

MINUTES

UTAH DENTIST & DENTAL HYGIENIST LICENSING MEETING

September 20, 2012

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

CONVENED: 9:07 A.M.

ADJOURNED: 2:30 P.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Noël Taxin
Karen McCall
Debra Troxel

Board Members Present:

Mark R. Taylor, DDS
Warren Woolsey, DDS
Todd C. Liston, DDS
Rich S. Radmall, DDS
Greg T. Beyeler, DDS
Pamela L. Jolley
Constance A. Sliwinski, RDH
Leonard Aste, DDS
Melinda L. Reich, RDH

Guests:

Dr. Don Mantayla, Professional Insurance Exchange
Steven Steed, UDOH/Oral Health
Sierra Hull, Dental Hygiene Student
Laken Hintze, Dental Hygiene Student
Monte Thompson, UDA
Michaele Green, RDH, UDHA

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Leonard Aste, DDS, and
Melinda L. Andreasen

Ms. Taxin conducted the swearing in of Dr. Aste and
Ms. Andreasen. **Board members welcomed them.**

It was also noted Ms. Andreasen's name has changed
to Melinda Reich due to her recent marriage.

Ms. Taxin notified the Board of the reappointment of

Greg T. Beyeler, DDS, and presented him with the reappointment Certificate.

Board Chairperson

Dr. Taylor nominated Dr. Radmall for Board Chairperson. Dr. Beyeler seconded the nomination. **The Board vote was unanimous.**

MINUTES:

The minutes from the June 21, 2012 Board meeting were read.

Dr. Liston made a motion to approve the minutes as read. Ms. Jolley seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Further Discussion on State Examination VS. Regional Examination

This item was deferred to be discussed at a later date.

APPOINTMENTS:

9:20 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 a letter was received from Dr. Oster that Dr. Coleman successfully completed the out patient treatment and recommended termination of therapy and maintenance with him. She stated Ms. Vorhees, his therapist, agrees he has dealt with his substance abuse and recommended termination of probation.

Ms. Taxin read the letter. She stated Dr. Coleman's Order requires he continue to attend support groups and the Board should recommend he continue. She stated she believes Dr. Coleman should continue to be monitored but the Board could push out the frequency of his meeting. She stated the Division will continue to drug test him.

Ms. Troxel reported **Dr. Louis R. Christensen** is currently in compliance with his Stipulation and

Order. She stated all his drug tests have been negative. She stated Dr. Christensen was to have submitted a letter requesting termination of therapy but that letter has not been received.

Ms. Taxin state Dr. Christensen was to have one more meeting with Ms. Eicher to confirm his final review and the letter was to recommend termination. She stated Dr. Christensen has had many changes recently in his life and has maintained his sobriety.

Ms. Troxel reported **Dr. David M. Anderson** is currently in compliance with his Stipulation and Order. She stated he attended the PRIME Dental Ethics course in August and has not written any prescriptions. Ms. Troxel stated all the UA's have been negative.

Ms. Taxin reminded the Board that Dr. Anderson is also meeting with the Physicians Board. She stated Dr. Flint has called her regarding his checks on the medication inventory and Dr. Anderson practicing appropriately. Ms. Taxin stated the PRIME course evaluation reported Dr. Anderson participated with positive effort and success. She stated the course teaches ethics, substance abuse, sexual boundaries, etc. and Dr. Anderson's report stated he is incorporating what he has learned into his practice.

Dr. Beyeler requested an explanation of the PRIME course.

Ms. Taxin responded the course covers all aspects of expectations and ethics for a practitioner. She stated the practitioner has to apply to take the course and disclose why they are requesting the course attendance. She stated the course staff then review the issues and plan a program to assist the practitioner with their specific issues but they also broaden the program for everyone attending. She stated Dr. Anderson had criminal charges and has a plea in abeyance. She stated he is working on those requirements but the Board should ask if he

is in compliance with his court probation.

Ms. Troxel reported **Dr. Verd Erickson** is currently in compliance with his Stipulation and Order. She stated Dr. Ence has endorsed early termination of probation.

Ms. Taxin informed the Board that Dr. Erickson will meet telephonically today and the Board should ask about his health and stress and remind him if he is not feeling well then he should not practice. She stated the Board should inquire regarding the goals he and Dr. Ence are working on and that he should continue to meet with Dr. Ence. Ms. Taxin stated Dr. Erickson could continue to meet telephonically with the Board until the point of termination and then he would need to meet in person unless the Board would like an in person interview.

