

**MINUTES**

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

**March 22, 2012**

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

**CONVENED:** 9:05 A.M.

**ADJOURNED:** 4:16 P.M.

**Bureau Manager:**  
**Board Secretary:**  
**Compliance Assistants:**

Noël Taxin  
Karen McCall  
Neena Bowen  
Debra Troxel

**Board Members Present:**

Alexander B. Larsen, DDS, Chairperson  
Greg T. Beyeler, DDS  
Karen S. Bateman, RDH  
Constance A. Sliwinski, RDH  
Pamela L. Jolley  
Mark R. Taylor, DDS  
Warren Woolsey, DDS  
Todd C. Liston, DDS  
Rich S. Radmall, DDS

**Guests:**

Jodie Story  
Kelsey Romph  
Jamie Jensen  
Michelle Martin, UDOH  
Donald G. Mantyla, DDS, P.I.E.  
Maren Bishop  
Monte Thompson, UDA  
Heidi Bridkey UDHA  
Patrice Morley, UDOH  
Steven Steed, DDS

**TOPIC CONTROLLED SUBSTANCE FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the December 7, 2011 Board meeting were read.

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

**APPOINTMENTS:**

**9:15 am**

John Sims, Investigator

Ms. Taxin explained she has requested someone from the investigative unit to meet with the Board and report on cases with investigations. She stated there will be no specific cases discussed but if the Board wants something more than is presented they may request it for the next report.

Ms. Taxin then introduced John Sims.

Mr. Sims delivered an overview of the 2011 investigative statistiControlled Substance.

**The Board thanked Mr. Sims for the report.**

Compliance Introduction

Dr. Larsen and Ms. Taxin introduced Debra Troxel, the new compliance person.

Ms. Taxin explained that the compliance unit has been restructured and Ms. Troxel will now do the compliance for all Bureau 1 probationers. She stated Ms. Troxel will reorganize the files with tabs so information is easier to locate and the file will be easier to read.

**The Board welcomed Ms. Troxel.**

**9:30 am**

Debra Troxel, Compliance Update

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

Ms. Troxel reported **Dr. Jonathan F. Coleman** is currently in compliance with his Stipulation and Order. She stated the therapist, Carol Voorhees, did not address if therapy is necessary or, if so, the frequency or that she reviewed Dr. Randal Oster's evaluation. She stated there were no CONTROLLED SUBSTANCE's prescribed and she has received a request for a letter of compliance from the Blue Cross/Blue Shield.

**Ms. Taxin commented the prior therapist, Sandy Brooke, had said she believed Dr. Coleman had completed therapy. Ms. Taxin stated Dr. Coleman is not interested in going to therapy but if Ms. Voorhees believes he needs therapy then he has agreed to continue going to her. She stated she believes Dr. Coleman should go again due to the report being unclear. Ms. Taxin stated she had been writing personal letters to insurance people as there were very few requests but now she is receiving too many requests and it has become too much so she has written a generic letter to be sent quarterly. She stated the information is on the DOPL website but she has been informed by the insurance contact people that they do not have time to go online and check.**

**Dr. Radmall thanked Ms. Taxin for writing the letters as insurance reimbursement for probationers is a big problem.**

Ms. Troxel reported **Dr. David L. Flynn** is currently in compliance. She stated she talked with Dr. Flynn regarding his disclosure at the last meeting of relapsing. She stated the previous therapist had reported Dr. Flynn had all the tools necessary to maintain recovery and then he had a relapse. She stated he went to see Louis Naegle who reported Dr. Flynn is safe to practice.

**Ms. Taxin reminded the Board of their suggestion for Dr. Flynn to return to therapy with his previous therapist or go see another therapist. She stated**

she spoke with Mr. Naegle who stated Dr. Flynn could continue to meet with him. He stated he could not say Dr. Flynn will not relapse but believes he is in a good place in his recovery. She stated Dr. Flynn saw a movie, had sexual thoughts but did not act upon those thoughts.

Dr. Larsen commented he wondered if the Board went a little overboard in their response to Dr. Flynn's disclosure.

Ms. Jolley responded she believes the Board wanted to be sure Dr. Flynn has the tools he needs to recover.

Ms. Taxin stated Dr. Flynn had requested early termination of probation but the Board does not have to terminate early. She stated it is not that Dr. Flynn is not doing well but if the Board believes there is no benefit in continuing to meet with him they could request he obtain a complete re-evaluation from Dr. Byrne as they had talked about a complete re-evaluation if he wanted early termination. She stated the Board had recommended ongoing therapy which is a different issue. Ms. Taxin stated the problem with viewing pornography is it can lead to other behaviors. She stated Dr. Flynn took responsibility and recognized he had a trigger.

Dr. Beyeler reminded the Board of their discussion regarding requesting letters from Mrs. Flynn and the step daughter to make sure everything is ok with them.

Ms. Taxin responded nothing has been received from Mrs. Flynn or the step daughter. She stated they might be uncomfortable meeting with the Board and it might be difficult for Dr. Flynn to inform them that the Board is requesting they write letters. She volunteered to call Mrs. Flynn if that is what the Board wants. She suggested the Board meeting with Dr. Flynn first and then make a recommendation.

**Dr. Taylor commented Dr. Flynn had mentioned his relationship with his family is improving and requesting letters may impede that progress as it may take a long time for them to heal enough to write something.**

Ms. Troxel reported **Dr. Louis R. Christensen** is currently in compliance with his Stipulation and Order. She stated the supervision report was incomplete as there were no details and she requested another one be sent but has not yet received that report.

**Ms. Taxin informed the Board of Dr. Christensen terminating his employment relationship in St. George with the company that bought his Dental practice. She stated he signed a contract that he would not practice within a specific radius so he may move to Ogden. She stated he has maintained sobriety through the stress. Ms. Taxin stated the Board may request another supervision report and employer report to ensure there were no issues with Dr. Christensen's competency prior to him completing his employment.**

Ms. Troxel reported **Dr. John S. Coleman** is currently in Arizona and is out of compliance as copies of any reports his supervisor sends to the Arizona Board have not been received.

**Ms. Taxin reminded the Board that Dr. Coleman is on probation in Utah based on the Arizona Order and he needs to be sure the Arizona employer submits the reports. She requested the Board to also ask Dr. Coleman about his sobriety.**

Ms. Troxel reported **Dr. Verd J. Erickson** is currently in compliance with his Stipulation and Order.

**Ms. Taxin reminded the Board of Dr. Erickson's ongoing medical issues and stated Dr. Ence, the supervisor, has not met with Dr. Erickson**

**regularly. She stated she contacted Dr. Ence who then met with Dr. Erickson and submitted the report. Ms. Taxin stated Dr. Ence reported positively on Dr. Erickson's performance.**

**Dr. Radmall asked if Dr. Erickson's illness prevents him from working.**

**Ms. Taxin responded the Board should ask Dr. Erickson and be sure he understands if he not well he should not go into the office to work on patients. She stated his issues were boundary violations and it has been reported that they have been corrected.**

Ms. Troxel reported **Dr. W. Scott Andersen** is currently in compliance with his Stipulation and Order. She stated Dr. Andersen has requested early termination of probation and the Board should consider his request today.

**Ms. Taxin stated Dr. Andersen has voluntarily gone to therapy. She stated his probation will be complete in October and he was requested to meet in person today to consider early termination.**

Ms. Troxel reported **Dr. John V. McArthur** is currently in compliance with his Stipulation and Order. She stated the CONTROLLED SUBSTANCED has identified Dr. McArthur has written two CONTROLLED SUBSTANCE prescriptions.

