

MINUTES

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

December 6, 2012

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

CONVENED: 9:04 A.M.

ADJOURNED: 4:10 P.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Noël Taxin
Karen McCall
Debra Troxel

Board Members Present:

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

Board Members Absent:

Todd C. Liston, DDS

Guests:

Kathy Harris, UDHA
Marie Pontious, WSU Student
Monte Thompson, UDA
Dr. Don Mantyla, Professional Insurance Exchange
Michelle Martin, UDOH, Oral Health Program
Joleen Van Bibber, DATC
Datrice Morley, UDOH, Oral Health Program
Steven Steed, UDOH, Oral Health Program
Megan Louder, WSU Student
Leisa Jensen Alsq, WSU Student
Kristen Harvey, WSU Student
Karli Burton, WSU Student
Chelsea Bendt, WSU Student
Ollivia Racker, WSU Student
Kathleen Young, UVU Instructor

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

APPOINTMENTS:

9:20 am

Debra Troxel, Compliance Update

DECISIONS AND RECOMMENDATIONS

The minutes from the September 20, 2012 Board meeting were read.

Ms. Jolley made a motion to approve the minutes with minor revisions. Ms. Sliwinski seconded the motion. **The Board vote was unanimous.**

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

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

Ms. Taxin stated the therapist report recommending termination of therapy was received.

Ms. Troxel reported **Dr. Jonathan Coleman** is currently in compliance with his Stipulation and Order.

Ms. Taxin stated Dr. Coleman's drug and alcohol tests have all be negative and his therapist terminated therapy in July. She stated Dr. Coleman requested early termination of probation but he has not yet completed half of the probation period but has been in full compliance the entire monitoring period. She stated the Board could consider early termination and they could also request a formal letter of request from Dr. Coleman before they consider termination.

Ms. Troxel reported **Dr. David M. Anderson** is currently in compliance with his Stipulation and

Order.

Ms. Taxin requested the meeting be closed for discussion.

9:55 am, Close Meeting

Dr. Taylor made a motion to close the meeting for discussion of Dr. Anderson's character, professional competence, or physical or mental health.

Ms. Sliwinski seconded the motion.

The Board vote was unanimous.

10:12 am, Reopen Meeting

Dr. Beyeler made a motion to reopen the meeting.

Ms. Reich seconded the motion.

The Board vote was unanimous.

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

Ms. Taxin requested the meeting be closed for discussion.

9:24 am – Close Meeting

Dr. Woolsey made a motion to close the meeting for discussion of Dr. Hemmert's character, professional competence, or physical or mental health.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

9:55 am – Reopen Meeting

Dr. Taylor made a motion to reopen the meeting.

Ms. Sliwinski seconded the motion.

The Board vote was unanimous.

Ms. Troxel reported **Dr. Jeremy L. Thompson** is currently in compliance with his Stipulation and Order as much as possible for his first appointment.

Ms. Taxin stated the probation is for two years. She then read the facts of the case and the conditions of the Order. She stated Dr. Thompson has the Class III Anesthesia license.

Dr. Taylor asked if there were additional complaints.

Ms. Taxin responded she believes there were concerns as well as additional complaints. She stated Dr. Thompson needs to get started on his probation conditions right away as he is not yet working with a supervisor who is required to oversee his practice in addition to his implants.

Dr. Beyeler asked if Dr. Thompson is practicing general Dentistry only.

Ms. Taxin responded yes.

Ms. Troxel stated Dr. Thompson asked her how long he had to have a supervisor and what the supervisor would do besides just look at his records. She stated she informed him that the supervisor is required to oversee his practice and until his supervisor is approved he is not to perform any implants. She stated he then asked who reviewed his charts and said he was neglectful. Ms. Troxel stated she would not tell him who the complainant was.

Ms. Taxin stated the proposed supervisor will need to meet with the Board for an interview to be sure they understand their role and the Board/Division expectations. She stated Dr. Thompson will also need to meet initially at least weekly with the approved supervisor.

Dr. Taylor asked if Board members are ever

assigned or requested to supervise.

Ms. Taxin responded it is not the best idea for Board members to do chart review or supervise probationers as if the Board determined a license should be revoked or if additional action was required. She stated Board members could be requested to check randomly on a practitioners practice and report back to the Board.

Ms. Troxel reported **Dr. B. John Dingman** is currently in compliance with his Stipulation and Order.

