

MINUTES
UTAH
DENTIST & DENTAL HYGIENIST LICENSING BOARD

BOARD MEETING

September 17, 2009

Room 210 – 2nd Floor – 1:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 1:40 P.M.

ADJOURNED: 4:58 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Alexander B. Larsen, DDS

Warren Woolsey, DDS

Pamela L. Jolley, Public Member

Greg T. Beyeler, DDS

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Board Members Absent:

Karen S. Bateman, RDH

Constance A. Sliwinski, RDH

Vacant Position

Guests:

Mitchell Jones, Assistant Attorney General

Monte Thompson, UDA

Tandem Beckstrom

Kelsie Weeks

Charlotte Chaffee

Staci Eggett

Pam Ewing

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Chairperson

Dr. Lundberg volunteered to act as chairperson today until the Board votes for a new chairperson.

Swearing in of Warren Woolsey, DDS, as a
Board Member

Ms. Taxin conducted the swearing in of Dr. Woolsey.
Board members welcomed him to the Board.

Board Chairperson

Alexander B. Larsen volunteered to be the chairperson
after today's meeting. **Board members concurred
and thanked Dr. Larsen.**

MINUTES:

The minutes from the June 18, 2009 Board meeting
were read.

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

BUSINESS FROM PREVIOUS MEETING

FYI

As per the Board's request, Ms. Bateman was
requested and accepted to be the WREB Dental
Hygienist Representative. **The Board noted the
information.**

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
out of compliance with his Stipulation and Order as
Dr. Butterfield has not yet completed the required
Psychological evaluation, she mentioned he reports the
evaluation has been scheduled. She stated he also has
not submitted the requested list of patients and his plan
regarding restitution to the patients. Ms. Trujillo
stated Dr. Butterfield submitted documentation of
completing his CE and the Board will need to request
additional information regarding course information
he read or heard and what he learned. She stated Dr.
Butterfield is currently not employed as a Dentist.

Ms. Trujillo reported **Dr. Rochelle Rasmussen** is
currently out of compliance. She stated the reports are
due January 1, April 1, July 1 and October 1. Ms.
Trujillo stated the July 1 report has not yet been
received and the October 1 report is due in a couple of

weeks.

Dr. Larsen asked if the Board set a date for Dr. Rasmussen's termination of probation.

Ms. Trujillo responded the Board will need to discuss Dr. Rasmussen's request for early termination and decide if she should be released early or continue with her probation.

Ms. Taxin responded at the last meeting the Board did discuss the possibility of early termination, however, today Dr. Rasmussen is out of compliance. She recommended additional discussion with Dr. Rasmussen.

Ms. Trujillo reported **Dr. John S. Poulter** is currently out compliance with his Memorandum of Understanding (MOU) as he has not yet submitted his practice plan which was due in August, he has had a diluted drug test and the letter from his practitioner acknowledging reading the MOU has not been received. She reminded the Board that Stephanie is his employer and Sarah is his supervisor.

Ms. Taxin explained Dr. Poulter reported to her he has changed a medication from an injection to a pill and that might be the reason for the dilute as it was a very low amount of dilute. She reminded the Board that Dr. Poulter has been testing for 4 years and has never had a positive test. She stated Dr. Poulter provided an explanation and has had positive reports from his employer. Ms. Taxin stated she talked with Donated Dental and they are happy with Dr. Poulter's services. She asked the Board to clarify if Dr. Poulter is to attend a 12 step program or PIR. Ms. Taxin stated Dr. Poulter's evaluation said he should attend at least two 12 step meetings a month and at least two PIR meetings a month. She stated Dr. Poulter should indicate on the report form which meetings he attends.

Ms. Trujillo reported **Dr. Rodney J. Slater** is currently in compliance with his Stipulation and

Order.

Ms. Taxin stated the Board needs to be sure Dr. Slater and his supervisors understand his role and limitations. She stated Dr. Slater cannot write prescriptions under another person's name and cannot write any controlled substance (CS) prescriptions as he does not have a Utah CS license.

