

MINUTES

**UTAH
DENTIST
&
DENTAL HYGIENIST LICENSING
BOARD MEETING**

September 16, 2010

**Room 210 – 2nd Floor – 12:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 12:30 P.M.

ADJOURNED: 6:00 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Connie Call

Board Members Present:

Alexander B. Larsen, DDS, Chairperson

Mark R. Taylor, DDS

Warren Woolsey, DDS

Karen S. Bateman, RHD

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Constance A. Sliwinski, RDH

Greg T. Beyeler, DDS

Pamela L. Jolley

Guests:

Monte Thompson, UDA

Jolene VanBibber, DATC/UDAA

Dr. Don Mantyla, Professional Insurance

DOPL Staff Present:

Ray Walker, Division Regulation & Compliance
Officer

Mitchell Jones, AG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Ms. Jolley made a motion to retain Dr. Larsen as the Board Chairperson. Dr. Woolsey seconded the motion. **The Board vote was unanimous.**

MINUTES:

The minutes from the June 17, 2010 Board meeting were read.

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

Kase Perry Letter

Ms. Taxin explained Mr. Perry submitted a request for an amendment of the November 19, 2009 minutes. She stated Mr. Perry was not present at the November meeting and an amendment for the minutes would not be appropriate but the Board could acknowledge his comments in today's meeting. Ms. Taxin stated Mr. Perry's statement explained the minutes indicate Dr. Slater led the Board to believe his Dental services were billed under a Dentist who had insurance privileges and Dr. Slater had informed Mr. Perry that he would ask the Dentists who were supervising him to write prescriptions for his patients if needed.

After reviewing Mr. Perry's comments and the minutes from the November 19, 2009 meeting, the Board acknowledged Dr. Slater had stated his patient fees were being billed under a Dentist with insurance privileges.

APPOINTMENTS:

12:45 pm

Connie Call, Compliance Update

Ms. Call updated the Board on Dr. Tad Butterfield, Dr. John V. McArthur and Dr. Hal Whitney.

Ms. Call reported **Dr. Tad Butterfield** is currently out of compliance with his suspension Order.

Ms. Taxin explained Dr. Butterfield signed a suspension Order of his licenses because he is out of compliance with his probation. She stated the suspension will remain in place until he pays the renewal fees for 2010 and completes several other requirements.

Dr. Radmall asked if Dr. Butterfield will be meeting with the Board during the suspension.

Ms. Taxin responded he will not be required to

meet until the suspension is lifted.

Ms. Call reported **Dr. John V. McArthur** is a new probationer who is currently in compliance with his Stipulation and Order. She reviewed the facts of Dr. McArthur's case. She stated Dr. McArthur has reported he is self employed and he has submitted a certificate for completing the course "Responsible Opioid Prescribing".

Ms. Taxin stated Dr. McArthur voluntarily let his controlled substance (CS) license expire and there is a clause in his Order that gives the Board the authority to reinstate the CS once he qualifies for a DEA registration. She stated Dr. McArthur could not meet today with the Board but he has met with Ms. Trujillo from the Division Compliance Unit.

Ms. Call reported **Dr. Hal Whitney's** Utah license has been placed on suspension.

Ms. Taxin explained Dr. Whitney was offering Dental services out of a van to lower income patients. She stated the investigation revealed Dr. Whitney did not use proper hygiene or keep the van up to code. Ms. Taxin stated Colorado took action on Dr. Whitney's license in the form of suspending the license and Utah took the same action. She stated until Dr. Whitney is off suspension he will not meet with the Utah Board for his probation.

Ms. Call updated the Board regarding the compliance or non-compliance of probationers meeting today.

Ms. Call reported **Dr. Monte Dansie** is currently in compliance with his Stipulation and Order.

Ms. Taxin stated Dr. Dansie has completed all the requirements of his Order and his plea in abeyance was dismissed. She stated she called the DEA and was informed the DEA will reinstate him with a probationary and monitored DEA registration.

Dr. Larsen asked what a DEA probation is.

Ms. Taxin stated probation is similar to DOPL's process but specific to controlled substances. She stated she is not sure what the conditions will be but Dr. Dansie will probably be required to maintain a log of all CS's he writes and probably will not be allowed to write any prescriptions to family, friends or co-workers. She stated the DEA will monitor him.

Ms. Call reported **Dr. David L. Flynn** is currently in compliance with his Stipulation and Order. She stated Dr. Flynn will bring his therapy reports today as he thought he did not need to submit therapy reports as the court probation terminated his therapy.

Ms. Taxin stated Ms. Trujillo spoke with Dr. Flynn's therapist and he will submit a letter of recommendation for the Board to review. Ms. Taxin stated the Board will need to clarify that the court requirements are separate from the Division Order requirements. She asked if the Board wants Dr. Flynn's log's to be due and submitted with his other reports.

The Board responded yes, the logs need to be due and submitted with Dr. Flynn's other reports.

Ms. Taxin requested the Board to vote on approving Monarch to conduct Dr. Flynn's evaluation and therapy. She stated the evaluator is one of the Division approved evaluators.

Dr. Larsen noted Dr. Kent J. Toone has a San Jose, California, and a Bountiful, Utah, address. He asked where Dr. Toone is practicing and how much contact he will have with Dr. Flynn.

Ms. Call asked the Board to review the psychological and sexual psychological evaluations to determine if it meets the Stipulation requirements.

Ms. Call reported **Dr. Jared W. Hemmert** is currently

in compliance with his Stipulation and Order. She stated his reports are current and positive. Ms. Call stated Dr. Hemmert will be requesting the Board to move his reports from being due monthly to being due quarterly. She stated one drug and alcohol test was diluted and he will also request less frequency for testing.