Ms. Taxin informed the Board that a copy of Dr. Dingman's evaluation is in their packet. She stated the Board should close the meeting if to discuss the evaluation.

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

Ms. Taxin stated Dr. Erickson will be requesting early termination of his probation today.

Ms. Troxel reported **Dr. S. Dale Hibbert** is currently out of compliance with his Stipulation and Order as he did not submit a copy of a prescription he received within the required 48 hours and he has again missed calling in daily as required.

Ms. Taxin reminded the Board that she will be recused and they may discuss Dr. Hibbert's non-compliance with Mr. Oborn.

10:00 am

Dr. Louis Christensen, Telephonic Probationary Interview.

Dr. Christensen met for his telephonic probationary interview.

Dr. Aste conducted the interview.

Dr. Aste requested Dr. Christensen to update the

Board regarding his health and work.

Dr. Christensen responded he is enjoying his work and now works 12 to 15 hours a week. He stated they have requested him to work another day and then his hours would be 15 to 20 hours a week. He stated he has not had any health problems.

Dr. Aste asked if his work is causing any stress for him and what he does to relieve stress.

Dr. Christensen responded no as he enjoys working. He stated his recovery is progressing well and he enjoys playing golf and has recently visited family in Texas.

Dr. Aste asked if he is still meeting with his therapist.

Dr. Christensen responded he has not met with the therapist for a couple of months. He stated if he is stressed or needs to make contact then he calls. He stated he is close to his son in Las Vegas and they meet at least once a week as well as getting together with his daughter. Dr. Christensen stated he is also attending at least three AA meetings a month.

Dr. Aste ask if he meets with any study groups or other programs.

Dr. Christensen responded he does not.

Dr. Aste asked about how many patients Dr. Christensen sees each day.

Dr. Christensen responded he is seeing about eight to ten patients a day.

Ms. Taxin reminded Dr. Christensen to continue with his support groups and calling in daily.

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

An appointment was made for Dr. Christensen to

meet again telephonically on March 7, 2013.

10:10 am

Dr. Jonathan Coleman, Probationary interview

Dr. Coleman met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Coleman reported his life and work are going well with no problems.

Ms. Taxin asked if Dr. Coleman believes he has his sobriety under control and it is no longer an issue.

Dr. Coleman responded yes.

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

Dr. Coleman responded yes. He stated work is a little slow this time of year but does pick up after the first of the year. He stated he is in pretty good shape financially going into the new year.

Dr. Radmall asked what outside activities Dr. Coleman is involved in.

Dr. Coleman responded taking it easy, football on weekends as he is a big college football fan, a little fishing with his son and watching his son wrestle. He stated the Board had mentioned at the last meeting the possibility of early termination of probation. He asked what he needed to do to request early termination.

Ms. Taxin responded Dr. Coleman should write a letter of request and include where he came from, where he is now in his sobriety and life and his plan to maintain sobriety and coping plan. She suggested he talk with the therapist once more and request a written letter of support for early termination.

Dr. Radmall informed Dr. Coleman that he is not yet half way through his probation and June 2013 will be the half way mark. He suggest Dr. Coleman meet in June 2013.

Ms. Taxin stated Dr. Coleman may request early termination at any time. She recommended he meet again in March and see what comments and recommendations come from the therapist.

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

An appointment was made for Dr. Coleman to meet again March 7, 2013.

10:25 am

Dr. David M. Anderson, Probationary
Interview

Dr. Anderson met for his probationary interview.

Ms. Sliwinski conducted the interview.

Dr. Anderson stated he is doing well now but had an incident a few weeks ago. He stated his practice is picking up and that is encouraging. He stated he spends time daily on his recovery by doing four meetings a week or calling someone to talk and that contact has been helpful. He stated he is also involved in an aftercare group and a PIR group. Dr. Anderson stated he checks in every day about 5:30 or 6:00 am, has maintained his sobriety and he does a lot of reading which is also helpful.

Ms. Taxin informed Dr. Anderson that his supervisor and therapist reports have been positive.

Ms. Sliwinski suggested the meeting be closed.

10:30 am – Close Meeting

Dr. Beyeler made a motion to close the meeting to discuss the therapist report.

Dr. Aste seconded the motion.

The Board vote was unanimous.

10:42 am – Reopen Meeting

Dr. Taylor made a motion to reopen the meeting.

Ms. Reich seconded the motion.

The Board vote was unanimous.