Ms. Troxel reported **Dr. S. Dale Hibbert** is currently out of compliance with his Stipulation and Order. She explained probationers on drug testing are required to call in daily and if they are to test they find a testing place, submit their forms and are tested. She stated Dr. Hibbert informed her that when he called in he was scheduled to test. She stated he found a center for testing but he had forgotten to take his forms with him and was not allowed to test. Ms. Troxel stated Dr. Hibbert further explained he flew back to Utah the next day to test and that test was negative. She stated Dr. Hibbert is not following procedures to take paperwork when he travels which is frequently and therefore, is out of compliance.

Dr. Taylor asked if Dr. Hibbert understands the procedures.

Ms. Troxel responded yes, he is aware of the guidelines.

Ms. Taxin stated probationers are required to notify the Division when going out of town and most States have testing sites. She asked if this has happened before with Dr. Hibbert.

Ms. Troxel responded yes. She voiced concern that he is not following the protocol.

Ms. Taxin explained for Dr. Aste and Ms. Reich that there could be probationers come in who they know or have worked with. She stated they should disclose the relationship in the meeting as they may need to make decisions about licenses or they may recuse themselves from meeting with probationers they know. She suggested they inform her and then decide if there is a conflict of interest.

Dr. Aste disclosed he is familiar with Dr. Hibbert and should probably recuse himself.

Ms. Taxin reported **Dr. B. John Dingman** is currently in compliance with his Stipulation and Order as much as possible for his first meeting.

Ms. Taxin read the facts and conditions of Dr. Dingman's Stipulation and Order. Ms. Taxin stated the Board will need to review the requirements and expectations of meeting the conditions with Dr. Dingman.

Ms. Troxel stated she will meet with Dr. Dingman following his appointment to review the drug testing requirements.

Dr. Liston asked why Dr. Dingman was ordering Demerol.

Ms. Taxin responded he ordered it for his own use.

Ms. Sliwinski asked why it took so long for an Order to be written and for him to meet with the Board.

Ms. Taxin responded sometimes the Division has to wait until the criminal charges are resolved as people deny a lot of the accusations and the investigation takes time. She stated there are also times when the practitioner will meet diversion requirements and if they are on diversion they do not meet with the licensing Board and/or negotiations with the attorneys

9:45 am

Dr. Jonathan F. Coleman, Probationary
Interview

delays the process.

Dr. Taylor asked if Dr. Dingman had legal counsel.

Ms. Taxin responded yes.

Dr. Coleman met for his probationary interview.

Dr. Aste and Ms. Reich were introduced.

Dr. Radmall conducted the interview.

Dr. Coleman asked if the Board received Dr. Oster's report.

Dr. Radmall responded yes. He asked if Dr. Coleman is still attending the 12 step program.

Dr. Coleman responded yes. He stated he attends about four times a month and is now taking an active role in the program.

Dr. Radmall stated Dr. Coleman's report was positive. He asked what Dr. Coleman does to relieve his stress.

Dr. Coleman responded he has been going out of town once a month with his wife when she needs to travel for work, attends local Dental Society meetings but that he is not an active member and has contacts he can call. Dr. Coleman asked what the process is for termination of probation as the probation limits him somewhat. He stated he has been on probation for two years but has been working on his issues for three years.

Ms. Taxin acknowledged the restrictions with probation but stated the Boards first priority is to protect the public and ensure he is safe to practice. She then responded the Board discussed early termination for him and if he is able to maintain his sobriety he could meet less frequently with the Board but will need to continue regular meetings with AA, practice within the guidelines and wait until after the first of the year to approach a

discussion on early termination of his probation. She stated the Board/Division would rather monitor him to be sure he is clean and sober than release him early and have him relapse.

Dr. Coleman asked if there is any way the Board/Division can assist him to get back on insurance panels.

Ms. Taxin responded the Board/Division are aware there are problems but it is an insurance issue. She stated there are also times when probationers are released and the insurance organizations still will not put them on the panels.

Ms. Troxel commented the Division has sometimes sent letters of compliance to insurance companies and sometimes they have accepted the documentation and reinstated privileges.

Dr. Radmall commented the Board does not believe in early termination just because of insurance panels and he should be monitored longer.

Dr. Coleman asked if the frequency of the UA's could be less as he has had negative tests for three years.

Ms. Taxin responded the testing is random but she will look into it.

Ms. Jolley then made a motion to terminate therapy based on the therapist reports and letter of recommendation.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Ms. Taxin reminded Dr. Coleman that if any issues come up he should go back to therapy.

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

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

10:00 am

Dr. Louis R. Christensen, Telephonic
Probationary Interview

Dr. Christensen met for his telephonic probationary interview.

Dr. Aste and Ms. Reich were introduced.

