

MINUTES

**UTAH
DENTIST &
DENTAL HYGIENIST
BOARD MEETING**

March 19, 2009

As Revised in the June 18, 2009 Board Meeting

Room 474 – 4th Floor – 1:30 A.M.

Heber Wells Building

Salt Lake City, UT 84111

CONVENED: 1:36 P.M.

ADJOURNED: 4:34 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Division Compliance Specialist:

Ronda Trujillo

Board Members Present:

Anna Policelli, RDH, Chairperson

Karen S. Bateman, RDH

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Greg T. Beyeler, DDS

Alexander B. Larsen, DDS

Board Members Absent:

James N. Ence, DDS

Pamela L. Jolley, Public Member

Stephen S. Morgan, DDS

Guests:

Monte Thompson, UDA

Alyse Scadlock, Student

Megan Dahl, Student

Steven Steed, UDOH

Becky Jackson

Claire Allred

DOPL Staff Present:

David Stanley, Division Director

Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the February 26, 2009 Board meeting were read.

Dr. Radmall made a motion to approve the minutes with minor revisions. Ms. Bateman seconded the motion. **The Board vote was unanimous.**

FYI

Ms. Taxin stated Ms. Policelli was missed at the February meeting. She stated the announcement was made at that time regarding Ms. Policelli receiving the David Low Award from WREB.

Ms. Policelli thanked Ms. Taxin and the Board for their comments.

BUSINESS FROM PREVIOUS MEETING

Clarification on University of Florida
Radiology Licensing Exemption

Ms. Taxin stated clarification was needed regarding the University of Florida reading radiology reports for Utah. She stated a person must be licensed in that State to read lab reports. Ms. Taxin stated under the exemption a person may read lab reports on a one-time basis and each patient would be a one-time review. She stated the attorneys have determined reading the lab reports is covered under the exemptions but the Utah Dentist must also read the X-Rays and inform the Utah patients of the results and recommendations.

The Board thanked Ms. Taxin for the clarification.

APPOINTMENTS:

1:40 am

Ronda Trujillo, Compliance Update

Ms. Trujillo reminded Board members to complete the form in the front of each probationary file and to be sure to indicate if the probationer is in or out of compliance and then sign their name at the bottom.

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

Ms. Trujillo reported **Dr. Perry M. Fifield** is currently in compliance with his paperwork. She stated he has also paid more on his fine. Ms. Trujillo asked the Board to get clarification regarding the Bountiful clinic and if Dr. Fifield is working with Dr. Chamberlain to request a letter from Dr. Chamberlain that confirms he has read and understands Dr. Fifield's

Stipulation and Order and is willing to assist Dr. Fifield to be successful in his probation.

Ms. Taxin stated once Dr. Fifield notifies the Board that he is working with Dr. Chamberlain the Board could have Dr. Chamberlain meet to review expectations. She stated it was questionable if Dr. Fifield has been working or not. Ms. Taxin stated the Order to Show Cause (OSC) is still in the process.

Dr. Larsen commented Dr. Fifield and the Board are spending a lot of time together and it appears Dr. Fifield's future in dentistry is not clear as he is unable to find employment to meet the requirements of his probation.

Ms. Taxin responded she believes Dr. Fifield is making as much progress as he can at this time without employment. She stated the Board could ask where he plans to be going in dental practice. Ms. Taxin reminded the Board that she offered to have Dr. Fifield surrender his license and he declined. She stated his declining to surrender was the reason that she proceeded with the OSC.

Ms. Trujillo reported **Dr. John W. Myers** is currently in compliance with his Stipulation and Order. She asked the Board to get clarification regarding all the Dentists he is currently working with as it appears he is no longer with Dr. Stark and is with Dr. Day and Dr. Kiser. She asked if resumes and letters from each are required.

Ms. Taxin responded that letters confirming they have read the Stipulation and Order and resumes are required.

Ms. Policelli stated Dr. Myers should also clarify the relationship with Dr. Tanner's practice.