Ms. Taxin stated Dr. Hemmert's testing is currently at a high frequency and the Board could recommend less frequency. She stated Dr. Hemmert's supervisor has opened her own practice in Bountiful and Dr. Hemmert wants the Board to approve her to continue being his supervisor. Ms. Taxin stated the Order requires him to meet with his supervisor weekly. She stated the Board may want to consider Dr. Hemmert meeting in person with his supervisor one week and then by telephone the next. She stated she believes it will be difficult for his current supervisor to come to Dr. Hemmert weekly with her own practice. Ms. Taxin stated Dr. Greenhalgh was hired by Dr. Hemmert to maintain his practice while he could not practice.

Ms. Call stated Dr. Hemmert will be requesting reinstatement of his CS license.

Dr. Lundberg stated Dr. Hemmert has not been on probation for a year yet and at his last appointment he had stated he would ask at each appointment for his CS to be reinstated.

Ms. Call reported **Dr. John S. Poulter** is currently in compliance with his Stipulation and Order. She stated Dr. Poulter missed a test and Ms. Trujillo contacted him to bring a receipt today documenting he was in Idaho at that time.

Ms. Taxin reminded the Board Demerol was Dr. Poulter's drug of choice. She stated Dr. Poulter's supervisor has moved. Ms. Taxin stated Dr. Dixon has been acting as a mentor and has agreed to supervise. She stated Dr. Dixon sent a supervisor report but has not yet submitted a resume or letter documenting he has read Dr. Poulter's Stipulation

and Order.

Ms. Call reported **Dr. Steven C. Pinegar** is currently out of compliance with his Stipulation and Order. She stated his supervisor has not yet been approved although a report has been submitted but not a resume or letter agreeing to supervise and assist Dr. Pinegar in being successful in his probation.

Ms. Taxin stated Ms. Trujillo has informed Dr. Pinegar at least twice regarding what he needs to submit and Dr. Pinegar has not responded.

Dr. Larsen and Dr. Woolsey asked if the supervisor is reviewing Dr. Pinegar's files thoroughly as the report submitted documents only reviewing one file.

Ms. Taxin stated the supervisor needs to document that 20% of Dr. Pinegar's total files are being reviewed and the quality of the documentation.

Ms. Call reported **Dr. Verd J. Erickson** is currently in compliance with his Stipulation and Order. She stated this will be Dr. Erickson's first interview with the Board. Ms. Call explained Dr. Erickson pled no contest to inappropriate physical contact and comments with staff members.

Ms. Taxin clarified Dr. Erickson pled no contest to two counts of sexual battery.

Ms. Call reported **Dr. Louis Christensen** is currently in compliance with his Stipulation and Order. She stated Dr. Christensen's license was on suspension for a period of time and this is his initial appointment with the Board as the suspension was lifted. Ms. Call stated a letter was received documenting Dr. Christensen is safe to practice but there is a high probability for substance abuse, he will need therapy, attendance at PIR meetings and to submit reports. She stated he is self employed.

Ms. Taxin stated Dr. Christensen called her and wanted to go to a program in Ogden. She stated she approved the program. Ms. Taxin explained the treatment program recommended marital counseling but he will also need to have individual counseling.

Dr. Larsen asked why the Order requires Dr. Christensen to attend 12 step meetings only two times a month.

Ms. Call clarified the Order requires four groups a month which may be two 12 step meetings and two PIR meetings each month.

Ms. Taxin stated Dr. Christensen appears to be committed to be successful in his probation.

1:00 pm

Dr. Monte E. Dansie, Probationary Interview

Dr. Dansie met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman informed Dr. Dansie that he is completing his probation and the court documents have been received. She asked Dr. Dansie to share with the Board how his probation has affected him.

Dr. Dansie responded it has been a difficult year, kind of like a dark cloud hanging over his head. He stated this experience has made him think of the things he does and what he is responsible for at his office. He stated he believes he has been a soft touch in his office and he needs to be more professional for his patients and for the profession by paying more attention. Dr. Dansie stated he believes he has done good dental work for his patients, he tries to be honest and good to his patients but has been lax in paying attention to details and has not been such a great businessman.

Ms. Taxin stated she has seen where office staff incorrectly bill for services and then the practitioner gets into trouble as it is their business. She stated there are courses Dr. Dansie can take to assist him in being more knowledgeable about business.

Dr. Larsen asked if Dr. Dansie has made any progress with the DEA regarding his DEA registration being reinstated.

Dr. Dansie responded Ms. Trujillo had informed him as soon as he has the plea in abeyance and his probation with the Board is completed he should contact the DEA for reinstatement of his registration.

Ms. Taxin reminded Dr. Dansie his Order requires the DEA to contact her when they are ready to reinstate his DEA registration. She stated she contacted Lynette at the DEA to let her know Dr. Dansie's probation will be terminated and Lynette informed her the DEA will put his DEA registration on probation so they can monitor his CS. She stated the Division will issue a CS license when Dr. Dansie submits his application to the Division.

Dr. Dansie responded he has learned to practice well without the CS and tells his patients they can use Ibuprofen instead of a CS. He stated he also confers with another practitioner if a prescription is needed. Dr. Dansie stated he plans to continue his practice without the CS license or DEA registration.

Dr. Larsen thanked Dr. Dansie for his consistent compliance.

Dr. Lundberg stated the Board has lived Dr. Dansie's experiences vicariously and it has helped them to be better in their own businesses.