**Ms. Taxin stated the CONTROLLED SUBSTANCED does have errors but Dr. McArthur does not have a DEA registration and the Board should ask him about the CONTROLLED SUBSTANCED list as Pharmacies do make errors by clicking on a wrong name but Dr. McArthur should clear it up if it is an error. She stated the Board may consider early termination today if everything is in order.**

Ms. Troxel reported **Dr. Steven C. Pinegar** is currently in compliance with his Stipulation and Order. She stated the CONTROLLED SUBSTANCED report is available for review.

**Ms. Taxin requested the Board review the CONTROLLED SUBSTANCED report to be sure it is appropriate.**

Ms. Troxel reported **Dr. S. Dale Hibbert** is currently in compliance with his Stipulation and Order/Suspension. She reminded the Board that Mr. Ormond will be the acting Bureau Manager for Dr. Hibbert's appointment. Ms. Troxel stated Donated Dental has agreed to work with Dr. Hibbert with Dr. Randall Kelley as his supervisor. She stated Dr. Hibbert missed calling in twice this last quarter and the last time he chose to have a self test the next day to ensure he has been clean. She stated Dr. Hibbert's probation officer called regarding the DOPL probation and had voiced concern with the number of times he has changed his medications and his inconsistency with taking them. Ms. Troxel explained Dr. Hibbert's tests have been prescription positive and less than a week later he was negative for all medications.

**Ms. Taxin stated if the prescriber is prescribing medications then Dr. Hibbert needs to be sure he takes his medications regularly. She stated it appears he has changed the type of medications four times through his court monitoring but he has been in compliance with the court probation. Ms. Taxin stated the court probation officer thought Dr. Hibbert was working and she informed him that the Board would discuss lifting the suspension today so Dr. Hibbert could go to work.**

**Dr. Taylor asked if possibly Dr. Hibbert just forgot to take his medications and miss a test by accident.**

**Ms. Taxin responded it appears he takes his medications when he chooses but he is required to call in everyday for his drug and alcohol testing and if he does not call it is considered a positive**

**test.**

Ms. Bowen stated Dr. Hibbert did call her the next day and reported he forgot to call in but did schedule a self test for that day.

**Dr. Radmall stated Dr. Hibbert was to complete a list of requirements including therapy and courses regarding sedation. He asked if the list has been completed.**

**Ms. Taxin responded he has completed the list and the courses but has not gone to therapy. She stated the Board should ask about the therapy and, if he is going, obtain the name of the therapist and then discuss and decide if the suspension should be lifted. She stated Dr. Hibbert worked at Donated Dental previously where they were happy with the services he provided and want him to work there again under the supervision of Dr. Kelly. She stated the Board will need to decide if Dr. Hibbert has addressed the basic issues of his behavior in order to release the suspension on his license.**

Ms. Troxel reported **Dr. David M. Anderson** is currently in compliance with his Stipulation and Order. She stated he submitted his essay regarding his addiction and all his tests have been negative.

**Ms. Taxin stated Dr. Anderson also met with the Physicians Board and reported his essay. She stated the Dental Board could ask Dr. Anderson to explain beyond his essay.**

Ms. Troxel reported **Dr. Jared W. Hemmert** is currently in compliance with his Stipulation and Order.

**Ms. Taxin stated she believed Dr. Hemmert had another diluted drug and alcohol test. She then reminded the Board that Dr. Hemmert bikes a lot and drinks fluids to be hydrated. She recommended the Board ask Dr. Hemmert if he**

**has been drinking, if he has done any drugs, etc. to be sure he has not relapsed, but reported his tests have been negative.**

**9:50 am**

Dr. Jonathan F. Coleman, Probationary  
Interview

Dr. Coleman met for his probationary interview.

Dr. Radmall conducted the interview.

**Dr. Radmall stated Dr. Coleman saw another therapist but the report did not address issues or frequency of meeting. He stated the letter simply said Dr. Coleman was seen for individual counseling.**

Dr. Coleman responded he has gone to therapy with Carol Voorhees monthly or more.

**Ms. Taxin asked if Dr. Coleman has had different insights by seeing Ms. Voorhees and if the therapy is helpful or is he just checking off conditions of his Order.**

Dr. Coleman responded the therapy has helped him grow and he will be going back to see Dr. Oster in May.

**Ms. Taxin stated Dr. Oster will need to submit a report with any recommendations regarding if he believes Dr. Coleman is safe to practice and if therapy is complete.**

**Dr. Radmall asked how Dr. Coleman is dealing with the stressors in his life.**

Dr. Coleman responded no therapist is able to take away all the stress. He stated he exercises minimally but he has many outlets for his stress and is never bored.

**Dr. Radmall asked if Dr. Coleman is mentally and physically in a better place today than he was two years ago, a year ago or even six months ago.**

Dr. Coleman responded yes.

**Ms. Taxin thanked Dr. Coleman for following through and making sure all his reports were submitted. She requested he ask his therapist to be more specific and detailed in the reports.**

Dr. Coleman responded he would ask. He then asked if the quarterly letter for Blue Shield and Blue Cross has been sent.

**Ms. Taxin responded Ms. Troxel will send the letter.**

**Ms. Troxel stated she will send Dr. Coleman a copy of the letter.**

Dr. Coleman asked if Ms. Troxel received all the letters he faxed.

**Ms. Troxel responded yes.**

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

**An appointment was made for Dr. Coleman to meet again June 21, 2012.**

**10:10 am**

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Jolley conducted interview.

Dr. Flynn reported he tried a new therapist and he likes going. He stated his last therapist did not go into the religious side and this therapist does.

**Ms. Jolley stated the therapist submitted a positive report.**

**Ms. Taxin stated she believed there was some confusion regarding why Dr. Flynn would need more therapy. She stated she talked with Louis Naegle who said he believed Dr. Flynn was safe to practice but would be willing to continue therapy. She stated Mr. Naegle believed Dr. Flynn was**

**taking responsibility and was making good choices at this time.**

**Ms. Bowen explained Dr. Flynn called her and she let Ms. Troxel speak with him.**

**Ms. Taxin explained Ms. Troxel will now be Dr. Flynn's contact person and she will offer the same quality of service as Ms. Bowen. She asked if Dr. Flynn had any questions.**

Dr. Flynn stated he tried to locate the minutes online but could only find a summary of his appointment.

**Ms. Taxin explained the summary of the appointments is first and if he will scroll down he will find the minutes of his appointment.**

**Ms. Jolley asked Dr. Flynn to comment on his relationship with his step-daughter.**

Dr. Flynn responded his step-daughter is working another job now but sometimes still comes in to work with him. He stated he believes his relationship with her has been mended.

**Dr. Beyeler asked Dr. Flynn how his step-daughter might answer the question regarding their relationship.**

Dr. Flynn responded he believes his step-daughter would say he is cool and she has befriended him on facebook and is confiding in him again. He stated his role with her is not parenting but making her feel safe and he believes those needs have been met. He stated his wife would like to move out of Utah as the collateral damage has been hard on the family. He stated the beach is sounding nice to them. Dr. Flynn stated he still attends 12 step programs but his business is not going as well as he would like and the stress is difficult.