Dr. Anderson stated he was hoping to obtain the DEA registration when his two years is completed.

Ms. Taxin recommended he call the DEA and let them know he has been in compliance and the Board is willing to consider approving the controlled substance application if they will consider reinstating the DEA registration. She asked Dr. Anderson to contact her if the DEA wants to speak with her.

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

An appointment was made for Dr. Anderson to meet again March 7, 2013.

10:40 am

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Hemmert stated it has been six months since he last met with the Board and September 1, 2012, he broke his ankle. He stated he has some difficult days of pain while it healed but with the help of family, friends, Mike Olsen and colleagues he got through those days. Dr. Hemmert stated he took pain medications for about a week after the surgery and his wife dispensed the medications to him. He stated he took about a week and a half off work while he was on the pain medications. He stated the ankle is a little stiff and sore in the morning but there is no real pain now. Dr. Hemmert stated he saw the surgeon about a week ago and he wants to remove the hardware in the spring.

Dr. Hemmert stated work could always be busier but he is doing well. He stated he works four days a week and once in awhile he works on a Friday. He stated he does some work at the hospital and this month has

been busier so patients can use their insurance for this year. He stated it is a privilege to help people with their smiles and they appreciate him. He stated he works alone most of the time except on Fridays when Dr. Peterson is there.

Dr. Taylor asked how frequently Dr. Peterson is in the office.

Dr. Hemmert responded Dr. Peterson comes in at least once a month and then he goes to Riverton to Dr. Peterson when he does not come in.

Dr. Radmall clarified Dr. Peterson is not always there to observe Dr. Hemmert on Fridays.

Dr. Hemmert responded Dr. Radmall is correct. He stated he sees or talks with Dr. Peterson almost daily and they get along well together. He stated Dr. Peterson always asks about his sobriety, his family and his work and asks if he is attending his meetings and therapy.

Dr. Radmall voiced concern that Dr. Hemmert's supervisor is not doing enough for him.

Dr. Aste asked if Dr. Peterson also reviews charts.

Dr. Hemmert responded yes when Dr. Peterson comes down to his practice.

Dr. Beyeler asked if Dr. Peterson drops in for unscheduled visits.

Dr. Hemmert responded no. He stated Dr. Alex Larsen dropped in unannounced.

Dr. Beyeler asked if that is the first time Dr. Larsen has dropped in.

Dr. Hemmert responded yes. He stated Dr. Larsen explained he had an appointment in the area so he stopped in.

Ms. Taxin commented most supervisors meet once

a week with the probationer, they talk with the staff and randomly review charts. She stated Dr. Hemmert's supervisor wrote on the report that they are friends. She then also voiced concern that the supervisor is not offering Dr. Hemmert the supervision expected by the Board/Division.

Dr. Taylor stated there might be some wisdom in having a supervisor who is more structured and meets more frequently.

Dr. Hemmert responded Dr. Cameron Egbert might be closer to supervise him. He stated he does not know many oral Dentists.

The Board voiced concern about Dr. Hemmert choosing Dr. Egbert.

Dr. Taylor suggested Dr. John Chambers who is experienced and retired.

Ms. Taxin stated the Board has seen positive results with those Dr. Robert Flint supervises. She suggested Dr. Hemmert contact both Dentists as possible supervisors. She also suggested Dr. Hemmert continue to meeting with Dr. Peterson until he obtains another approved supervisor.

Dr. Hemmert responded he does not want another supervisor as he has already had three who all worked in his office but they all had other opportunities come up.

Dr. Radmall asked if the meeting could be closed for discussion.

10:56 am, Close Meeting

Dr. Taylor made a motion to close the meeting for discussion of Dr. Anderson's character, professional competence, or physical or mental health.

Dr. Aste seconded the motion.

The Board vote was unanimous.

10:34 am, Reopen Meeting
Dr. Beyeler made a motion to reopen the meeting.

Dr. Aste seconded the motion.

The Board vote was unanimous.

Dr. Radmall asked Dr. Hemmert what his sobriety date is.

Dr. Hemmert responded October 1, 2009. He stated he is only attending meetings once a week now.

Dr. Taylor stated Dr. Hemmert will need to submit the name for a new supervisor in the next couple of weeks and he should sit down with his staff and put a system in place where they are able to warn him if they believe he needs to close the office for the day and not feel their jobs are in jeopardy.

Dr. Beyeler suggested Dr. Hemmert request Dr. Olson to also meet with the new pre-approved supervisor and the staff.