Dr. Liston conducted the interview.

Dr. Christensen reported he is still working with I Smile and has been working additional hours. He stated his health has been doing better.

Dr. Liston asked if Dr. Christensen requested additional work hours.

Dr. Christensen responded I Smile has not increased his work hours but he does root canals and extraction procedures which gives him more hours.

Dr. Liston asked how Dr. Christensen spends his spare time.

Dr. Christensen responded he enjoys golf. He stated he is also taking a trip to Florida next week to see family.

Dr. Liston stated there has been no letter or report submitted from his therapist, Ms. Eicher.

Dr. Christensen responded the last time he saw Ms. Eicher she had said he did not need to continue therapy unless he was having some problems.

Ms. Troxel asked if he had seen Ms. Eicher since April 2012.

Dr. Christensen responded yes.

Dr. Liston requested a final report be submitted and stated if it is received by September 27, 2012, the Board would consider Dr. Christensen in compliance with his Order.

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

10:10 am

Dr. David M. Anderson, Probationary
Interview

Dr. Anderson met for his probationary interview.

Dr. Aste and Ms. Reich were introduced.

Ms. Sliwinski conducted the interview.

Ms. Sliwinski asked Dr. Anderson to report on what he learned by attending the PRIME course.

Dr. Anderson responded he discovered how his actions affected his professional life, his physical self and spiritual well being as well as his family, coworkers and patients. He stated it gave him hope to remain sober and drug free. Dr. Anderson stated he learned it takes work and actively doing the steps to rebuild his life and if he stops working his program the addiction could creep back in. He stated he learned he needs a structured plan for his life and needs to have appropriate protocols in place for his office, such as: keeping all medications locked in a safe at all times with the requirement of two people doing nightly inventory, two people to order medications together and log the medications in when they are received. Dr. Anderson stated learning how easy it is to get caught up in situations such as sexual harassment was an eye opener. He stated he will now leave consult doors open, never be alone in the office with a patient and never be in office alone or with only one other person present for safety reasons. He stated the course gave him insight and additional resources and tools to help him improve his core ethics and he will continue to apply in his life and practice what he learned.

Ms. Sliwinski stated the Board appreciated Dr. Anderson's letter of his reflections. She asked how his stress level has been.

Dr. Anderson responded his stress level has gone down considerably. He stated his work is going well and his partner performs all the anesthesia and writes prescriptions for the patients. He stated over time he has learned not to internalize as much. He stated he now has no cravings for drugs but does occasionally get fidgety and does not feel content. He stated when

this happens he does some exercising, calls someone else in recovery, goes window shopping or talks with his wife. Dr. Anderson stated meeting with Dr. Crookston and Mr. Dusoe are also helpful. He stated Dr. Flint has been very supportive and continues to review his charts, inventories the drugs kept in the office and talks with his employees.

Dr. Radmall asked how frequently Dr. Anderson gets fidgety.

Dr. Anderson responded he probably becomes fidgety weekly. He stated Dr. Crookston has given him the 10 second rule, which is to think of something else for 10 seconds and feelings will change. He stated when he uses this rule things do not buildup for him.

Dr. Liston asked if Dr. Anderson has been working on his CE.

Dr. Anderson responded he has taken the prescribing course and the ethics course, some online course, and meets with a Dental study group every other month.

Dr. Taylor asked if he is still receiving support from his family.

Dr. Anderson responded yes. He stated his family has offered good support and he has now informed more people of his situation such as his oldest son.

Dr. Woolsey asked if Dr. Anderson is still working with the LDS 12 step program.

Dr. Anderson responded he has been put on their list but there is not currently an opening to lead a group.

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

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

10:25 am
Dr. Verd Erickson, Probationary Interview

Dr. Erickson met for his probationary interview.

Dr. Aste and Ms. Reich were introduced.

Ms. Jolley conducted the interview.

Ms. Jolley asked Dr. Erickson how many days a week he is currently working and how his health is doing.

Dr. Erickson responded he is now working four days a week. He stated his health is doing well and does not affect his work.

Ms. Jolley reminded Dr. Erickson not to work if he is not feeling well. She asked if he is still meeting with Dr. Ence.

Dr. Erickson responded he saw Dr. Ence the first of September. He stated they go over charts, talk about how he is doing and what is going on and then Dr. Ence visits with the employees. He stated it has been good to have someone in the Dental community who understands.

Ms. Jolley asked if Dr. Ence has given any feedback regarding how Dr. Erickson could improve.

