

MINUTES
UTAH
DENTIST
&
DENTAL HYGIENIST
LICENSING BOARD MEETING

June 21, 2012

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

CONVENED: 9:07 A.M.

ADJOURNED: 3:22 P.M.

Bureau Manager:
Board Secretary:

Noël Taxin
Karen McCall

Board Members Present:

Alexander B. Larsen, DDS, Chairperson
Warren Woolsey, DDS
Todd C. Liston, DDS
Rich S. Radmall, DDS
Constance A. Sliwinski, RDH
Pamela L. Jolley

Board Members Absent:

Mark R. Taylor, DDS
Greg T. Beyeler, DDS
Karen S. Bateman, RDH

Guests:

Lisa Cannon
Dr. Donald G. Mantyla
Annalie Hull, President UDHA
Joleen Van Bibber, DATC/UDAA
Monte Thompson, UDA
Steven Steed, UDOH/Oral Health

TOPICONTROLLED SUBSTANCE FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 22, 2012 Board meeting were read.

Dr. Liston made a motion to approve the minutes with

minor revisions. Dr. Radmall seconded the motion.
The Board vote was unanimous.

APPOINTMENTS:

9:15 am

Investigator, Discussion Regarding Enforcing
58-69-601

This appointment was cancelled.

9:40 am

Ms. Taxin, Compliance Update

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

Ms. Taxin explained Mr. Ormond will be retiring and
she has requested Mr. Rich Oborn, Bureau Manager,
to sit in for the update and appointment with **Dr. S.
Dale Hibbert** as she has recused herself from the case.

Mr. Oborn reminded the Board that Dr. Hibbert began
his probation at the March meeting. He stated the
language in the Order is complicated so a copy was
sent out for Board members to review prior to this
meeting. Mr. Oborn stated Dr. Etringer, Psychologist,
performed the evaluation on Dr. Hibbert.

9:50 am

Dr. Liston made a motion to close the meeting.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

10:32 am

Dr. Radmall made a motion to reopen the meeting

Ms. Jolley seconded the motion.

The Board vote was unanimous.

Mr. Oborn reviewed the Disciplinary Tracking Form
with the Board and stated it appears Dr. Hibbert is
currently out of compliance with his Stipulation and
Order based on his not working a minimum of 16
hours per week as required by his Stipulation and
Order.

Ms. Taxin reported **Dr. Steven C. Pinegar** is out of compliance with his Stipulation and Order and reminded the Board that Dr. Pinegar did not meet in March as he was out of town. She reported he has let his license expire and the Division has been unable to get in touch with him but it is believed he is not practicing in Utah at this time. Ms. Taxin explained Dr. Pinegar pled guilty to a charge and the Division is working to find a resolution with him by the end of June.

Ms. Taxin reported **Dr. Jared W. Hemmert** is currently in compliance with his Stipulation and Order. She stated he is doing well, his supervisor report is positive regarding his performance and his drug test reports he is clean and sober. She stated Dr. Hemmert has had some challenges with obtaining the DEA registration. Ms. Taxin reminded the Board that the Division issued the controlled substance license in November 2011. She stated she contacted the DEA who disclosed they would not be issuing him a DEA registration. She stated with a controlled substance license the practitioner needs the DEA registration so Dr. Hemmert agreed to sign a non-disciplinary surrender of the controlled substance license today and may reapply for the DEA at another time.

Ms. Taxin reported **Dr. Jonathan F. Coleman** is currently in compliance with his Stipulation and Order. She stated he has requested letter for his insurance carriers and the Division has provided those letters. Ms. Taxin stated Dr. Coleman's therapist has stated therapy is no longer needed and recommended therapy be terminated but since he is newly on probation the Board/Division requested he continue seeing Ms. Voorhees for therapy and he has done that. Ms. Taxin stated Ms. Voorhees did not state anything specific regarding needing or not needing therapy but she can address that in another report.

Ms. Taxin reported **Dr. Verd J. Erickson** is currently out of compliance with his Stipulation and Order. She stated at the March meeting he had asked about

requesting early termination for today but his supervisor report from Dr. Ence has not been received. She stated Dr. Erickson called to ask if he could meet telephonically as he would not be requesting early termination and voiced knowing he is out of compliance for this meeting. She voiced concern regarding Dr. Erickson's health and remembering to be responsible to get his paperwork submitted. Ms. Taxin asked the Board to be clear with Dr. Erickson regarding if he is not feeling well he should not practice.

Ms. Taxin reported **Dr. Louis R. Christensen** is currently in compliance with his Stipulation and Order. She stated he is working at I Smile for about 8 hours a week, he has maintained his sobriety, has not prescribed any controlled substance and his UA tests have been negative. She requested the Board to ask Dr. Christensen about his therapy and getting Penelope Eicher to send a report as she had mentioned in her last report that she was considering termination of therapy.