Dr. Hemmert responded he will get right on obtaining a new supervisor and will talk with Dr. Olson about a plan for him to meet with the staff and to assist in putting a plan in place.

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

An appointment was made for Dr. Hemmert to meet again March 7, 2013.

11:00 am

Dr. Jeremy L. Thompson, Initial Probationary Interview

Dr. Thompson met for his initial probationary interview.

Board members and Division Staff were introduced.

Dr. Beyeler conducted the interview.

Dr. Beyeler requested Dr. Thompson to briefly

explain what brought him before the Board.

Dr. Thompson responded he placed an implant in a patient and it penetrated the nasal cavity. He stated he received a telephone call a few days later from the patient saying he had something going on with his nose so he had the patient return and he removed the implant. He stated the patient then went to an oral surgeon.

Ms. Reich asked if Dr. Thompson could see the perforation.

Dr. Thompson responded no.

Ms. Sliwinski asked what the oral surgeon did to repair the nasal cavity damage.

Dr. Thompson responded the oral surgeon put the patient on medications.

Dr. Beyeler asked what training Dr. Thompson has received to be comfortable in placing implants.

Dr. Thompson responded he has taken some courses to learn the procedure and has placed about 150 implants with success.

Dr. Taylor asked if Dr. Thompson has had any problems like this before.

Dr. Thompson responded no. He stated he has had some patients with sinus problems.

Dr. Beyeler reminded Dr. Thompson he must have a supervisor. He asked if Dr. Thompson had anyone in mind.

Dr. Thompson responded he is looking for someone and has a couple of leads.

Dr. Beyeler stated when he selects someone it should be someone who is familiar with and does implants so they can observe him to be sure he is performing the implants appropriately.

Dr. Thompson stated Dr. Karl Koerner has sort of been helping him but there is nothing in place yet regarding supervision. He stated Dr. Koerner is not an oral surgeon but would like to be the supervisor and he is hoping to have something in place in a couple of weeks. He stated he has also thought of Dr. Steve Christensen as he is just around the corner.

Ms. Taxin responded the Order does not require the supervisor to be an oral surgeon. She stated the point of probation is to have Dr. Thompson's implant procedures completed correctly or for him to obtain additional training to do them correctly.

Dr. Radmall stated Dr. Koerner is a general Dentist.

Dr. Aste asked if this was an isolated incident beyond Dr. Thompson's scope of comfort.

Dr. Thompson responded yes, it was an isolated incident and he would not do it again. He stated his cone beam scanner is older and has a blank spot so he now refers his patients out for more diagnostic scans.

Dr. Taylor asked if the patient has had any lasting issues.

Dr. Thompson responded no. He stated the patient had some pain for about two months but has returned for additional dental work.

Dr. Taylor commented he does implants and knows perforations do occur at times.

Dr. Radmall asked if there was more to the incident.

Dr. Thompson responded after the procedure he was out of the country and the patient could not reach him. He stated the patient was quite unhappy with him when he returned.

Dr. Taylor asked what the procedure is when Dr.

Thompson is out of town.

Dr. Thompson responded he typically refers patients to Dr. Kevin Negar but now has his cell telephone number on his phone recording.

Dr. Taylor commented the implant situation might not be negligence but not giving the patients information on where to go for assistance is negligence.

Ms. Taxin responded she believes there was more significant damage than what Dr. Thompson is implying in his explanation. She stated the Board is questioning why he is on probation as they are listening to the facts as not worthy of discipline and that it was a minor error that is common. Ms. Taxin referred to the Order which states the incident was egregious. She stated the facts and all the films were reviewed by an expert who believed the implants were not performed to the standard and Dr. Thompson signed the Order which means he agreed to the facts as written.

Dr. Thompson responded he does not know what information the expert reviewed. He stated the investigator has the before panoramic films and the after films when the implant was removed. He stated he had no complaints when he did the implant but a few days later the patient called to say he was having problems with his nose. He stated he had the patient come right in and removed the implant. He stated he is not familiar with the investigative and probationary process or what constitutes gross negligence but after talking with John Sims, the investigator who reviewed the facts and disciplinary options, he decided to sign the Order.

Dr. Beyeler requested clarification that the patient went to an oral surgeon in the ER, who took care of the issue by medications.

Ms. Taxin stated she will try to get the facts for the Board to review to help them better understand the concerns. She asked if the Oral Surgeon had to

remove implants.