**Ms. Taxin stated in June 2012 Dr. Flynn will have completed 2/3 of his probation as June 2013 is the date his probation is scheduled to terminate. She**

**stated Dr. Flynn had previously requested early termination of his probation.**

Dr. Flynn commented he looked at people who were terminated early and had a built in notion that if he could complete half his probation he could be terminated early. He stated he now realizes his probation could have been a five year probation instead of a three year probation and understands if the Board will not consider at this time. He stated he had an offer to work in Denmark but had to send his records and documentation showing that his license was not a disciplinary license, therefore, he would not qualify for the position.

**Dr. Larsen asked if the Board would like to make a motion to terminate Dr. Flynn's probation.**

**Dr. Liston asked if Dr. Flynn would oppose someone from the Board contacting his wife and/or step-daughter.**

Dr. Flynn responded no, he would not be opposed.

**Dr. Liston recommended Dr. Flynn's wife be contacted and depending on her response maybe consider early termination of probation at the June meeting.**

**Ms. Taxin offered to contact Mrs. Flynn. She asked if the Board wanted Dr. Flynn to have another evaluation from Dr. Peter Byrne or if they preferred him to see Gabrielle Acord or Lois Weagle again.**

**The Board responded they would accept any one of the three therapists.**

**Dr. Beyeler voiced appreciation to Dr. Flynn for being honest with the Board.**

**Dr. Radmall stated Dr. Flynn's father met with him at the first appointment. He asked if Mr. Flynn is still supportive and could maybe meet in June with Dr. Flynn.**

Dr. Flynn responded his father and whole family are very supportive but his father is on a mission right now and will not be available to meet in June with him.

**Dr. Radmall asked if Dr. Flynn has any friends or other practitioners who are supportive.**

Dr. Flynn responded there are other Dentists in the building and they meet frequently for support of each other. He stated he also has nine brothers and sisters who are supportive.

**Ms. Taxin asked if Dr. Flynn will continue to have a chaperone at his office after probation is terminated.**

Dr. Flynn responded yes.

**Ms. Taxin stated a chaperone is just another pair of eyes and support which makes the patient more comfortable.**

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

**An appointment was made for Dr. Flynn to meet again June 21, 2012.**

**10:30 am**

Dr. Louis R. Christensen, Telephonic  
Probationary Interview

Dr. Christensen met for his telephonic probationary interview.

Dr. Taylor conducted the interview.

**Dr. Taylor stated Dr. Christensen's supervisors report was more about their relationship and not how he is doing in his probation.**

**Ms. Taxin stated the report should address Dr. Christensen's competence and if he is sober when he is working. She stated the last report was positive but not clear on performance.**

Dr. Christensen responded he is leaving his employment but is not leaving under bad circumstances and he believes his supervisor will write a good final report.

**Ms. Taxin requested Dr. Christensen to keep the Board/Division informed and if he finds new employment he should contact Ms. Troxel. She stated Kevin Dorius will need to submit a last report. Ms. Taxin asked if Dr. Christensen has been able to stay sober through these challenges.**

Dr. Christensen responded yes.

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

**An appointment was made for Dr. Christensen to meet telephonically on June 21, 2012, if he is in the St. George area but meet in person if he is in the Ogden area.**

**10:40 am**

Dr. John S. Coleman, Telephonic Probationary Interview

Dr. Coleman met for his telephonic probationary interview.

Ms. Jolley conducted the interview.

Dr. Coleman stated he has no exciting news to report. He stated his practice has been very busy with the winter visitors to the Arizona area. He shared that his religious affiliation has called him to run the 12 step program in his area and requested pornography addiction be included in the program. He stated it is interesting to see that addiction has many different faces.

**Ms. Jolley asked if Dr. Coleman's personal sobriety has continued.**

Dr. Coleman responded yes. He stated he was told if he continued to stay happy and sober it would be good for him and it has. He stated his sobriety date is a little over three years as it started in October 2008.

**Ms. Jolley informed Dr. Coleman that no supervision reports have been received and they need to be submitted.**

Dr. Coleman responded he believed the reports had been faxed to Ms. Bowen but if they need to be faxed again to let him know.

**Ms. Taxin stated if Dr. Coleman receives a copies of his reports he should send copies on to Ms. Troxel so he knows it was submitted. She stated if the reports are received today the Board could consider him as being in compliance where he is out of compliance at this time.**

Dr. Coleman responded he will contact his supervisor to send copies of reports to him to send into Ms. Troxel.

**Ms. Taxin thanked Dr. Coleman for meeting today and discussing his sobriety and performance.**

**The Board determined Dr. Coleman is out of compliance with his Stipulation and Order but requested Ms. Taxin to consider him compliant if reports are received today.**

**An appointment was made for Dr. Coleman to meet again telephonically on June 21, 2012.**

**10:50 am**

Dr. Verd J. Erickson, Telephonic Probationary Interview

Dr. Erickson met for his telephonic probationary interview.

Ms. Bateman conducted interview.

**Ms. Bateman asked Dr. Erickson to update the Board regarding his health.**

Dr. Erickson responded his health is doing well. He explained he was in the emergency room for the last Board meeting but he is doing better. He stated his assistant and office manager decided to take another position at the first of year as business was down and he had to cut her hours. He stated he has hired another

person who has little experience but is learning.

**Ms. Bateman asked how many days and how many hours Dr. Erickson is working each week.**

Dr. Erickson responded he is working seven hours a day for four days a week and is very tired at the end of the fourth day. He stated he is considering hiring another Dentist to work full time and then he would work seven hours a day for three days a week.

**Ms. Bateman voiced the concern of the Board for Dr. Erickson to be sure he is not working if he is not feeling well in order for him and his patients to be safe. She stated Dr. Ence's report was very positive.**

**Ms. Taxin stated in June Dr. Erickson will have completed two years of his three year probation. She stated Dr. Erickson and Dr. Ence have reported he has worked on the boundary issues and they have been resolved. Ms. Taxin verified that Dr. Erickson had requested in a prior meeting the possibility of early termination. Ms. Taxin suggested Dr. Erickson submit a written request for early termination of probation, including what he has learned from the process and how he has made changes in his practice. She requested he ask Dr. Ence to write in his next report if he would support early termination. Ms. Taxin stated Dr. Erickson should be sure he does not go into the office to work on patients if he is not feeling well as he and the Board do not want him to harm patients or hurt himself. She asked the Board if Dr. Erickson should meet in person if his request for early termination is received.**

**Ms. Bateman responded if all the paperwork is received for his request for early termination he should meet in person but if the paperwork is incomplete he could meet telephonically.**

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

**An appointment was made for Dr. Erickson to meet June 21, 2012, either in person or telephonically.**

**11:00 am**

Dr. W. Scott Andersen, Probationary Interview

Dr. Andersen met for his probationary interview.

Dr. Taylor conducted the interview.

Dr. Andersen reported his business has increased and he is staying very busy. He stated he received Ms. McCall's and Ms. Troxel's messages to meet in person today instead of telephonically.

**Ms. Jolley explained after Dr. Andersen left the meeting in December the Board discussed possible early termination and requested he meet in person for a full discussion.**

**Ms. Taxin stated Dr. Andersen had sent the request for early termination letter regarding what he had learned in his probation and there may have been some confusion on the termination process. She asked Dr. Andersen to summarize why the Board/Division should not be concerned about releasing him early.**

Dr. Andersen responded he believes prior to probation he was very arrogant and he now understands it is inappropriate to treat himself and any of his family and he has ceased that practice. He stated he now practices within the guidelines of licensure and when family members call regarding their health issues he tells them to call their Primary Care Practitioner.

