms. Taxin is voicing the frustration the Board has had with Dr. Fifield since he started probation. He asked if it would be appropriate for the Board to request an Order to Show Cause after Dr. Fifield's appointment if there has been no progress.

Ms. Taxin responded it would be appropriate to make a motion for an Order to Show Cause and it would assist her to move forward. She stated the Board needs to take responsibility and pull Dr. Fifield in and not allow him to continue meeting without working on the terms of his probation. She stated Dr. Fifield has a copy of the Stipulation and Order which outlines what he needs to be doing. She stated Dr. Fifield should not be calling in any prescriptions and the log should document the date, the patients name, the reason for seeing the patient and why a prescription is needed. She stated Dr. Fifield should tell the Board he has called in the prescriptions as he has never admitted it to us and he is required to submit the documentation of any prescription he has written. She stated she hopes he will be honest with the Board.

Ms. Trujillo reported Dr. Rodney J. Slater is currently out of compliance with his Stipulation and Order. She stated if he brings in a letter from Kent Turner, his employer, confirming he has read the

Stipulation and Order, that he will support Dr. Slater in his probation and will submit quarterly reports and documentation of the procedure for prescriptions in the office when Dr. Slater believes one is necessary for a patient then Dr. Slater will be in compliance.

Ms. Trujillo reported **Tabitha G. Neal** is currently in compliance with her Stipulation and Order. She stated the Board should ask if Ms. Neal has located an ethics course for the Board to approve.

Ms. Trujillo reported **Dr. Rochelle Rasmussen** is currently in compliance with her Stipulation and Order. She stated the Board should remind Dr. Rasmussen the reports need to be submitted quarterly. Ms. Trujillo stated Dr. Rasmussen's Stipulation and Order was amended as recommended by the Board at her last appointment.

Ms. Bateman commented Dr. Rasmussen has consistently been in compliance and, following the interview, she might recommend the appointments be every 6 months.

Mr. Barnes, Sr. Business Analyst and Compliance Unit supervisor, informed the Board the compliance unit is reducing the tolerance regarding accommodating probationers in changing drug testing dates when they plan to be out of town.

Ms. Taxin stated probationers can still test but will now need to locate a center near where they will be staying.

Ms. Policelli stated compliance with the probation is a priority and trips out of town will now be considered secondary.

2:00 pm
Dr. Tad Butterfield, Initial Probationary
Interview

Dr. Butterfield met for his initial probationary interview.

Division staff and Board members were introduced.

Dr. Ence conducted the interview.

Dr. Ence asked Dr. Butterfield if he has read the Stipulation and Order, if he understands the requirements agreed upon and if he had legal counsel review the document with him.

Dr. Butterfield responded he has read and understands the Stipulation and Order. He stated that he did not obtain legal counsel as it was not necessary.

Dr. Ence requested Dr. Butterfield to briefly explain the reason he is here on a Stipulation and Order.

Dr. Butterfield responded he is on a Stipulation and Order as he did not place or seat crowns in a timely fashion.

Dr. Ence asked Dr. Butterfield to explain the timeframe.

Dr. Butterfield responded there were four complaints about a year ago that started the investigation. He stated he had reasons for not completing the work but there is nothing that can be substantiated from a legal standpoint. He stated he is not sure if there have been additional complaints but he has not worked as a Dentist for about 6 months and has not heard of any additional complaints. He stated he has not worked by choice as he wanted to meet with the Board before reopening his practice.

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

Dr. Butterfield responded he is self employed.

Dr. Ence stated Dr. Butterfield will need to submit a letter stating he is self employed. He informed Dr. Butterfield he will need a supervising Dentist. Dr. Ence asked if he has a name yet for the Board to consider.

Dr. Butterfield responded he has not yet found someone to supervise. He stated there are two other Dentists in his area of which one works in the same

building. He stated he would like one of the two as his supervisor.

Dr. Ence reminded Dr. Butterfield that the supervisor must be approved by the Board.