Dr. Thompson responded he does not believe the Oral Surgeon removed anything.

Ms. Taxin stated her understanding is the implant puncturing the nasal cavity really affected the nasal cavity more than it should have. She stated her understanding also is Dr. Thompson did not obtain enough education regarding performing implants. She suggested he should consider additional education. Ms. Taxin stated the goal of probation is to make sure he does not make that mistake again.

Dr. Woolsey voiced not understanding why the oral surgeon would say it was gross negligence when Dr. Thompson does not believe it was.

Dr. Beyeler asked if the Order recommends any courses.

Dr. Taylor responded the International College of Oral Implantologists offers excellent courses.

Dr. Radmall suggested Dr. Thompson contact Dr. George Bailey, Dr. Gordon Christensen or Dr. Karl Koerner to supervise him.

Ms. Taxin stated it should be someone who has experience in doing implants.

Dr. Thompson stated when he suggested Dr. P. K. Clarke he received some negative feedback.

Dr. Beyeler responded Dr. Clarke is with the Whitecap program. He stated he attended a course for a couple of days but has not attended the week long program.

Ms. Taxin stated the proposed supervisor will need to submit a resume and a letter stating he/she has read the Stipulation and Order and is willing to assist Dr. Thompson in being successful in his probation. She stated if Dr. Thompson will get her

the information she may call and talk with the proposed supervisor to explain the Board expectations but the proposed supervisor will need to meet in person or telephonically with the Board to discuss the supervision. She stated the goal is for Dr. Thompson to be knowledgeable to standards and practice safely.

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

An appointment was made for Dr. Thompson to meet again March 7, 2013.

Dr. Thompson left the meeting.

Dr. Taylor voiced frustration with investigations. He stated when they get a young person before them they push them to sign the Orders.

Dr. Radmall stated he believes the Board needs more information on probationers. He stated a probationer who initially meets with the Board usually state they are not guilty but after a few meetings they change their stories.

Ms. Taxin responded if the probationers had requested a hearing with the Board then the Board would have heard all the facts. She stated if an Order is signed then the Board is listening only to what the probationer wants them to hear and the facts are in the signed Order. She stated the Physicians Board was struggling with the same issue of wondering why people were put on probation. She stated in the case of Dr. Thompson she believes there were more facts and she will check into it and report what can be shared at the next meeting.

Dr. Taylor responded if there is additional information to back up the disciplinary action the Board needs to know that information.

Ms. Taxin asked if the Board would question for

example if Dr. Ence was the expert who reviewed the case. She stated the Division investigations uses licensed Dentists in good standing, qualified experts. She again stated if the practitioner requests a hearing then the Board hears all the facts. She stated Dr. Thompson agreed to the facts of gross negligence and signed the Order and that is what the Board has to work with in regard to his probation.

12:00 pm to 1:00 pm

Discussion Regarding Dr. B. John Dingman

WORKING LUNCH

Dr. Taylor stated he will conduct the interview. He asked if Dr. Dingman has taken the PACE course.

Ms. Troxel responded no, that Dr. Dingman thought the PBI course could cover both the PACE course and the PRIME course for record keeping and prescribing. She stated she has informed Dr. Dingman that the PBI course will not take the place of the PACE and PRIME courses. She stated Dr. Dingman has proposed Dr. Pamela Hilbert to be his supervisor and she should be attending with him today.

1:00 pm

Dr. B. John Dingman, Probationary Interview

Dr. Dingman met for his probationary interview.

Dr. Dingman introduced Dr. Pamela Hilbert, his proposed supervisor.

Board members and Division staff were introduced.

Dr. Taylor conducted the interview.

Dr. Dingman stated Dr. Hilbert has reviewed some of his records and has talked with his staff. He asked what else she needs to do.

Dr. Taylor responded as a supervisor Dr. Hilbert will need to visit with Dr. Dingman's staff, write reports for the Board/Division, review charts at random and drop in on Dr. Dingman occasionally.

Dr. Hilbert commented she has a good relationship

with Dr. Dingman's staff, she has electronic access to his charts and has talked with Dr. Dingman two or three times a month. She stated she does not want to interrupt his office so she has mainly talked with them on the phone. She asked if she has to physically be present in Dr. Dingman's office during his office hours.