**Ms. Taxin thanked Dr. Andersen for his summary and stated it appears he has grown from his experience.**

**Dr. Taylor commented the Board believes Dr. Andersen has taken responsibility. He then made a motion for probation to be terminated.**

**Dr. Liston seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the process for Dr. Andersen.**

**Dr. Beyeler asked Dr. Andersen to explain how his work has kept him busy without being on any insurance panels for reimbursements.**

Dr. Andersen responded he has honored what the insurances would have paid and created an in house arrangement where he gives patients a discount as if they were carrying a regular insurance policy. He stated he believes it was a good marketing move. Dr. Andersen stated his counselor sent him a copy of his last report with the summary. He stated in therapy he worked on issues identified by the therapist and now would like to know if therapy could also be terminated.

**Ms. Taxin reminded Dr. Andersen that he was not required by his Order to go to therapy and he chose to go. She stated the Division will no longer need reports as Dr. Andersen's probation is being terminated but Dr. Andersen should keep his therapist as a resource in case he believes he needs to go back to therapy.**

Dr. Andersen thanked the Board and stated he will submit his renewal form and fee to renew his license.

**11:15 am**

Dr. John V. McArthur, Probationary Interview

Dr. McArthur met for his probationary interview.

Dr. Taylor conducted interview.

Dr. McArthur reported his practice is doing well. He stated insurance panels dropped him which creates stress but he has good relations with his patients.

**Dr. Taylor asked if the office is safe with the medications and requested Dr. McArthur to explain the two CONTROLLED SUBSTANCE medications listed on the CONTROLLED SUBSTANCED.**

Dr. McArthur responded he does not prescribe CONTROLLED SUBSTANCE's, he does not know the person and has not prescribed to the person. He wrote down the name of the Pharmacy and person and stated he will call the Pharmacy.

**Ms. Taxin stated it would be best if Dr. McArthur contacted the Pharmacy to inform them he does not have a DEA and is unable to write CONTROLLED SUBSTANCE prescriptions. She stated he should inquire as to how they filled the prescription. Ms. Taxin suggested Dr. McArthur give the Pharmacy her name and phone number and have them call her as they need to report to the Division if they made an error.**

Dr. McArthur thanked Ms. Taxin for the information. He then asked if the Board would consider termination of probation.

**Ms. Taxin commented Dr. McArthur has completed all the conditions of his Order except the time and the Board could consider termination.**

**Dr. Taylor made a motion to terminate probation for Dr. McArthur.**

**Dr. Beyeler seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the process.**

**Dr. Beyeler commented not having or desiring a DEA will help Dr. McArthur.**

Dr. McArthur responded another Dentist has offered to assess the patient and write prescriptions for CONTROLLED SUBSTANCE's if they are needed but he has not needed to have any written.

**11:30 am**

Dr. Steven C. Pinegar, Probationary Interview

Dr. Pinegar did not appear for his probationary interview.

Ms. Taxin suggested Dr. Pinegar be contacted by telephone for an explanation.

**Dr. Radmall commented this is Dr. Pinegar's second time for a no show.**

**Ms. Jolley commented Dr. Pinegar's probation period is completed in May. She asked Ms. Taxin to explain the Board's options if the time is completed and Dr. Pinegar is out of compliance.**

Ms. Taxin explained to extend Dr. Pinegar's would require another Oder and he would have to agree with the conditions or the Board could release him out of compliance.

Ms. McCall dialed the cell phone number and Dr. Pinegar answered.

**Dr. Pinegar explained he was in Boise, Idaho, attending the funeral of a friend. He asked to be excused from the meeting today.**

Ms. Taxin explained his probation legally is completed May 5, 2012. She stated the Board will meet June 21, 2012, and asked him if he would plan to meet June 21, 2012. She requested he contact his supervisor to submit by June 1, 2012, a final report with a summary of his performance for completion of probation.

**Dr. Pinegar thanked Ms. Taxin and the Board and stated he will meet June 21, 2012, and contact his supervisor to submit a final report with a summary by June 1, 2012.**

Recused from Meeting

Ms. Taxin and Dr. Beyeler recused themselves from Dr. S. Dale Hibbert's interview based on a possible conflict of interest. Clyde Ormond acted as Bureau Manager for Dr. Hibbert's interview.

**11:50 am**

Dr. S. Dale Hibbert, Discussion Regarding Lifting Suspension on License

Dr. Hibbert met to discuss lifting the suspension on his license.

Dr. Larsen conducted the interview.

Dr. Hibbert stated since he met with the Board in December he has started attending the AA meetings twice a month and has been enjoying his life while hoping to have the suspension on his license lifted today so he will be able to start working at the Donated Dental Clinic. He reported his interview with Donated Dental went well and they are looking forward to his being able to work there.

**Dr. Larsen stated the reports from Donated Dental also confirm they are anxious for Dr. Hibbert to work there. He requested Dr. Hibbert to explain why he did not call the UA a couple of times.**

Dr. Hibbert responded he realized the day after that he had forgotten to call so he pushed the self test button and was scheduled to test in case he had missed a test when he forgot to call.

**Dr. Larsen stated Dr. Hibbert missed calling on February 5, 2012, he tested on February 6, 2012, and the test was negative. He stated Dr. Hibbert then missed calling on February 14, 2012, tested February 15, 2012, and that test was positive for the prescriptions Dr. Hibbert takes. Dr. Larsen asked if Dr. Hibbert takes his medications as directed as some tests are completely negative and others are prescription positive.**

Dr. Hibbert responded he usually takes his medications regularly but does forget them sometimes. He stated he went to Zion Park for several days and forgot to take his medications with him so did not take them during that time.

**Ms. Bateman asked if the medications are the type that would not show up if he missed one day.**

**Ms. Troxel responded it is her understanding the medications would show up for several days after he missed taking them.**

**Dr. Radmall asked when Dr. Hibbert went to**

**Zion's Park.**

Dr. Hibbert responded he has been down there several times.

**Dr. Larsen stated if Dr. Hibbert is prescribed medications they work better when taken regularly. He stated the Board wants Dr. Hibbert to recognize the importance of taking medications as prescribed.**

**Dr. Liston asked if the test shows prescription positive is that compared with the reported prescribed medications.**

**Ms. Troxel responded yes.**

**Mr. Ormond asked if Dr. Hibbert has changed his medications in the last two or three months.**

Dr. Hibbert responded he takes a long acting and short acting of the same medication. He stated the short acting medication has changed.

**11:43 am**

**Dr. Radmall made a motion to close the meeting for discussion of Dr. Hibbert's evaluation.**

**Ms. Jolley seconded the motion.**

**The Board vote was unanimous.**

**12:05 pm**

**Dr. Taylor made a motion to reopen the meeting.**

**Dr. Liston seconded the motion.**

**The Board vote was unanimous.**

**Dr. Larsen listed the conditions of the probationary Order if the Board recommends lifting the suspension on Dr. Hibbert's Dental license, i.e.:**

- 1. Work only at Donated Dental;**
- 2. There will be no CONTROLLED SUBSTANCE license at this time;**
- 3. Dr. Hibbert will be unable to do any sedating;**
- 4. Work closely with his supervisor;**
- 5. Supervision reports are required to be**

- submitted monthly;
6. Continue attending 12 step meetings twice a month;
  7. Continue daily calling and drug testing when required.