Ms. Taxin explained that once Dr. Butterfield finds a supervisor, the supervisor must write a letter confirming they have read the Stipulation and Order, understand the requirements, they are to supervise and assist Dr. Butterfield to be successful in his probation. She stated the letter should have a copy of the Dentists resume attached.

Dr. Butterfield asked why the Board would request a resume.

Ms. Taxin, Dr. Ence, Ms. Policelli and Dr. Radmall responded it is necessary as the Division and Board need to know the supervisor practices the same type of dentistry as Dr. Butterfield.

Ms. Policelli asked Dr. Butterfield what is happening with his practice if he has not worked for about 6 months.

Dr. Butterfield responded this meeting will give him the legal protection he needs to start his business again. He stated following the meeting he plans to reopen his practice.

Dr. Ence stated the probation period is for 3 years and all requirements must be completed within the time frames set in order for Dr. Butterfield to be in compliance.

Ms. Taxin informed Dr. Butterfield that she has received a couple more complaints. She recommended Dr. Butterfield contact each patient he did not complete the work for and offer to take care of their situation.

Dr. Ence commented that the Board may periodically request Dr. Butterfield to submit his charts for the Board to review. He stated all required information must be submitted to Ms.

Trujillo when it is due in order for her to prepare his file for the Board to review during his appointments.

Ms. Taxin stated the Division/Board prefer the supervisor to review Dr. Butterfields charts to be sure they are in order. She recommended Dr. Butterfield track the name of each patient, the date they were seen, the type of procedure required, when completed and if a return visit is required. She also recommended Dr. Butterfield be detailed in his documentation.

Ms. Policelli asked if Dr. Butterfield has any employees or if he works his office alone.

Dr. Butterfield responded he works his office alone.

Dr. Ence asked if Dr. Butterfield has made arrangements for the required psychological evaluation.

Dr. Butterfield responded he has made arrangement for a psychological evaluation. He stated he was not sure of the specific date.

Dr. Ence asked if Dr. Butterfield was prepared to submit a practice plan today.

Dr. Butterfield responded he was not prepared to submit a practice plan. He asked for guidance regarding what should be in a practice plan.

Ms. Taxin responded the practice plan should have the location of the practice, issues to be worked on, his supervisor's information, how many hours a week he works, the population of the patients, staff people and positions. She stated he may also include that he is going to contact all past patients to inquire if they were satisfied with his services and, if they were not, complete the work for them.

Dr. Ence added that Dr. Butterfield is also to submit an essay regarding the harm done to his patients.

Ms. Taxin stated Dr. Butterfield should contact her after he finds an ethics course which interests him and submit the syllabi for her to review for the pre-approval. She stated he must work 40 hours a week for the time to count toward his probation. Ms. Taxin stated if Dr. Butterfield has a problem working that many hours right now to contact her and they can discuss amending the Order to require less hours so he can be successful. She stated the goal is to assist him in being successful. Ms. Taxin stated his supervisor may contact her for guidance. Ms. Taxin stated if Dr. Butterfield would like to write down the names of patients and procedures he has completed the Board could review the information at the next Board meeting.

Dr. Ence stated it is to Dr. Butterfield's advantage to review the Stipulation and Order, pay attention and complete the requirements to be in compliance. He stated Dr. Butterfield should contact Ms. Trujillo if he has any questions regarding the requirements. He stated the Board are reasonable individuals and want him to succeed in his probation.

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

An appointment was made for Dr. Butterfield to meet again April 16, 2009.

2:45 pm

Dr. John A. Israelsen, Probationary Interview

Dr. Israelsen met for his probationary interview.

Ms. Jolley conducted interview.

Ms. Jolley requested Dr. Israelsen to update the Board regarding how he has been doing since his last appointment.