Ms. Taxin responded there are times when staff members are afraid of losing their jobs if they are honest and Dr. Hilbert and the staff should be able to talk openly. She stated Dr. Hilbert will need to meet weekly in person with Dr. Dingman and could drop in once in awhile to observe. She stated Dr. Dingman can explain to patients that he has a co-worker observing. Ms. Taxin stated Dr. Hilbert will need to submit monthly reports for the first six months and then he may request the Board to consider change the reports to be due quarterly. She stated there are times when practitioners change their addiction and Dr. Hilbert and the staff should be aware of other substances that can be abused in the office, for example, nitrous oxide. She suggested Dr. Hilbert be observant for any behavior out of the ordinary.

Dr. Radmall clarified if Dr. Hilbert or any staff member believe Dr. Dingman is impaired they need to tell him he should not work that day and contact Ms. Taxin.

Ms. Taxin stated if Dr. Dingman does relapse, is impaired in any way or too tired he should not go to work. She stated Dr. Dingman needs to be sure his staff are comfortable recommending he not work if he appears impaired. Ms. Taxin stated Dr. Hilbert will be acting as the eyes for the Board/ Division and she needs to report anything she sees, review 20% of the patient charts and note in the reports her findings as well as the discussions of issues she has with Dr. Dingman. She stated Dr. Hilbert will be a support for Dr. Dingman to be sober and to practice safely.

Dr. Hilbert and Dr. Dingman voiced understanding.

Dr. Taylor requested Dr. Dingman to update the Board regarding his family, his work and his recovery.

Dr. Dingman responded he is doing well in his recovery and is sober. He stated in every meeting he attends he has heard something just for him. He stated he has been sober since July 4, 2011, but knows he will deal with recovery and sobriety the rest of his life. He stated he attends AA meetings once a week or every other week, he has a sponsor who he calls about every other day and he also has stayed in touch with the sponsor he had at the Betty Ford clinic. Dr. Dingman stated he has done well on the Betty Ford recommendations but was unable to attend the annual IDAA conference. He stated he completed his goal of 90 meetings in 90 days but does stay in contact with the Betty Ford alumni weekly. Dr. Dingman stated he and his wife have been doing couples therapy and the therapist has recommended termination of the couples therapy. He stated they both are now in individual therapy.

Ms. Taxin informed Dr. Dingman that individual therapy conflicts with the Betty Ford recommendation.

Dr. Dingman responded he meets again with the therapist next week and will talk with her about the issue. He stated he contacted Ms. McCall but did not have time to get a letter submitted for review.

Ms. Taxin stated there was a concern listed in his evaluation regarding his recovery and there was an agreement that he would follow the recommendations of the Betty Ford clinic. She asked if the therapist reviewed the Betty Ford evaluation.

Dr. Dingman responded that he will talk with his therapist and have her address it.

Dr. Taylor asked if Dr. Dingman has the support of his wife.

Dr. Dingman responded yes. He stated he meets with his therapist for individual therapy twice a month and other than having asthma there are no medical issues. He stated his diet is regular and he usually eats healthy, tries to be active and takes only the medication listed. Dr. Dingman stated he did not want to be monitored by John Southworth and Associates as he would have to be in a two year contract with them so he did drug screening with another company.

Dr. Taylor asked if Dr. Dingman understands he is required to complete two separate courses; one in record keeping and one on prescribing.

Dr. Dingman responded he believed it could be one course but now understands it is two separate courses.

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

An appointment was made for Dr. Dingman to meet again March 7, 2013.

1:20 pm

Dr. Verd Erickson, Probationary Interview

Dr. Erickson and Mrs. Erickson met for his probationary interview.

Ms. Jolley conducted the interview.

Dr. Erickson stated he is doing well in his health and is now working four days a week.

Ms. Jolley asked what procedures Dr. Erickson has in place regarding boundaries.

Dr. Erickson responded he has nothing specific but does have unspoken boundaries that are not crossed. He stated when he hires someone he talks about the boundaries but he does not have anything in writing.

Ms. Jolley commented when Dr. Erickson completed the required course he had stated he learned a lot.

Dr. Erickson responded yes. He stated he wishes he had taken the course years ago.

Ms. Jolley stated several probationers have not been up to par in the office and the staff has been reticent to report anything. She asked if Dr. Erickson's staff would be comfortable telling him he might want to close the office and go home if they believed he was not up to working and if they would be comfortable enough to make a report.

Dr. Erickson responded he has informed his staff to communicate with him about any concerns they may have and they should contact DOPL if appropriate.