**Dr. Larsen stated the probation will be for a five year period and the Board expectations are for Dr. Hibbert to take his probation very seriously and complete all conditions of his Order. He stated any slip ups that may occur and the Board believes are egregious enough, the Board will recommend an Order to Show Cause for further sanctions against Dr. Hibbert's license.**

**Dr. Liston made a motion to lift the suspension on Dr. Hibbert's Dental license only.**

**Dr. Taylor seconded the motion.**

**The Board vote was unanimous.**

**Ms. McCall explained the process for Dr. Hibbert.**

Dr. Hibbert asked when he will receive the probationary license as Donated Dental have given him a projected date they want him to start.

**Mr. Ormond responded it will take some time for the paperwork to be completed and the license sent out. He stated he does know the specific date Dr. Hibbert will receive the license.**

**Dr. Taylor asked if Dr. Hibbert will be allowed to treat patients who have been put under sedation by someone else.**

**Mr. Ormond and the Board responded yes. He stated if Dr. Hibbert has any questions he should contact Ms. Troxel.**

**An appointment was made for Dr. Hibbert to meet again June 21, 2012.**

FYI

Ms. Taxin reported she just received a phone call from

the Pharmacy regarding Dr. McArthur. She stated the Pharmacist explained they have a pick list on their computer and chose the incorrect DEA number. She stated the error has now been corrected.

**12:15 pm to 1:00 pm**  
**WORKING LUNCH** and Board Member  
Training

Ms. Taxin conducted the yearly Board Member training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year.

Ms. Taxin reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained additional agenda items cannot be added after the 24 hour deadline and will be on the next scheduled Board meeting agenda. She explained a quorum of Board members is required to make decisions with motions and votes.

Ms. Taxin explained the purpose for closing a meeting and stated with the Open Public Meetings Act there are very few reasons to close a meeting for the public to leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews. She stated Board members and public visitors may be requested to leave a Board meeting if they are being disruptive.

Ms. Taxin covered the issue of requesting a probationer, an applicant or any individual to leave the meeting for Board discussion and stated meetings are open and comments should be made to the individual in order for them to understand the issues.

She stressed the importance of Board members being professional, remembering they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated Board members

should be respectful to each other as well as any probationers, visitors or appointments. She stated they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented.

Ms. Taxin recommended the Board review and be familiar with their Laws and Rules in order to make correct decisions. She stated they should be positive role models.

Ms. Taxin covered the fire drill and her expectations for everyone to get out of the building and meet across the street in the parking lot to be accounted for. She asked the Board to let her know if they have any special needs and to be aware of any visitors who may have special needs in order for her to get assistance for Board members or visitors. Ms. Taxin reviewed the fire escape locations.

**The Board thanked Ms. Taxin for the information.**

**1:00 pm**

Dr. David M. Anderson, Probationary  
Interview

Dr. Anderson met for his probationary interview.

Dr. Larsen conducted the interview.

**Dr. Larsen thanked Dr. Anderson for the essay he submitted. He stated it was written with a lot of thought and mental evaluation. He asked if Dr. Anderson has had any cravings.**

Dr. Anderson responded no. He stated he has other things to replace the cravings such as his financial stress but he believes the stress will ease soon.

**Ms. Jolley asked what Dr. Anderson does to relieve his stress.**

Dr. Anderson responded exercise helps and he attends meetings four nights a week, a PIR meeting, an aftercare meeting and two AA meetings. He stated he has been working on completing the conditions of his Order and has scheduled the PACE course for next

month. Dr. Anderson stated he was sent a list of things to complete before going to the course that have to do with the Utah Law, who to prescribe to, etc. He stated it appears it will be a good course.

**Ms. Taxin commented others who have taken the course have reported it was beneficial. She requested Dr. Anderson to let the Board know his thoughts on the course as the comments are helpful.**

Dr. Anderson stated the PRIME course is scheduled for August. He stated he celebrated one year of sobriety on March 15, 2012. Dr. Anderson stated he is working being a better husband and father as he does not have a close relationship with one son due to his not being very attentive. He explained when everything happened he went to his spiritual authority who has helped him and he is now working with the Boy Scouts and at the Temple one day a week. Dr. Anderson voiced frustration in watching his partner work on many of his patients as he only works on patients who self pay.

**Dr. Larsen asked how many employees are at Dr. Anderson's practice.**

Dr. Anderson responded there are five. He stated with his partner working full time it allows the other employees more hours. He stated he schedules two days a week for patients but is at the office full time.

**Dr. Larsen inquired about meetings with Dr. Flint.**

Dr. Anderson responded Dr. Flint meets with him once a week and then comes when he is not there to work and talk with the employees.

**Dr. Larsen commented Dr. Flint is an outstanding supervisor and will have Dr. Anderson's best interest at heart. He advised Dr. Anderson to listen to Dr. Flint and follow his suggestions. Dr. Larsen stated the Board and Division are here to help Dr. Anderson as all want him to be successful. He stated there are things in life that happen that**

sometimes have disastrous consequences.

**Ms. Taxin commented she has met with Dr. Anderson a few times. She stated today he appears more organized, is sharing more with the Board and Board members are getting a better feel of where he is in his recovery. She voiced appreciation for Dr. Anderson being open today.**

**Dr. Larsen asked Dr. Anderson about therapy.**

Dr. Anderson responded he meets with Mr. Dusoe twice a month and Dr. Crookston once a month. He stated he believes he receives the same perspective from both therapists.

**Ms. Taxin stated she believes Dr. Crookston and Mr. Dusoe have similar philosophies. She asked if Dr. Anderson believes he is receiving all he needs from Dr. Crookston and Mr. Dusoe after going to Pine Grove and receiving their feedback on how to work on his issues/recovery. She stated Dr. Anderson is on probation and has been given the opportunity to work on his issues and she and the Board believe he can be successful.**

Dr. Anderson thanked Ms. Taxin for her comments. He stated he believes he has gained insight by meeting with Dr. Crookston and Mr. Dusoe.

**Dr. Larsen stated there are two prescriptions listed on the CONTROLLED SUBSTANCE database. He asked Dr. Anderson if these patients are his and if he wrote the prescriptions.**

Dr. Anderson reviewed the names and the medications and responded they are not his patients and he did not write the prescriptions.

**Ms. Taxin requested Dr. Anderson to contact the Pharmacy and ask how his name was on these prescriptions as he does not have a DEA or CONTROLLED SUBSTANCE license and did not write the prescriptions. She stated she believes the information is incorrect but someone could have**

**written them in Dr. Anderson's name. Ms. Taxin stated the Pharmacy will then need to call her.**

**Ms. Bateman commented the essay was well written and showed insight. She requested permission to summarize the last part for the Board.**

Dr. Anderson granted permission.

**Ms. Bateman then read the last paragraph.**

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

**An appointment was made for Dr. Anderson to meet again June 21, 2012.**

Dr. Radmall Question

Dr. Radmall asked if Ms. Taxin sends a letter to the insurance carriers for every probationer.

**Ms. Taxin responded no.**

Dr. Radmall stated Dr. Anderson may not understand that he may request a letter from Ms. Taxin.

**Ms. Bateman commented actions have consequences and Dr. Anderson is on probation due to his actions and the consequences.**

**Dr. Taylor commented Dr. Anderson may find he enjoys working with patients who do not have insurance.**

**1:30 pm**

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Hemmert informed the Board that he submitted his three month update. He asked if the Board had reviewed it.