Ms. Trujillo reported **Tabitha G. Neal** is currently in compliance with her Stipulation and Order. She asked the Board if they would consider changing her

monthly reports to quarterly as Ms. Neal has been consistent in submitting the monthly reports.

Ms. Taxin reported Ms. Neal's legal issues were expunged after she signed the Utah Stipulation and Order. She stated Ms. Neal has completed all her requirements except her time. She suggested the Board also consider having Ms. Neal meet less frequently.

Ms. Trujillo reported **Dr. Rodney J. Slater** is currently out of compliance with his Stipulation and Order as he has missed calling in for the drug testing 3 times in January, 4 times in February and once in March. Ms. Trujillo stated Dr. Slater's information and supervisor's report are due April 1, 2009, She stated all Dr. Slater's tests have been negative and he has not written any new prescriptions. She stated he has submitted the triplicate copies for the name on the database.

Ms. Trujillo reported **Dr. Troy W. Yates** is currently in compliance with his Stipulation and Order if he brings the 3 files the Board requested at his last appointment. She stated Dr. Yates called regarding the positive test and said they bought poppy seed muffins and he drank a drink named Purple Drink. Ms. Trujillo stated the Board would have to decide if they accept his explanation.

Ms. Taxin stated Dr. Yates was very stressed out over the positive test and swears he did not take anything to cause the positive test. She stated the testing center said a poppy seed muffin would have caused the positive test as his ng level was very low.

Ms. Trujillo stated the database has a CS again under his name. She stated Dr. Yates will address it today. She asked the Board to remind Dr. Yates to have all his documentation submitted by the 1st of the month.

Ms. Taxin reminded the Board that a CS listed under a provider can happen if the pharmacy picks up the wrong name.

Mr. Barnes stated the compliance unit has a zero tolerance for any positive drug tests.

Ms. Taxin stated Mr. Barnes is correct and Dr. Yates should be reminded to be sure he does not eat or drink anything that could show a positive on his drug tests. She stated some people drink a lot of water if they are exercising and then have diluted tests. She stated she tells them not to drink so much water if they know they will be testing.

Ms. Trujillo reported **Dr. John A. Israelsen** is currently out of compliance with his Stipulation and Order as he has missed 3 drug tests due to being out of town. She asked if the testing is random or if Dr. Israelsen tells the Division when he will test based on the inconvenience of testing when he is out of town. Ms. Trujillo reminded the Board that today is to be Dr. Israelsen's last appointment as his probation time is ending. Ms. Trujillo reported he has been reinstated by the DEA.

1:50 pm

Dr. Perry M. Fifield, Probationary Interview

Dr. Fifield met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Larsen acknowledged Dr. Fifield has made another payment on his fine. He then requested Dr. Fifield to update the Board regarding going into a clinic with Dr. Chamberlain as he indicated in February. He also asked Dr. Fifield to address any work he has done with Donated Dental.

Dr. Fifield responded Dr. Chamberlain is helping him look for employment as a Dentist and is still looking for a location to open a clinic but he is not working for Dr. Chamberlain. He stated he has continued to send out resumes and to apply at many clinics with no success. He stated he has done nothing with Donated Dental.

Dr. Larsen stated he has thought a lot about Dr. Fifield's situation and believes he is putting in a lot

of time and effort with no success. He stated Dr. Fifield cannot move forward until he obtains employment. He asked Dr. Fifield what his plans are regarding practice and retaining his license.

Dr. Fifield responded he wants to keep his license and practice Dentistry. He apologized for not having paid the fine a long time ago and stated he plans to continue to pay on the fine until it is paid in full. He explained that he has a 13 year old son at home and plans to work until his son graduates. He then read from the letter the insurance companies sent to him. He stated he has not had any insurance claims for over 10 years of practice. He stated he is not licensed in any other States.

Dr. Larsen stated Dr. Fifield is required to be working to count the probation time. He stated it is not productive for Dr. Fifield to continue meeting with the Board and not have the time count. He stated when Dr. Fifield finds employment he will need to have the employer submit a letter to confirm they have read and understand the Stipulation and Order and is willing to supervise and assist Dr. Fifield in being successful in his probation. He reminded Dr. Fifield that a resume will also need to be submitted.