Ms. Taxin asked Mrs. Erickson for her thoughts.

Mrs. Erickson responded she thought it was an odd question.

Ms. Taxin responded Dr. Erickson has had some health issues and if he is not feeling well he should not work on patients.

Dr. Radmall asked Mrs. Erickson if the staff would be comfortable saying something.

Mrs. Erickson responded if the staff observe something out of the ordinary they better talk with Dr. Erickson and report it.

Dr. Radmall asked how supervision is going with Dr. Ence.

Dr. Erickson responded they met last Thursday and Dr. Ence recommended he continue doing what he is doing.

Dr. Radmall asked if Dr. Erickson has a friend or someone he can talk with and rely on.

Dr. Erickson responded yes. He stated Dr. Ence has become a close friend.

Ms. Taxin reminded Dr. Erickson that he had

asked about early termination of probation. She stated he has completed the required courses, addressed the issues with his staff and has made changes with his boundaries. She stated he has completed all the conditions of his probation except the time.

Dr. Radmall asked if Dr. Erickson believes he is in a position now that he does not foresee any boundary problems in the future.

Dr. Erickson responded yes. He stated he now understands where the boundaries are and his staff understand there are no consequences if they tell him something.

Dr. Woolsey made a motion for early termination of probation as Dr. Erickson has completed all the terms of his probation except the time which was scheduled to be completed June 24, 2013.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process of termination.

Dr. Erickson voiced appreciation for the time and energy the Board put in to be sure he did what he should.

Ms. Taxin reminded Dr. Erickson that he did not want to meet with the Board at first but she believes it has been a good experience for him and that he has learned from the experience.

Mrs. Erickson also voiced appreciation to the Board for their Christ like kindness. She stated she has been grateful for their love, kindness and charity and stated the Board does a good service for patients and practitioners.

Dr. Aste asked Mrs. Erickson if she was supportive of termination of probation.

Mrs. Erickson responded yes. She stated she did not believe Dr. Erickson should have been put on probation in the first place as she did not think he was ever out of line. She stated it was wrong from the start.

Ms. Taxin reminded Mrs. Erickson and the Board that Dr. Erickson was criminally charged and the Division had to take action to protect the public.

Mrs. Erickson stated due to his trust in people his intent may have been ok but the actions were misunderstood.

Dr. Erickson again voiced appreciation to the Board, for having gone through the probation process and for what he has learned in the process.

Recused from Meeting

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

1:35 pm

Dr. S. Dale Hibbert, Probationary Interview

Dr. Hibbert met for his probationary Interview.

Rich Oborn met as the Bureau Manager for this appointment.

Dr. Taylor conducted the interview.

Dr. Taylor informed Dr. Hibbert that he is out of compliance with his Stipulation and Order.

Ms. Troxel explained a prescription for Dr. Hibbert was on the Controlled Substance Database and he did not submit the documentation of the prescription within the 48 hours as required by his Order. She stated he also missed three call in days this quarter as required.

Dr. Hibbert responded he has a prescription for the medication and thought he had submitted the documentation. He stated he will fax it to Ms. Troxel right after the meeting or tomorrow.

Ms. Troxel reminded Dr. Hibbert that he has the

ability to enter the information on the Affinity website.

Dr. Radmall asked if Dr. Hibbert was aware he missed calling in daily on three occasions.

Dr. Hibbert responded yes. He explained he got busy and forgot to call so he did the self tests the next day for each of the three missed calls.

Mr. Oborn asked what Dr. Hibbert has in place to remind him to call every day.

Dr. Hibbert responded he has put two reminders in his planner.

Mr. Oborn stated testing the next day does not help and he is still considered out of compliance for not calling daily.

Dr. Radmall stated he is out of compliance for not calling in daily but it is helpful to know the drug tests have been negative.

Dr. Taylor asked if it would help for Dr. Hibbert to notify Ms. Troxel when he fails to call Affinity.

Ms. Troxel responded no. She explained when a call in is missed the probationer takes the chance that they may have missed a test. She stated missing a test would be a larger violation than missing a call as it would be considered a positive test.

Mr. Oborn stated he and the Board want to be clear with Dr. Hibbert that he is out of compliance for not calling daily whether he tests the next day or not.

Ms. Reich commented it appears Dr. Hibbert has the attitude that it does not really matter if he calls or does not call daily. She stated she would think he would do everything he can to be in compliance.