**Ms. Taxin responded she received the update but Board members were given copies. She requested**

**Dr. Hemmert to give a brief report.**

Dr. Hemmert responded he and his wife had a week vacation, he attended an advanced Dental training, which was beneficial, his boys are doing well and the nine year old is working on his pinewood derby car. Dr. Hemmert stated his spiritual self is now doing well. He stated when his issues began he was serving the Bishopric and had disciplinary action taken and now he is serving as the High Priest Group Leader. He stated he went to Hazelden for evaluation and treatment which was a good experience and is now involved in reading, exercising and skiing. Dr. Hemmert stated he had surgery on both feet in January and he gave the Physician his Order to read. He stated the Physician treated him with respect and the surgery was a success. He stated he now has a regular block schedule at the hospital, he attends all medical staff meetings and he took his whole staff to the hospital for the CPR class.

**Ms. Taxin stated if doctors do not understand his addiction they may prescribe medication and say it will be ok but Dr. Hemmert needs to speak up for himself and request the doctors do something else.**

Dr. Hemmert stated he is now a member of the mentor group MENTEC which consists of doctors and it allows him to stay on the cutting edge of Dentistry. Dr. Hemmert reported he continues to attend the study club group who try to be the best at what they do and he volunteers with the Food and Care Coalition Group which is a private group which gives community service of Dental care. He stated Dr. Peterson is still working on Fridays and when he was laid up for a few weeks he contacted Dr. Peterson by telephone.

Dr. Hemmert shared seeing a seven year old foster child boy as a patient. He stated prior to the appointment he had been updated on the situation regarding the boy being rescued from a physically and mentally abusive home. He stated the boy was in a traumatized state and he thought to himself that he has this time to make an impact on the child. Dr. Hemmert stated he wanted to make the boys visit the

best thing of his day even though he knew the boy was scared. Dr. Hemmert stated he made the boy smile and laugh and wanted the boy to feel he could be trusted and was in a safe place. Dr. Hemmert stated he has the chance to help people and to make their day better. He stated there is the human part that you do not get a lot of other places. Dr. Hemmert stated life looks better now and he is able to sense and feel more emotion such as the raw emotion of interacting with relationships.

**Dr. Larsen suggested Dr. Hemmert share his experience with the study group. He stated he believes it would be good for the group to hear what Dr. Hemmert has been through and where he is now.**

Dr. Hemmert responded he recently saw another Dentist and felt prompted to share his story. He stated the Dentist was so surprised and when they said good bye the Dentist gave him a hug and said he is now a better man for having known Dr. Hemmert. He stated he shared the experience with his therapist, Mike Olsen, and stated that was a big step for him as he felt no shame or guilt.

**Dr. Larsen asked about the status of the DEA registration.**

Dr. Hemmert responded he does not yet have a DEA registration. He stated he submitted an application in October 2011, and in December 2011, he was referred to the Utah office where the individual he spoke with was difficult to talk with and informed him that the DEA does things on their own timetable and they do their own investigation. He stated she reviewed some paper and said he got a DUI last year so there is no way the DEA will consider him at this time for a DEA registration. Dr. Hemmert stated the DEA had incorrect dates and information and when he asked if he could assist her in obtaining correct information he was informed he should not call her again. Dr. Hemmert asked if Ms. Taxin could assist him.

**Ms. Taxin stated she would contact DEA to find**

**out the status.**

**Dr. Larsen asked if Dr. Hemmert is planning a lot of bicycle trips this year.**

Dr. Hemmert responded yes.

**Dr. Larsen stated there have been some diluted UA tests and he recommended Dr. Hemmert review the protocol so there are no more diluted tests.**

Dr. Hemmert thanked Dr. Larsen for the advice and stated he will work on his liquid intake prior to testing. He then asked if the supervision reports could now be submitted quarterly.

**Dr. Taylor made a motion for the supervision reports to be submitted quarterly.**

**Ms. Sliwinski seconded the motion.**

**The Board vote was unanimous.**

Dr. Hemmert thanked the Board. He then asked if he could start attending one 12 step meeting a week instead of two. He stated Dr. Olson believes he is ready to reduce his attendance.

**Ms. Taxin responded she would not be opposed if Dr. Olson has said Dr. Hemmert is at that point in his recovery. She suggested he still touch base with the different groups and with Hazelden. She stated there is also the University of Utah School of Medicine that conducts a conference each year and he might be interested in attending.**

Dr. Hemmert thanked Ms. Taxin for the information and stated he believes part of the duty when a person has accomplished difficult trials is to use that gift to help others.

**Ms. Bateman made a motion for the 12 step meeting schedule to be reduced from twice a week to once a week.**

**Dr. Taylor seconded the motion.**

**The Board vote was unanimous.**

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

**An appointment was made for Dr. Hemmert to meet again June 21, 2012.**

**RENEWAL APPLICATIONS:**

Dr. Dallas E. Murdoch, DDS

Ms. Taxin explained Dr. Murdoch submitted his renewal form and had a “yes” answer on the Qualifying Questionnaire. She read his explanation to the Board. Ms. Taxin stated Ms. McCall called the Idaho State Board and was informed that Dr. Murdoch voluntarily surrendered his Idaho Controlled Substance license and then requested the Dental license become a Retired Volunteer license. Ms. McCall stated the Idaho Board stated if a license goes to Retired Volunteer they will no longer allow the practitioner to have another active license. Ms. Taxin stated her concern is that Dr. Murdoch has not practiced for about five years and the Statute reads if a practitioner has not practiced for five years they must take the WREB re-entry exam. She stated Dr. Murdoch’s CE was not audited and she does not believe he had any disciplinary action but is concerned with him stating he will not have a practice location but will practice in the homes of patients. She stated Dr. Murdoch has renewed online the last few renewal periods and did not disclose that he surrendered his Idaho CONTROLLED SUBSTANCE license.

**Dr. Taylor requested Ms. Taxin to explain the difference between surrendering a license vs. letting a license expire.**

Ms. Taxin explained a surrender is when the practitioner gives up all rights to the license and cannot renew or reinstate the license where an expired license is when the renewal process was not completed. She stated practitioners may have a non-disciplinary surrender where they surrender the license

as they are not practicing and do not want to pay the renewal fees. She stated the practitioner has rights to reinstate an expired license for up to two years after the expiration date before they have no rights to the license and must reapply for a license and meet current requirements.

Ms. Taxin stated she does not know for sure why Dr. Murdoch surrendered his CONTROLLED SUBSTANCE license but believes it was based on his health. She stated the Dental Law refers to an impaired licensee and she believes Dr. Murdoch should submit a letter from his Primary Care Practitioner stating he is healthy enough to practice. She asked if the Board believes the WREB re-entry examination should be taken or if she should request copies of Dr. Murdoch's CE and if he meets the CE requirement then not require the WREB examination.

**The Board recommended Dr. Murdoch submit the following:**

- 1. Write a narrative explaining why he did not disclose the surrender and renewed the Utah license online for since 2008;**
- 2. Submit documentation of completing the CE requirements for the 2008 to 2010 renewal period and the 2010 to 2012 renewal period;**
- 3. Submit copies of any Idaho State documentation;**
- 4. Submit a letter from his Primary Care Practitioner documenting Dr. Murdoch is fit to practice and has no health concerns.**
- 5. Explain in detail how he manages his practice when he goes into patients homes.**

Ms. Taxin thanked the Board and stated she will contact Dr. Murdoch.