Dr. Erickson responded not really. He stated Dr. Ence has encouraged him to continue as he is. He stated he has had a complete change of office staff and he believes it unnerved some individuals as he has maintained boundaries. He stated the new staff know of his situation and are doing great. Dr. Erickson stated keeping the boundaries has made his work and life much easier.

Ms. Jolley requested Dr. Erickson to give a brief overview of the San Diego course he completed and on his personal life.

Dr. Erickson responded every Dentist should be required to take the boundaries course. He stated it has helped him establish boundaries and keep them. He stated it has helped him govern the staff and to keep track of what they are doing which has been a good thing. He stated his personal life is great.

Ms. Jolley recommended Dr. Erickson meet with Dr. Ence at least once prior to the December 6, 2012, meeting.

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

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

10:40 am

Jill Simonson, Periscope Discussion

Ms. Simonson met with the Board to discuss periscope treatments.

Board members and Division staff were introduced.

Ms. Simonson explained the digital video technology process for Perioscopy which enables the clinician to diagnose and treat areas below the gumline without the discomfort and inconvenience of surgery. She explained she is a Dental Hygienist in Nevada and has been using the technology for some time. She stated it is an alternative to calculus clean out and is done with a small camera inserted into the pocket with a fiber optic cleaning tool.

Ms. Sliwinski asked if it requires two people.

Ms. Simonson responded no, that one person does it by using both hands.

Dr. Aste asked if a water spray helps with the procedure.

Ms. Simonson responded the water spray helps to clear debris and blood so the practitioner has a better visual of the area. She stated the process helps prevent disease below the gumline for better dental health. She stated she would like to bring the product to Utah and train Hygienists in Utah and would eventually like to open a school so all new Hygienists are already trained. Ms. Simonson stated the procedure is not currently covered by insurance. She stated there are currently cases being reviewed for research.

The Board thanked Ms. Simonson for meeting and

Recused from Meeting

11:15 am

Dr. S. Dale Hibbert, Probationary Interview

presenting the information.

Ms. Taxin, Dr. Beyeler and Dr. Aste recused themselves from Dr. S. Dale Hibbert's interview.

Dr. Hibbert met for his probationary interview.

Rich Oborn met as the Bureau manager for this appointment.

Dr. Aste and Ms. Reich were introduced.

Dr. Liston conducted the interview.

Dr. Hibbert stated he has been working at Donated Dental. He stated an anesthesiologist comes in for treatments for patients in pain. Dr. Hibbert stated there was an article in the newspaper on the kids helped at Donated Dental. He stated he has also been traveling.

Dr. Liston stated a positive report was received from Dr. Hibbert's employer and it appears issues they have had are reconciled. He stated he noticed Dr. Hibbert has sometimes worked three days a week but less during other weeks. He requested an explanation.

Dr. Hibbert responded he does not decide the hours that Donated Dental sets his schedule. He stated he occasionally takes time off to travel.

Dr. Liston asked if Dr. Hibbert has thought about working additional hours the weeks he is available so he can take time off.

Dr. Hibbert responded he does work the hours he is available.

Mr. Oborn asked the maximum hours Dr. Hibbert has worked.

Dr. Liston responded the hour average is from 2.5 hours to 9 hours.

Ms. Troxel commented Donated Dental now informs her if the lack of hours is their issue or Dr. Hibbert's issue.

Dr. Liston commented Dr. Hibbert did not test when he was out of town this last time.

Dr. Hibbert responded he put the forms in his car as he had planned to drive but the car had a problem so he flew and forgot to take the forms. He explained he did go to a testing facility and had the form faxed to him but they would not accept the fax so he flew back to Utah to test the next morning.

Dr. Liston asked if Dr. Hibbert notified Ms. Troxel or anyone at DOPL of his plan to leave town.

Ms. Troxel responded he did not contact her. She stated there is a section in the monitoring area for the probationers on drug and alcohol testing to click an interruption and if he had clicked on that she might have been able to assist him in testing instead of having a missed test. She explained a missed test is considered a positive test. Ms. Troxel stated she has now given Dr. Hibbert additional forms to carry everywhere with him.

Dr. Liston informed Dr. Hibbert that the Board wants him in compliance with everything in his Order and it is important for him to follow those conditions.

Dr. Hibbert asked if there is a concern that he is abusing drugs.

Ms. Troxel responded no. She stated the concern is he is not testing when he should. She stated there is no restriction on leaving Utah but he needs the proper information/documentation to be in compliance.

Mr. Oborn brought to Dr. Hibbert's attention that the last meeting he was out of compliance for not working the required number of hours each week and this meeting he failed to test when required. He stated the Board is of the opinion Dr. Hibbert

has a compliance issue.