Ms. Trujillo reported **Dr. Troy W. Yates** is currently out of compliance with his Stipulation and Order. She stated he has not submitted any PIR attendance documentation since June 4, 2009, the new report form was due September 1 and he tested positive on a new prescription. She stated the Board should discuss how to get Dr. Yates into compliance so he can be terminated from probation in January 2010.

Ms. Taxin stated Dr. Yates has been taking a medication that is not a CS but was written by his father. She explained Dr. Yates reported he fell and injured his jaw and since his father is his Dentist he treated him and wrote him a prescription. She stated Dr. Yates will not be present today but the Board will review his file and discuss and issues.

2:00 pm

Dr. Tad Butterfield, Probationary Interview

Dr. Butterfield met for his probationary interview.

Dr. Beyeler conducted the interview.

Dr. Butterfield stated he had his psychological evaluation scheduled for September 8, 2009 and then rescheduled it for October 6, 2009. He stated the employment opportunity in which he was interested did not work out as there were some legal agreements he was not comfortable signing. He stated the experience let him know that he should do more homework. Dr. Butterfield stated he is not yet working.

Dr. Beyeler reminded Dr. Butterfield that at his last appointment the Board requested him to provide a list of patients with services outstanding

and a written plan regarding how he will resolve the issues with those patients.

Dr. Butterfield responded he will complete the assignment and submit it by Monday.

Ms. Taxin asked if Dr. Butterfield has contacted some of the patients.

Dr. Butterfield responded he has contacted all the patients and found not all the work has been completed. He then stated he appreciated the gentleman who gave him the CE information at the last meeting. Dr. Butterfield stated he completed the required CE on-line through the program and completed case studies. Dr. Butterfield stated the courses required about 20 minutes prep time, reading and going through each dilemma with a testing portion that took about 20 minutes. He stated the courses were applicable and beneficial to his practice.

Ms. Taxin asked if Dr. Butterfield would recommend the courses to others.

Dr. Butterfield responded he would recommend the courses for probationers.

Dr. Beyeler stated there were 6 courses completed and Dr. Butterfield received 100% on the examinations. He clarified that Dr. Butterfield will be keeping his appointment on October 6, 2009, for his psychological evaluation and requested Dr. Butterfield to be sure a copy is submitted to the Division upon completion of the evaluation. He stated the Board is here to help Dr. Butterfield be successful and the Board wants him in compliance with his Stipulation and Order.

Dr. Beyeler read the CE requirements in Dr. Butterfield's Stipulation and Order regarding completing 6 additional hours of CE within 8 months of signing the Order.

Ms. Taxin asked if Dr. Butterfield learned anything different that he would use in his own practice.

Dr. Butterfield responded he did not learn anything different that he would use as the courses were all case studies.

Ms. Taxin asked what Dr. Butterfield would do differently in his own practice so he does not have patients with unfinished business after taking the courses of case studies.

Dr. Butterfield responded he would now complete each case in a timely fashion.

Ms. Taxin asked if he would not take some cases due to time constraints or skills so the patients do not feel dissatisfied and if he would refer patients to someone else.

Dr. Butterfield responded Ms. Taxin is correct.

Dr. Larsen asked Dr. Butterfield if, after completing the case studies, he had any epiphany regarding what he may have done differently.

Dr. Butterfield responded he did not have any epiphany with these cases. He stated his situation happened months before he realized he had done anything wrong and needed to have things in his business taken care of.

Dr. Woolsey requested Dr. Butterfield to explain the conversations he had with the patients as so much time has passed and the mouth will not wait.

Dr. Butterfield responded some cases have had the work completed while others have not. He stated the objective is to get the patients work completed or compensate them for the unfinished work. He stated the majority of his patients will have money refunded with interest. He stated there may be a few cases he cannot complete but that is up in the air right now.

Ms. Taxin stated the Board will review the list and plan at the next scheduled Board meeting.

Dr. Lundberg commented the hope in taking the courses is not just to complete the requirement but

to learn something of value that will be helpful.

Dr. Butterfield stated he did say the courses were helpful. He stated he had come across similar situations in his practice. He again stated the courses were valuable.

