

MINUTES

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

March 17, 2011

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 A.M.

ADJOURNED: 2:25 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Alexander B. Larsen, DDS, Chairperson

Mark R. Taylor, DDS

Pamela L. Jolley

Constance A. Sliwinski, RDH

Karen S. Bateman, RDH

Warren Woolsey, DDS

Greg T. Beyeler, DDS

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Guests:

Dr. Don Mantyla, Professional Insurance Exchange

Monte Thompson, UDA

Steven Steed, UDOH

Heidi Brickey, IDHA

Joleen Van Bibber, DAH/UDAA

Cherilyn Myers

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the December 16, 2010 Board meeting were read.

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

APPOINTMENTS:

9:20 am

Ronda Trujillo, Compliance Update

Ronda informed the Board there are two (2) new probationers with similar names, a Jonathan F. Coleman and a John Scott Coleman.

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

Ms. Trujillo reported **Dr. W. Scott Andersen** is currently in compliance with his Stipulation and Order. She stated Dr. Andersen had a second evaluation and the recommendation was for him to have therapy if it was not too financially stressful for him. Ms. Trujillo stated Dr. Anderson has already started therapy.

Ms. Trujillo reported **Dr. Louis R. Christensen** is currently out of compliance with his Stipulation and Order based on no therapist report having been submitted since December and they are due monthly. Ms. Trujillo stated she contacted Dr. Christensen and he clarified he had just consulted with a new therapist and faxed in verification of the consultation which also verified he would meet again on March 28, 2011. She requested the Board to ask if Dr. Christensen has a sponsor for his 12 step program.

Ms. Taxin reminded the Board Dr. Christensen reported that he was not benefitting from his current therapists help and the Board had approved for Dr. Christensen to find another therapist.

Ms. Trujillo reported **Dr. Verd Erickson** is currently in compliance with his Stipulation and Order. She stated Dr. Erickson will not be meeting today as he is ill. Ms. Trujillo stated Dr. Erickson's supervisor, Dr. Ence, reported Dr. Erickson ends the day by hugging his staff. She stated Dr. Ence reported he has discussed the issue with Dr. Erickson and Dr. Erickson

has stopped the behavior but he was told it is an inappropriate habit. Ms. Trujillo stated Dr. Erickson and Dr. Ence requested the Board to consider changing the requirement of supervision from twice a month to once a month.

Ms. Taxin stated when she talked to Dr. Ence during the past quarter he stated Dr. Erickson was scheduled to take the boundary course and needs the education as he is not differentiating between staff and family. She stated as of today Dr. Erickson has completed a boundaries course. Ms. Taxin stated Dr. Erickson wants to change supervision meetings to once a month but she believes he should meet with the Board prior to making a change for the Board to discuss the hugging boundary with him.

Dr. Larsen responded if Dr. Ence supports meeting once a month then he would support the request.

Ms. Taxin stated since he is not here in person it might be best to have him meet and discuss the boundary issues in the office and the course and consider the change at that time.

Dr. Lundberg made a motion to change the supervision meetings from twice a month to once a month when Dr. Erickson meets June 16, 2011.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

Ms. Trujillo reported **Dr. David L. Flynn** is currently in compliance with his Stipulation and Order. She informed the Board that Dr. Flynn had a patient who required after hours care and he called Ms. Taxin who approved the care but requested the patient to write a letter regarding the incident.

Ms. Taxin stated Dr. Flynn was very concerned about violating his Order when he called but after hearing the situation she believed it was in the best

interest of the patient to be treated and gave Dr. Flynn permission.

Ms. Trujillo reported **Dr. Jared W. Hemmert** is currently in compliance. She stated Dr. Hemmert had one diluted drug and alcohol test which could be attributed to a higher than average liquid intake. She stated she made a call to Dr. Hemmert voicing her concern and cautioned him to limit his liquids until after he tests. She stated Dr. Hemmert had said he had a cold and was taking some medication.

Ms. Taxin commented she received two telephone calls of concern regarding Dr. Hemmert's behaviors and health after the last meeting. She stated she contacted him to discuss the variety of concerns that were noted about his behavior and then she arranged for a mobile unit to go out and drug test him. Ms. Taxin stated the test was diluted. She stated if he continues to have diluted test there could be an issue but a one time thing is not as concerning. Ms. Taxin stated she requested Dr. Hemmert to see his therapist as soon as possible to address the concerns discussed which he did and the therapist wrote on the therapist report he had no concerns.

Ms. Taxin stated she requested Dr. Hemmert to submit a summary of the events, which he did and is available for the Board to review. She stated she believes he understands he is now being supervised more carefully. Ms. Taxin stated she also told Dr. Hemmert if he is ill he should not be in the office and he should have made a better decision to not go to work when he is ill. She stated Dr. Hemmert's supervisor sent him home.

Ms. Trujillo reported **Dr. John V. McArthur** is currently in compliance with his Stipulation and Order. She stated he completed a PACE course and the certificate is in his file. Ms. Trujillo stated Dr. McArthur requested a telephonic appointment for today as he would be unable to attend in person.

Ms. Taxin stated she believes there was some confusion because she does not recall approving the PACE course Dr. McArthur completed but Dr. Engar attended the last meeting and had given Dr. McArthur information to attend a course he offered on dental patient records which was a one hour class. She asked if the Board would accept the course or recommend Dr. McArthur complete the Stepping Stones to Success course that was recommended which is about eight hours.

Dr. Radmall responded a one (1) hour course is not thorough enough. He stated Dr. McArthur was to bring some records for the Board to review to determine if his records are complete or additional information needs to be included.

Dr. Taylor asked if the Stepping Stone to Success is more thorough.

Ms. Taxin responded yes. She stated Dr. McArthur should be requested to bring several records with him to the next appointment for the Board to review.

Ms. Trujillo stated Dr. McArthur has submitted court documents and was going to contact the DEA regarding the possibility of again obtaining his registration. She explained the Division and DEA work together but the CS license must be issued prior to DEA issuing their registration.