Ms. Taxin asked Dr. Fifield to contact Ms. Trujillo when he finds employment and then she will get him scheduled to meet again with the Board. She stated he will still be required to submit the report that documents he is not working until he becomes employed.

Ms. Policelli notified Dr. Fifield that his probation time stops today and will resume upon becoming employed.

The Board determined Dr. Fifield is currently in compliance with his Stipulation and Order as much as he can be without being employed.

2:10 pm
Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Myers stated his business is going as well as can be expected in this economy. He stated he is still practicing and is able to continue to provide for his family. Dr. Myers stated he and Dr. Kiser purchased Dr. Tanner's office and have moved the practice to Dr. Kiser's office. He stated Dr. Boyer and Dr. Rasmussen are partners.

Dr. Radmall reminded Dr. Myers to submit all his paperwork by the first of the month. He then asked Dr. Myers how long he has been sober.

Dr. Myers responded he has been sober since November 2, 2004.

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

An appointment was made for Dr. Myers to meet again June 18, 2009.

2:25 pm

Tabitha G. Neal, Probationary Interview

Ms. Neal met for her probationary interview.

Dr. Beyeler conducted the interview.

Ms. Neal reported she is now working more hours. She stated she brought a letter from her supervisor requesting early termination from her probation.

Dr. Beyeler stated Ms. Neal has done well and consistently been in compliance. He stated she has also completed the CE requirement.

Ms. Taxin stated it is appropriate for Ms. Neal to request early termination of her probation.

Dr. Lundberg requested Ms. Neal to explain why she believes the Board should consider her request.

Ms. Neal explained she made a bad mistake by completing her application and then not going back to review the application prior to mailing it to Utah. She stated she should have changed the no answer to a yes

answer and submitted an explanation. Ms. Neal explained her New Mexico issues were settled immediately with the charges being dropped. She stated the probation has not really caused her any serious problems but she would like it completed.

Ms. Taxin read the letter from Dr. Matthew Stohl.

Dr. Lundberg stated Ms. Neal has been exemplary in completing the probation requirements except the time frame. He stated he believes she should complete at least a year of her two year probation before the Board considers her request for early termination. He stated July 2009 would be the end of one year.

Ms. Bateman suggested Ms. Neal meet in June 2009 and, if everything is in order, then consider her request for early termination for July 2009.

Ms. Taxin explained Ms. Neal should write a formal request for early termination and include what she has learned from the process. She recommended Ms. Neal ask any additional Dentists who work at the clinic to also write letters of support for early termination.

The Board requested the reports continue to be submitted monthly and are due the 1st of each month.

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

An appointment was made for Ms. Neal to meet again June 18, 2009.

2:35 pm

Dr. Rodney J. Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Ms. Policelli conducted the interview.

Dr. Slater updated the Board that he is still with Dr. Turner at Emergency Dental Care. He stated his therapist also sees several Physicians and has said he does not fill out reports monthly for them but does fill

them out quarterly. He asked if the Board would consider changing his therapy report requirement from monthly to quarterly.

Following discussion, Dr. Beyeler made a motion for the therapy reports to be changed from being submitted monthly to being submitted quarterly.

Dr. Larsen seconded the motion.

Following additional discussion, Dr. Beyeler amended the motion to require all reports, AA and PIR attendance cards to be submitted quarterly.

Dr. Larsen seconded the amendment.

The Board vote was unanimous.

Ms. Policelli mentioned Dr. Slater has missed calling several times in January, February and March for his drug testing.

Dr. Slater reviewed the list of missed calls and stated he does not believe he missed calling that many dates. He suggested it might be some type of error with the cell phone he has been using.

Ms. Trujillo stated she would provide the list of days called and missed for Dr. Slater to review and compare to his cell phone list of calls made.

Ms. Policelli informed Dr. Slater to have all reports, AA and PIR documentation submitted by the 1st of the month prior to when they are due to be in compliance with his Stipulation and Order. She stated the therapist report is due by April 1, 2009.