Dr. Hibbert apologized to the Board. He stated it appears the Board sees him as having minimum compliance issues.

The Board and Mr. Oborn responded yes.

Dr. Hibbert responded he has always had problems with small details.

Mr. Oborn asked if Dr. Hibbert was aware there was a complaint filed by a patient.

Dr. Hibbert responded yes.

Ms. Troxel stated she called the supervisor regarding the complaint and was informed there was a question regarding a pediatric sedation. She stated Dr. Kelly reviewed the sedation to be sure it was appropriate for a pediatric patient and determined it was appropriate.

Mr. Oborn stated there was also a check mark on the report of a below average judgment. He requested an explanation.

Dr. Hibbert responded the judgment and review of the sedation were related.

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

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

Dr. Hibbert informed the Board that he will be taking a camping trip to Southern Utah soon.

Ms. Troxel reminded him to take his medications and the testing forms with him.

Ms. Taxin, Dr. Beyeler and Dr. Aste returned to the meeting.

12:00 pm to 12:30 pm

Working Lunch

12:30 pm

Dr. B. John Dingman, Initial Probationary
Interview

Dr. Dingman met for his initial probationary
interview.

Board members and Division staff were introduced.

Dr. Taylor conducted the interview.

Ms. Taxin explained that the meeting may be closed for discussion of character, professional competence or physical or mental health issues.

Dr. Taylor requested Dr. Dingman to briefly explain what brought him before the Board.

Dr. Dingman responded in about 2008 he started to have a substance abuse problem which he recognized and started to treat. He stated he had some success with some relapses. He stated in 2010 an employee reported his impairment to the DOPL investigations and they came to his office to investigate. Dr. Dingman stated he then went into a treatment program in California in 2011. He stated he has done well since by being substance free for two and a half years with a small slip with alcohol in July 2012. He stated he does general practice and the practice is doing well.

Dr. Taylor asked if Dr. Dingman understands each of the conditions in his Order.

Dr. Dingman voiced some understanding.

Ms. Taxin briefly reviewed the conditions with Dr. Dingman.

Dr. Taylor asked if Dr. Dingman is aware of any action the DEA is taking.

Dr. Dingman responded no.

Ms. Taxin suggested Dr. Dingman be pro-active and contact the DEA. She stated she is not certain a copy of the Betty Ford evaluation has been received and will let Dr. Dingman know if a copy is needed. She stated the Board could request him to go to PineGrove or Hazelden but will hold off on

that until the evaluation and recommendations have been reviewed.

Dr. Taylor asked if Dr. Dingman has a copy of the Betty Ford evaluation.

Dr. Dingman responded yes.

Ms. Taxin asked if there were any recommendations and what they were.

Dr. Dingman responded it was recommended he attend AA meetings and marriage counseling.

Ms. Taxin explained Ms. Troxel would assist Dr. Dingman in signing up for the UA tests and the testing expectations. She stated he needs to communicate with the Board and Division and if he unsure of something he should make contact for clarification. She explained there are monthly reports due for six months and then he may request the frequency be changed to quarterly. Ms. Taxin asked if he is attending PIR meetings.

Dr. Dingman responded no as he has heard the PIR meetings are not helpful. He stated he is attending a 12 step program at least weekly.

Ms. Taxin stated Dr. Dingman will need to find a Dentist to supervise him and have the proposed supervisor submit a resume and letter confirming having read Dr. Dingman's Stipulation and Order and willingness to supervise. She stated a supervisor needs to have an active license that is in good standing and if there is anything in the file that might not be helpful for Dr. Dingman he may need to propose another supervisor.

Dr. Dingman stated he would like to request Dr. Pamela Hilbert to supervise.

Ms. Taxin asked for the resume and letter to be submitted for final approval. She stated Dr. Hilbert would need to meet with Dr. Dingman's staff and review 20% of his charts. Ms. Taxin asked if Dr. Dingman administers anything in his

office.

Dr. Dingman responded he does administer Nitrous Oxide.

Ms. Taxin stated Dr. Hilbert would need to evaluate to be sure the diagnosis fits what he administers. She stated he will also need to write his procedure on handling the Nitrous for the Board to review. She stated they should discuss the issues, the violation and any other violations, boundaries, ethical issues and how he would handle situations. She stated most people supervise as a service to the profession but if Dr. Hilbert wants remuneration for her services then Dr. Dingman will be responsible. Ms. Taxin reminded Dr. Dingman to call in for drug testing each day and stated if he is charged with any criminal offense he will need to notify the Division right away. She asked if he is on criminal monitoring right now.

Dr. Dingman responded yes.