Ms. Taxin stated Dr. McArthur had some outstanding issues with the DEA and they might agree to put him on an MOU in order to monitor

him or they may say they will never issue him another DEA registration. She stated Dr. McArthur is aware of the DEA issues.

Ms. Trujillo reported **Dr. Steven C. Pinegar** is currently in compliance for first time since he has been on probation. She stated Dr. Pinegar sent a letter of apology for forgetting his appointment in December. Ms. Trujillo requested the Board to review and approve or deny his proposed supervisor.

Ms. Taxin stated she called Dr. McIff, the proposed supervisor, who said he could not meet in person today but could meet telephonically. She stated the Board needs to be sure Dr. McIff understands the Stipulation and Order and expectations in supervision. She stated the Board should also ask if Dr. Pinegar and Dr. McIff are friends socially and if they are Dr. Pinegar may need a different supervisor. She suggested the Board ask Dr. Pinegar about the documenting course he completed to see if it was beneficial to him.

Dr. Larsen commented he, Dr. Pinegar and Dr. McIff are in a type of co-op together but he does not know their relationship.

Ms. Trujillo reported **Dr. John w. Myers** is currently in compliance with his Stipulation and Order. She stated there were some issues with Dr. Scott Kiser, one of Dr. Myers supervisors, and the Board should ask Dr. Myers to explain. Ms. Trujillo stated Dr. William Burns has agreed to be Dr. Myers new supervisor. She reminded the Board of Dr. Myers mother passing away just before his last meeting and stated since that time Dr. Myers father has also passed away.

Ms. Taxin stated she requested Dr. Myers to meet today due to Dr. Kiser calling and voicing concerns regarding Dr. Myers acting a little aloof, repeating himself, appearing unfocused and disorganized but Dr. Kiser stated there has been no question regarding the quality of his work. She stated she

had Dr. Myers drug tested and the tests were negative. She stated she requested he go to his Dr. and therapist right away which he did. Ms. Taxin stated Dr. Kiser asked what he should do if Dr. Myers is acting strange and she advised him to send Dr. Myers home for the day. Ms. Taxin stated Dr. Myers was stressed from the loss of both parents in a short period of time and extremely tired as he was not sleeping. She stated he received two fitness for duty letters; one from his Dr. and the other from his therapist who both tried to contact Dr. Kiser without a response. She stated Dr. Myers also reported Dr. Kiser would not respond to him. Ms. Taxin stated Dr. Myers provided information for the Board to review.

Ms. Trujillo reported **Dr. Jonathan F. Coleman** is currently in compliance with his Memorandum of Understanding (MOU) as much as possible for his first appointment. She stated the psychological/chemical evaluations were due March 14, 2011 and Dr. Coleman submitted a drug and alcohol abuse assessment from an unapproved evaluator who is not a psychologist or psychiatrist and is the same person he is seeing for therapy. Ms. Trujillo stated it is inappropriate to have the evaluator be the therapist and the Board should address the issue with him. She stated the Board could require an evaluation from an approved psychologist as required in the Order. Ms. Trujillo stated Dr. Coleman is on a court ordered probation and the report states he is model probationer. She voiced concerns regarding the therapist report and criminal history inconsistencies but stated he has made effort to get paperwork into the Division.

Dr. Beyeler noted the evaluation states Dr. Coleman has a history of success in their treatment. He asked how many times Dr. Coleman has gone through the court ordered probation and if the Board should request a different therapist.

Ms. Taxin responded the Board should ask Dr. Coleman Dr. Beyeler's questions before making a

decision to request a different therapist. She stated Dr. Coleman's attorney called to ask if he should be present for the meeting. She stated she explained the probationary process and informed the attorney he may attend but it is not necessary as the Board would be interviewing and monitoring Dr. Coleman that this is not a hearing and the conditions of the Stipulation would not be changed.

9:35 am

Dr. W. Scott Andersen, Probationary Interview

Dr. Andersen met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman informed Dr. Andersen that a new therapy report was received but it was not signed by the person who was expected to sign. She requested Dr. Andersen to explain. She stated the report was very positive.

Dr. Andersen responded he talked with Dr. Pompa regarding seeing a different therapist, someone closer to where he lives. He stated he received a referral from his Physician to contact an LPC and has a CV from the new therapist for his file. Dr. Anderson asked if his Board appointments could be scheduled later.

Ms. Taxin stated Dr. Andersen could be scheduled later for his probationary appointments. She then asked if Dr. Pompa's recommendations in the evaluation were helpful to him.

Dr. Anderson responded yes, they were helpful. He stated he has a staff person's husband who is a patient. He stated he does not currently have a DEA registration or a CS license but he prescribed Loritab and an antibiotic for this patient and had Dr. Chapel, his supervisor, write the prescriptions. Dr. Andersen asked if that would be acceptable.

Ms. Taxin responded if Dr. Chapel is writing the prescription then Dr. Chapel has to evaluate the patient and see the chart to determine if the prescription is appropriate. Ms. Taxin stated

treating family is not always the best practice but Dr. Andersen may treat family if he has a patient chart for the family member. Ms. Taxin stated she highly recommends Dr. Andersen does not prescribe any CS to family members and if the treatment is something more serious he should refer them to someone else. She stated if Dr. Andersen has another Dentist who supports him on the treatment, reviews the file and sees the patient then that Dentist could prescribe. She stated she makes the same recommendation for staff members once a patient, always a patient and family and staff can sometimes cause problems for practitioners but Dr. Andersen would have to decide how to handle each situation. Ms. Taxin stated she believes the DEA codes will not allow prescribing CS's to self or family members.

Dr. Taylor and Dr. Radmall commented it is common practice to treat staff and it is usually part of their employment package but you have to be very careful when treating staff.

Dr. Woolsey asked how Dr. Andersen dealt with the pain when he had appendicitis.

Dr. Andersen responded he took Ibuprofen only and was fine.

Dr. Lundberg asked if Dr. Andersen completed and submitted the required essay.