Ms. Trujillo stated all documentation is due April 1 2009 and again July 1, 2009.

Ms. Policelli requested Dr. Slater to update the Board regarding his employment.

Dr. Slater responded the stresses in his life have been cleared up, his work is difficult but going well. He

stated he is working 3 ½ days now. Dr. Slater stated he spoke with a pediatric Dentist who has asked him to ask the Board if he can work with him in pediatric dentistry for ½ to ¾ day on Fridays. He stated he has worked in that field before and enjoyed it. He stated the Dentist is aware he is on probation. He stated Wednesdays are slow right now and his work is almost all urgent care. He stated they try to patch up what they can and send the patients to their regular Dentist for follow-up care. Dr. Slater stated the extra work would be helpful.

Ms. Policelli responded Dr. Slater may work with this Dentist as there is no restriction regarding where he works. She stated the Dentist would need to submit a resume and a letter acknowledging having read and understands the Stipulation and Order and willingness to support Dr. Slater in being successful in his probation.

Ms. Taxin stated if Dr. Slater could get the information to Ms. Trujillo then Ms. Taxin would review it for approval. She reminded Dr. Slater that the Dentist will be required to submit quarterly reports.

Ms. Policelli stated Dr. Slater has one year left of his probation. She asked if he has cleared up the issues with his license in Arizona.

Dr. Slater responded that is another reason he would like to pick up another day of work as he may want to open his own practice after probation. Dr. Slater stated he has not yet resolved the Arizona issues with his license but plans to work on it. He stated he believes the therapy at the treatment center will help with Arizona.

Dr. Radmall asked if the restriction in the use of nitrous oxide has hampered Dr. Slater.

Dr. Slater responded it has not restricted his practice as there are other Dentists who can prescribe it and use it if needed but deep sedation is not used where he is working. He stated he stays with using light sedation only. He stated he would like to request a Dentist II

license so he would have nitrous oxide privileges. Dr. Slater stated his understanding of the use of nitrous oxide is better than it was prior to disciplinary action.

Ms. Taxin suggested Dr. Slater bring up the request for a Dentist II license at his next appointment for the Board to discuss. She suggested he write a plan regarding how he would use nitrous oxide, when he would use it and safeguards he will have in place for himself and office personnel.

Dr. Beyeler stated it would be helpful for Dr. Slater to explain where the nitrous oxide is kept and what type of access is available and to whom it is available.

The Board requested Ms. Trujillo to provide the phone calling dates list to Dr. Slater to compare with his cell phone use list to document he did or did not call on the specific dates she has documented as not calling.

The Board determined Dr. Slater is currently out of compliance with his Stipulation and Order based on the dates he has missed calling for drug tests and the positive drug test.

An appointment was made for Dr. Slater to meet again June 18, 2009.

2:50 pm

Dr. Troy W. Yates, Probationary Interview

Dr. Yates met for his probationary interview.

Dr. Lundberg conducted the interview.

Dr. Lundberg informed Dr. Yates that his positive drug test puts him out of compliance with his Stipulation and Order. He stated the Board reviewed his letter of explanation and the testing agency has confirmed it was a very small amount which could be from a poppy seed muffin but a positive test puts Dr. Yates out of compliance.

Dr. Yates responded he assumes the testing lab is top notch but he has no idea how that type of mistake

could be made and he does not remember eating or drinking anything that should have caused a positive test. He stated he has not been notified prior to this of a positive test so he assumes all other test have been negative.

Ms. Taxin stated the Purple Stuff drink Dr. Yates submitted does not appear to have anything in it that would show positive on a test. She stated he needs to be aware of what he is eating and drinking so he does not have another positive.

Dr. Lundberg stated Dr. Yates has less than one year to complete his probation. He cautioned Dr. Yates to be aware and careful regarding his food and the liquids he drinks. He stated Dr. Yates cleared up the 3 prescriptions in question from the DOPL CS Database and now there is another one this month. He asked Dr. Yates to explain.