Dr. Israelsen responded his physical has been rescheduled for the 3rd week in January. He stated his Utah Controlled Substance license has been reinstated. He stated he left a message for Marvin Sims to follow-up on the database controlled substance reports. He has a brother who is a Veterinarian and one who is an

oral surgeon who also does prescriptions. He has not yet heard back from Mr. Sims. He stated he will try again to contact Mr. Sims. Dr. Israelsen stated he sent some information to Ms. Taxin and is waiting for his DEA number. He stated he has the triplicate prescription pads with numerical numbering and understands he has to send in the triplicate copy even if it is a void copy. He stated he will probably use the computer program for prescriptions and will submit a copy of what has been written. Dr. Israelsen stated he works with another Dentist, Dr. Ralph Benz, who mentioned he had been contacted by the Division.

Ms. Bateman stated the Board receives a list of the frequency Dr. Israelsen has had drug testing. She asked if he has had the testing for the 5 years he has been on probation and if there has ever been a problem or positive test.

Dr. Israelsen responded he has been tested all 5 years of his probation. He stated there has never been a positive test but there was a problem that came up yesterday. He explained that he spends a lot of time away with his children and parents which puts the Division in an awkward position in regard to the drug testing. He stated he talked with someone yesterday regarding being out of town again. He stated the person he spoke with informed him he cannot be excused for so many days a month from testing as it has averaged about 15 days a month. He stated they were able to work out the situation for this week-end but other times he can be back in town within a short period of time if he is on the list to test. He stated he has requested the Board to consider early termination of his probation.

Ms. Taxin responded that the CS license was just issued and she believes Dr. Israelsen should continue his probation through the March 19, 2009 date for monitoring his CS.

Ms. Bateman asked if it would be appropriate to make a motion for Dr. Israelsen to call less frequently for the drug testing.

Ms. Taxin responded the testing is random and the

probationer is to call in every day. She stated Dr. Israelsen does not test often.

Dr. Radmall asked if Dr. Israelsen applied for his CS license.

Ms. Taxin responded he did and a clear license was issued. She stated the Board recommended Dr. Israelsen apply for the CS license and a probationary license be issued. She stated in order to issue a probationary license Dr. Israelsen would have had to sign another Stipulation and Order. Ms. Taxin explained that Dr. Israelsen has been so consistent in being compliant and has such a short period of time left for probation that she determined it would be less complicated to issue the clear CS license. She stated the Dentist license was left as a probationary license.

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

An appointment was made for Dr. Israelsen to meet again February 26, 2009.

3:00 pm

Dr. Perry M. Fifield, Probationary Interview

Dr. Fifield met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Larsen returned Dr. Fifield's original CS log from 2006 to him.

Dr. Fifield asked where the 11 copies of prescriptions he submitted were.

Dr. Larsen responded the Board is just returning the log as Dr. Fifield is required to submit the triplicate copy of the prescriptions he writes and those are not returned.

Dr. Larsen stated the Board and Dr. Fifield need to have a serious discussion today. He stated first of all let's talk about the situation that Dr. Fifield needs to get into compliance right away, within the month. He stated in the Stipulation Dr. Fifield is

required to maintain a Controlled Substance (CS) log of all medications prescribed to patients and in conjunction the log should also contain patients name, procedure, date, type of medications and amounts. Dr. Larsen stated the Division has a log for 2006 and has nothing beyond that date.

Dr. Fifield responded he had copies of prescriptions from 2006 and entered them into his log. He explained he submitted the log and was, therefore, unable to include any additional information.

Dr. Morgan voiced some concerns regarding the situation of consistent non-compliance of Dr. Fifield and not just the last few months or days but years. He stated he would propose that the Board have an Order to Show Cause. He stated we are just going around in circles here in the name and blame game. He stated he feels really uncomfortable with how the situation is going and he would recommend an Order to Show Cause regarding why Dr. Fifield is not in compliance.

Ms. Policelli asked if Dr. Morgan is making a motion.

Dr. Morgan responded that it is a motion.

Ms. Policelli asked for a second to the motion.

Dr. Larsen seconded the motion.

Ms. Policelli asked if there was any discussion.

Dr. Ence stated he would like to continue the discussion as he believes it is relevant to the non-compliance. He stated he has a question regarding the balance due on the fine. He stated it was originally due October 2006. He stated he knows there were arrangements made by the Division for Dr. Fifield to hold off on the payments without any charges being assessed against him but now it has continued not to be paid and there are late fees and interest accruing. He stated Dr. Fifield did point out that the \$1300.00 he earned in Dr. Hibler's office was to pay off the fine. He asked if Dr.