Dr. Andersen responded yes.

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

An appointment was made for Dr. Andersen to meet again June 6, 2011.

9:50 am

Dr. Louis R. Christensen, Probationary
Interview

Dr. Christensen met for his probationary interview.

Dr. Woolsey conducted the interview.

Dr. Woolsey asked if Dr. Christensen had found a sponsor in St. George for the AA program he attends there.

Dr. Christensen responded he has not found a sponsor in St. George yet but has approached some people who were either too young or not interested. He stated he is still relying on the sponsor in Ogden.

Dr. Woolsey asked Dr. Christensen to update the Board on his therapy as there has not been a report submitted since December and they are due monthly.

Dr. Christensen responded he is no longer seeing Dr. Valentine. He stated his wife is seeing Penelope Eicher, a Marriage and Family therapist in St. George. He stated he went with his wife a few times and has gone sometimes by himself. He stated he likes Ms. Eicher and has decided to transfer to therapy with her.

Dr. Woolsey asked if Dr. Christensen has had any relapses.

Dr. Christensen responded no. He stated he has been sober about a year and it has been a good year. He stated he has continued to attend the 12 step on Wednesday nights and likes to attend on Saturday nights as they have great speakers on Saturdays. He stated he attends the meetings due to being required but when he arrives he likes being there.

Ms. Taxin asked if the meetings help Dr. Christensen with his sobriety.

Dr. Christensen responded yes, he believes his attendance does help with his sobriety.

Dr. Christensen stated he believes the Division had some confusion regarding his address. He stated he believes the Division now has his correct address.

Ms. Trujillo responded she does now have the correct address. She stated Ms. Eicher will need to submit a letter agreeing to be Dr. Christensen's

therapist and to document having read the Stipulation and Order and submit a copy of her resume. She stated Ms. Eicher will also need to complete and submit the required therapist report and address on the report how the evaluation issues are being dealt with.

Dr. Woolsey and Dr. Larsen requested Dr. Christensen to update the Board regarding his practice.

Dr. Christensen responded his practice is slowly growing. He stated his patients are loyal, great to work with and most of them are retired. He stated his supervisor, Dr. Taylor, and the staff are very helpful.

Ms. Taxin asked how Dr. Christensen deals with his stress.

Dr. Christensen responded he holds his stress inside like he has always done.

Ms. Taxin stated maybe that is an area Dr. Christensen needs to work on with his therapist and he could discuss a healthier coping plan with the Board at his next appointment.

Dr. Christensen responded he and his wife do meditation, listen to CD's at this time. He stated he stresses over the meditation.

Ms. Taxin asked if he does exercises.

Dr. Christensen responded he should do more exercise.

Ms. Trujillo asked if the Board wants Dr. Christensen to have an AA sponsor in St. George in addition to his sponsor in Ogden.

Board members responded he needs a sponsor in St. George.

Dr. Christensen agreed to have a sponsor by his next appointment.

Dr. Lundberg requested clarification regarding Dr. Taylor being Dr. Christensen's supervisor and also working in the same office.

Dr. Christensen responded Dr. Taylor is an associate. He stated he employs Dr. Taylor but Dr. Taylor is an independent Dentist at the clinic who has the job of supervising him. Dr. Christensen stated Dr. Taylor is an older person who has the ability to talk openly with him. He stated Dr. Taylor would be willing to meet with the Board if necessary.

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

An appointment was made for Dr. Christensen to meet again June 16, 2011.

10:10 am

Dr. Verd Erickson, Probationary Interview

Ms. Trujillo stated Dr. Erickson will not be meeting today for his probationary interview due to illness. He will be rescheduled to meet at a later Board meeting.

10:20 am

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Bateman conducted the interview.

Dr. Flynn stated he still has concerns regarding losing insurances.

Ms. Bateman responded the Board has no control over the insurance privileges. She stated a nice note was received regarding Dr. Flynn going above and beyond to comply with his Stipulation and Order when he needed to treat an emergency patient. She requested Dr. Flynn to explain. She stated the Board was impressed that Dr. Flynn takes his probationary requirements seriously and wants to be sure he in compliance.

Dr. Flynn responded his sister-in-law broke a tooth after hours and needed immediate attention. He stated he did not have an assistant available so he called Ms.

Taxin to report he did not have a chaperone. He stated after he completed the procedure he requested his sister-in-law to write a letter verifying he was appropriate. Dr. Flynn stated his family is doing well and his therapist is pleased with where he is in therapy. Dr. Flynn stated his father let insurance dictate how he practiced Dentistry and when he completed dental school he followed what his father had been doing. He stated without the insurance he has decided to practice a little differently and has done several implants, which he has found he enjoys doing.

Ms. Bateman clarified Dr. Flynn's practice of Dentistry was never in question and his staff and patients need to know his work is credible. Ms. Bateman stated it appears Dr. Flynn's therapy is soon to be completed or less frequent. She asked him to explain.

Dr. Flynn responded he has been seeing Ms. Acord for about two years and she believes he is about finished with his therapy. He asked if the Board would consider counting his court ordered probation and the time he has used a chaperone as it was about two and a half years prior to the State probation.

Ms. Taxin responded Dr. Flynn is doing what he needs to do and if he continues for a period of time then at a later meeting the Board could consider early termination of his probation.

Dr. Larsen clarified the court ordered probation commenced in 2008. He asked when the court ordered chaperone started.

Dr. Flynn responded the chaperone requirement was about the same time. He stated he also started therapy at that time. Dr. Flynn stated he knows he needed to grow up but did not realize it at the time.

Dr. Woolsey commented late hour emergencies do not happen often but Dr. Flynn should still let chaperones know so he has someone there. Dr. Woolsey stated Dr. Flynn's wife could also act as chaperone or the patient could bring someone with

her.

Dr. Flynn thanked Dr. Woolsey for the advice.

Dr. Beyeler asked where Dr. Flynn obtained the training to do implants.

Dr. Flynn responded he obtain his training by taking classes through White Cap Institute and University of Pacific.