Dr. Taylor asked how Dr. Dansie's health has been since his heart attack.

Dr. Dansie responded he has done well. He voiced appreciation for being required to complete ethics courses as they were informative and helped him.

Dr. Radmall made a motion to lift the suspension on Dr. Dansie's CS license based on his completing the requirements of his Stipulation and Order.

Ms. Sliwinski seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the termination process for Dr. Dansie and stated he will receive a new license with no restrictions.

1:20 pm

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Bateman conducted the interview.

Dr. Flynn asked if Ms. Trujillo received the updated letter he faxed from his therapist this morning.

Ms. Bateman responded the letter was not received prior to the commencement of the meeting and requested a copy from Dr. Flynn for the Board to review. She stated the letter confirms Dr. Flynn's continued attendance weekly in aftercare and in individual therapy is addressing his issues. She stated the letter states Dr. Flynn is safe to practice.

Dr. Flynn stated he completed the core courses and also some extra classes. He stated his therapist recommended the extra classes. He stated Doris Mason, LCSW, is his individual therapist and she works with Peter Byrne, Ph.D., at Monarch Treatment Center. Dr. Flynn stated he did not submit any therapy reports for two months as he thought completing the court requirement carried over to his probation with the Board. He stated Ms. Trujillo explain the court probation and Board probation are separate.

Ms. Call asked if the therapist letter is sufficient in lieu of the report.

Ms. Taxin responded yes.

Dr. Flynn stated he learned from talking to Dr. Dansie while waiting for his appointment. He stated he has also been dropped from several insurance carriers and Dr. Dansie explained it is not a catastrophe as there are other options. He stated he was expecting to be

dropped so it was not a surprise but a lot of his business is reimbursed through insurance so it has had a negative impact on his practice.

Ms. Bateman commented the Board also has concerns regarding insurance carriers dropping practitioners who are on probation. She stated Ms. Taxin sometimes writes letters for probationers but the insurance carriers don't always take the letters into consideration.

Dr. Flynn thanked the Board and Division for allowing him to continue to practice. He stated his supervisor, Dr. Toone, spends more time talking about the religious aspect of his issues than he does on the probation aspect. He stated his life is now being put back in order, his wife has agreed to go with him to therapy and he has already completed some of his probationary requirements.

Ms. Taxin asked if Dr. Flynn is living back at home again.

Dr. Flynn responded he has not yet moved back home but he now has permission to go there and they have had family outings and dinner. He stated he spends time with his family and he has finished building a bathroom in the basement.

Dr. Larsen asked if Dr. Toone practices in Bountiful.

Dr. Flynn responded yes, Dr. Toone is across the hall from his office.

Ms. Taxin reminded Dr. Flynn he had stated Dr. Toone talks to him more about religious aspects. She stressed the importance of discussing Dr. Flynn's Dental practice. Ms. Taxin suggested Dr. Flynn redirect Dr. Toone back to the practice.

Dr. Larsen asked if Dr. Flynn has submitted all his chaperone logs.

Dr. Flynn responded yes.

Dr. Larsen stated the Board questioned if the chaperone logs should be submitted monthly with the other reports.

Dr. Flynn stated Ms. Trujillo explained the first two reports submitted in June were not signed and she had said not to go back but he believes they did go back to be sure the reports were signed.

Ms. Bateman stated the Board requested a list of the names of all chaperones Dr. Flynn will have and the only thing available right now are the initials of those who chaperoned. She asked if Dr. Flynn has the names.

Dr. Flynn responded he could look at the initials and write down the full names of each chaperone.

Ms. Taxin requested Dr. Flynn fax the list to Ms. Trujillo.

Dr. Flynn asked if he should also write a note regarding two employees leaving.

Ms. Taxin responded yes.

Dr. Flynn stated it is not a problem for him to follow and do the things required in the Order. He stated he did have a fear of losing insurance reimbursements. Dr. Flynn stated he has gone to the White Cap Institute to learn how to do implants in case he loses his practice. He stated there is a program in Denmark and he could consider going there as a backup plan.

Dr. Larsen asked if the Board will accept the AP & P and Monarch evaluations.

Dr. Beyeler asked if the evaluations address all the issues.

Ms. Taxin and Ms. Bateman responded yes.

Dr. Lundberg made a motion to accept the AP & P and Monarch evaluations.

Ms. Bateman seconded the motion.

The Board vote was unanimous.

Dr. Beyeler made a motion to accept Dr. Toone as Dr. Flynn's supervisor.

Ms. Bateman seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Flynn to meet again December 16, 2010.

1:45 pm

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Hemmert stated things are going great in his life. He stated it has been several months since he returned from Hazelden and there are still a few little things he is dealing with such as not being a provider for some insurance companies. Dr. Hemmert stated he has made strides with his marriage, his church and personally he believes he is a good Dentist. He stated he enjoys life, is coaching two soccer teams and is trying to stay on top of all things in his life.

Dr. Larsen stated the Board understands the burden on Dr. Hemmert of not being on insurance panels. He stated the Board believes it is unfair and their punishment is worse than being on probation. Dr. Larsen stated there have been other probationers who have gone through the same experience and they have come out ok. He stated the Board is confident Dr. Hemmert will also make it through the experience. Dr. Larsen stated Ms. Trujillo has indicated Dr. Hemmert would like approval for his reports to move from being due monthly to being due quarterly. He asked if this is correct.

Dr. Hemmert responded he has a list of things to

discuss with the Board and his Order does require the Board to vote regarding making a change in due dates for his reports.