Fifield has received any monies from his services at all from Dr. Hibler.

Ms. Policelli asked for a vote.

The Board vote was unanimous in favor of an Order.

Ms. Taxin explained the process for the Board and Dr. Fifield.

Dr. Larsen stated in light of what we were just told, Dr. Fifield needs to review his Stipulation and Order to make sure he is in compliance. He stated the three issues that need focus are:

- 1. Dr. Fifield needs to become employed for 16 hours a week.**
- 2. Dr. Fifield needs to be in compliance with the Controlled Substance license. The log and the triplicates on anything he prescribes need to be submitted.**
- 3. Dr. Fifield needs a new supervisor as the relationship with Dr. Hibler is not working as per the discussion.**

Following additional discussion, Ms. Taxin stated Dr. Fifield will have to call the DEA not Lynn Hooper. She stated Dr. Fifield has talked with Mr. Hooper and some prescriptions he has called in so they were not forgeries. She stated he needs to reassess what he has called in, revise the list and submit the list. She stated if he wrote the prescription he needs to write it down and if he called it in make a list and resubmit the list. She stated if he wrote the prescription and did not provide the triplicate copy then he should provide it. Ms. Taxin stated if Dr. Fifield could clear up some of prescriptions on the list it would be good as she knows he called in a bunch that he has said were forgeries. She stated he needs to think back. Ms. Taxin stated she will give Dr. Fifield until January 22, 2009, a couple of weeks to get a cleaned up list turned in.

Dr. Fifield responded he can do that.

Dr. Larsen asked if Dr. Fifield should meet again in a month as he was not sure how it related to the motion.

Ms. Taxin responded Dr. Fifield is still on probation and the Board still needs to monitor until the process has been completed. She stated just because there is a motion does not mean it will happen right away as it is a process and Dr. Fifield is licensed. Ms. Taxin stated Dr. Fifield still needs to work and abide by the Stipulation. She stated it is the job of the Board to monitor. She stated that the Board has talked about Dr. Fifield not having regular work and there are all the inconsistencies, in order to support Dr. Fifield and protect the public, she recommended he meet monthly at this time. She asked Dr. Larsen if he agreed.

Dr. Larsen responded he agreed.

Ms. Taxin asked if Dr. Fifield understands what he needs to do. She asked for the date of the next Board meeting.

Ms. McCall responded the next Board meeting will be February 26, 2009.

Ms. Taxin stated within two weeks she will give Dr. Fifield an opportunity to revise what he provided to Lynn Hooper and rethink in case there are any prescriptions he has written or called in.

Dr. Fifield asked if Ms. Taxin found the 11 prescriptions that were included with his log.

Ms. Taxin responded she has those 11 prescriptions. She stated there are hundreds the Division does not have. Ms. Taxin stated Dr. Fifield has access to the CS database. She stated Dr. Fifield may call the database, Marv Sims, and ask for a copy of the database information. She stated it is the same list that Dr. Larsen has referred to today and the same list he has reviewed with Lynn Hooper and highlighted and stated they were forged. Ms. Taxin stated she knows that some of the prescriptions on the list Dr. Fifield called in.

She stated he needs to think about those he called in. She stated he is going backwards but if he called it in he should write it down on a piece of paper. She stated if he called it in then it is not forged.

Dr. Fifield responded he understands.

Dr. Larsen asked how far back Dr. Fifield needs to go.

Ms. Taxin stated he could go back a year to 2007.

Ms. Jolley responded the pharmacies will have everything he needs.

Ms. Taxin again stated Dr. Fifield needs to decide within the 2 weeks if he is going to obtain other employment or stay with Dr. Hibler.

Dr. Fifield stated he has a list of everyone that he has called, everyone that he has interviewed with. He asked how he can gain employment as a Dentist at this time. He stated he can work at McDonalds.