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

An appointment was made for Dr. Flynn to meet again June 16, 2011.

10:35 am

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted interview.

Dr. Larsen informed the Board that Dr. Hemmert gave a presentation on giving kids a smile at the Dental convention last week.

Dr. Hemmert stated he just completed his first full month of emergency calls for Utah Valley Regional. He stated he had a couple of calls and did his first operating room case in a year and a half. Dr. Hemmert voiced being excited about the training he has had and stated he will go to Scottsdale, Arizona soon for additional training. He stated he also has a computerized training program he will be taking. Dr. Hemmert stated he still meets with Dr. Perrero. He stated he has been asked why he wants to be a Medicaid provider as they are excluding him for reason that has no merit. Dr. Hemmert stated he has fought with Medicare for over a year so he hired an attorney and received a judgment in his favor but he still is not on the Medicare panels. Dr. Hemmert stated the Medicare issue is a result of this probation. He stated he was also denied going to Guatemala to provide Dentistry this fall due to his probation.

Dr. Larsen commented it would be interesting for Dr. Hemmert to apply to other insurance companies now that he has a legal judgment.

Dr. Hemmert stated he brought two prescription lists for the Board to review as his CS license is still suspended. He stated he is not sure which Pharmacy filled the prescriptions. He stated everyone with a CS is supposed to be registered with the DOPL CS database and he is not. He asked if that would be a problem for him.

Ms. Taxin stated Ms. Trujillo will look up the pharmacy that filled the prescriptions. She stated most Pharmacy programs have a default and if the person putting in the information is not paying attention when they fill the prescription it will go to the default practitioner. Ms. Taxin stated Dr. Hemmert is not required to register with the CS database until the suspension is taken off his CS license.

Ms. Trujillo gave Dr. Hemmert the location and telephone number of the Pharmacy.

Dr. Larsen stated a couple of reports of concern were received regarding Dr. Hemmert's behavior and also a couple of diluted drug tests were received. He requested Dr. Hemmert to explain.

Dr. Hemmert responded he had a car accident on his way to work but went to work anyway and had some problems focusing. He stated he is required to drive a vehicle with an airlock device even though the offense was not a DUI and he now has only the wrecked vehicle with that device. Dr. Hemmert stated exactly a week later Dr. Perrero came into his office about 4:30 pm to check on him. He stated he had been sick all weekend but went to work on Monday and should have stayed home. Dr. Hemmert stated after he spoke with Dr. Perrero he spoke with Ms. Taxin to let her know of the incident and agreed to take a drug test which he had and has had two tests since that time.

Ms. Taxin asked what Dr. Hemmert learned from

the experience.

Dr. Hemmert responded he believes there is a communication gap with his employees as there are little things being told to Dr. Perrero and not to him directly. He stated it was a wake up call for him and he has talked with Dr. Perrero about more open communication.

Dr. Larsen commented Dr. Hemmert's staff and patients are probably very sensitive and when they saw the incidents red flags went up. He stated the staff and patients are concerned and do not want to see Dr. Hemmert go back to where he was.

Dr. Larsen asked Dr. Hemmert about his year of sobriety.

Dr. Hemmert responded it has been a good year, he is excited about working, has been doing implants, has a great staff and great system in place. He stated the disorientation incident brought back horrible feelings so he saw his therapist and they talked through the issues and feelings. He stated he hopes to learn from what happened and move forward. Dr. Hemmert stated he has learned recovery is not about being perfect but it is about doing better each day.

Ms. Taxin thanked Dr. Hemmert for his comments. She asked if he is on the website linkedin as her staff have received an e-mail to connect with him on that site.

Dr. Hemmert responded he is not sure what he hit on his computer but the e-mail was sent to everyone that he has an e-mail address for. He stated he will check into the problem and delete unwanted e-mails. Dr. Hemmert stated obtaining his CS license again is still in his mind. He asked how soon the Board would consider reinstatement of the CS license.

Ms. Taxin suggested he meet in June for discussion regarding his CS license.

Dr. Hemmert thanked the Board.

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

An appointment was made for Dr. Hemmert to meet again June 16, 2011.

Dr. Hemmert left the meeting.

Dr. Beyeler asked Ms. Taxin to explain what happened when Dr. Perrero went over to Dr. Hemmert's office.

Ms. Taxin responded Dr. Perrero called her regarding how Dr. Hemmert was acting and she recommended he send Dr. Hemmert home if he was not acting appropriately or if he was ill. She stated Dr. Perrero sent Dr. Hemmert home. Ms. Taxin stated she believes it is difficult for staff and supervisors to call her as they do not want to appear disloyal. She stated Dr. Perrero requested Dr. Hemmert have a drug test and Ms. Taxin stated she arranged for one to be taken.

Ms. Trujillo stated that test was the diluted test but it was just barely diluted.

The Board thanked Ms. Taxin and Ms. Trujillo for the information.

10:50 am

Dr. John V. McArthur, Telephonic
Probationary Interview

Dr. McArthur met telephonically for his probationary interview.

Dr. Taylor conducted interview.

Dr. McArthur informed the Board he is doing well and his practice has picked up a little.

Dr. Taylor asked if Dr. McArthur could tell the Board about the course he completed for one hour credit and what he learned from the course.

Dr. McArthur responded the course was on Dental patient records. He stated it reminded him of some

things he should be doing when he documents in his patients records. He stated he took a risk management course in January which stressed Dentists need to be very detailed about record keeping.

Dr. Taylor asked if Dr. McArthur checked into the record keeping course the Board suggested.

Dr. McArthur responded no.

Dr. Taylor asked if Dr. McArthur has contacted the DEA regarding registration.

Dr. McArthur responded no. He stated he believes he must have his CS first and then contact the DEA.

Ms. Trujillo stated Dr. McArthur is correct in that he does need the Utah CS license for the DEA to issue their registration but some probationers start discussion with the DEA to determine if the DEA will consider issuing the DEA registration.

Dr. Taylor asked if Dr. McArthur has written any recent prescriptions.