Following discussion, Dr. Taylor made a motion for monthly reports to be due on a quarterly basis based on Dr. Hemmert's compliance with his Order.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

Dr. Hemmert stated he is still doing the MORE program, doing aftercare and meeting with his therapist every Tuesday. He stated the therapy has been the most helpful to him. Dr. Hemmert stated he is grateful his therapist was approved as he has helped Dr. Hemmert with underlying issues. Dr. Hemmert stated at his last appointment the Board approved for him to move from four meetings a week to two meetings a week with support groups. He stated he meets regularly with Dr. Neil Whiteaker, Mountain Health Care, and Dr. Brad Edgington but Dr. Whiteaker provides the reports.

Ms. Taxin asked if the support groups help Dr. Hemmert.

Dr. Hemmert responded the AA meetings have a specific format and sometimes are very uplifting when other times they are not. He stated he also attends an LDS 12 step program. He stated he has made some acquaintances and he looks forward to those meeting and seeing those acquaintances.

Dr. Larsen stated one report documents Dr. Hemmert is a safe and competent practitioner.

Dr. Hemmert stated he has learned it is a privilege to be a dentist and he took his practice for granted. He stated being part of the hospital is also a privilege and he also took that for granted. He stated his goal is to keep pressing forward and to continue his recovery. He stated he believes he is now over the hump as he now has set goals in his life. Dr. Hemmert asked what

he can do to get his CS reinstated as he has to hunt down people to write CS's for him due to not having a CS license.

Dr. Larsen responded the Board is aware Dr. Hemmert is doing well but believes he needs more time before they will consider giving him the CS license.

Dr. Lundberg stated relapse is big. He stated Dr. Hemmert has not been on probation very long and the Board needs to see a track record before he is given the CS license again.

Dr. Larsen stated it has come to their attention Dr. Greenhalgh is moving out of his office. He stated Dr. Hemmert will need someone who is local to be his supervisor. Dr. Larsen gave Dr. Hemmert the assignment of having another supervisor by his next appointment.

Ms. Taxin stated if Dr. Greenhalgh is willing to come to Dr. Hemmert's office once a week then the Board could consider approving her to continue as supervisor.

Dr. Hemmert responded he has already been interviewing different doctors to find another supervisor.

Ms. Sliwinski asked if Dr. Greenhalgh continues as supervisor would the Board want her to drop in at other times to ensure Dr. Hemmert is not working impaired.

Dr. Larsen responded he believes it would be appropriate for the supervisor to drop in but the Board first needs a letter documenting the person has read Dr. Hemmert's Stipulation and Order and they are willing to assist Dr. Hemmert in being successful in his probation and they must also submit a resume.

Ms. Taxin offered to talk with anyone Dr. Hemmert may want as his supervisor but suggested Dr. Greenhalgh continue meeting with him until he

has someone else. She reminded Dr. Hemmert that the person he chooses as his supervisor must not have a business relationship with him.

Dr. Hemmert responded his supervisor would be under a contract.

Dr. Larsen stated Dr. Hemmert's drug and alcohol tests have been negative except one which was diluted. He cautioned Dr. Hemmert to be aware and try not to drink a lot of water as it may put his tests out of range.

Dr. Hemmert thanked Dr. Larsen for the information and then asked if his tests could be less frequent as he is testing about once a week.

Ms. Taxin responded the Board discussed reducing the test frequency and have made that recommendation.

Dr. Radmall stated the less frequency tests depend on Dr. Hemmert having all negative tests.

Dr. Hemmert voiced understanding.

Ms. Sliwinski reminded Dr. Hemmert to be sure to submit copies of any prescriptions he is given so the test can validate them.

Dr. Hemmert then stated he is a member of Pinnacle Study Club who meet quarterly. He stated there are about 29 members and he saw Dr. Larsen there after the last meeting. Dr Hemmert stated seeing Dr. Larsen threw him off a little and he did not want any conflict so he brought it up today. He stated he talked with someone else who said he should not be restricted in his activities. He asked where he should draw the line if the Board believes there is a conflict.

Ms. Taxin stated Dr. Hemmert previously discussed the issue with her. She suggested he discuss it with the Board as previously there was a similar issue with another profession and that Board believed it to be a conflict.

Dr. Radmall stated the Board is here for Dr. Hemmert's success and want him to be successful in his probation. He stated if Dr. Hemmert is asking for personal favors from Dr. Larsen that cannot be granted but otherwise there should not be a conflict.

Dr. Larsen stated if he were to see Dr. Hemmert in a study group or on the street there is no reason to duck away as he sits in on these probationary interviews and thinks "but for the grace of God, there go I". He stated the Board is not judgmental nor do they pass judgment. Dr. Larsen stated the Board would like to see Dr. Hemmert associate with members of the profession.

Dr. Woolsey also voiced he did not believe there was any conflict.

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

An appointment was made for Dr. Hemmert to meet again December 16, 2010.

2:15 pm

Dr. John S. Poulter, Probationary Interview

Dr. Poulter met for his probationary interview.

Ms. Jolley conducted interview.

Ms. Jolley asked if Dr. Poulter brought a receipt to document he was in Idaho when he was to take a drug and alcohol test.

Dr. Poulter responded he did have a receipt. He submitted it to Ms. Jolley.

Ms. Jolley asked how long it has been since Dr. Poulter used drugs.

Dr. Poulter responded he has not used drugs since 2003.

Ms. Jolley asked if Dr. Poulter had a resume from Dr. Dixon agreeing to be his new supervisor.

Dr. Poulter responded Ms. Trujillo had said a letter would suffice.

Ms. Taxin stated a resume is still needed to complete Dr. Poulter's file.