Ms. Taxin responded working at McDonalds would not count for this unfortunately. She stated Dr. Fifield should keep his options open. Ms. Taxin stated a possible option of employment may be on the Indian Reservation.

Dr. Fifield stated he called them.

Amy Carpenter, UDHA, suggested Dr. Fifield contact the Dental Hygienist schools as they are always looking for Dentists to work in the clinics. She stated that there are 5 schools in the Salt Lake area.

Dr. Fifield responded he will try to contact the Dental Hygienist schools.

Ms. Taxin thanked Ms. Carpenter for her good idea. She stated Dr. Fifield will have to get his resume together. She stated obviously the Board understands that being on probation makes it a

little difficult obtaining employment. She stated we have a lot of probationers and all of them have employment right now. She stated she thinks when he gets turned down it is easy to say “Oh, it’s because I’m on probation” but she believes he needs to look at how he presents and what he offers them. She stated she believes he has been given feedback from Donated Dental on some of his communication skills.

Dr. Fifield responded he has not tried to contact Donated Dental again as they said they would contact him.

Ms. Taxin reminded Dr. Fifield that Donated Dental was discussed at his last appointment and she reminded him some of the subject matter he chose to talk about was offensive to the staff. She recommended he think about some of those things before he goes in to an interview. She stated not finding employment might not be just because he is on probation but might be how he is presenting himself.

Dr. Fifield responded he would consider his comments at Donated Dental.

Ms. Taxin again stated he needs to submit confirmation regarding what he going to do for his employment by the next meeting:

- 1. whether he will be staying at the same office;**
- 2. a copy of the employment contract;**
- 3. documentation if he prescribes;**
- 4. documentation of the treatment and prescriptions;**
- 5. the log;**
- 6. submit the triplicate copies and what treatment was done;**
- 7. who his supervisor is, a resume and letter acknowledging reading the Stipulation and Order; and**
- 8. the times and dates they met.**

Dr. Larsen stated Dr. Fifield needs to memorize the requirements in the Stipulation and Order to make

sure he is in compliance with every inch of it.

Dr. Fifield responded he will read through his Stipulation and Order again. He stated he has the documentation for Donated Dental for 64 hours more he worked there. He stated Donated Dental said they sent the information to the Division. He stated Donated Dental services documented another 160 hours.

Ms. Taxin asked if Dr. Fifield has been working at Donated Dental or not.

Dr. Fifield responded he has not.

Ms. Taxin asked what happened there. She asked if Dr. Fifield had just resigned.

Dr. Fifield responded Donated Dental was voluntary work. He stated he was contacted last November to come back again and informed Donated Dental he had a conflict with scheduling patients from Donated Dental and Dr. Hibler's office.

Dr. Larsen responded Dr. Fifield is not in a position to do much declining these days.

Ms. Taxin stated she believes, for probation reasons, it would be best if Dr. Fifield could work for one agency and not work for Dr. Hibler's office randomly. She stated it would show a track record and consistency. She suggested if Dr. Fifield has an opportunity to work at Donated Dental to maybe volunteer and see if they would put him on as an employee. She suggested he contact them to discuss volunteer work and ask if they would consider putting him on as an employee. She suggested he try to negotiate as it would be a consistent employment opportunity.

Dr. Ence commented it was discussed last time that Dr. Fifield needs to submit all his information in a timely manner for the Division staff to prepare his file for the Board meeting. He stated he believes Dr. Fifield was given Ms. Trujillo's card as a contact person. He stated if Ms. Trujillo had had

these letters sent in then a lot of the questions today would not have been asked as the information would have been in Dr. Fifield's file. He asked Dr. Fifield to please take time to submit his information early and on time.

Dr. Ence stated Dr. Fifield will find that Ms. Trujillo does a great job to inform the Board of what is not in place and what is in place and it helps the interviews to be much better and kinder because the Board knows where he is at. He stated now the interview is over and Dr. Fifield shows the Board several things that had they been in the file the Board would not have had to ask many of the questions. He stated the Board has given the same advice to all probationers today to send in the information early as it is difficult to conduct the interviews when there are so many things left undone. He asked why else should the Board not believe there should be an Order to Show Cause because as the Board reviews Dr. Fifield's minutes, almost every time he has come in and left and not been in compliance.