Ms. Taxin requested he keep the Division/Board updated on that monitoring. She stated he must maintain his continuing education (CE) and must let the Division know if there are any changes, if he receives a prescription from a Physician or if he leaves town. She stated he must not do any prescribing for himself, his family or friends as all need to see the appropriate provider for prescriptions. She stated he must also complete the course on appropriate prescribing.

Dr. Beyeler asked what medications Dr. Dingman uses in his practice.

Dr. Dingman responded he uses Ultram but no one has asked for anything. He stated he also has Ibuprofen, Amoxicillin and Steroids in the office.

Dr. Taylor asked if Dr. Dingman has support from his family and/or friends.

Dr. Dingman responded yes. He stated everyday brings opportunities and challenges but he believes he

has a good support group around him and there are people he can turn to if needed.

Ms. Taxin asked if the Board wanted to close the meeting at this time to discuss therapy and the evaluations or wait until the next meeting.

The Board requested the discussion wait until the next meeting.

Ms. Taxin stated the more information the therapist supplies on the report the better. She stated the therapist should include any recommendations, the issues being worked on, etc. She reminded Dr. Dingman that all paperwork is due by the first of the month. She stated the therapist may give him the report to submit but he should always request a copy for himself.

Dr. Radmall asked if Dr. Dingman has a relationship with Dr. Hilbert.

Dr. Dingman responded yes. He stated they have been friends for many years.

Ms. Taxin asked if they go out socially. She explained the Board/Division do not want to put Dr. Hilbert in a situation that is compromised as her job will be to be the eyes for the Board and Dr. Dingman cannot terminate her as the supervisor.

Dr. Dingman responded no, there is no socializing. He stated they are friends professionally only.

Ms. Taxin asked the Board if they want to meet with Dr. Hilbert in person or telephonically on December 6, 2012.

The Board responded Dr. Hilbert should meet in person.

The Board determined Dr. Dingman is in compliance with his Stipulation and Order as much as possible for his first meeting.

An appointment was made for Dr. Dingman to

meet again December 6, 2012.

Dr. Taylor asked if Dr. Dingman goes by Bernard or John.

Dr. Dingman responded he goes by John.

DISCUSSION ITEMS:

WREB Examiners

Ms. Taxin explained she obtained approval for Board members to participate and attend the WREB meetings as Utah is a member of WREB. She stated Board members who chose to attend must follow the Utah State policy and all travel must go through Ms. McCall and Utah State Travel. She clarified it is not a requirement to attend but she believes one Dentist and one Dental Hygienist could attend.

Dr. Radmall responded he will be going in July.

Ms. Sliwinski suggested Ms. Reich attend the Dental Hygiene program next year.

She read the letter from Dr. Larsen which suggested Utah have more current Board members serve as examiners. The letter also stated the examination is valid and Dr. Larsen is a strong advocate for Utah to continue to require passing the examination as the path to licensure.

Dr. Radmall commented usually examiners are assigned two examinations a year. He stated those attending would give up about four days of work time.

Dr. Liston asked if examiners have to be Board members.

Dr. Radmall responded WREB people must be current Board members. He stated he believes it is an opportunity to find out about the WREB examination. He stated they give training and walk you through the process.

Dr. Liston asked if the Board could talk with the UDA as there are some great clinicians who want

Review the Rules:

1. Not Practicing & Taking Re-Entry Examination
2. CE, Internet, Webcam, In person Requirement

something to do with their time.

Dr. Aste requested more information before possibly volunteering to serve.

Ms. Taxin explained the Division has had Dentist and Dental Hygienist retake the re-entry examination but in reviewing the Rule she has found there is nothing requiring a re-entry examination. She stated a question came up asking where the re-entry examination is required.

Dr. Liston responded it is difficult for a Dentist not to practice for awhile and then be required to take the re-entry examination to relicense. He stated it has been an issue. He stated he believes it would be very difficult for him to take another examination.

Dr. Radmall stated the re-entry examination is a practical examination.

Dr. Liston stated he would think people should take some type of CE courses.

Ms. Taxin responded CE is required but if a practitioner is coming from another State it is different. She then asked what if the practitioner has not practiced for 10 years.

Dr. Beyeler recommended these applications be reviewed on a case by case basis.

Ms. Sliwinski commented she did not know there was a re-entry examination.

Ms. Taxin responded there is an examination for Dentists but she is not sure about Dental Hygienists. She asked if there is a point that the practitioner's knowledge needs to be updated.