Dr. Poulter responded he will obtain a resume from Dr. Dixon and submit it. He stated he is still working at Donated Dental. He stated there are a lot of professionals who volunteer at the clinic and he asks them any questions he has. Dr. Poulter stated the experience has been a good one for him.

Dr. Larsen asked Dr. Poulter what his goal is in regard to obtaining his CS license.

Dr. Poulter responded he is planning to submit a request for his CS and class IV Dental license within the next two or three weeks.

Dr. Larsen stated it would be a good idea for Dr. Poulter to submit his request so the Board will be able to track his progress before his probation ends next year. He stated if all goes well the Board could consider terminating Dr. Poulter's probation early.

Ms. Taxin asked if Dr. Poulter is a little nervous about having access to CS's.

Dr. Poulter responded he believes he would have the clinic order the CS's directly and have them at the clinic. He stated he believes what he did before is too dangerous for an addict as he had CS's in his car and in his home. Dr. Poulter stated he does not want any CS's in his home again.

Ms. Taxin stated all CS's should be locked in the clinic.

Dr. Poulter explained his home was his office as he was a traveling Dental anesthesiologist. He stated there have been a few Dentists approach him to resume the practice but he stated if he does start again he would have each Dental clinic hold the CS's for him.

Dr. Beyeler commented to Dr. Poulter's credit he was a very good anesthesiologist.

The Board determined Dr. Poulter was in compliance with his Stipulation and Order.

An appointment was made for Dr. Poulter to meet again December 16, 2010.

Dr. Poulter left the meeting.

Ms. Taxin asked the Board if they would approve for her to issue a class IV Dentist license to Dr. Poulter.

The Board unanimously responded yes.

2:35 pm

Dr. Steven C. Pinegar, Probationary Interview

Dr. Pinegar met for his probationary interview.

Dr. Lundberg conducted the interview.

Dr. Pinegar stated he has been meeting with his supervisor at least three times a month and his supervisor reviews placement of crowns and the charts.

Dr. Lundberg reminded Dr. Pinegar that the Board has not yet approved his supervisor. He stated the proposed supervisor must submit a resume and a letter acknowledging having read Dr. Pinegar's Stipulation and Order, agreeing to supervise and to assist Dr. Pinegar in being successful in his probation before the Board can give approval. Dr. Lundberg stated reports were received for August and September and on one the proposed supervisor marked he has read the Order but he did not sign that he has received a copy of the Order. He stated the box documenting having read the Order also needs to be filled out monthly. He stated the proposed supervisor documents he is in the process of reviewing 20% of Dr. Pinegar's charts but his reports do not mention what he is doing regarding any issues with those charts. Dr. Lundberg asked if the proposed supervisor is in the same building as

Dr. Pinegar.

Dr. Pinegar responded the proposed supervisor is in Lindon and usually comes to Dr. Pinegar's office on Fridays.

Ms. Taxin asked if Dr. Pinegar has learned anything from the proposed supervisor.

Dr. Pinegar responded yes. He stated he has learned to be more careful in his practice and charting. Dr. Pinegar stated he completed the Stepping Stones charting course which has helped him in his practice. He stated he will bring a copy of the certificate in for his file.

Ms. Taxin asked what Dr. Pinegar learned from taking the course that he will change in his practice.

Dr. Pinegar responded he now updates his charts. He stated his staff notes general things and he now fills out what is important and what procedure was done on each patient.

Dr. Larsen asked if the proposed supervisor reviews the notes in the charts.

Dr. Pinegar responded yes.

Ms. Taxin asked if Dr. Pinegar talked with his proposed supervisor regarding the course he took and if he gave Dr. Pinegar any feedback about his charting.

Dr. Pinegar responded yes.

Ms. Taxin stated if Dr. Pinegar is not skilled at note taking he could ask other Dentists how they chart and maybe use some of their ideas as a guide.

Ms. Bateman asked if Dr. Pinegar hand writes his notes or uses a computer program.

Dr. Pinegar responded he hand writes all his notes.

Dr. Lundberg asked if Dr. Pinegar's proposed supervisor looks at the charts clinically.

Dr. Pinegar responded yes.

The Board determined Dr. Pinegar is out of compliance with his Stipulation and Order as he does not yet have an approved supervisor.

An appointment was made for Dr. Pinegar to meet again December 16, 2010.

3:15 pm

Dr. Verd J. Erickson, Initial Probationary Interview

Dr. Erickson met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Lundberg conducted the interview.

Dr. Lundberg requested Dr. Erickson to briefly explain what brought him before the Board.

Dr. Erickson responded he was accused of sexual molestation by two of his staff. He stated he pled guilty rather than fight these two people who had only worked for him for five or six months. Dr. Erickson stated it was a criminal complaint and he was required by the courts to write a letter of apology and be on court probation for two years. He stated it has been very difficult for him.

Dr. Lundberg asked if Dr. Erickson was required to pay any fines, if he has a probation officer who monitors him or if he is required to go to counseling.

Dr. Erickson responded no, he was not required to pay any fines and does not have a probation officer but he is required to take the PACE program.

Ms. Sliwinski asked which court he is on probation with.

Dr. Erickson responded it is the 3rd District Court in St. George.

Ms. Taxin clarified Dr. Erickson has a plea in abeyance for 24 months. She asked what happens in 24 months if he has no further issues.

Dr. Erickson responded he believes it is for 24 months and then the charges will be dismissed if he has nothing further.

Dr. Larsen clarified the incident was in 2006.

Dr. Erickson responded yes, sometime in June.

Ms. Taxin asked when writing the letter of apology if he could see how the women felt in regard to his actions.