Dr. Fifield responded he understands and will try to do better.

Ms. Policelli commented if Dr. Fifield had been sending in at least \$5.00 a month on his fine it would have brought the total amount down and would have shown he was trying.

Dr. Ence commented the fine issue was also discussed in December.

Ms. Taxin stated it seems the entire work issue and probation has been pretty frustrating for Dr. Fifield. She asked if he wants to surrender his license.

Dr. Fifield responded no, he did not want to surrender his Utah license. He stated he went through the surrender process in California.

Dr. Larsen stated the Board has completed the time they have for Dr. Fifield's interview but appreciate

him coming in. He stated the Board is pulling for him to get into compliance but they cannot make up things that are not there.

The Board determined Dr. Fifield is out of compliance.

An appointment was made for Dr. Fifield to meet again February 26, 2009.

Dr. Fifield left the meeting.

Dr. Morgan made an amended motion for Ms. Taxin to consider the Law regarding expediting the Order to Show Cause as rapidly and judiciously as possible by suspending or revoking Dr. Fifield's license based on him possibly being mentally incapacitated.

Dr. Ence seconded the motion.

Ms. Bateman voiced concern that Dr. Fifield talks in circles so much she is not sure he knows the truth and would be mentally incapacitated.

The Board vote was unanimous.

Ms. Taxin thanked the Board and stated she will move forward on the OSC.

An unofficial transcription is available for Dr. Fifield's interview that provides more detail to the interview.

3:20 pm

Dr. Rodney J. Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Ms. Policelli conducted the interview.

Ms. Policelli asked Dr. Slater if he had any information to submit.

Dr. Slater responded he would submit the supervision documentation in the form of a letter. He then read the letter from Dr. Kent Turner which verified Dr. Turner has read Dr. Slater's Stipulation and Order, his

agreement to supervise Dr. Slater and he stated he would not allow Dr. Slater to use his DEA number if he did not trust him as Dr. Slater is a very responsible person.

Ms. Policelli commented the CS database has one prescription documented under Dr. Slater's name. She asked him to explain.

Dr. Slater responded the information is from an older Pharmacy database program. He stated months ago several names came up with his DEA number. He stated he believes the Pharmacists were not looking at the treating Doctor's DEA on the prescription. Dr. Slater stated he has since gone to the Pharmacies to clear up the issue and requested them to remove his DEA from their database programs. Dr. Slater reviewed the name, date filled and medication type and commented he is surprised the Pharmacy filled the prescription without his DEA number. He further explained a new program was installed a few days ago and he does not know what the program will show but it seems to be working properly. Dr. Slater stated he and the Board discussed contacting the DEA regarding reissuing his number and he has the DEA phone number. He stated he has discovered the reason his DEA number was revoked was because he voluntarily surrendered his Arizona license. Dr. Slater stated the DEA has informed him if Utah would reinstate his CS license then they would check with Arizona regarding them reinstating that license and possibly restore his DEA number.

Ms. Jolley asked how long Dr. Slater has been drug free.

Dr. Slater responded he has been drug free for just over two years and free from opiates for seven years. Dr. Slater explained that when he quit using the opiates he started using nitrous oxide as his drug of choice.

Ms. Policelli asked if he was sure he wanted the CS back.

Dr. Slater responded he does want the CS license as

there are some patients it would benefit in treatment.

Ms. Policelli asked if the Board could recommend Dr. Slater obtain the DEA prior to issuing the Utah CS license.

Ms. Taxin explained the Utah CS license must be issued before DEA will allow him to reapply.

Dr. Ence commented he would not be comfortable with talking about reinstating the CS license at this time due to Dr. Slater's many issues. He stated Dr. Slater has been open with the Board but based on Dr. Slater's history he is not sure Dr. Slater should ever have a CS or DEA in his possession.

Ms. Taxin asked Dr. Slater to address his thoughts regarding the CS license.