Ms. Taxin reported **Dr. John S. Coleman** is currently out of compliance with his Stipulation and Order as his license expired and a current report from Dr. Sucher has not been received. She stated probationers can not just let their license expire but may sign a Surrender Order if they no longer want the Utah license. Ms. Taxin stated the last report from Dr. Sucher was positive so she has no reason to believe there is a problem. Ms. Taxin reminded the Board that Dr. Coleman lives in Arizona and thought he would be moving to Utah so he applied for licensure. She stated the company he was going to work with dissolved but he is still interested in moving to Utah.

Ms. Taxin reported **Dr. David M. Anderson** is currently in compliance with his Stipulation and Order. She stated Dr. Anderson had some criminal charges related to the probation issues and was found guilty on those charges. Ms. Taxin stated he requested a letter for the court from her and she sent the letter.

Ms. Taxin reported **Dr. David L. Flynn** is currently in compliance with his Stipulation and Order. She reminded the Board of their request to contact Mrs. Flynn regarding their relationship and his violation and her support for early termination of probation. Ms. Taxin stated Mrs. Flynn reported the family relationships are going well as they have all worked on the issues and she would fully support early termination of probation. She stated the supervisor and therapist reports were positive.

Recused from Meeting

Ms. Taxin introduced Rich Oborn, Bureau Manager. She stated Mr. Ormond will be retiring and Mr. Oborn will be taking over the interviewing for Dr. S. Dale Hibbert. She explained they would do the review for Dr. S. Dale Hibbert and Mr. Oborn will be taking over for Mr. Ormond. Ms. Taxin recused herself from Dr. S. Dale Hibbert's interview.

10:10 am

Dr. S. Dale Hibbert, Probationary Interview

Dr. Hibbert met for his probationary interview.

Mr. Oborn was introduced as the Bureau Manager who will now be conducting Dr. Hibbert's interviews as Mr. Ormond will be retiring.

Dr. Liston conducted the interview.

Dr. Hibbert reported he is working at Donated Dental and is enjoying the job. He stated he works on children and adults doing extractions and fillings. Dr. Hibbert stated he believes he started off with scheduling difficulties but believes the relationships are better now. He stated he believes he is making progress as the schedule gives him structure and he has the opportunity to get back into doing dental work.

Dr. Larsen requested Dr. Hibbert to explain further the nature of the scheduling difficulties.

Dr. Hibbert responded he had some appointments and some surgery scheduled when he started working at Donated Dental.

Dr. Larsen reminded Dr. Hibbert that his Order has a requirement for a minimum number of hours to be worked each week.

Mr. Oborn asked if the requirement of working 16 hours a week has been complied with.

Dr. Hibbert responded he is aware of the requirement and yes, he has complied.

Mr. Oborn stated from March 26 through June 8 Dr. Hibbert has worked an average of 11 hours per week.

Dr. Hibbert again responded he was off for surgery and other appointments. He stated he works there and has other things in his life that he has to manage. He stated he is trying to balance everything.

Dr. Liston asked if Dr. Hibbert believes 16 hours a week is manageable.

Dr. Hibbert responded he needs two days a week to manage his sobriety and emotional state which is more important than working 16 hours a week. He stated he has to work around all the other doctors and days available at Donate Dental. He stated he is working about three hours on four days a week.

Mr. Oborn stated 16 hours a week of work is not much. He stated it is important for Dr. Hibbert to take care of his sobriety and emotional self but it is also important to take this year working in the Donated Dental setting to work as much as possible and to get feedback from his supervisor. Mr. Oborn stated the April report was quite negative and was not based on just the schedule but also how Dr. Hibbert responded to criticism.

Dr. Hibbert commented he is very aware that he must impress the Board.

Dr. Larsen emphasized the Order requires working 16 hours a week. He stated if those hours are over a three day period then it is an inconvenience but he needs to come to some agreement with Donated

Dental to work the 16 hours a week to be in compliance with his Order.

Dr. Liston asked how Dr. Hibbert found Mr. Waterbury for therapy and what type of relationship they have.

Dr. Hibbert responded Mr. Waterbury was referred to him by a friend and they have only a therapist/patient relationship. He stated he has enjoyed going to therapy and believes it has helped him come to a peaceful resolution in his mind regarding what is happening in his life such as his work hours. He stated he can bring anything that comes along to Mr. Waterbury for them to discuss.

Dr. Liston stated Mr. Waterbury has recommended no further therapy is necessary. He asked what Dr. Hibbert thought.

Dr. Hibbert responded he believed counseling was necessary and he obtained the counseling. He stated he understands if issues come up, he is feeling frustrated or has a problem he can govern himself to seek counseling on his own.

Dr. Liston stated the Board wanted to make sure Dr. Hibbert is taking care of himself. He stated the Board voiced concern at the therapist's recommendation in such a short period of time. He stated if Dr. Hibbert does go back to Mr. Waterbury or another therapist to be sure to let the Board know.