#### **DISCUSSION ITEMS:**

Controlled Substance Advisory Committee

Ms. Taxin explained the Controlled Substance Advisory Committee is comparable to the Board. She stated Ms. Sliwinski had volunteered to serve on the committee but is ineligible as it requires a prescribing Dentist. Ms. Taxin requested Dr. Larsen to explain

further regarding the position.

**Dr. Larsen responded the committee consists of several entities, they meet about six times a year for about two hours. He stated they discuss medications and SPICE has been the latest major topic.**

Ms. Taxin explained that SPICE is a synthetic drug similar to marijuana. She stated the young people are smoking it and it causes hallucinations. She stated it looks like marijuana but is made of fertilizer and other harsh chemicals and has been put on schedule 1 on the DEA CONTROLLED SUBSTANCE list and is illegal to use.

**Dr. Larsen commented SPICE is very difficult to regulate as those making it can change the compound and it will not show up on drug tests.**

**Dr. Larsen stated the purpose of the committee is to advise the Legislature on how to schedule specific drugs. He stated the committee consists of specific practitioners.**

**Mr. Thompson commented in the past the Association has submitted a few names of practitioners who also had Pharmacy degrees.**

**The Board asked if the assignment could be split between two Board members but stated their schedules are very full and they preferred not to serve on that committee.**

Ms. Taxin responded she will ask and will have Ms. McCall send an email to the Board members regarding if it can be split or if it cannot.

Legislative Update

Ms. Taxin informed the Board of the changes in the Dental and Dental Hygienist Practice Act. She referred the Board to the exemptions and stated the current Law, 58-69-306(2), which reads: In addition to the exemptions from licensure in Section 58-1-307: (2) a person licensed in good standing as a dentist in another state, with no licensing action pending and **no**

**less than ten years of professional experience**, may engage in the practice of dentistry without being licensed under this chapter...

Ms. Taxin stated this section will now read: **an individual** licensed in good standing as a dentist in another state, with no licensing action pending and no less than **two** years professional experience, may engage in the practice of dentistry without being licensed under this chapter...

**Dr. Liston asked if this was a proposal by Dr. Cornelius.**

Ms. Taxin responded she believes it was partly through Dr. Cornelius. She stated Dr. Cornelius wanted Dentists from other States to come into Utah and work on his patients for training purposes. She stated to her knowledge there is no program in Utah where Dentists work on live patients unless they are licensed in Utah.

**Dr. Liston asked if the Legislature ever asks the opinion of the Board before they make changes within a Law and then pass those changes.**

Ms. Taxin responded the Division is usually asked if there is any opposition.

Ms. Taxin then stated the second major change was for a Dentist Educator license. She explained that last year the University of Utah passed requirements for Physician licensure for educators to practice at the U of U and this year Roseman got this legislation passed for the Dental profession. She stated it is a new license classification and the license allows them to work only at the school or an affiliated Dental practice of the school.

**Mr. Thompson voiced the Associations displeasure with the initial draft but the final draft which passed requires the individual to be Board eligible or Board certified specialists.**

**Dr. Liston voiced concern regarding these Dental**

**Educators being part of the White Cap Institute.**

Ms. Taxin responded they would not be affiliated with White Cap Institute as it does not meet education criteria for accreditation. She stated applicants cannot have any action in other States, they will be required to be appointed as faculty to a Dental school in Utah and document to the Division when they apply why they are qualified and their responsibilities.

**Dr. Radmall asked if the educator license would be different for adjunct faculty.**

Ms. Taxin responded if educators want to come to Utah for a couple of weeks and they want to submit the application and pay the fees for an educator license they could. She stated if the Dental Educator faculty person leaves the program they must surrender their license. She stated if Dr. Cornelius becomes affiliated with Roseman University then his organization would be an affiliated practice. She stated Utah is the only State nationally who will have this type of license and other States have voiced disagreement with Utah for this Law as they believe foreign educated Physicians and Dentists should meet the same requirements as U.S. educated licensees.

**Mr. Thompson clarified that most States do have an educator license and the Utah Association was not in favor of the Legislation but could not find another State who did not allow for an educator license.**

Ms. Taxin stated these changes go into effect May 8, 2012. She stated she believes the Division and Board will need to write one rule on the National Practitioner Database.

**Mr. Thompson stated there were four Bills that showed up that no one was aware of. He stated the language was poorly written and some were not necessary to be in Statute as a Rule could be written.**

**Dr. Taylor asked if the Bills were introduced in**

**that manner hoping they would pass.**

**Mr. Thompson responded he is not sure but it could have been.**

Ms. Taxin quickly reviewed the other Legislation that passed, i.e.:

HB 46 1 Sub, Electronic Personal Medical Records;  
HB 122 3 Sub, Physician and Osteopathic Medicine Amendments;

HB 254 1 Sub, Controlled Substances Amendments;  
HB 257 1 Sub, Controlled substance Database Amendments;

HB 306, Disposal of Unused Prescription Drugs;

HB 434, Pharmacy Practice Act Modifications;

SB 40 5 Sub, Cosmetic Medical Procedures;

SB 88, Pharmacy Distribution Amendments;

SB 127 2 Sub, Controlled Substance Prescriber Training;

SB 161 6 Sub, Pharmacy Practice Act Revisions;

SB 202 2 Sub, Dentist Practice Amendments; and

SB 252, Amendments to Dentist Practice Act.

**Dr. Taylor commented he believed the tutorial and examination was presented well.**

Ms. Taxin thanked Dr. Taylor for his comment.

FYI

Ms. Taxin informed the Board of Dr. Alphalus Harold Bateman's Surrender Stipulation and Order.

Rickie Marchant Question Regarding Live Dental CE and Webcasts

Ms. Taxin read Dr. Marchant's letter regarding Webcasts being counted as live CE. She stated she believes the Webcast courses are the same as online courses. Ms. Taxin suggested the Board consider discussing if webcasts should count as live CE for the 2014 renewal but for the 2012 renewal live CE would be in person CE.

**Dr. Liston commented if the webcasts are considered live then practitioners would not need to attend conferences or in person CE courses.**

**Dr. Taylor stated he has attended some courses where the students sit and listen and others where**

**they have discussion with little tests.**

**Dr. Taylor commented it is easy to obtain 30 hours of CE. He stated maybe Dr. Marchant will need to travel somewhere to obtain his hours.**

**Dr. Liston stated hospitals have courses every week that are available to all practitioners.**

Discussion of 58-69-502(1)(a)

Ms. Taxin stated she received a call inquiring if an Dental practice advertising and offering a dollar amount certificate to anyone referring new patients, i.e.: \$50.00 gift certificate for all referred new patients is acceptable. She stated maybe the Association could include something in their newsletter after a decision is made by the Board regarding if this type of advertising is appropriate or not. She stated if the Board reviews the Law it says it is unprofessional conduct to share professional fees with unlicensed persons or paying any person for sending or referring a patient.

**Ms. Bateman commented her office offers a \$25.00 credit for referrals.**

**Dr. Taylor asked if the gift is limited to monetary amounts only.**

Ms. Taxin responded she has also seen gift certificates offered for \$10.00 to \$15.00.

**Dr. Liston stated if the Law says it is unprofessional conduct then the Board should support the Law.**

**Mr. Thompson stated if anyone asks the Association their response is you cannot pay for a referral and if they are asked about a thank you the Association responds by stating a thank you would be appropriate if it is small.**

Ms. Taxin stated she believes some Dentists are doing this practice as a thank you but also to obtain additional patients. She stated she will contact the inquirer and tell her the Board cannot interpret the

Law but it could be a violation and should not be done. Ms. Taxin also requested Mr. Thompson to write something in the Association newsletter.