Dr. Slater responded he is fine with not having the CS or DEA at this point. He stated by having the CS and DEA a recovering practitioner always has to be on their toes as they are always only one day away from relapsing. He stated he is trying to pick up the pieces of his life at work and at home. He stated his daughters are now starting not to worry when he is not at home. Dr. Slater stated once he is off probation he may want to reapply for the CS license.

Ms. Taxin suggested Dr. Slater contact the DEA and explain he does not want the CS license and ask if there is way to have the DEA for legend drugs only.

The Board commented Dr. Slater must have the CS and DEA for controlled substance prescriptions.

Dr. Ence recommended Dr. Slater continue working as he has been without a Utah CS license. He stated all it takes is one patient to make an offer to Dr. Slater and many other things that can also put him back in harms way. Dr. Ence stated he does not believe Dr. Slater should temp fate as he could go the rest of his career without the CS license.

Ms. Policelli asked Dr. Slater to explain the few phone calls he has missed for drug testing.

Dr. Slater reviewed the dates and responded that he was aware he had missed calling some days but had also called late those nights sometimes. He stated he has no explanation for the specific dates.

Ms. Policelli stated Dr. Slater has only 14 months left of his probation. She recommended he be more diligent in calling daily as required to keep his slate clean for compliance.

Based on the information submitted today, the Board determined Dr. Slater is now in compliance with his Stipulation and Order.

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

Ms. Policelli commented as Dr. Slater nears the end of his probation he should review his Stipulation and order and check off the requirements to be sure everything is completed. She stated if he has any questions he should bring them to the Board early in order for the Board to discuss them and to give any guidance necessary.

3:40 pm

Tabitha G. Neal, Probationary Interview

Ms. Neal met for her probationary interview.

Dr. Morgan conducted interview.

Dr. Morgan asked if Ms. Neal is still employed at Foothill Dental.

Ms. Neal responded she is still with Foothill Dental.

Dr. Morgan stated the Board appreciates Ms. Neal making sure all her reports are submitted and current. He then asked if she has located an ethics course for the Board to review for pre-approval.

Ms. Neal responded Ms. Taxin gave her an approved website that has six different courses and she plans to take all six.

Ms. Taxin requested Ms. Neal to print and submit the course descriptions in order to have the documentation in her file. She stated when the courses are completed Ms. Neal should receive documentation of completion and will need to make a copy to submit for her file.

Ms. Neal agreed to submit the requested information. She stated she was working 3 days a week and is now working 4 days a week.

Ms. Taxin stated the supervisor report was received and was very positive.

Dr. Morgan congratulated Ms. Neal and encouraged her to continue being on track.

The Board determined Ms. Neal is in compliance with her Stipulation and Order.

An appointment was made for Ms. Neal to meet again March 19, 2009.

4:00 pm

Dr. Rochelle Rasmussen, Probationary
Interview

Dr. Rasmussen and her husband met for her probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman requested Dr. Rasmussen to update the Board regarding how her practice is going.

Dr. Rasmussen responded she is trying to keep the practice going with the slow economy. She stated it is tough but a lot of people are suffering right now.

Ms. Bateman informed Dr. Rasmussen that the report from Dr. Kelly was received. She stated it was a positive report. Ms. Bateman stated the reports will now be due quarterly and she gave Dr. Rasmussen a new report form. She stated the reports will be due April 1 and July 1, 2009.

The Board determined Dr. Rasmussen is in compliance with her Stipulation and Order.

Ms. Bateman made a motion to amend the Stipulation and Order for Dr. Rasmussen to meet twice a year in July and January based on the positive reports and her continued compliance.

Dr. Morgan seconded the motion.

The Board vote was unanimous.

An appointment was made for Dr. Rasmussen to meet again July 16, 2009.

Ms. Taxin requested Dr. Rasmussen to talk with her supervisor and request him to write information addressing the reasons she is on probation and that she is now using the database properly.

Dr. Rasmussen and her husband left the meeting.