Dr. Larsen stated if the supervisor evaluations are negative again then the Board will address the therapy issue again.

Mr. Oborn requested a resume from Mr. Waterbury for Dr. Hibbert's file. He then stated any other therapist Dr. Hibbert may decide to see a resume must be submitted prior to the appointment. He explained seeing the credentials helps the Board/Division determine if the therapist can provide the necessary services.

Dr. Hibbert agreed to get a resume from Mr. Waterbury submitted.

Dr. Liston then asked if Dr. Hibbert attends any 12 step programs and how frequently if he does.

Dr. Hibbert responded he does attend a 12 step program twice a month. He stated he started attending again in January after Dr. Larsen's recommendation and he gets something out of his attendance, i.e., to accept what is.

Dr. Liston asked if alcohol has been an issue.

Dr. Hibbert responded no. He stated he does drink a glass of wine occasionally.

Dr. Larsen stated the Board would be really concerned about any alcohol use. He stated the best way from sliding back into that lifestyle is to avoid all alcohol and drugs and that is what the Board expects the requirement to be, total abstinence.

Mr. Oborn stated total abstinence includes abstaining from wine also.

Dr. Liston gave Dr. Hibbert copies of the chart review and employer report form for his employer and supervisor to complete and submit monthly.

Mr. Oborn stated the Order requires 20% of all Dr. Hibbert's charts to be reviewed and the reports must be submitted monthly. He stated if Dr. Hibbert is in compliance for six months he may request the reports be submitted quarterly. The forms were given to Dr. Hibbert.

Dr. Liston stressed the importance of Dr. Hibbert remembering to call in daily for the drug testing as a missed test is considered a positive test.

Dr. Hibbert responded he has forgotten to call in a few times but then he makes his own arrangements to test the next day to prove he is clean.

Mr. Oborn asked how Dr. Hibbert managed the pain medications he was given due to some surgery.

Dr. Hibbert responded he took the medications as prescribed and has not had cravings for more drugs.

Dr. Larsen asked if Dr. Hibbert is taking his daily prescription medications regularly.

Dr. Hibbert responded no as his doctor said it was ok for him to take drug holidays especially on weekends when he does not have to focus as much.

Mr. Oborn commented the APRN usually sets up a firm schedule for those holidays. He stated the concern is if Dr. Hibbert is controlling the holidays he is set up for and the possible drug abuse.

Dr. Radmall asked if the Board is causing undue frustration for Dr. Hibbert in regard to the required 16 hours of working for the time to count on his probation.

Dr. Hibbert responded the 12.5 hours working was due to the Donated Dental schedule and he could not work additional hours those weeks.

Mr. Oborn informed Dr. Hibbert of his telephone call to Donated Dental and they had commented they wanted Dr. Hibbert to work more hours but he would not.

Dr. Hibbert responded he had surgery and could not work at all for three weeks. He voiced frustration with the Board saying he must work 16 hours a week which is not helping him or being understanding with his situation. He stated he has requested Donated Dental to work with him on his hours in order for him to manage his life.

Dr. Woolsey stated the Board expectation is for Dr. Hibbert to work 16 hours a week when he is not having surgery.

Mr. Oborn suggested Dr. Hibbert talk with Donated Dental regarding his Order requiring he

work 16 hours a week and ask them to arrange his schedule accordingly. He stated it is concerning to see 12.5 hours worked during two weeks with no explanation.

Dr. Liston stated if Dr. Hibbert works more than 16 hours in a week it is good for those he helps but the Board expects him to meet the requirement of his Order.

Dr. Hibbert voiced being stressed by the Board requiring him to work more hours. He asked what the Board thinks he should do when he needs a vacation.

Mr. Oborn responded the supervisor should report on his hours worked or not worked and give an explanation. He stated if the pattern is the same in September when Dr. Hibbert meets then there could be a problem.

Dr. Hibbert stated he requested the Order be changed for him to work less than 16 hours a week and his therapist recommended he work ten hours a week. He stated it does not feel like the Board is on his side to help him. He explained he has other things to manage in his life, does some volunteer work and has family affairs to handle.

Dr. Larsen again clarified Dr. Hibbert should work the 16 hours a week as his normal working hours and if he has time off for vacation hours, etc., the change of hours should be documented and clarified by his supervisor on the reports.

Dr. Hibbert responded he will talk with his supervisor and have her address the weeks he does not work 16 hours. He stated working 16 hours a week does not work out well for him but he will tell his supervisor that he has three days each week to work as many hours as she can schedule for him. He stated if it cannot be worked out then he will not be working 16 hours a week.

Dr. Liston made a motion to consider Dr. Hibbert out of compliance with his Stipulation and Order based on not meeting the requirement of his Order

in working a minimum of 16 hours per week.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

An appointment was made for Dr. Hibbert to meet again September 20, 2012.