Dr. Yates responded that a couple of the names are patients of his father and a couple are his patients. He explained they have now obtained separate prescription pads, talked with their staff regarding being very clear when they call in a prescription and he has contacted the pharmacies to inform them of the error and requested them to be more careful so a mistake is not made again. He stated he believes they see the name Yates and just put the prescription under the name without checking to be sure it is the right name. Dr. Yates stated he brought the requested 3 files for the Board to review the charts.

Board members reviewed the charts in the 3 files and determined the charts are in order. The files were returned to Dr. Yates.

Dr. Lundberg reminded Dr. Yates to submit his documentation by the first of the month to be in compliance. He then asked how Dr. Yates is controlling his own pain management.

Dr. Yates responded that he is still on tramadol when he needs it for his back as he does not want surgery at this time. He stated Ms. Taxin recommended he pull his cell phone records to track down the one date that

shows he did not call in for drug testing.

Dr. Lundberg reviewed the phone list and noted there were no missed calls listed.

The Board determined Dr. Yates is in compliance with his Stipulation and Order and the Board accepted his explanation for the positive drug test.

An appointment was made for Dr. Yates to meet again June 18, 2009.

3:10 pm

Dr. John A. Israelsen, Probationary Interview

Dr. Israelsen met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman stated Dr. Israelsen and the Board discussed his application for reinstatement of his DEA. She stated the Division received information that he did receive his DEA. She stated the CS database report has one prescription written prior to Dr. Israelsen receiving his new DEA number. She stated it was a very small dose of 8 tablets.

Dr. Israelsen responded he received the DEA license 2 days after the last Board meeting. He stated he has not yet written any prescriptions as he does not do any oral surgery and most of his needs are for pre-dental anxiety. He stated the number was changed.

Ms. Bateman stated the only issue the Board has with Dr. Israelsen is his lack of calling in everyday for the drug testing.

Dr. Israelsen stated he tested yesterday. He then explained each time he is going out of town he has called the Division and faxed a notification. He stated there has never been a problem until December 2008 when he was notified by Kent Barnes that he has been out of town a lot and cannot be excused. He stated he has not missed a test at any time and when he went to Reno he did go to the hospital to be sure they had the testing package in case he needed to test. Dr. Israelsen explained he and his brother purchased a cattle ranch in Montpelier and he notified the Board at the last

meeting he would be out at the ranch for 2 weeks and then would be going to Reno, Nevada. He stated the requirement is for drug testing if you are within 100 miles of a testing center. Dr. Israelsen stated the nearest testing center was over 100 miles away. He stated if he had had more time he could have made arrangements not be out of town on weekends. He reminded the Board that he has been honest with them for the 5 years of his probation and notified them each time he was leaving town and has never had one positive drug test.

Ms. Bateman responded Dr. Israelsen's 5 year probation is scheduled to end today and the Board wanted him to complete his probation in compliance with a good track record. She stated maybe the results of yesterdays test will be negative and the Board can accept the test.

Dr. Israelsen thanked the Board for helping him through his probation. He stated he received a note regarding non-compliance and was afraid today the Board might tell him he would have to continue his probation for another 5 years. He stated Blue Cross and Blue Shield dropped him from their insurance panels due to the probation. Dr. Israelsen requested a letter be sent from the Board to Blue Cross and Blue Shield to notify them of the termination of his probation.

Ms. Taxin explained the process for termination of probation and stated Dr. Israelsen will be required to continue calling each day until the paperwork has been completed and he receives the new license. She stated if Dr. Israelsen will send her names and addresses for Blue Cross and Blue Shield she will write and send a letter.

Dr. Israelsen thanked Ms. Taxin and stated he will submit the information as soon as possible. He stated the probation has made him evaluate is life and to think about where his values are and what his character is. He stated he hurt his family, ex-wife and many others who trusted him but the Board, his family and his patients have been very supportive. Dr. Israelsen stated he believes the Board serves a good

purpose in providing an opportunity for people who get into trouble to continue to retain their license and get their lives and practices in order. He stated he is happier now and believes he is very lucky to be able to continue to do what he likes to do, which is practice dentistry. He thanked the Board for all their support through the process.