Dr. Beyeler made a motion to accept the courses taken as meeting the required CE.

Dr. Woolsey seconded the motion.

The board vote was unanimous.

Ms. Taxin thanked Dr. Butterfield for his explanation. She stated it is important for him to complete the psychological evaluation and have the report sent as soon as possible in order to review any recommendations the evaluator may make. She stated it is also important for Dr. Butterfield to be working in order for the Board to see how he is incorporating what he has learned into his practice. She stated the Board is aware Dr. Butterfield is working on the requirements but his time on probation will not count until he is working as a Dentist. She stated if Dr. Butterfield is not working as a Dentist soon the Board will need to discuss if he should meet until he is working.

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

An appointment was made for Dr. Butterfield to meet December 17, 2009.

Dr. Butterfield left the meeting.

Dr. Radmall asked if the education courses should be on a list for probationers.

Dr. Beyeler stated he believes the courses meet Stipulation requirements.

Ms. Taxin stated free courses would be great for probationers but she questioned if they should be

approved if they take 15 to 20 minutes to complete. She asked if Dr. Radmall would take a few of the courses, evaluate them and report back to the Board at the next meeting.

Dr. Radmall agreed to take some of the courses.

Mr. Thompson stated he has recommended these courses to several individuals and has had positive feedback.

Ms. Taxin stated she has recommended the PACE program in San Diego, California, for a new probationer. She was questioned by the attorney of the probationer as to the applicability of the course since it was not marketed toward Dentists. Ms. Taxin stated the course program title states for the medical field but it is an excellent course where the practitioner is with other practitioners. She stated there is a teacher/supervisor with whom the practitioner may talk about issues specific to them. She explained the idea for requiring CE is for the practitioner to learn. Ms. Taxin stated the PACE course director informed her many different practitioners attend this course. She also mentioned the Dental profession has not promoted many CE courses that she is aware of and that is why some medical CE courses have been used to meet educational requirements.

Dr. Lundberg stated the Board has recommended in the past the PACE course to other Dentists to meet Stipulation and Order requirements and they have found it to be beneficial.

2:15 pm

Dr. Rochelle Rasmussen, Probationary
Interview

Dr. Rasmussen met for her probationary interview.

Dr. Alexander Larsen conducted the interview.

Dr. Larsen stated there are a couple of issues to address today. He stated the employer reports are due quarterly, January, April, July and October. He stated the one just received by fax will count for October but the April and July reports have not been received. Dr. Larsen voiced being

uncomfortable terminating Dr. Rasmussen from probation when she is out of compliance with her Stipulation and Order. He stated Dr. Rasmussen needs to be sure everything is submitted on time as she is nearing the end of her probation time.

Ms. Taxin stated Dr. Rasmussen needs to be sure the reports are submitted. She stated the Board was considering early termination the last time Dr. Rasmussen met as she was in compliance at that time. She suggested Dr. Rasmussen submit a report for November and one for December and meet again in December.

Dr. Larsen stated the Board received Dr. Rasmussen's letter regarding what she has learned. He asked if she would verbally tell the Board what she has learned.

Dr. Rasmussen stated she has learned if you are going through a divorce, breaking the Law does not help anything. She stated her practice is not as busy as it has been in the past but they are still working every day.

Ms. Taxin stated Dr. Rasmussen should be sure she is documenting properly, following the Laws and Rules and offering the best quality of services she can to all her patients. She asked Dr. Rasmussen to speak with her supervisor and have the reports address her professionalism, if there are any concerns as an associate, etc.

Dr. Lundberg stated the Board discussed early termination but under the circumstances of being out of compliance at this meeting early termination would not be an option now. He read through the Stipulation and Order and stated Dr. Rasmussen needs to review the requirements and be sure she is in compliance and has completed all requirements. He stated the Board could discuss termination of probation at the December meeting.

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

An appointment was made for Dr. Rasmussen to meet December 17, 2009.