Dr. Erickson responded no he could not see how the women felt as he did nothing wrong.

Dr. Lundberg asked why it took so long for Dr. Erickson to be placed on probation if the incident was reported in 2006.

Dr. Erickson responded the courts kept putting his case off and rescheduling.

Dr. Lundberg stated Dr. Erickson made a plea of guilty and the Board cannot change that.

Ms. Taxin suggested Dr. Erickson be careful about who he hires and careful and aware with his own actions so he does not get himself into another similar situation.

Dr. Erickson responded nothing happened and will never happen. He stated he read the statements the women wrote out for the courts and if he was just someone reading it he would have believed their statements.

Dr. Lundberg stated the purpose of the PACE course is to focus on boundaries. He stated Dr. Erickson's Stipulation and Order specifically requires he complete the PACE course and there are some areas of concern for the Board. He stated there is not a lot Dr. Erickson has to do for the

criminal sanctions but there are requirements for his Order with the Division. He stated Dr. Erickson will need to submit a copy of the apology letter sent to the victims and submit an essay regarding the effects his conduct has had on his practice, patients and staff and how he will apply what he learned from the PACE course.

Ms. Taxin stated if the courts terminate Dr. Erickson early he needs to submit the documentation to Ms. Trujillo. She stated she believes Dr. Erickson will find benefit in the PACE course as he may learn some new things about boundaries and ethics.

Ms. Call stated Dr. Erickson should request the termination paperwork from the courts if he does not receive it.

Ms. Bateman commented others have given good feedback regarding the PACE course.

Dr. Erickson stated he cannot find any information on the course. He asked for direction from the Board.

Ms. Taxin responded the course is in San Diego for about two to four days. She stated Dr. Erickson may contact her after the meeting for additional information.

Dr. Lundberg stated Dr. Erickson's Order required him to also have a Board approved supervisor. He asked if Dr. Erickson has anyone in mind for the Board to consider.

Dr. Erickson responded he does not have anyone in mind.

The Board recommended Dr. Erickson contact Dr. James Ence as he would be an excellent choice who the Board would approve.

Ms. Taxin explained if Dr. Ence agrees to supervise Dr. Erickson then he will need to submit a letter confirming he has received a copy of the Order, has read it and agrees to supervise and assist Dr.

Erickson in being successful in his probation. She stated the frequency of meeting with the approved supervisor is to be determined by the Board. She stated they should meet weekly for now and Dr. Ence could then give feedback regarding his recommendation of frequency. She stated if Dr. Ence agrees to supervise he will fill out and submit the supervision form monthly regarding Dr. Erickson's performance. She stated if Dr. Ence declines supervision maybe he could suggest someone else.

Dr. Larsen asked if Dr. Erickson is in private practice.

Dr. Erickson responded yes. He stated he works four days a week.

Dr. Lundberg asked if Dr. Erickson had any questions.

Dr. Erickson responded he did not. He stated he would like to explain the reason he is going through this process is he would rather go through this than drag his wife and family through a court hearing.

Dr. Lundberg stated Dr. Erickson's cooperation makes the process easier for him and the Board.

Dr. Taylor asked if the court charges were civil or criminal.

Dr. Erickson responded the court charges are criminal.

Dr. Larsen asked if Dr. Erickson has made any changes in his office to safeguard himself and his employees to be sure there are no similar incidents, such as not being alone with his employees, watching what he says and does. He stated he senses this has been a tragic event for Dr. Erickson and his family.

Dr. Erickson responded he was losing cash money and had an idea of where it was going so he made arrangements for a camera to be placed in the corner of his office. He stated the women did not come back

after they found out there was a camera and did not come into work on Thursday, Friday or Monday and then he received a phone call from the police on Monday.

Ms. Taxin asked if the staff were aware of the camera being installed.

Dr. Erickson responded yes. He stated it was installed while they were there. He stated a week later he had an altercation with the women in the driveway and demanded they return the keys to his office before they received their final pay checks. He stated he could not prove his story but his office manager did volunteer to testify on his behalf. He stated the courts finally decided they could not postpone his hearing any longer and he agreed to probation in lieu of putting his wife through the court hearing.

Dr. Lundberg stated as long as Dr. Erickson meets the requirements he agreed to then he will be successful in his probation. He stated an appointment will be made for Dr. Erickson to meet again December 16, 2010.

Ms. Taxin reminded Dr. Erickson to contact Dr. Ence as soon as possible regarding supervision and to have him submit the paperwork if he agrees to supervise. She stated if Dr. Ence is unable to supervise then he should contact someone else and have the paperwork submitted.

The Board determined Dr. Erickson is in compliance as much as possible for his first appointment.

An appointment was made for Dr. Erickson to meet again December 16, 2010.

4:00 pm
Dr. Louis Christensen, Initial Probationary
Interview

Dr. Christensen met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Woolsey conducted the interview.

Dr. Woolsey requested Dr. Christensen to briefly explain what brought him before the Board.

Dr. Christensen responded he has an addiction to Lortab. He stated he was scheduled for surgery on both knees. He stated he informed his Physician he had an addiction to Lortab but the Physician believed Dr. Christensen would need the medication for pain after surgery and during therapy. Dr. Christensen stated his Physician assured him he would help him deal with the addiction when he finished therapy but by then he was too far into the addiction so he did not return to the Physician for help. He stated he believes he has let the profession of Dentistry down by what he did and when he contacted the Division in March he needed help. Dr. Christensen stated he has reviewed his Stipulation and Order several times and believes the conditions to be very fair.