Ms. Taxin stated the second item regarding the Rules is CE by webcam. Ms. Taxin reminded the Board that 30 hours are required within the two year renewal cycle, of which 15 hours must be in person. She stated the profession just renewed in May and the Division

received many calls regarding webcam CE counting for the live hours. She stated for the 2012 renewal it was determined webcam could be used for the online courses but not for the in person courses. Ms. Taxin asked if the Board wanted to change the rules to include webcam CE for in person CE. She stated many waited until the last minute and then called and said there was nothing available, which she knows is not the case.

Dr. Liston asked what other Boards are doing.

Ms. Taxin responded the Physicians Board has a requirement for category 1 CE and the webcam issue did not come up for them. She stated she believes internet is the way of the future and the Board could clarify for the 2014 renewal period.

Dr. Woolsey responded he believes webcam is not in person and the CE should continue to be separated.

Dr. Liston recommended the issue be discussed next year about this time.

Dr. Radmall commented webcam is a little different than internet as you can interact. He also stated he believes the Rule requirement should not be changed at this time.

Dr. Liston commented there would need to be a method to verify.

Dr. Beyeler stated receiving a certificate does not mean a person paid attention.

Ms. Sliwinski commented she believes if webcam is accepted it could be the end of the convention as people would not attend in person.

Ms. Taxin thanked the Board for their comments. She then informed the Board that she has requested the renewal date be changed to September 30 of even number years so the Division is able to give the attention required for the profession. She asked if the Board had concerns with changing the renewal date.

The Board voiced no concerns.

Review Division Website FAQ's

Ms. Taxin explained the DOPL website has general questions listed. She asked if the Board had any specific questions or information they wanted on the website.

Dr. Radmall requested the information regarding the 4 hours of CE in controlled substances be included.

Dr. Liston suggested information regarding facial esthetics also be included.

Ms. Taxin thanked them for their comments.

Rule Filing for CS Prescribers

Ms. Taxin read her proposed Rule for the CS Prescribers and then read the Law which requires four hours of CE in medical education to be completed by January 1, 2013. She stated this will affect the Dentists when they renew in 2014. She stated there are courses available to assist them in meeting the criteria such as the PACE program. Ms. Taxin stated she has talked with the Dean of the U of U and he was going to talk with the REM people regarding putting together a program.

Dr. Liston asked if the hours will count toward the required 30 hours of CE.

Ms. Taxin responded yes.

Dr. Taylor asked if language specific to Dentistry could be included so the Rule is not just to meet the requirement of the Law.

Dr. Radmall asked if everyone knew what category 1 is. He stated category 1 has a test at the end. He stated he does not believe everyone understands the ramifications if the requirement is not met.

Dr. Liston recommended someone offer a course on prescribing at the next UDA conference.

Ms. Taxin responded that person could contact the

UMA for guidelines and approval for the program.

Possible Renewal Dates

This information was discussed above.

Informal Discipline Process

Ms. Taxin explained there is a new and additional disciplinary process which will be in effect October 8, 2012, if the Rule is approved. She stated it is an informal vs. formal disciplinary process. She explained she is not an expert at this point on the process. Then Ms. Taxin provided a quick overview.

She explained the following actions are now informal:

- Denial of renewal;
- Orders to Show Cause for failure to comply with probation requirements;
- Criminal Convictions;
- Discipline by another jurisdiction; and
- Surrender of Licensure while under investigation in another jurisdiction.

Ms. Taxin stated that the new procedure will hopefully be more efficient and resolve the issue of cases on the books for a long period of time. She explained one big difference from formal to informal will be the issues/violations will be discussed in the next scheduled Board meeting and the Board will make a final recommendation for action or no action.

Dr. Radmall asked if the practitioner has to be present.

Ms. Taxin responded no. She stated they can be present but it will not be court hearing and the issues will not be debated for hours.

Dr. Aste asked if all Stipulations are the same or if they are customized to the each individual.

Ms. Taxin responded there is some boiler plate language but each Stipulation is customized to the issues of the practitioner. Ms. Taxin stated once the Rules pass in October the informal Board hearings will start.

Dr. Liston asked if there an appeal process after the Board makes their recommendation.

Ms. Taxin responded yes, the District Courts. Ms. Taxin stated she will educate the Board as she learns more regarding the informal process.

FYI

Ms. Taxin informed the Board that the Division issued a public reprimand to Dr. Bret K. Lowe. She explained Dr. Lowe and his office staff were doing Nitrous Oxide for pleasure/fun. She stated he took responsibility for his actions and he was fined and they are no longer misusing the Nitrous Oxide.

The Board thanked Ms. Taxin for the information

FYI

Ms. Taxin informed the Board that Dr. Steven C. Pinegar surrendered his Utah license. She explained he had some criminal charges so the Division offered a surrender to which he agreed.