2:30 pm

Dr. John S. Poulter, Probationary Interview

Dr. Poulter met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Poulter stated he has been working about 8 months now, loves the work and is enjoying practicing Dentistry again. He stated the employment is part-time and he is looking for another part-time position as he would like to work full-time. Dr. Poulter stated he has not been looking aggressively yet as he wants to be sure of his skills. He stated part of Donated Dental is now Discounted Dental which offers discount services and he is now being paid. Dr. Poulter stated at dental school he planned to do surgery and now he enjoys the variety of treating children and adults.

Dr. Larsen thanked Dr. Poulter for the glowing report on his life.

Dr. Lundberg asked if Dr. Poulter does more extractions as the services are donated.

Dr. Poulter responded there are a lot of extractions but he also does a lot of restorations, some crowns and bridge work. He explained it is a narcotic free clinic and patients are referred out if a narcotic is needed. He stated it is good for him as he does not have a Utah Controlled Substance license or a DEA registration at this time.

Dr. Larsen stated Dr. Poulter's practice plan was due in August and it is not in the file. He stated Dr. Poulter has had 3 negative drug tests and a diluted test. Dr. Larsen stated he believed Dr. Poulter talked with Ms. Taxin regarding the diluted test and requested him to explain to the Board.

Dr. Poulter responded he had forgotten about being required to submit a practice plan. He stated he would complete it and turn it in to Ms. Trujillo. He then explained he has been drug testing with DOPL for several years and has never had a dilute or positive

test. Dr. Poulter stated he has been trying to loose weight and has been drinking a lot of water which would dilute the drug test. He stated now if he is to test he does not drink a lot of water until after the test. Dr. Poulter stated all his tests are observed.

Dr. Larsen thanked Dr. Poulter for the explanation. He stated acknowledgement has been received from Sarah Naisbitt, supervisor, that she has read the MOU, but nothing has been received from his practitioner.

Dr. Poulter stated he is not seeing his practitioner at this time as he is not on any medications. He stated he has an appointment in October.

Ms. Taxin requested Dr. Poulter to give a copy of his MOU to the practitioner and request a letter when they meet.

Dr. Poulter stated Dr. Beyeler had asked at the last interview if he would go back to anesthesia practice again. He stated he has thought about the question and, at this time, he would not go back into an anesthesia type of practice fulltime but would consider maybe 3 Fridays a month. He stated next summer will be 5 years since his DEA was revoked and he is considering reapplying for the DEA in order to do anesthesia a few days a month. He stated he would go to the Dentists offices to provide the service and let them store the drugs.

Ms. Taxin asked Dr. Poulter to notify the Division when he wants to start the process as he does not currently have a Utah Controlled Substance license.

Dr. Larsen stated Dr. Poulter's therapist and the Executive Director of the clinic have submitted very positive reports. He stated the reports speak well of Dr. Poulter, he seems to enjoy being at the clinic and they enjoy having him. He stated Dr. Naisbitt has been submitting weekly reports and he asked Dr. Poulter to let her know that she only needs to submit the report once a month.

Ms. Taxin asked Dr. Poulter to have Dr. Naisbitt put all the information on the one report.

Dr. Larsen requested Dr. Poulter to identify which meetings are PIR and which are 12 step on the form he submits.

Ms. Trujillo stated the MOU requires Dr. Poulter to attend 12 step meetings weekly and PIR at least once a month.

Dr. Larsen made a motion to approve Dr. Sarah Naisbitt as Dr. Poulter's supervisor.

Dr. Radmall seconded the motion.

The Board vote was unanimous.

Dr. Larsen commended Dr. Poulter regarding his progress and encouraged him to continue. He stated Dr. Poulter does need to work on the little things.

The Board determined Dr. Poulter is out of compliance with his MOU.

An appointment was made for Dr. Poulter to meet December 17, 2009.

Dr. Poulter thanked the Board for their help and support.

2:45 pm

Dr. Rodney J. Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Radmall notified Dr. Slater of his being in compliance with his Stipulation and Order today as all required information has been received. He stated at the last meeting Dr. Slater notified the Board he was not working as a Dentist and if that is still the case.