Dr. Woolsey asked how long Dr. Christensen has been drug free.

Dr. Christensen responded he has been drug free since March 2010. He stated he is attending the Wednesday 12 step study group in St. George and a couple of Friday meetings and an AA meeting but has been unsuccessful in finding a PIR group in his area.

Ms. Taxin stated Dr. Christensen could also attend the LDS 12 step meetings.

Dr. Christensen responded he prefers choosing his own sponsor so will attend the AA 12 step meetings once or twice a week.

Dr. Larsen asked how Dr. Christensen's knees have healed and if he is having any pain.

Dr. Christensen responded the pain in his knees is now minimal and he takes Advil and blood pressure medications only.

Ms. Taxin asked if Dr. Christensen is seeing a therapist.

Dr. Christensen responded no but he did have the required evaluation.

Ms. Taxin requested Dr. Christensen to contact the evaluator and request a copy of the evaluation for himself. She stated the Board could discuss the evaluation with him now in an open meeting in general terms or close the meeting to the public for a more specific discussion as the evaluation is personal.

3:45 pm

Dr. Radmall made a motion to close the meeting for review and discussion of Dr. Christensen's psychological evaluation.

Dr. Woolsey seconded the motion.

The Board vote was unanimous.

4:14 pm

Dr. Beyeler made a motion to reopen the meeting.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated Dr. Christensen should find a therapist as soon as possible. She suggested he ask Dr. Pompa if she could recommend someone or try a Psychologist or a Clinical Social Worker. Ms. Taxin suggested he also ask Dr. Pompa for her recommendation regarding frequency of therapy but the new therapist should also write their own recommendation. Ms. Taxin stated the more information submitted the better regarding how well he is doing in his recovery.

Dr. Christensen thanked Ms. Taxin then asked if Dr. Taylor could contact her regarding the expectations of a supervisor.

Ms. Taxin responded yes.

Dr. Beyeler asked if Dr. Christensen or Dr. Jay Taylor have any CS's in the office.

Dr. Christensen responded they have an antibiotic only at the office. He stated they also have Nitrous Oxide which is under lock and key and is not a temptation for him.

Ms. Taxin asked how Dr. Christensen manages his prescription pads.

Dr. Christensen responded he does not have any prescriptions pads. He stated if a prescription is needed for a CS he asks Dr. Taylor to write it for him.

Ms. Taxin reminded Dr. Christensen he does not need a CS or DEA to write prescriptions for legend drugs but must have both the CS and DEA for all controlled substances. She informed the Board that Dr. Christensen has been proactive and communicating with her regularly.

The Board determined Dr. Christensen is in compliance as much as possible for his first appointment.

An appointment was made for Dr. Christensen to meet again December 16, 2010.

APPLICATION REVIEW:

Stephanie Ann Eddy, Dental Hygienist
Examination Review

The Board reviewed Ms. Eddy's examination comparison to the WREB examination.

Ms. Bateman stated the comparison of the Indiana State examination meets the requirement of being substantially equivalent to the WREB examination for 2003. She recommended the license be issued if the application is complete.

The Board concurred.

DISCUSSION ITEMS:

Review and Discuss the Proposed Rule
Changes

Ms. Taxin introduced Ray Walker, the Division Regulation and Compliance Officer. She stated Mr. Walker has worked with her and Mitchell Jones, AG, on the proposed Rules. She stated she received

feedback in support of the proposed Rules from most of the Board. Ms. Taxin stated Dr. Radmall had some questions regarding the classifications which were changed in the Law last year but she did notice a couple of other areas in the Rules the Board should have changed for continuity. She requested the Board to go through the Proposed Rules today and if everyone agrees she will submit them for a hearing. She stated if changes are still needed she will make those changes.

Mr. Walker commented that Senator Knudson called the Division and wanted to know why the Dentist and Dental Hygienist Law is not being regulated as written. He stated Senator Knudson's position is the Dentist should be allowed to advertise their specialty if they have one.

Dr. Larsen responded he believes the Board has addressed the issue of advertising. He stated it is confusing to the public to have an Orthodontist advertisement among the Orthodontics advertisements.

Mr. Jones stated if there is more than one Dentist in the clinic it is considered a Dental group and if they are all specialists the advertisement could acknowledge the specialty but if one is not a specialist then the advertisement would need to state General Dentist.

Ms. Taxin suggested Mr. Thompson send out the information in the Association news letter to all licensees regarding the Rule changes.

Ms. Taxin stated prescribing Valium requires the Dentist to have a CS license but the Class II Dentist does not require a CS license.

Ms. Sliwinski asked if a Dentist without a CS license may supervise the Dental Hygienist.

Ms. Taxin and Ms. Bateman responded yes as a Dentist is not required to hold the CS license to administer Nitrous Oxide.

Mr. Jones stated the Dental law is one of the few that does not have fine authority for minor violations and are put on probation for those minor violations. He stated it would be more appropriate to change the Law and include fine authority.

The Board concurred.

The Board discussed the level of licensure and the requirement of a CS license for Class III and Class IV Dental licensure. They discussed prescribing for oneself any Schedule II or III CS as being unprofessional conduct. The Board requested Ms. Taxin include requiring CPR or BCLS under the Dental Hygienist requirements for licensure. The Board requested a few additional minor revisions.

Following discussion, the Board requested Ms. Taxin make the minor revisions in the proposed Rules and e-mail them out for the Board to review prior to filing them.

Ms. Taxin requested the Board to review the proposed Rules and get back to her by Friday, October 7, 2010 with any additional changes or an approval to file.