EDUCATION REVIEW:

Brynn Eastman, Applied Technology College,
Dental Assistant Radiology Education Review

Ms. Bateman and Dr. Beyeler were requested to review the education program to be sure it meets the requirements of the Rules, R156-69-603 and 604.

Ms. Bateman and Dr. Beyeler recommended approval of the program as it meets the requirements outlined in the Rules.

Dr. Brett Jacobson, Park West Dental Care,
Dental Assistant Radiology Education Review

Ms. Bateman and Dr. Beyeler were requested to review the education program to be sure it meets the requirements of the Rules, R156-69-603 and 604.

Ms. Bateman and Dr. Beyeler recommended approval of the program as it meets the requirements outlined in the Rules.

DISCUSSION ITEMS:

ADA News regarding Whitening

Ms. Taxin reviewed an article out of the ADA News, March 2, 2009, which is titled "Whitening issue heats up in other States; ADA urges constituents to act". She recommended Utah wait and see what other States are going to do. She stated the Law would have to be changed to clarify whitening of the teeth as the practice of Dentistry.

Dr. Radmall asked if taking impressions could be included in the practice of Dentistry if the Law is opened.

Ms. Taxin responded that it could be included. She stated one State is currently being sued as whitening is a violation of FTC. Ms. Taxin stated she would like to wait until the case is resolved. Ms. Taxin stated she has language to change the Law that would clarify the issue.

Dr. Beyeler asked if whitening teeth affects the over the counter dental strips.

Ms. Taxin responded she believes counter dental strips are in a different category.

Dr. Larsen asked why it is ok to do teeth whitening and not to work on the teeth.

Ms. Taxin again responded over the counter products are in a different category.

The Board thanked Ms. Taxin for the information.

WREB Update

Board members reported they have been assisting with the WREB examinations.

CORRESPONDENCE:

NERB/CRDTS/ADEX Information

Ms. Taxin reminded the Board that she mentioned receiving this information and Dr. Ence had said she should disregard the information as Utah is only interested in the WREB examination. Ms. Taxin stated she has since received a call from a person in Nevada who has taken the ADEX examination and wants to know if Utah will accept the examination. She stated this person explained to her staff that the ADEX examination is the NERB examination.

Ms. Taxin stated her staff contacted Dr. Ence regarding the ADEX and NERB examinations and he recommended she contact NERB for clarification. Ms. Taxin stated her staff contacted ADA, AADE, CRDTS, ADLEX, ADEX and NERB who have clarified the examination has to be administered by CRDTS to be accepted or it is a Nevada State examination. She stated her staff then contacted Nevada State who clarified it is called ADLEX and they believe it is a great examination for Dentists only as it is not offered to Dental Hygienists. Ms. Taxin stated there have been a few more phone calls regarding the issue since the one call. She stated she discovered 7 people in Nevada took the examination in 2008 and 52 people have taken it in Nevada this year. Ms. Taxin stated the Utah Rules do not mention

ADLEX or ADEX specifically but Nevada is saying it is equivalent to the NERB which is listed. She stated anyone reviewing the Utah Rules would not know they are equivalent examinations.

Ms. Policelli stated the ADEX and ADLEX are examinations but not regional examination. She stated the Board has discussed accepting regional examinations and NERB is a regional examination but NERB administers the examination. Ms. Policelli stated Utah should accept the examination if the report is on regional letterhead as that would indicate a regional examination. She stated the examination should not be accepted if it is on Nevada State or ADEX letterhead as that would indicate it is a Nevada State specific examination.

Ms. Taxin responded no scores have yet been received so she does not know how they will be reported.

Dr. Radmall stated ADEX is not equivalent to NERB. He stated Utah would be moving backwards if we accept the examination as the Rules outline the accepted examinations.

Dr. Lundberg asked if NERB administers their own examination or if they only administer ADEX.

Ms. Policelli responded NERB administers ADEX.

Following additional discussion, the Board recommended Ms. Taxin contact WREB for clarification as Utah does not want to accept an examination that is less viable than WREB.