10:30 am

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Larsen asked Dr. Hemmert to explain what happened with the DEA in regard to obtaining the DEA registration.

Dr. Hemmert responded the DEA showed up at his office during office hours, flashing their badges in front of patients and had him sign a document for them. He stated he wishes they would have called ahead and he would have been happy to make an appointment to meet with them. Dr. Hemmert stated the DEA had said he could reapply for the DEA registration when his probation is completed and he might not have an issue at that time.

Ms. Taxin explained Dr. Hemmert cannot have the Utah Controlled Substance license if he cannot obtain the DEA registration. She stated she has a voluntary non-discipline Surrender Order to surrender his Controlled Substance license for Dr. Hemmert to sign and then he may reapply for the Controlled Substance license when DEA is ready to reinstate him.

Dr. Hemmert thanked Ms. Taxin and signed the Surrender Order.

Dr. Larsen stated it appears Dr. Hemmert is doing well with his exercise and drug testing now as there have not been any more diluted tests. He asked if Dr. Hemmert is still meeting with Dr. Peterson.

Dr. Hemmert responded yes. He stated Dr. Peterson

has been off for a few weeks but will be back the first week of July.

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

An appointment was made for Dr. Hemmert to meet again December 6, 2012.

10:45 am

Dr. Jonathan F. Coleman, Probationary
Interview

Dr. Coleman met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Coleman stated he has been attending the 12 step program. He asked if he submits the formal attendance cards to the Board, faxes the information or goes online to fill out the form.

Ms. McCall responded he may go online and fill out the form.

Dr. Coleman stated he will do the online form. He stated he was informed of an abnormal test on March 26, 2012, so he went down and tested again. He stated his second test was normal/negative and he is not sure why the first one was abnormal.

Dr. Radmall asked Dr. Coleman to address how he is dealing with the stress in his life.

Dr. Coleman responded he is learning to handle his stress differently and better.

Ms. Taxin stated when Dr. Coleman last met she believes he was a little frustrated at having to meet with the Board. She asked if he believes there have been any changes now he has had some therapy.

Dr. Coleman responded he now understands that any drinking is no longer an option and he looks forward to have the probation completed.

Ms. Taxin asked if he would go back to drinking if he did not have to meet periodically with the Board.

Dr. Coleman responded no. He stated he knows what happens when he drinks and does not want to go back there again. He stated he has tried to get in to see Dr. Oster regarding termination of therapy but he has been out of town. He asked what the Board would need for therapy to be terminated.

Ms. Taxin responded both therapists will need to write a letter documenting Dr. Coleman has addressed his issues and ongoing therapy is no longer necessary. She stated they should also include any recommendations and submit the letter for the Board to review and address at Dr. Coleman's next appointment. Ms. Taxin stated as much information as they can provide regarding his addiction, relapse and coping mechanisms and plan is helpful.

Dr. Radmall asked what Dr. Coleman has in place to fall back on if necessary.

Dr. Coleman responded he believes he will always attend the 12 step program as that has been very helpful to him.

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

An appointment was made for Dr. Coleman to meet again September 20, 2012.

11:00 am

Dr. Verd J. Erickson, Telephonic Probationary Interview

Dr. Erickson met for his telephonic probationary interview.

Dr. Larsen conducted the interview.

Dr. Larsen asked Dr. Erickson to update the Board regarding his health.

Dr. Erickson responded his health is better.

Dr. Larsen stated the Board's recommendation is for Dr. Erickson not to be practicing if he is not feeling well. He then asked if Dr. Erickson has met

recently with Dr. Ence, his supervisor.

Dr. Erickson responded they met a couple of nights ago. He stated Dr. Ence had said he would fax the report Wednesday morning.

Ms. Taxin stated the report has not been received. She asked how frequently he meets with Dr. Ence.

Dr. Erickson responded they have only met twice since March.

Dr. Larsen asked how many office staff Dr. Erickson now employs.

Dr. Erickson responded he now has two full time staff and one part time. He stated they are all aware of his situation and he now finds it easier to work with employees with the boundaries in place. He stated he has found he loses the ability to be the boss if he is too close to employees and/or their family lives.

Dr. Larsen stated it was mentioned that Dr. Erickson had said he was not ready to request early termination of probation. He asked Dr. Erickson to explain.

Dr. Erickson responded he knew he was out of compliance for today as the report from Dr. Ence had not been sent and he has been unsuccessful in obtaining court documents to submit with his letter of request. He stated he is hopeful he will be ready by September.

Dr. Larsen stated if all documents are submitted then Dr. Erickson should meet in person with the Board on September 20, 2012.

Dr. Erickson voiced appreciation to the Board for working with him. He stated he had heard how hard the Board was to get along with but he has had a pleasant experience.

Dr. Larsen thanked Dr. Erickson for his remarks and thanked him for his working to be in compliance with his Stipulation and Order.