Dr. Slater responded he had notified the Board at the last meeting that he would probably be working with

Monarch. He stated they were going to check with the insurance companies to be sure he could treat their patients and they responded back to him they could not hire him. He stated he is working at Horizon Dental in Bountiful 2 ½ days a week and with Dr. Johansen with the possibility of picking up additional hours with Dr. Johansen. Dr. Slater stated he has been treating children with light conscious sedation. He reminded the Board that he currently has a Dental Class I license and would need a Class II to use nitrous oxide. He stated he could treat some children if he had the Class II and could use the nitrous oxide. Dr. Slater stated the personal use of nitrous oxide was what brought him before the Board 4 years ago. He stated his last relapse was with ambian sleeping medication 3 years ago and it has now been 1115 days since that incident took place. He stated he is not as anxious as he was and does not mind working. Dr. Slater stated he believes spending 90 days in the treatment center and treating the anxiety, addiction and depression helped him. He asked if the Board could discuss allowing him to have a Dentist Class II license and his using nitrous oxide.

Dr. Lundberg responded if Dr. Slater has a controlled substance (CS) license he can prescribe and administer.

Dr. Radmall asked if Dr. Slater ever works alone with no one else in the clinic.

Dr. Slater responded there are always staff present when he is working and he does not have any keys to anything.

Dr. Radmall stated the Board could consider his request.

Ms. Taxin responded she would rather monitor Dr. Slater with a Dentist Class II license prior to terminating him from probation. She stated for a Class II license Dr. Slater's supervisor could write a letter of support regarding the request and what the process for prescribing is in their office. She stated the Board could then request a letter from the supervisor at the end of 6 months regarding

how Dr. Slater has done in the office. Ms. Taxin stated Dr. Slater would also need to write a letter regarding procedures he would use.

Dr. Beyeler asked Dr. Slater if he is afraid he might have a relapse.

Dr. Slater responded, yes, it does scare him to know he could have a relapse. He stated the progress on working with other Dentists and Pharmacists has helped him but he realizes an addict is only 24 hours away from any relapse.

Dr. Beyeler asked if Dr. Slater saw a key in the office and had the opportunity would he take the key or walk away.

Dr. Slater responded he would walk away from the key as that road is no longer an option but a dead-end road.

Dr. Radmall responded he would be willing to consider Dr. Slater's request but would first want to know there are safe-guards or protocol's in place for Dr. Slater and the patients safety.

Ms. Taxin suggested Dr. Slater submit an application for the Dentist Class II license and a safety plan for the Board to review.

Dr. Lundberg suggested Dr. Slater consider contacting the DEA also.

Dr. Slater stated there are several Dentists who are in a similar situation who still have their DEA. He stated he surrendered his CS in Arizona and then lost the DEA. He stated he will make contact with the DEA.

Ms. Taxin stated just because someone has a DEA does not mean they have to use it. She stated having Dr. Slater licensed as a Class II Dentist and have a DEA would give the Board some feedback on his performance while they monitor him.

Dr. Slater stated the clinic gives many prescriptions a day and in the private practice there has been only one

patient who has needed a prescription. He stated he informs his patient that he cannot write scheduled CS's and so far that has been ok.

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

An appointment was made for Dr. Slater to meet December 17, 2009.

Ms. Taxin stated Dr. Slater may be requested to meet November 19, 2009, if he submits his application and the information in October.

Ms. Taxin then notified the Board of a public reprimand issued to Dr. Slater. She stated at Dr. Slater's his last employment setting he failed to abide by the terms of his agreement by practicing beyond the scope of his license and failed to verify that his supervisor understood the restrictions placed upon his license but no one was harmed. Ms. Taxin stated Dr. Slater has had many discussions with her and investigators and now understands the Laws and Rules on prescribing. She stated licensee's cannot write the prescription and have someone else sign their name to it or say this is the drug to use and ask another practitioner to write the prescription. She stated the supervisor must make the determination of appropriate prescriptions for patients and write the prescriptions. Ms. Taxin stated the DEA number cannot be shared with other practitioners as it is for one person only. She stated she has requested a DEA employee to come meet with the Board and review prescription requirements.

Dr. Slater and the Board thanked Ms. Taxin for the information.