Dr. McArthur responded he has not written any recent prescriptions and there have been no narcotics administered from the office for several years.

Dr. Radmall asked if Dr. McArthur is anticipating completing any CE courses and if he has considered taking Stepping Stones for Success.

Dr. McArthur responded he has considered a PIE course but has not considered Stepping Stones for Success.

Ms. Taxin asked where Dr. McArthur received the information for the documentation course he completed.

Dr. McArthur responded he is not sure where he got the information.

Ms. Taxin suggested Dr. McArthur look into the

Stepping Stones for Success course at www.steppingstonestosuccess.com or the PACE documentation course in San Diego at www.pace.org .

Ms. Trujillo reminded Dr. McArthur that the course he completed was not pre-approved as required by his Order.

Ms. Taxin stated the Stepping Stones to Success course and the PACE courses are already approved for probationers.

Dr. McArthur agreed to check on both courses and let Ms. Taxin or the Board know if he will take one.

Dr. Larsen reminded Dr. McArthur of the Board's request to bring some charts for the Board to review today. He stated since Dr. McArthur is meeting today telephonically he will need to arrange to meet in person for the next meeting and to bring some charts for the Board to review.

Dr. McArthur voiced concern in regard to the HIPPA requirements.

Ms. Taxin responded Board members and State employees are exempt by HIPPA but protect the patients confidentiality but Dr. McArthur could notify and request consent from his patients. She stated patient names will not be mentioned by the Board. She suggested Dr. McArthur contact Lynette at the DEA office regarding obtaining a DEA registration and report back to the Board at his next appointment.

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

An appointment was made for Dr. McArthur to meet again in person June 16, 2011.

11:10 am

Dr. Steven C. Pinegar, Probationary Interview, and Dr. McIff, Supervisor

Dr. Pinegar met for his probationary interview. Dr. McIff, supervisor, met telephonically for the

interview.

Dr. Lundberg conducted the interview.

Dr. Pinegar apologized to the Board for missing his December appointment. He stated he thought the meeting was for January.

Dr. Lundberg requested Dr. Pinegar to share what he learned from the record keeping course from PACE.

Dr. Pinegar responded the course was an online course and very detailed regarding how to document charts, consent forms and much more. He stated there was an examination upon completion with PACE sending the results and a certificate of completion if a person passes the course. He stated a person could not pass the course with the required 80% without taking the course as specifics were asked in the questions. He stated it is a valuable course to take.

Dr. Lundberg asked if Dr. Pinegar has completed any other courses and, if he has, what they were.

Dr. Pinegar responded he completed a course on www.dentalcetoday.com which was a post graduate course on cosmetic cases and managing tissues. He stated he also attended the UDA conference.

Dr. Lundberg asked how Dr. Pinegar knows his supervisor and if they have a personal or a professional relationship.

Dr. Pinegar responded he knew Dr. McIff's family before Dr. McIff went to Dental school. He stated they have a friendship relationship but Dr. McIff would do what needs to be done in order to be sure he is meeting the requirements of his Order.

Dr. Lundberg asked Dr. McIff if he has read Dr. Pinegar's Stipulation and Order understands why Dr. Pinegar is on probation and understands his role as supervisor.

Dr. McIff responded yes he has read the Order, understands the issues and his own role as supervisor.

Dr. Lundberg voiced the Board's appreciation regarding Dr. McIff submitting the supervisor reports. He then requested Dr. McIff to be more specific on the reports.

Dr. McIff responded he will be more specific on future reports.

Dr. Lundberg stated Dr. Pinegar has said they have been friends for many years. He stated the Board does not want the reports to be "good buddy" reports as this is to be a learning experience for Dr. McIff to assist him in being a better practitioner.

Dr. McIff responded he thought about their friendship when Dr. Pinegar approached him but believes he can be objective and help Dr. Pinegar.

Ms. Taxin stated the Board needs to know Dr. Pinegar is working on his issues and Dr. McIff should be able to discuss patients and techniques with Dr. Pinegar. She stated it would also be appropriate for Dr. McIff to show up randomly and check patient charts and to be sure to include the information in his reports.

Dr. McIff responded he has dropped in unannounced and watched some placement of crowns and bridges procedures. He stated he believes Dr. Pinegar is trying to meet the requirements of his Order and trying to be a better practitioner.

Ms. Taxin asked what Dr. McIff would do if he received a complaint from a patient, staff or observed something of concern and did not feel comfortable talking with Dr. Pinegar. She also asked if he observed something controversial would he call anyone.

Dr. McIff responded he would talk to Dr. Pinegar but he could also call Dr. Pinegar's therapist.

Ms. Taxin stated Dr. McIff could also contact her and she will help him come up with ideas on how to talk with Dr. Pinegar or he could contact Ms. Trujillo or request to speak with the Board as all are his support system.

Dr. McIff thanked Ms. Taxin for the information. He stated he wants all Dentists to do their best on their patients.

Dr. Lundberg stated the Board relies heavily on those who supervise probationers.

Ms. Taxin stated seating of crowns was one of Dr. Pinegar's issues. She stated she knows he is taking courses but how has he changed things to assure he does not have another issue.

Dr. Pinegar responded he is now doing more x-rays and that helps to be sure crowns are seated properly as the angle of the bite can be deceptive.

Dr. Lundberg stated there is a difference between a CE course and doing the procedure in the office. He stated it is important to make the transition.

Dr. Taylor requested Dr. Pinegar describe a typical procedure for the Board.

Dr. Pinegar gave a typical procedure description. He stated he had an issue with the lab he was using but it is now resolved.

Dr. Larsen voiced appreciation for Dr. Pinegar working on being compliant with the probationary process.

The Board determined Dr. Pinegar is in compliance today with his Order.

An appointment was made for Dr. Pinegar to meet again June 16, 2011.

11:45 am
Dr. John W. Myers, Probationary Interview

Dr. Myers and his wife Cheryl Myers met for his

probationary interview.

Dr. Radmall conducted the interview.