The Board determined Dr. Erickson is out of compliance today based on not receiving the supervisor report from Dr. Ence.

An appointment was made for Dr. Erickson to meet again September 20, 2012.

11:15 am

Dr. Louis R. Christensen, Telephonic Probationary Interview

Dr. Christensen met for his telephonic probationary interview.

Dr. Liston conducted the interview.

Dr. Christensen stated his bankruptcy is coming to an end and he would like to be working more hours but I Smile has cut his hours back to one day a week. He stated he is staying sober.

Ms. Taxin stated Ms. Eicher had implied Dr. Christensen might not need to continue therapy. She requested he meet with Ms. Eicher and request her to address his sobriety, his coping skills and her recommendation regarding termination of therapy when she writes her final report. She also suggested he talk with I Smile and request additional hours as the Board would support his working more hours.

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

An appointment was made for Dr. Christensen to meet again September 20, 2012.

11:25 am

Dr. John S. Coleman, Telephonic Probationary Interview

Dr. Coleman met for his telephonic probationary interview.

Ms. Jolley conducted the interview.

Dr. Coleman reported he is doing well in his life, work and recovery.

Ms. Jolley asked if Dr. Coleman is aware his Utah license expired May 31, 2012.

Dr. Coleman responded he thought he sent the renewal form and fee to renew the license.

Ms. Taxin stated Dr. Coleman will be out of compliance today based on the expired license as he must have an active license while on probation. She suggested he contact Ms. McCall regarding what is needed to renew/reinstate the license. She stated the Division also has not received supervision reports from Dr. Sucher regarding his compliance with the Arizona Order.

Ms. Jolley asked how frequently Dr. Coleman meets with the Arizona Board.

Dr. Coleman responded he meets with Dr. Sucher and another person monthly in addition to random drug testing.

Ms. Jolley recommended Dr. Coleman contact Dr. Sucher to submit copies of all documentation submitted to the Arizona Board.

The Board determined Dr. Coleman is out of compliance based on not receiving the renewal form and fee and not receiving reports from Dr. Sucher.

An appointment was made for Dr. Coleman to meet again September 20, 2012.

11:35 am

Dr. David M. Anderson, Probationary
Interview

Dr. Anderson met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Anderson reported he has had 15 months of sobriety, he no longer has cravings but his stress level goes up and down, depending on what is going on. He stated he went to court and his charges were reduced to a misdemeanor and a plea in abeyance for one year. Dr. Anderson reported he attended the PACE prescribing course. He stated he was hesitant to go but they covered boundaries, manipulative patients and different ways to get around those patients and stay

within the Law of the practice which was very helpful and he was glad he attended. He stated the biggest thing he learned was he was not documenting the reason for a controlled substance prescription or a diagnosis.

Ms. Taxin stated it is better to put more information in the chart so it is always available and not just write the information on the prescription.

Dr. Larsen asked if Dr. Anderson is still meeting with Dr. Flint.

Dr. Anderson responded yes. He stated they meet at least once a week and Dr. Flint is very thorough by doing a complete inventory every week, talking with the employees and coming in when Dr. Anderson is not there. He stated Dr. Flint is very helpful in a supportive way and never threatening.

Dr. Larsen asked if Dr. Anderson is still in therapy with Dr. Crookston.

Dr. Anderson responded yes. He stated Dr. Crookston gives him ideas on how to handle situations that may come up in his life. He stated Dr. Crookston is a strong supporter of the 12 step program and has encouraged him to move into leadership roles in support groups. He stated he has contacted the LDS Social Services regarding assisting with their 12 step program and they are looking for a place for him. He stated he has continued to attend several meetings a week.

Ms. Taxin asked if Dr. Anderson is still benefiting from his meetings with Mr. Dusoe.

Dr. Anderson responded yes. He stated Mr. Dusoe is more practical and it has been helpful to go over scenarios of what to do if this or that happens.

Dr. Larsen asked how many hours a week Dr. Anderson is now working.

Dr. Anderson responded he is at the office three and a

half days a week but not always working on patients as most of his business now is with cash patients. He stated he does go into the office to support his partner and has assisted him with some patients. He stated they also bounce things off each other.

Ms. Taxin stated other Dentists have had the same issue and have come up with creative ideas to bring in more patients.

Dr. Larsen asked if Dr. Anderson is still meeting with the Physicians Board.

Dr. Anderson responded yes. He stated he meets every other month with the Physicians Board.

Dr. Radmall asked if meeting with the Physicians Board is a positive experience.

Dr. Anderson responded yes, he finds it helpful to meet with both Boards.

Ms. Taxin stated the Physicians Board could discuss the frequency of meeting with them at his next appointment.

Dr. Anderson asked if his reports could move from monthly to quarterly.

Dr. Radmall made a motion for reports to be due quarterly based on Dr. Anderson's consistent compliance.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Anderson to meet again September 20, 2012.