Ms. Taxin stated maybe she should contact ADEX, ADLEX and NERB and request the contents of the examinations content for the Board to review to determine if the examinations are equivalent to the WREB. She stated if they are equivalent then Utah would have to accept them in lieu of the WREB. She stated if the Board determines they are not equivalent then people with the examination could not be licensed in Utah.

Mr. Thompson recommended Ms. Taxin contact

WREB first for information.

DANB Information

Ms. Taxin asked if the Board wants to review the DANB information when it is received as Utah does not license Dental Assistants.

The Board responded they do not need to review DANB information.

Ms. Bateman Question for Clarification

Ms. Bateman asked what the probationary list means when it says "Expired on Probation".

Ms. Trujillo explained the licensee signed the Stipulation and Order for probation but did not renew the license at expiration date.

Mr. Barnes stated the compliance unit includes the information now to alert the Board of any probationers failing to meet the requirements of their probation which includes renewing their license.

Ms. Taxin stated she will follow-up on those individuals. She reminded the Board of a few people getting lost in the system. She stated she has tried to connect with all those.

Ms. Bateman Question regarding a Probationer

Ms. Bateman stated Dr. Rasmussen met in February and following her appointment the Board had discussed consideration for early termination of her probation if she provided a request.

Ms. Taxin responded the Division will contact Dr. Rasmussen regarding the discussion and give her the option of submitting or bringing a request for early termination when she meets again.

Ms. Policelli Request

Ms. Policelli requested Dr. Tad Butterfield be requested to bring some of his charts to his next appointment for the Board to review.

Ms. Taxin explained it is better if the supervisor reviews charts so if there is an OSC and a hearing the Board will not have to be recused for having been involved in the probationary process. She

stated if the Board missed something and then called him on it he could ask why they did not call him on it when he brought in the files for them to review. She stated that is why there is a requirement for a supervisor. Ms. Taxin stated the roles need to be separate. She stated the supervisor should go to the office and pull specific files to review. Ms. Taxin stated usually the supervisor is requested to meet with the Board or they call her for guidance regarding what is expected of the supervisor.

Dr. Radmall commented he does not believe supervisors review charts. He stated many agree to supervise but never really supervise. He stated he does not believe a supervisor has ever been requested to meet with the Board.

Following additional discussion, the Board recommended each Board member submit 2 names of potential supervisors to have a list for probationers to choose from.

Ms. Taxin stated the probationer should not know the supervisor or have any type of relationship with the supervisor which sometimes makes it difficult to get anyone to agree to supervise. She stated with a list to choose from it then makes the role of the Board to monitor the probationer to be sure they are meeting the requirements of their Stipulation or MOU. She stated, in reviewing Dr. Butterfield's file, he is required to practice under an approved supervisor, they are to meet weekly with the supervisor reviewing 10% of his current files. She stated if he is self employed he is required to hire an approved supervisor. Ms. Taxin stated the Board could ask probationers if they know the proposed supervisor but the Board cannot tell them if there is open case on the proposed supervisor. She stated if she checks and finds the proposed supervisor has issues then she would not approve them to supervise a probationer. Ms. Taxin stated if she talks to the supervisor she always asks them to be specific in their reports so the Board has the information needed to determine if the probationer is practicing as required as supervision is to help

the probationer be a better practitioner.

Ms. Taxin stated the supervision time commitment would probably be about an hour a week and if it is determined the probationer is doing well then the Board could recommend a change to twice a month of supervision. She stated the supervisor's schedule should also be considered.

Dr. Radmall commented that each District Dental Society has a peer review group through the Dental Association. He stated there is a group of 5 Dentists in Weber County who meet with the practitioners to discuss any issues or problems they may have. He stated he would check with them regarding supervision and report back to the Board in April.

NEXT MEETING SCHEDULED FOR:

April 16, 2009

ADJOURN:

The time is 4:34 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.

May 21, 2009, Revised June 18, 2009
Date Approved

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

April 2, 2009
Date Approved

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