WREB Travel

Ms. Taxin stated she was able to obtain approval for one Dentist and one Dental Hygienist to attend the WREB Meeting and report back to the Board. She stated the WREB meetings are voluntary and Board members are not required to participate. She asked Board members if they wanted to volunteer for the WREB meeting which will be held this year in Park City, Utah.

Ms. Bateman volunteered to attend as the Dental Hygienist and Dr. Larsen volunteered to attend as the Dentist.

Ms. Bateman stated she submitted a report from Utah to WREB which included some of the issues which have been discussed in the Board meetings.

Dr. Radmall

Dr. Radmall voiced frustration with the Utah insurance companies dropping practitioners who are on probation. He stated it is punitive for probationers.

Dr. Radmall suggested Ms. Taxin meet with the insurance companies and discuss the issues.

Ms. Taxin responded she recently testified at an appeal hearing for a Physician who was dropped from insurance panels. She stated the decision was overturned by the Judge and the Physician is again on insurance panels. She stated some insurance guidelines say if a practitioner is being supervised they do not qualify to be approved on the panel. She stated she explained in the hearing the supervision requirements and purpose of probation.

Ms. McCall asked if practitioners are aware they have the right to an appeal.

Ms. Taxin responded an appeal is a lot of work and maybe practitioners do not want to be involved in that process.

Mr. Thompson offered to contact some insurance groups regarding the issue because if the State of Utah allows probationers to continue to practice then the insurance companies should continue to retain them on insurance panels.

Ms. Taxin stated the issue may be a liability for the insurance companies if probationers are allowed on their panels.

Dr. Taylor commented in a Court of Law it might increase their liability.

Dr. Radmall responded the liability would not be increased.

Mr. Thompson stated he will report back to the Board after he talks with the insurance companies.

Tentative 2011 Board Meeting Schedule

Ms. Taxin stated the Board has discussed meeting less often and the 2011 schedule is planned for quarterly meeting dates but she stated she believes there will be a few more probationers and the Board may need to meet more frequently.

Dr. Radmall recommended the Board plan on the quarterly dates and add dates if necessary.

The Board concurred.

The Board noted the following dates for the 2011 Board meeting schedule: March 17, June 16, September 8 and December 8, 2011.

CORRESPONDENCE:

ADEX Annual Report

The Board reviewed the ADEX Annual Report. **No Board action was taken.**

Jennifer Snodgrass letter regarding a specific and affirmative ruling regarding Botox and dermal fillers for Cosmetic Procedures

Ms. Taxin read Ms. Snodgrass's letter to the Board. She stated she has been working with the UMA regarding the issue of what practitioners can inject, i.e.: Botox and dermal fillers as they do the procedures for TMJ already. Ms. Taxin stated she believes the UMA is considering the procedures for Dentists if they have had the education and training but Dentists would not be allowed to delegate to others. She stated she receives regular e-mails regarding the Boards position and has responded that Utah Laws and Rules do not address the issue but for therapeutic reason the Dentist may do the procedures if they have the education and training.

Dr. Taylor responded Dentists deal with lip lines and he asked how high the lip line goes. He stated they also deal with the issue for aesthetic reasons. Dr. Taylor stated he attended a seminar on using Botox and dermal fillers and cannot see a reason a Dentist cannot do the procedure with education and training.

Ms. Taxin stated she is not sure how the UMA will address the issue as they have to be careful addressing another profession. She stated it would be ideal to address it in the Dental Law and require specific CE. She stated there are ways to address the issue so it is a safe practice.

Dr. Mantyla stated insurance organizations would be reluctant to include the practice in the insurance coverage unless there was legislation approval. He

stated the public is more concerned about cosmetic treatments now and if the practitioners are insured they may have to pay high malpractice premiums.

Dr. Taylor asked if there have been any cases where Dentists have administered Botox and had problems.

Ms. Taxin responded not by a Dentist but there have been cases where Botox was injected and paralyzed more of the patient's face than the practitioner anticipated.

Dr. Larsen asked if the Dentists would need an updated certificate each year if they are doing Botox.

Dr. Mantyla responded yes. He stated it is not a point of conventional practice so for legal implications there is a lot of concern.

Ms. Taxin stated she believes there are several Dentists doing Botox and maybe Mr. Thompson could do an anonymous survey of Utah Dentists to determine how many are involved. She stated it is a continuing issue and she will respond to Ms. Snodgrass that the Law and Rule for Dentists does not address the administration of Botox and the use of dermal fillers for elective cosmetic procedures so the Board cannot give a position answer.

WREB Board of Directors Minutes

Andrew Snyder, PEW, Questionnaire regarding Dental Hygienists placing sealants in a school based or linked program with or without a Dentist Examination

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

Dr. Larsen reviewed the questionnaire and asked if a student hygienist, working in a school-based or school-linked sealant program, should be able to do a sealant without a Dentist examination first. He stated the choices are:

1. Dentist examination not required;
2. Dentist examination is sometimes required (for example, certain classifications of dental hygienist can place sealants without a dentist's prior exam);
3. Dentist's exam is always required; or
4. Dentist's exam and direct or indirect

supervision is required.

Ms. Bateman responded if a Dentist examination is always required the hands are tied of a lot of people doing a good service.

Following additional discussion the Board determined the answer should be #2, Dentist examination is sometimes required (for example, certain classifications of dental hygienist can place sealants without a dentist's prior exam), but it is not specifically addressed in the Utah Law or Rule.

NEXT MEETING SCHEDULED FOR: December 16, 2010

ADJOURN: The time is 6:00 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.

December 16, 2010
Date Approved

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

October 20, 2010
Date Approved

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