3:00 pm

Review Dr. Troy W. Yates Probationary Documentation

Dr. Yates was unable to attend the meeting. The Board reviewed his documentation regarding compliance with his Stipulation and Order.

Ms. Taxin stated Dr. Yates communicates well with her. She stated Dr. Yates father is also a Dentist and is

Dr. Yates Dentist. She stated Dr. Yates, Sr., treated Dr. Yates, Jr., as he reported to her, for a broken jaw and wrote out a prescription for him. She stated she requested Dr. Yates to bring in a written explanation from himself and one from his father, Dr. Yates. Ms. Taxin stated best practice is not to treat any family member. She stated there are Laws that prohibit prescribing any CS to a family member and if the practitioner decides to prescribe to a family member they better have it well documented and do it appropriately. She stated she requested Dr. Yates to bring in a written explanation.

Dr. Larsen voiced surprise that Dr. Yates, Sr., would treat and prescribe for Dr. Yates, Jr., as he has also been before the Board.

Ms. Taxin stated the prescription was not for a CS but she believed both Dr. Yates's should have known better. Ms. Taxin stated it is not a violation of Utah Law but the incident and prescription should be well documented and done properly. Ms. Taxin requested the Board to be very clear with Dr. Yates that he must be in compliance for the next 4 months or they will have to recommend an Order to Show Cause to extend his probation. She stated last month the Board terminated a probationer early and the next month he was in the newspaper with another problem. She stated there are times when probationers do something that has nothing to do with the reasons they are currently or have been on probation.

Dr. Radmall commented he believes some people are always at risk.

Dr. Beyeler stated no one can predict what people will do and the Board/Division can only do so much.

Dr. Lundberg asked if Dr. Yates can be released from probation if he is not in compliance.

Ms. Taxin stated Dr. Yates has not asked for early termination and his 5 year probation ends on January 7, 2010. She stated she could write up an extension and ask him to sign it but he can refuse. Ms. Taxin

recommended Dr. Yates meet at the next Board meeting. She stated she and Ms. Trujillo can be clear with Dr. Yates that he must be in compliance for the Board to support termination of his probation.

The Board agreed Dr. Yates should meet at the next scheduled Board meeting.

Ms. Trujillo asked if Dr. Yates should still attend monthly PIR meetings.

Dr. Radmall responded he should. He stated Dr. Yates is to obtain all his prescriptions from one specific location. He asked if the Board should address this issue with Dr. Yates as the prescription from his father was filled at a different pharmacy.

Ms. Taxin responded the medications he has received from his father should all be dental oriented.

Ms. Trujillo stated she will write a letter to Dr. Yates informing him he is out of compliance and to submit paperwork from himself and his father regarding the broken jaw and documentation of his father treating him.

Ms. Taxin requested the letter from his father should include an explanation of why he did not refer Dr. Yates out and why he prescribed that specific medication.

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

An appointment was made for Dr. Yates to meet October 22, 2009.

Question from Dr. Woolsey

Dr. Woolsey requested Ms. Taxin to explain the process for the probationers and what is required of them.

Ms. Taxin reviewed some Stipulation conditions and then responded each probationer has signed a Stipulation and Order or MOU agreement to follow specific requirements while they are on probation. She stated if the requirements are met

on time the probationer is in compliance and if not met on time then the probationer is out of compliance. She stated the goal is for all probationers to always be in compliance.

FYI

Ms. Taxin informed the Board of a new probationer for the next scheduled Board meeting, Dr. Monte Dansie. Ms. Taxin read the Stipulation and Order facts and requirements for the Board and stated the Board may ask him to briefly explain what happened. She stated Dr. Dansie can then disclose facts and explain. Ms. Taxin stated Dr. Dansie currently does not have a Utah CS license or a DEA license. She stated before he can again receive a Utah CS license or DEA license the DEA must confirm they will give him the DEA license. She stated he is on probation for a one year period with the courts and this probation will match the court probation. Ms. Taxin stated Dr. Dansie needs to meet with the Board, complete all the criminal sanctions, attend a PACE course on ethics and record keeping, and write an essay. She stated he is not required to have a supervisor. She stated she believes he is self employed.