Dr. Myers stated he has found another supervising Dentist and has a location to move his practice. He stated the proposed supervisor is Dr. William (Bill) Burns and the location for his practice will be in Murray at 5900 South. Dr. Myers stated Dr. Burns has been a great supporter and mentor for him and stated Dr. Burns also knows his background and the issues he has had. He voiced looking forward to having his own clinic as he has been at three different offices with Professional Dental.

Ms. Taxin requested Dr. Myers to write an updated note regarding his current employment and supervisors for his file.

Dr. Lundberg asked how Dr. Myers has dealt with the stresses he has had the last few months.

Dr. Myers responded he has been meeting with his therapist to deal with the stress of losing both parents in a short period of time.

Dr. Lundberg stated Dr. Myers had mentioned he was not sleeping well and he asked if he is now sleeping better.

Dr. Myers responded yes. He stated he goes to bed earlier, is using meditation every night, has started an exercise regimen, is eating breakfast and lunch regularly, still attends weekly AA meetings and is talking to his sponsor weekly. He stated all this has helped his sleeping habits.

Ms. Taxin requested Dr. Myers to explain the change from Dr. Kiser's office and why the relationship was terminated.

Dr. Myers responded Dr. Kiser voiced some concerns due to his parents passing away but he was cleared to go back to work. He stated the evaluators ultimately recommended he obtain a new supervisor as their

treatment policies were different. He stated he does not want to speculate on the situation. He stated he was given a percent of the fees collected and was paying Dr. Kiser a percent of the fees he was given. He stated he believes part of the issue was financial.

Ms. Taxin stated Dr. Kiser was very supportive of Dr. Myers until about a month ago. She suggested Dr. Myers analyze the situation in order to prevent it from happening in another workplace. She stated Dr. Kiser had concerns about Dr. Myers not being focused and how he was not taking care of himself. Ms. Taxin stated life always has stresses. She asked what Dr. Myers has learned and stated some of Dr. Kiser's feedback was valuable.

Dr. Myers responded changing his sleep patterns has been beneficial. He stated his wife provides feedback for him and he has gone back to see Dr. Johnson. He stated losing both parents in a short period of time was difficult but talking it through has helped.

Dr. Larsen requested Dr. Myers to address Dr. Kiser's comment regarding imminent disaster.

Dr. Myers responded he does not hold any ill will for Dr. Kiser contacting Ms. Taxin. He stated the lack of sleep was an issue but it is no longer an issue.

Dr. Larsen encouraged Dr. Myers to continue with the good habits he is developing.

Dr. Radmall also encouraged Dr. Myers to continue taking care of himself. He stated if others are noticing some things then Dr. Myers should step back and look at what is happening. He stated there is an inference in the notes that Dr. Myers did not treat a patient the way Dr. Kiser would have. He asked Dr. Myers to explain.

Dr. Myers responded he added a filling which was needed and told the financial person about it. He stated he has also talked with Dr. Burns regarding the extensive treatment plans and asked if he could ask Dr. Burns questions about treatment plans as he has

practiced many years.

Ms. Taxin asked if Dr. Myers has remained sober during this difficult time.

Dr. Myers responded yes. He stated he goes yearly to talk with dental students regarding drugs and alcohol. He stated today a student asked if he thinks about drinking and if it is difficult to stay sober. Dr. Myers stated he responded to the student that he has to be on guard all the time but when he is busy he does not think about it. He stated it is like being a diabetic in that the person has to treat it every day.

Dr. Lundberg requested Mrs. Myers to speak to the difference in her husband.

Mrs. Myers responded they have been through a lot and Dr. Myers has presented challenges she never thought she would have to deal with. She stated they have not learned everything as there are still challenges but they are working on those. Mrs. Myers stated Dr. Myers is not the same person he used to be now but is not perfect as no one is but he is not a vindictive person and they are doing ok. She stated it was difficult for both of them to have his parents pass away within three weeks of each other. She stated his mother was bedridden so it was a blessing for her to go but his father was doing ok and they thought he would live longer. She stated she has her feelings regarding things that transpired with Dr. Kiser but Dr. Myers has done everything that has been requested of him. She stated she has been through treatment with him and learned many things. She stated our choices affect everyone and everything around us. Mrs. Myers stated she does not condone drug or alcohol abuse but no longer worries about Dr. Myers. She stated she is aware people relapse and he could but she is also more aware of his behavior now. She stated their world fell apart about 10 years ago and they have worked very hard to repair it. She stated people do not welcome problems but, hopefully, they learn from those problems and try to make things better.

Dr. Myers commented his wife is his greatest

supporter and she would not be with him if he relapsed.

The Board thanked Mrs. Myers for her comments.

Ms. Taxin requested Dr. Myers to submit employer reports monthly for now as he has new employment. She stated Ms. Trujillo will let him know when to change back to quarterly reports. Ms. Taxin stated the therapy reports will continue to be due quarterly.

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

An appointment was made for Dr. Myers to meet again September 8, 2011.

12:00 pm to 1:00 pm

WORKING LUNCH

1:00 pm

Dr. Jonathan F. Coleman, Initial Probationary Interview

Dr. Coleman met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Beyeler conducted the interview.

Dr. Beyeler stated the Board is here to support and help Dr. Coleman through his probation. He asked if Dr. Coleman understands the conditions in his Stipulation and Order and if he has any questions.

Dr. Coleman responded he has read the Stipulation and Order and understands the conditions.

Dr. Beyeler clarified Dr. Coleman is required to call in daily for the drug testing. He then asked if Dr. Coleman is aware he has had one drug and alcohol test that was out of range.

Dr. Coleman responded he does call in daily but was not aware of an out of range test. He asked for an explanation.

Ms. Taxin explained the different levels of the tests

and stated Dr. Coleman did not test positive but something threw off the results. She stated if he is testing he should not over drink fluids as that will show up out of range or diluted and she has also heard heavy exercise before a test will throw it off. She stated he needs to be aware but if tests continue to be out of range then the Board will speak about it with Dr. Coleman.