11:50 am

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Jolley conducted the interview.

Dr. Flynn reported his practice has been a little slow but his family is doing very well.

Ms. Jolley informed Dr. Flynn his reports from Mr. Naegle and Dr. Toone were positive.

Ms. Taxin stated she was requested to contact Dr. Flynn's wife regarding their relationship and his relationship with the daughter. She stated she was able to have a discussion with Mrs. Flynn who reported the family relationships have improved and she does not believe there are any issues of concern for the Board/Division. She stated Mrs. Flynn reported feeling Dr. Flynn is safe and would support early termination of probation. Ms. Taxin reminded the Board of Dr. Flynn's request for early termination of probation, the two therapists support for termination and stated if the Board is going to vote today on the request then Dr. Flynn should share what he will do different to ensure he does not get into a similar situation.

Dr. Flynn responded he attends 12 step groups and believes it will be for life. He stated part of what got him into this position was he had not been dealing with his stress. He thought he did not need emotions as his father is not an emotional person. He stated he did not learn how to cope appropriately. He stated he has learned he needs to deal with stress and not isolate himself. He stated he has learned it is ok to feel emotions and has gone back to his religion. Dr. Flynn stated he wished there was a way that he would have been kicked instead of going through all he has gone through. He stated going to that movie a few months ago helped him realize he will always need to be aware and conscientious. He stated having staff chaperones will always be part of his practice for not only for the patient's protection but for his own protection. He stated he now knows who he is and it is easier to make conscious appropriate choices.

Dr. Larsen asked if Dr. Flynn is still planning on moving out of the area.

Dr. Flynn responded he would have to and is now doing about 60% of the business he was doing and if he can not get back on the insurance panels he wonders if he will be able to survive and support his family. He stated Mrs. Flynn believes once he is off probation the insurance companies will pick him up again. He stated his parents are in Scotland and have been different places which make him want to move. He stated many of his patients he has not seen for awhile and he will be putting in a lot of effort to rejuvenate his practice. Dr. Flynn stated he went through the White Cap Institute and learned how to do implants which he finds he likes. He stated he might look for something that will further his carrier in implants but there is nothing definite as of yet.

Dr. Liston made a motion to termination Dr. Flynn's probation based on his compliance with his Stipulation and Order except the timeframe.

Dr. Woolsey seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the termination process for Dr. Flynn.

12:10 pm to 1:00 pm

WORKING LUNCH

1:00 pm

Dr. Jason Chandler, UAOMS

Dr. Chandler met to discuss his concerns regarding individuals misadvertising.

Board members and Division staff were introduced.

Dr. Chandler discussed the concerns of advertising by general Dentists, outpatient anesthesia requirements, the issue of traveling non-oral surgeons and billing issues. Dr. Chandler referred to 58-69-502(1)(b), (2)(a)(i), Unprofessional Conduct. He stated the UAOMS has concerns regarding Dentists advertising that they do **painless** removal of wisdom teeth, are

experts in the field with special skills, **training** and years of experience.

Ms. Taxin stated Utah does not license by specialty. She stated all Dentists are licensed as Dentists. She stated the Board/Division have been concerned with some advertising as the public would not know if the practitioner is a Physician or Dentist based on the advertisement. She stated she advises practitioners to advertise their service as what they are licensed and qualified.

Ms. Taxin stated the Physicians are having the same issues with advertising. She stated the Legislature, Division and Board have attempted to address it.

Dr. Larsen commented Utah licenses Dentists with some being general Dentists and some with specialties.

Dr. Chandler responded the general Dentist has some training in all aspects of Dentistry and all specialists have to become a Dentist before they branch out into a specific field. He stated he Googled Oral Surgeons in Davis County and a list of several came up. He stated some on the list are not oral surgeons. Dr. Chandler asked who polices this type of situation.

Ms. Taxin responded the Division does investigate advertising but people do have rights to use words in the English language and the investigators cannot do much enforcement about every word used.

Dr. Larsen suggested Dr. Chandler file a complaint if he is aware of false advertising.

Dr. Chandler asked if letters could be sent out to all practitioners to give them time to correct any advertisement they may have.

Ms. Taxin responded yes.

Dr. Liston stated he is not sure the Division has received any heinous complaints.

Dr. Chandler responded he is aware of several in the Provo area who have called in complaints and have not received any feedback or seen any change. He stated it does not appear the Division is doing its job in investigations and education.

Ms. Taxin suggested Mr. Chandler contact the Division Director regarding complaints that have not been investigated or resolved. She stated this Board cannot be involved in case specific complaints as they would then not be able to hear a case as the jury if it went to a formal hearing.

Dr. Liston suggested Dentists be required to disclose they are a general Dentist and then list their specialties.