The Board thanked Ms. Taxin for the information.

COURSE REVIEW:

Laramie County Community College Dental Hygiene Course update Review for Applicants to be Licensed in Utah

The Board reviewed the changes and requested a letter of acceptance be sent to the College as the program is adding hours to continue to be an ADA accredited program.

EXAMINATION COMPARISON:

Dr. Robert Moran, Examination Comparison for Dental Licensing

Dr. Larsen and Dr. Beyeler reviewed Dr. Moran's examination comparison and determined Dr. Moran completed an examination that is equivalent to the WREB examination and recommended licensure.

Board members concurred.

Cindi Sue Fisher, Examination Comparison for Dental Hygienist Licensing

Dr. Radmall reviewed Ms. Fisher's examination comparison and noted she has taken the California and Nevada State Boards. He determined the examinations are equivalent to the WREB examination

and recommended licensure.

Board members concurred.

DISCUSSION ITEMS:

E-mail Question from Dr. Ted Rothstein regarding the Practice of Dentistry

Ms. Taxin read Dr. Rothstein's e-mail and explained that Dr. Rothstein had called Ms. McCall regarding Orthodontic Jaw Wiring for weight loss being the practice of Dentistry. She stated he then talked with her and requested she read the e-mail before she make comments. Ms. Taxin requested Board members to review the information and make a recommendation regarding if the procedure is a Dental procedure or a medical procedure.

Following discussion the Board determined if the procedure is done by a Dentist it must be by the request of a Physician and not the patient with the Physician being responsible for the weight loss program and the patient continues under the care of the Physician. The Board determined there should be medical records to support the procedure and it should be physician driven. The Board determined weight loss programs and the procedure are not in the scope of practice for a Dentist but wiring the mouth for TMJ, gingivitis and other Dental issues would be in the scope of practice for a Dentist.

Questions: Can a Dentist receive Gifts? If so, What is the Monetary amount?

Ms. Taxin explained the question of Dentists receiving gifts and the monetary value was asked by another individual who has asked for assistance. She stated there are several Laws that have specific language regarding gifts and the monetary limits but the Dentist Law does not address the issue. Ms. Taxin stated the umbrella Law, 58-1-502, addresses sharing professional fees with an unlicensed person. She stated the mental health therapy Laws are very clear by stating you do not accept gifts as it crosses boundaries of therapist/patient. She stated if Dentists are trying to get referrals by giving trips or receiving kickbacks that is unethical. Ms. Taxin stated her recommendation is if a patient comes and gives the Dentist cookies they should be shared with the whole office but if a patient gives you a TV set you should

not accept it. She stated all offices should have an internal procedure and treat all situations the same. Ms. Taxin asked if there are other Dental codes that put limits on gifts and/or monetary amounts.

Following discussion regarding if you take tickets to a game or pass on them, if there are strings attached, if it is a gift given at Christmas time, the Board determined if there are complaints then the issue should be reviewed on an individual basis to determine if a gift is excessive, if there are strings attached or if it is simply just a gift.

Dr. Larsen stated all Dentists have a responsibility to be moral.

E-mail Clarification re: Therapeutic and Cosmetic Treatments with Botox and Dermal Fillers in Maxillofacial Region by Dentist who has completed Certification Courses – Dr. Chris Keefe

Ms. Taxin read the e-mail from Dr. Chris Keefe. She stated she called Dr. Keefe and asked if the Botox and Dermal Fillers were for cosmetic reasons as that would not be in the scope of Dental practice but would be in scope of medical practice. She stated she explained if the procedures were for the mouth they could be the practice of Dentistry. Ms. Taxin stated Dr. Keefe e-mailed her again saying he had read the Dental Board minutes and they appeared confusing. She stated he asked what the difference is for cosmetic Dentistry and therapeutic Dentistry. She stated the Law and Rules are not specific in identifying all procedures Dentists do.

Dr. Radmall stated he believes PIE recommends Dentists not do any cosmetic/esthetic treatments with Botox or Dermal Fillers unless it is for Dental reasons.

Dr. Larsen stated the procedures a Dentist does are far more irreversible than Botox use.