2012 Board Meeting Schedule

The Board noted the following dates for the remainder of 2012: June 21, September 20 and December 6, 2012.

### **CORRESPONDENCE:**

Angie Mott Letter

Ms. Taxin read the letter to the Board regarding Ms. Mott offering to attend a Board meeting to speak about Laser Dentistry and certification for Dental Hygienists.

**Ms. Bateman stated Utah Dental Hygienists are allowed to use laser for specific periodontal treatments.**

**Mr. Thompson commented the Association also received the letter and he responded to Ms. Mott.**

FYI

The Board reviewed the information regarding action being dismissed between George M. White and ADA, Texas Dental Board and Texas Dental Association.

**Ms. Taxin stated she believes the Utah Board's approach has been acceptable regarding Botox being used in the practice of Dentistry and if there is a complaint the Dentist would have to provide documentation of how it was within the practice of Dentistry and their education.**

Oregon Board Letter Regarding the Resolution Passed by the ADA House of Delegates Regarding the Development of a Portfolio-style Examination for Initial Licensure

Ms. Taxin read the letter to the Board. She stated the ADA House of Delegates is trying to move toward a portfolio style examination for all States. She stated many of the States do not agree as they believe they should be able to have their own examination. She stated Oregon is one of the States who wants to retain the right for their own examination. She stated Oregon encourages other States to write letters to ADA supporting Oregon's Resolution.

**Dr. Larsen responded he believes Utah is in agreement with Oregon.**

**Dr. Radmall stated it is a portfolio approach for an educator as no one would fail the examination. He stated ADEX is also promoting this type of module examination. He stated the majority who fail would only fail a specific module and could retake another portion for a passing score.**

**Ms. Bateman commented the instructors would pass students off as having passed that specific section of the examination.**

**Dr. Larsen stated the examination should be given by unbiased objective people who do not have tuition paid to them and Dental educators are not unbiased which means he would not recommend support for the examination.**

**Ms. Bateman stated she also would not support the portfolio type examination as it is not a reliable clinical model.**

**Board members concurred.**

AADB Guidelines on Advertising

Ms. Taxin explained that the Utah Law already has in place advertising guidelines. She stated some of the AADB language could be used but their recommendation for advertising could be simplified.

**Dr. Larsen commented a wisdom tooth extraction clinic in St. George is upset due to the AADB advertising guidelines.**

**Dr. Liston responded he was contacted regarding the issue and requested they wait until after the meeting today and contact him again. He stated the advertising issue is confusing as general Dentists are doing extractions and then he gets some of those patients who need additional surgery. He stated the AADB information is a great outline on specialties and what they can and cannot do.**

Ms. Taxin stated if someone advertises as Doctor and Oral Surgery, the general public expects that person to be qualified to do the surgery. She stated the public

does not understand the differences. Ms. Taxin stated the Board has Rule authority and could say in Rule that Dentists must abide by AADB guidelines on advertising.

**Dr. Liston asked if the advertisement has to include the Dentists name, such as: Mountain View Dental/Grampa's Dental, as it indicates in the AADB guidelines that the Dentists name has to be part of the advertisement. He stated it might be helpful if some Dentists came and talked with the Board to help them understand where some of the problems or conflicts are. He stated he believes if the Dentist type were listed the public would not be as confused.**

Ms. Taxin stated she believes it would be a Law change as Utah does not license by specialty. She stated she believes Senator Knudson is committed to the profession and this issue as he is also a Dentist and he might be the best person to contact for a Law change.

**Dr. Liston suggested meeting with a group of Dentists to discuss and possibly give a recommendation regarding language to present to the Board and possibly Senator Knudsen so the Board does not have to take time for discussion as it is evidently not just a Utah problem.**

Ms. Taxin stated the Board also needs to review and discuss the sedation section for better clarification. She stated the person from DOCONTROLLED SUBSTANCE sent her some suggestions and she will make a copy for Dr. Liston. She stated both topiControlled Substance should be discussed further a later Board meeting.

Information on 2012 National Dental  
Examiners' Advisory Forum

Ms. Taxin informed the Board of information received for the ADA conference to be held April 23, 2012 at ADA headquarters. She stated no one will be attending as there is still a no travel policy in Utah and funding for the conference would not be available.

**Board members thanked Ms. Taxin for the**

CODA Board Participation on Accreditation  
Site Visits

**information.**

Ms. Taxin read the information to the Board. She asked if the U of U will be opening a College of Dentistry.

**Mr. Thompson responded yes. He stated the Legislature approved a building but he does not have any specific Controlled Substance yet.**

**Dr. Radmall responded the current President is more amenable to having a Dental School at the U of U.**

**Dr. Beyeler commented he spoke with Dr. Powell and had requested a Utah Board member be present.**

ADEX Annual Meeting Report

**The Board reviewed the report with no Board action taken.**

AADB 2012 Mid-Year Meeting

**The Board reviewed the information with no Board action taken.**

AADB Letters Supporting FSMB's Legislative Efforts

**The Board reviewed the information with no Board action taken.**

John G. Hexem, MD, PhD, Information  
Regarding Remediation Services for Dentists  
administering Office-based Sedation

Ms. Taxin read the letter to the Board. She stated she wondered if this would be a good program for Dr. Hibbert.

**Dr. Radmall commented he did not believe this program would be good for Dr. Hibbert. He stated he believed Dr. Hexem is trying to obtain additional business.**

**Other Board members did not comment.**

Article on Expanded Dental Care

**The Board reviewed the article with no action taken.**

DANB Executive Summary

**The Board reviewed the information with no action taken.**

DANB Winter and Spring 2012 Newsletters

**The Board reviewed the newsletters with no action**

**taken.**

FYI

**The Board requested DANB information not be presented to the Board as there is no regulation or licensing of Dental Assistants.**

Dr. Liston Question

Dr. Liston asked if it is appropriate for people to come and speak with the Board regarding some issues.

**Ms. Taxin responded yes. She stated they should write her a letter regarding the issues and their presentation to be sure it is appropriate for them to present information to the Board.**

Information

Ms. Taxin informed the Board that Ms. Bateman and Dr. Larsen will have completed their terms of service as Board members on June 30, 2012. She stated if no one has been appointed to fill their positions they may continue to serve up to six months.

**Ms. Bateman and Dr. Larsen responded they would be willing to continue serving.**

Ms. Taxin recommended Dr. Larsen continue as chairperson until the new Board members have been appointed.

**The Board concurred.**

**Dr. Taylor stated he will be absent for the June 21, 2012, Board meeting.**

**Ms. Bateman stated she may be absent also but will confirm later.**

Ms. Sliwinski Comment

Ms. Sliwinski stated she had been requested to compare a WREB examination with another examination which was a difficult assignment. Ms. Sliwinski asked why applicants are not requested to submit a PBS report. She explained PBS is an affiliated service of WREB and they do examination comparisons and send out a report.

**Board members voiced continuing comparison reviews by Board members.**

**Ms. Taxin stated it appears the Board is willing to continue to review but if the Board is unable to make the comparison applicants would be informed of the WREB/PBS evaluation service.**

**NEXT MEETING SCHEDULED FOR:** June 21, 2012

**ADJOURN:** The time is 4:16 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 21, 2012  
Date Approved

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

April 12, 2012  
Date Approved

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