Dr. Liston stated there are Dentists doing oral sedation and he is not sure anyone is monitoring their equipment to be sure it is appropriate and safe. He suggested some guidelines be developed for enforcement.

Ms. Taxin responded the issue of monitoring equipment is not addressed in the Law and Rule. She stated maybe Utah should require a site visit prior to opening to be sure all equipment is checked for patient safety. She questioned who would conduct the site visits. Ms. Taxin stated the Law would need to be changed for site visits to be required.

Dr. Radmall recommended Dr. Chandler contact Senator Knudsen. He stated Senator Knudsen has been working on correcting some of these issues.

Ms. Taxin commented there is also a responsibility and ethical duty on practitioners to advertise appropriately and clearly so as not to mislead the public. She stated she believes it would be easier if language was specific regard how to post the name and type of practice.

Dr. Radmall agreed that the practitioners need to clean up the issues themselves instead of always

doing Legislation. He stated he believes there should be a name association with the clinics.

Dr. Chandler asked who regulates.

Ms. Taxin responded the Division regulates based on complaints received but cannot investigate without receiving or knowing of the complaints. She stated the Legislature could also appoint a specific Dentist for an investigator.

Dr. Chandler asked if it is appropriate for a Dentist to travel to different clinics and the host Dentist to bill out for the services.

Ms. Taxin responded the charging/billing is more under the insurance department. She suggested Dr. Chandler contact investigations regarding fee splitting and let them investigate.

Dr. Chandler thanked the Board for their time and comments.

APPLICATION REVIEW:

Dr. Daniel J. Woolf, Examination Comparison Review

The Board reviewed the examination comparison and determined the North Carolina State specific examination was equivalent to the WREB examination. **The Board recommended licensure.**

DISCUSSION ITEMS:

Advanced Dental Assisting School of Utah Radiology Course

Dr. Larsen reviewed the course and examination and recommended it be approved as it has met the requirement of R156-69-603 and R156-69-604.

Review R156-69-202(1)(b), (2)(b), (3)(b) and (4)(b), CPR, BCLS and ACLS Requirements/Hands On vs. Website instruction

Ms. Taxin explained that the Law is not clear regarding the requirements for the CPR, BCLS and ACLS course being a hands on course or an online course. She suggested the Rule be clarified.

Board members agreed the CPR, BCLS and ACLS must be a hands on course and webcam or internet courses should not be accepted.

Review R156-69-603(11)(b)(ii) – Radiology

Ms. Taxin and Ms. McCall explained the Utah Rule

Examination vs. Examination and Course

requires the Dental Assistant to complete specific coursework with either a DANB examination or a Board approved examination which includes 10 items.

Ms. Taxin stated other States will not accept the Utah approved Dental Assistant programs and examinations.

Ms. Van Bibber stated the DANB examination has three portions for the radiation certification.

Dr. Liston stated there are some accredited certified education programs but students may become certified in Utah by going to the Utah Dental Association conference, to Bridgerland, DATC and Weber. He stated the Board could recommend only the DANB examination be accepted.

Dr. Larsen recommended the Rules state Dental Assistant students must complete a CODA approved course and take and pass the DANB examination.

Dr. Liston responded he believes a Board approved course should also be offered but students should be required to take and pass the DANB examination.

Following additional discussion it was determined further discussion should take place September 20, 2012. No action for change was determined.

State Examination vs. National/Regional Examinations

Ms. Taxin explained Dr. Beyeler requested she inform the Board that the new U of U Dental School would like to offer a State specific examination in lieu of the required WREB examination. She asked Mr. Thompson if he could provide any additional information.

Mr. Thompson stated there are many Dental schools who would like their students to pass an examination at the end of the education program so they can get their licenses right away. He stated the UDA is satisfied with Utah requiring the National Examination and a Regional Examination

such as WREB as offering a State examination is expensive to develop and administer and State examinations would probably not be accepted in other States.

Dr. Radmall commented students may take the regional exams before graduation if they are scheduled to graduate so they are ready to get licensed upon graduation. He stated Utah used to administer a Utah State examination and it was difficult and cumbersome to maintain and administer. He stated WREB is gaining acceptance and additional States are now using the WREB.

Dr. Larsen voiced liking the mobility the regional examination gives people as State examinations are limiting to that specific State.

Ms. Taxin suggested the topic be further discussed at the September meeting when Dr. Beleyer is available to give additional information.

Board members concurred.

Update on CE Audit and Renewal

Ms. Taxin informed the Board that out of 277 audits there were 250 completed. She stated out of 7,168 renewals sent out there were 6,599 who renewed their licenses. Ms. Taxin stated these numbers cover all levels of Dental Hygienists and Dentists.

Ms. Taxin expressed some concern that a number of Dental practitioners in the profession have not completed the required continuing education and are requesting extensions at the end of the renewal period in order to complete the requirement.