Following discussion, the Board stated they would do additional research for further discussion at the next Board meeting.

New Dental Rules – Suggestions for Rules from Barbara Lowery

Ms. Taxin reviewed the suggestions Ms. Lowery had submitted regarding Rules changes. She explained when the Dental Rules were put through, Ms. Lowery suggest a word change be added. Ms. Taxin stated she

and the Board decided to put the Rules through as they were written and address the work change later. She asked the Board if they want the word to be changed or leave the Rules as they are currently written. Ms. Taxin stated the change would not make a difference in the content of the Rules.

Dr. Larsen recommended the Rules be left as they are currently written.

The Board concurred.

2010 Tentative Board Meeting Schedule

The Board noted the Tentative 2010 Board meeting schedule: Thursdays, January 21, February 18, March 18, April 22, May 20, June 17, July 22, August 19, September 16, October 21, November 18 and December 16, 2010.

Dr. Radmall stated February 18, 2010, is the UDA Conference and several Board members would be unavailable for a Board meeting that day. He stated he plans his schedule 6 months out and it is difficult to change his schedule on short notice. Dr. Radmall recommended the February 18, 2010 Board meeting be cancelled.

Board members concurred.

October 22 and November 19, 2009 Meetings

Ms. Taxin stated there is not enough Board business to warrant a Board meeting in October. She stated she and the Compliance Specialist could meet with the one new probationer and then meet in November.

Board members agreed if there is not enough business to cancel the October 22, 2009 meeting.

Question

Dr. Radmall stated he had a prescription pad of his found at a nursing home. He stated he called DOPL to report it and to obtain access to the CS Database. Dr. Radmall explained to obtain access he had to sign up with a password and had to talk with someone at DOPL. He stated he left a message with someone at DOPL to call him back as he needed assistance and no one has ever called him back.

Ms. Taxin responded the process and program are

being updated and will allow for Dr. Radmall's assistant to look up names. She stated the password will be given to a specified number of people the Dentist designates and they will have access to look up information. She offered to take Dr. Radmall down to the Database for assistance.

Dr. Radmall thanked Ms. Taxin for her assistance.

Dr. Lundberg commented the person he worked with has been overly helpful to get him signed up and logged into the program.

Dr. Radmall

Dr. Radmall brought in an article from a paper regarding What all Dentists Do Not Want You to Know. He stated the article indicates this Dentist is trying to solicit business for implants. Dr. Radmall stated Mr. Thompson sent the Dentist a letter at one time.

Ms. Taxin responded there are some professions who have added false advertising in their Law. She stated the Association might look into the issue.

Dr. Beyeler responded some Dentists are scaring their patients into getting implants to lock their Dentures down.

Ms. Taxin stated maybe the Law should clarify in unprofessional conduct misleading the public. She stated she does not believe everything needs to be regulated but some issues maybe should be included.

CORRESPONDENCE:

ADEA Information regarding ADEA Statement on Professionalism in Dental Education

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

WREB Information regarding Board Participation with Examinations

Board member stated they have all received the information.

Ms. Taxin stated the State position for travel has not changed, there is no State travel at this time and Utah will not be represented at the annual

meeting. Ms. Taxin stated if the policy changes, she will let the Board know. She stated if Board members choose to attend the WREB meeting(s) they cannot attend as representatives of the State of Utah or the Utah Board.

FDA News Releases

Ms. Taxin provided a FDA update specific to Dentistry.

The Board review the following FDA news Releases:

1. FDA Issues Final Regulation on Dental Amalgam. **No Board action was taken.**
2. Media Briefing on Dental Amalgam. **No Board action was taken.**

CNN News Article re: Using Dentists as Dope Dealers

Ms. Taxin stated she saw this article and printed it out for the Board to review.

The Board thanked Ms. Taxin for bringing the article and they reviewed it with no Board action taken.

NEXT MEETING SCHEDULED FOR:

October 22, 2009

ADJOURN:

The time is 4:58 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.

November 19, 2009
Date Approved

(ss) Alexander B. Larsen, DDS
Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

October 20, 2009
Date Approved

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