Dr. Coleman responded he does drink a lot of coffee throughout the day.

Ms. Taxin recommended he call in the morning so that his drinking of the coffee does not affect the results.

Dr. Larsen requested Dr. Coleman to briefly explain what brought him here.

Dr. Coleman responded in January 2010 he had something to drink and then was driving. He stated he was pulled for and was cited as an impaired driver.

Ms. Taxin clarified Dr. Coleman was cited for a DUI and when he went to court the charge was reduced to driving while impaired.

Dr. Beyeler asked if Dr. Coleman has had alcohol since that date.

Dr. Coleman responded no. He stated he has been clean since the incident and was unaware of the out of range test until today.

Dr. Lundberg asked if he has attended any substance abuse treatment programs.

Dr. Coleman responded before his case went to court he completed a substance abuse treatment program. He stated he had some substance abuse issues about five years ago but has been clean and sober until the 2010 issue. Dr. Coleman explained he had been up for two nights and wanted to sleep so he had some drinks. He admitted he has become lax over the last several years about doing what he needs to do to stay clean

and sober. He stated he has now put things back in place, i.e.: making contact with his sponsor, informing friends and family of his condition and requesting their support.

Ms. Bateman asked if he is attending any meetings regularly.

Dr. Coleman responded he attends AA meetings only as he finds them helpful.

Dr. Beyeler commented there is a psychological evaluation in Dr. Coleman's file. He stated the Order requires the evaluation and that it be completed by someone who is pre-approved which this evaluator has not been approved.

Ms. Taxin stated the evaluator should also be separate from the therapist and this evaluator is not a psychologist as required. She stated the therapist/evaluator mentioned she believed Dr. Coleman to be a low risk for substance abuse. Ms. Taxin stated substance abuse is Dr. Coleman's issue so she is confused why the evaluator would say low risk versus moderate risk based on his history and the documentation in his file.

Dr. Coleman responded he is not sure why the confusion.

Dr. Beyeler stated the evaluation also states Dr. Coleman has a history of successful treatment. He asked if the statement means Dr. Coleman has been going back periodically for treatment.

Dr. Coleman responded he has only been to the one treatment program.

Ms. Taxin asked if Dr. Coleman has only been to the one treatment program with this evaluator or has he been to other programs with other evaluators.

Dr. Coleman responded the one treatment program and only the one evaluator.

Ms. Taxin stated Dr. Coleman needs an evaluation from an approved psychologist and to Ms. Trujillo for names of approved psychologists for an evaluation. Ms. Taxin stated once Dr. Coleman provides the information to Ms. Trujillo she will review the proposed names and the criterion is for the evaluator to be in good standing. She stated Dr. Coleman may continue to see the person he has been seeing for therapy but she will need to submit monthly reports and address all the issues of concern.

Dr. Beyeler commented being in compliance is easier for probationers. He stated reports are due by the first of the month and if they are late Dr. Coleman is out of compliance with his MOU.

Dr. Radmall asked if Dr. Coleman is required to attend PIR as directed in his MOU.

Ms. Taxin responded if the evaluation indicates it is not necessary then the Board would not need to enforce the requirement. She stated the goal is for Dr. Coleman to be successful and if he finds AA meetings beneficial then he should attend more meetings than twice a week.

Dr. Larsen asked if Dr. Coleman has his own practice.

Dr. Coleman responded yes.

Ms. Taxin commented the incident was on personal time, not at work.

Dr. Radmall asked what coping skills Dr. Coleman has in place now for when he is stressed.

Dr. Coleman responded he has restructured his business and loans. He stated he is trying to get back into exercising, cooking, reading and is relying on friends and family for support.

Dr. Radmall asked if Dr. Coleman has a mentor, a

study group club or a special friend he can talk to or vent to.

Dr. Coleman responded he has people he can call if needed.

Dr. Radmall stated the Board have found there are people who have a professional network outside of family or friends who help them through the probationary process.

Dr. Coleman responded if needed there are two Dentists in Park City that he can call on if he needs help. He stated there are also Physicians in his building that he can discuss some things with if necessary.

Dr. Radmall recommended Dr. Coleman locate someone else who he can feel comfortable to discuss this issue with that could be a more regular contact.

The Board determined Dr. Coleman is in compliance with his MOU as much as possible for his first appointment.

An appointment was made for Dr. Coleman to meet again June 16, 2011

DISCUSSION ITEMS:

Dr. Radmall Question

Dr. Radmall asked Ms. Taxin to explain the controlled substance (CS) Law change.

Ms. Taxin explained the CS Law change is to require all prescribing practitioners to obtain four hours of CE in the prescribing area. She stated she will need to write the Rule for the Board to review.

FYI

The Board noted the Dentist & Dental Hygienist Practice Act Rule became effective February 7, 2011.

Ms. Bateman Question

Ms. Bateman asked if Ms. Taxin and the AG's office have determined if doing Botox and derma fillers will require a Law change or can it be addressed by Rule.

Ms. Taxin responded the Board had directed Dr. and Mrs. Nelson at the last meeting to get the Law changed through the Legislature. She stated she has had numerous telephone calls from them as they believe it is in the practice of Dentistry. Ms. Taxin stated her plan is for further discussion at another Board meeting. She stated the Law defines Dentistry by any means or method to examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region. She stated the Board could define the maxillofacial region by Rule but it is not recommended to list all Dental procedures. She reminded the Board they have said the use of Botox and/or dermal fillers is for dental reasons only and not for cosmetic reasons. Ms. Taxin stated it is important to stay away from opinions or positions and the Law probably needs to be cleaned up as it is not clear in the current Law.

Mr. Thompson responded as the UDA has talked with others around the State of Utah there are few who want to make the changes in the Law and don't believe specific lines need to be drawn.

Dr. Beyeler commented Dr. and Mrs. Nelson are using Botox and derma fillers to remove wrinkles and not doing Botox injections to relieve TMJ. He stated there is a difference.