Ms. Taxin reminded the Board of the 2012 Law change which will require all practitioners with a controlled substance license to obtain 4 hours of continuing education on controlled substance training when they renew in 2014. She stated more information will be forthcoming regarding the requirement.

Board members thanked Ms. Taxin for the information. The Board stated the CE

requirements are reasonable and licensees need to be held accountable.

New WREB Representatives

Dr. Larsen explained WREB has the Dental Hygiene examination review Board and the Dental Examination review Board. He stated a Dentist and Dental Hygienist represent their State at the yearly meeting. Dr. Larsen stated Ms. Sliwinski is on the WREB Board of Directors and he has served on the Dental Examination Board.

Ms. Sliwinski stated WREB fully funds the travel for State Board members.

Ms. Taxin reminded the Board of the no travel policy for the State of Utah but stated Mr. Steinagel did approve for WREB travel but stated if Board members do decide to attend the meeting they must follow the Utah State travel guidelines. Ms. Taxin suggested Dr. Larsen and Ms. Bateman attend the July meeting with the Board deciding who the representative will be after July 2012.

Ms. Sliwinski volunteered to represent the Dental Hygienists and Dr. Radmall volunteer to represent the Dentists.

Board members agreed.

Is a Dental Hygienist with Local Anesthesia able to Administer Nitrous Oxide?

Ms. Taxin asked the Board if a Dental Hygienist with local anesthesia could administer Nitrous Oxide.

Board members referred Ms. Taxin to the Law, 58-69-102. Definitions, under (7)(b)(i) and (ii), "Practice of dental hygiene" means, regarding humans: (b) under the indirect supervision of a dentist to administer in accordance with standards and ethics of the professions of dentistry and dental hygiene; (i) local anesthesia; or (ii) nitrous oxide analgesia.

The Board stated the Dental Hygienist with Local Anesthesia must have the education and training before they can administer Nitrous Oxide.

FYI

Ms. Taxin notified the Board of the Rule change

regarding licensing of Dentist Educators. She stated the Rule will read:
R156-69-302d. Licensing of Dentist-Educators.
In accordance with Subsection 58-69-302.5(2)(a)(i), submission of information maintained in a practitioner data bank means submission to the National Practitioner Data Bank (NPDB). She stated this Rule was written as this is the standard.
Ms. Taxin stated there will not be a formal Rule hearing.

Board members thanked Ms. Taxin for the information.

CORRESPONDENCE:

Review the American Academy of Facial Esthetic Controlled Substance Information

The Board reviewed the information provided from Dr. Louis Malcmacher, DDS.

Ms. Taxin stated he offered for two Board members to attend one of the courses in the future when the course is presented in Utah so that they can understand what is taught in the program.

Board members thanked Mr. Taxin for the information.

AADB Assessment Services Program

The Board reviewed the Assessment Services Program offerings.

The information will be kept on file as a resource.

JCNDE Committee for an Integrated Examination Information

Dr. Liston took the information to review and will report back to the Board September 20, 2012.

Dr. H. Warren Whitis Letter Regarding the Arkansas Board's Response to the ADA House of Delegates Regarding the Development of a Portfolio-style Examination for Initial Licensure

Ms. Taxin read Dr. Whitis letter.

Board members voiced opposition to the proposed portfolio-style examination for initial licensure.

FYI

Ms. Taxin informed the Board that Dr. Larsen and Ms. Bateman have completed their Board appointments. She stated today would officially be Dr. Larsen's last meeting but Board members may continue to serve up to six months if the Governor's office has not yet

approved new Board members. She asked if Dr. Larsen would be willing to attend the September 20, 2012, meeting if his replacement has not yet been appointed.

Dr. Larsen responded yes.

Dr. Larsen Comments

Dr. Larsen stated he just wanted to tell everyone how much he has enjoyed being on the Board. He stated it has gone by very quickly and he thinks the Board has been through some good times and some bad times. He stated he just wanted to say, from his experience, when he first came on the Board it was run kind of loopy goopy and our probationers would show up and they really would not know what was expected of them and it became kind of confrontational. Dr. Larsen stated he thinks it gave them a lot of uncertainty and a lot of fear about what was going on. He stated he thinks when Noël and Karen came on they tightened things up a lot and they made it a lot easier for us Board members to function and understand their role and it made it a lot easier on the probationers because they have known exactly what is expected of them and he does not think they have an excuse to say, "well I did not know that". He stated it's laid out for them and he thinks it's created a lot better feeling on the Board. Dr. Larsen stated he just wanted to thank all of the Board for the opportunity he has had of associating with them and stated thank you to Noël. Dr. Larsen then thanked Karen for all her support.

Board members thanked Dr. Larsen for serving.

NEXT MEETING SCHEDULED FOR:

September 20, 2012

ADJOURN:

The time is 3:22 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.

September 20, 2012
Date Approved

(ss) Rich S. Radmall, DDS
Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

July 26, 2012
Date Approved

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