The Board thanked Ms. Taxin for the information.

FYI

Ms. Taxin informed the Board of the Division taking further action against Dr. John S. Coleman's license and revoking the license as he did not follow through by submitting his CE for audit or the renewal form and fee.

Dr. Radmall asked if the Division had any contact with the Arizona Board regarding Dr. Coleman's revocation.

Ms. Taxin responded no but the revocation is reported to the National Databank.

Ms. Sliwinski asked if a revocation is a life thing.

Ms. Taxin responded not always. She stated Dr. Coleman had no new violations other than failing to renew his license and communicating with the Division but she would say to reinstate the Utah license he will need to successfully complete his probation in Arizona prior to her considering licensure in Utah.

Dr. Beyeler asked who determines revocation.

Ms. Taxin responded in the case of Dr. Coleman, she recommended revocation as he defaulted on his probation requirements and did not respond to the AG or the Judge regarding a hearing.

Tentative 2013 Board Meeting Schedule

The Board noted the following dates have been tentatively been scheduled for the 2013 Board meetings: February 28, June 6, September 5 and December 5, 2013.

February 28th meeting was changed to March 7, 2013, due to a conflict for Board members.

CORRESPONDENCE:

Malcomber info regarding injections

Dr. Radmall stated he received information on the course being taught regarding Dentists doing Botox and dermal fillers in Dentistry. He stated Board members were invited to attend this course.

Ms. Taxin stated she was informed when they came to Utah they would let her know and two people would be invited to attend. She stated the information indicates the program will be available October 19 and 20, 2012 in Salt Lake City. She stated Dr. Malcomber indicated it is an extensive course.

Ms. Sliwinski stated she called and was informed she could come as a patient but not to learn the procedures as she is a Hygienist.

Dr. Beyeler voiced interest in attending and was given the information.

Tammy Bohman, Questions Regarding The Use of Unlicensed Dental Assistants

Ms. Taxin read Ms. Bohman's question regarding the use of unlicensed dental assistant in Utah and what they are allowed to do in the practice, specifically, can a dental assistant remove cement and do finishing polishing on fillings with a slow speed handpiece. Ms. Taxin stated she is not sure what the Board can really say as dental assistants are not regulated.

Dr. Radmall responded as long as what is done by the dental assistant does not alter the tooth structure, the dental assistant should be able to use

the slow speed handpiece.

Dr. Beyeler commented he believes the training and teaching falls back on the Dentist. He stated the language is somewhat vague in the Rule.

Dr. Taylor commented the Dentist is responsible for what takes place in their office. He stated there is no laundry list for a good reason.

Ms. Taxin stated if Ms. Bohman does not agree with the Law and/or Rule then she should go to the Legislature and try to get dental assistants licensed so the language is more specific.

Dr. Taylor voiced some frustration as dental assistants have paid to complete some programs and those who are trained on the job do as well as those who have completed an expensive program.

Notification of The Dale Foundation as an Official DANB Affiliate

The Board noted the information.

NAMI Information

Ms. Taxin explained the NAMI group sent information for the Board to be informed about their programs.

The Board thanked Ms. Taxin for the overview.

Sleep Medicine in Dentistry

Ms. Taxin read the information from Dr. Samuel A. Fleishman regarding sleep apnea testing and Dentistry. She stated it is for Physicians and Dr. Fleishman should seek legal counsel regarding interpretation of the Utah Law.

Dr. Liston commented it would be within the scope of practice of an Oral Maxillofacial specialist to diagnose and treat. He stated diagnosed patients may need to be seen by their Physician and their Dentist. He stated Dentists do receive training to diagnose and treat sleep apnea in their Board Certification training.

Dr. Beyeler commented Dentists are capable of giving patients oral appliances but should know when to refer patients.

Dr. Taylor responded Dentists should also recognize their limitations as some are not qualified to make these appliances.

Dr. Radmall responded there needs to be better diagnosing by Physicians and Dentists.

Ms. Taxin concluded her answer to Dr. Fleishman will be he will need to seek legal counsel to interpret the Law but based on the education and experience the treatment of sleep apnea should be within their scope under Board Certification.

FYI

Ms. Taxin suggested she conduct her yearly Board member training in December. She stated if any Board members have questions or something they are not clear on to let her know and she will review during the training.

NEXT MEETING SCHEDULED FOR:

December 6, 2012

ADJOURN:

The time is 2:30 pm and the Board meeting is adjourned.

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

December 6, 2012
Date Approved

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

November 5, 2012
Date Approved

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