Dr. Radmall commented he believed the Board discussed obtaining proper training or education to be competent in doing Botox injections or derma fillers.

Ms. Taxin asked if the Board would recommend she contact Dr. and Mrs. Nelson and inform them if they are able to justify how it is in the scope of the practice of Dentistry then they may legally practice.

Mr. Thompson clarified Dr. and Mrs. Nelson would

need to justify the Dental reason for doing the procedure.

Dr. Larsen commented he believes Dr. and Mrs. Nelson should contact legal counsel who may be able to clarify for them.

Following additional discussion, it was determined to have further discussion at another Board meeting with Ms. Taxin clarifying if there must be a Law change or if the issue can be addressed by a Rule change and, if appropriate in the future, to contact Mrs. and Dr. Nelson.

Dr. Taylor Question

Dr. Taylor asked if a Dental Hygienist is allowed to initiate nitrous oxide under their scope of practice.

The Board responded yes.

Dr. Taylor asked if a Dental Assistant would be allowed to initiate nitrous oxide under their scope of practice.

The Board responded no, that responsibility cannot be delegated to a Dental Assistant.

Ms. Taxin commented the Dentist would still be responsible if there are any problems as they have the higher level of licensure. She stated the Dentist would need to be sure their Dental Hygienist has the local anesthesia education and license. Ms. Taxin suggested the Board review the Laws and Rules for further discussion at another Board meeting. She stated clarification is also needed for the definitions within the Class I through Class IV Dentist as the public and Dentists are at risk without clarification.

CORRESPONDENCE:

Dr. Evan L. Allred Letter regarding Practices Owned by Non Graduate, Non Dental Individuals

The Board reviewed Dr. Allred's letter which recommended only Dentists own the Dental practices in Utah as they are familiar with appropriate procedures and not just interested in collecting the

money from the business.

Dr. Woolsey responded he believes it would be in the best interest of the patient for the Dentist to own the business.

Dr. Beyeler responded some Dentists are not interested in being in business as they want to practice Dentistry and receive payment for it. He asked if the Law used to require Dentists to own their practice and when did it change.

Mr. Thompson responded Mr. Beyeler is correct. He stated the Law changed about 14 years ago removing the requirement of the Dentist owning the practice. He stated the Association has tried to change the Law back but have not been successful. Mr. Thompson stated the challenge for the licensing Board is to be sure there is not so much pressure on Dentists from the businesses that the patients are not receiving proper services.

Dr. Beyeler asked how an owner could understand what the Dentist does and not put a quota on treatments. He stated some Dentists are being told how to run the practice by the owners.

Ms. Taxin responded it is unlawful practice for a non licensee to dictate a scope to a practitioner on how to treat patients.

Dr. Taylor asked what the Dentist should do when the owner will not allow them to use a specific lab or specific materials as they are a bit more expensive.

Ms. Taxin responded the Dentist could say they will no longer work for the business and maintain an ethical practice standard.

Dr. Taylor commented many Dentists fresh out of school have few choices as they have school debts and families to support.

Dr. Mantyla commented the insurance carriers are also concerned about the problem. He stated taking away

better materials and procedures is a risk to the carriers also. He stated if there could be a way to control the companies who own Dental practices it would help.

Ms. Jolley suggested insurance carriers decided what they will or will not cover by insurance.

Mr. Thompson commented sometimes having an outside owner lowers the quality and price option of the service. He stated other groups are going after similar issues but Senator Knudsen has been clear in that he does not intend to make that type of change in the Law. He stated Comfort Dental in Colorado and Monarch are having problems that have been brought up today as they are required to meet a quota.

Dr. Larsen commented there are corporations who will pay tuition for people to attend Dental school with the understanding they will work for the corporation after graduation. He stated many of these young Dentists are receiving very low wages to pay off the debt to the corporation.

Ms. Sliwinski asked how many non-dental owners are in Utah.

Board members and Ms. Taxin responded the number is unknown.

Ms. Bateman suggested the Division contact or write to Dr. Allred that the Board understands his concerns appreciates his feedback and hope future discussions and awareness will bring changes in the process on Dental practice ownership.

The Board concurred.

ADA Information regarding Call for
Information on Dental Cone Beam Computed
Tomography (CBCT)

Dr. Larsen read the letter to the Board regarding the
ADA calling for information on dental cone beam
computed tomography (CBCT) proposed submission.

**Dr. Lundberg commented ADA is developing
guidelines and they want input from the Board to
assist with that development process.**

The Board reviewed the information with no comments or action at this time.

FYI – DANB Information

Ms. Taxin read the DANB letter.

The Board noted DANB has renamed their new certification program to Certified Preventive Dental Assistant (CPDA) with no action taken.

Gail S. Siminovsky Letter, Academy of Laser Dentistry, information regarding Lasers in Dentistry

Noel read Ms. Siminovsky's letter regarding the use of lasers in Dentistry. She stated the ability for Dentists and Dental Hygienist to use lasers is already in the Utah Statute.

Dr. Larsen was requested to review the information and make comments if necessary.

DANB Proposed Pilot Study Questionnaire

Noel read the DANB proposed pilot study questionnaire.

Following discussion, the Board determined Utah supports DANB conducting a study and enhancing education but Utah does not regulate Dental Assistants and do not believe certification to an Assistant is necessary.

DANB Certified Press Newsletter

The Board reviewed the newsletter with no action taken.

Board Meeting Schedule

Dr. Larsen stated he will be absent June 16, 2011.

Ms. Sliwinski stated she will be absent September 8, 2011.

Ms. Taxin asked the Board to plan on meeting June 16, 2011, at 9:00 am but stated if the agenda is short she will contact Board members to meet from 1:00 pm to 5:30 pm. She requested Board members to contact her if they have any items to be included on the agenda.

NEXT MEETING SCHEDULED FOR: June 16, 2011

ADJOURN: The time is 2:25 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

June 16, 2011
Date Approved

(ss) Greg T. Beyeler, DDS, Acting Chair
Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

April 21, 2011
Date Approved

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