Ms. Taxin commented Dr. Rasmussen will be on probation until August 9, 2010. She reminded the board they do not have to hold a probationer until the final date of their probation just because it is ordered in the Stipulation and Order if they have determined the probationer has resolved the concerning matter.

Ms. Bateman commented she personally does not mind early termination of probation if the requirements have been met except the timeframe but she does not believe probationers should be terminated too early. She stated Dr. Rasmussen has acknowledged to the Board what she did wrong and stated she will not do it again.

Ms. Policelli suggested Ms. Bateman address early termination at the next appointment and ask if Dr. Rasmussen would like to submit a request for early termination of her probation.

Dr. Ence recommended the Board review the requirements of Dr. Rasmussen's Stipulation and Order at her next appointment to be sure she has completed everything.

4:30 pm

Dr. Steven Steed, Utah Health Department

Dr. Steed met with the Board to discuss the programs offered by the Utah Health Department.

Division staff and Board members were introduced.

Dr. Steed stated he would like to come to the Board meetings to listen and to update the Board regarding the Dental and Dental Hygiene issues and challenges facing the Department of Health. He stated there are currently programs for underserved populations in Salt Lake, Davis and Tooele Counties with plans for Weber and Utah Counties within the next year and expansion of the programs through the State of Utah within the next few years. Dr. Steed stated Dental Hygienists are doing sealants and identifying the dental needs of the school children. He stated the project is moving toward long term care centers, nursing homes and intermediate care facilities for the mentally challenged. Dr. Steed stated with the increase of serving there will also need to be an increase in the number of Dentists and Dental Hygienists. He stated Utah is on the leading edge nationally and can do some good things for the residents.

Ms. Taxin asked if children must be referred through the school to receive services.

Dr. Steed responded the Title I schools are currently the only schools being serviced and those children are referred through the school system.

The Board thanked Dr. Steed for the information and update.

APPLICATIONS:

George P. Marse, Jr., Examination Comparison Review

Dr. Ence reviewed Dr. Marse's examination comparison and determined that he has documented equivalency to the WREB examination. He recommended licensure.

Dr. Morgan seconded the motion.

The Board vote was unanimous.

DISCUSSION ITEMS:

Board Meeting Scheduling

Ms. Taxin explained the Board meetings must be completed by 5:30 pm as everyone is to be out of the building by 6:00 pm. She stated the Board meetings have been cutting it close to 6:00 pm or continuing after 6:00 pm.

Ms. Taxin suggested the following options:

1. She stated if the hour starts to get late business will need to be cut off and any unfinished business deferred to the next meeting.
2. Ms. Taxin stated if agenda's appear to be lengthy then the Board may need additional time to complete the business.
3. She recommended the Board consider starting their meetings prior to 1:30 pm.
4. She stated she will also try to reschedule some appointments for the next month if necessary.

Board members declined changing the starting time for their meetings as it is a work day for them. They requested Ms. Taxin to carefully review the agendas to be sure they have time to complete the business that is necessary.

WREB Update

Ms. Policelli informed the Board that Dr. Morgan will represent Utah at the WREB Board of Directors meeting in January and she will attend the April meeting.

The Board thanked Ms. Policelli for the update.

CORRESPONDENCE:

Dr. Scott Houfek, President, ADEX, Response to Recent Communications from CRDTS

The Board reviewed the information.

No Board action was taken.

Dr. Ence Letter

Dr. Ence submitted a letter of resignation to Mr. Stanley and Ms. Taxin with copies for the Board. He explained he now has several commitments that are difficult to rearrange. Dr. Ence stated June 2010 is when his term will expire officially but will continue

to serve until a replacement has been appointed. He stated serving on the Board has been a good experience for him and he will miss the Board members and Division staff. He stated he will continue with the WREB commitment.

Board members and Division staff thanked Dr. Ence for his service and stated they will miss him as a Board member.

NEXT MEETING SCHEDULED FOR: February 26, 2009

ADJOURN: The time is 5:25 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.

February 26, 2009
Date Approved

(ss) Brian L. Lundberg, DMD
Acting Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

February 5, 2009
Date Approved

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