Dr. Hibbert responded that is not his attitude. He

stated he believed if he went the next day it would show he went out of his way to test but if it does not matter then he will stop testing the next day.

Dr. Radmall asked what time of day Dr. Hibbert calls in.

Dr. Hibbert responded he calls about 5:00 am.

Dr. Radmall stated the Board discussed at the last meeting of details being important in the Dental profession. He suggested Dr. Hibbert not miss any more calls in the next quarter.

Dr. Hibbert explained he could not find his telephone one time. He voiced being sorry he missed calling and will do his best to try to remember but missing three calls in three months is only missing one call a month. He stated he will try to improve on the calling as he does realize how important it is and thought testing the next day would help.

Mr. Oborn stated it is a Board decision regarding if testing the next day is helpful.

Dr. Radmall responded it is a good token offering but his advice again is not to miss any days calling.

Dr. Taylor stated it appears Dr. Hibbert is not taking his medications as prescribed. He asked if Dr. Hibbert again took a medication holiday.

Ms. Troxel commented the APRN thought a medication holiday once in awhile was alright but when tests come back that are all positive or out of range for his medications then it indicates he is not taking them as prescribed.

Dr. Hibbert responded his APRN did say it was ok to take medication holidays and said he should decide for himself when those holidays would be so his body could take a break.

Ms. Troxel reminded Dr. Hibbert that his Order requires him to take his medication as prescribed and the Board had said if the APRN believes it is

ok to have medication holidays they need to know when he is taking those holidays so he is not randomly deciding them for himself.

Mr. Oborn stated he consulted with another APRN regarding this issue and the APRN voiced concern that Dr. Hibbert is deciding for himself when to take prescribed medications and when not to take them. He stated the APRN explained she plans the holidays for her patients. He stated the Board discussed this issue at the last meeting with Dr. Hibbert and the Board agreed that Dr. Hibbert should not decide when to take medication holidays. He stated Dr. Hibbert's APRN needs to notify the Board when the holidays will be.

Dr. Taylor requested clarification regarding one prescriber approving medication holidays when he wants them and another prescriber saying the holidays should be planned by the prescriber.

Mr. Oborn agreed with Dr. Taylor. He stated the APRN he consulted with agreed that medications should be taken as prescribed but if a holiday from medications is needed then the prescriber should schedule those dates.

Dr. Taylor then noted there were seven positive tests for drugs without a prescription provided.

Ms. Troxel responded yes.

Mr. Oborn stated the Order requires Dr. Hibbert to work a minimum of 16 hours a week for Donated Dental. He stated the Board discussed his working over 16 hours a week when possible. He then read the November work week hours. He asked Dr. Hibbert to explain why he again is working less hours than required.

Dr. Hibbert responded he attended a conference.

Mr. Oborn stated it appears Dr. Hibbert has requested a lot of time off.

Ms. Troxel responded Dr. Hibbert has traveled out of the country. She then reviewed his time off.

Mr. Oborn stated the Order requires only 16 hours per week.

Dr. Hibbert responded he has two surgeries scheduled for December. He stated Stephanie at Donated Dental knows he is available to work and she tries to schedule him when she can. He stated he has three more months to work at Donated Dental and then he can work in a private office. He suggested the Board allow him to start his private practice now instead of waiting until the required year is completed.

Mr. Oborn stated Dr. Hibbert is out of town often and it appears those dates are elective.

Dr. Hibbert responded when he is in town he is available to work but is not always scheduled. He suggested he be allowed to work somewhere else in addition to Donated Dental.

Mr. Oborn suggested Dr. Hibbert contact Donated Dental and inform them that his Order requires he work 16 hours a week and ask them to help him meet that requirement. He stated Dr. Hibbert could also not request so much time off as going out of the country is his personal choice.

Dr. Hibbert responded when he was on the criminal probation he could not leave the State so now he desires to spend time with his family and to go on vacations. He stated he has learned the importance of doing what is good for him so he does not revert back into substance abuse.

Ms. Reich commented there are some things that are important for Dr. Hibbert to take care of for his probation.

Dr. Radmall stated when Dr. Hibbert prescribes to a patient he expects them to follow the orders. He stated he does not understand why Dr. Hibbert takes his medication when he wants and does not

take them when he does not want to take them.

Ms. Reich commented her daughter took some of the same medications and the prescriber did suggest she not take them on weekends or when on vacation.

Dr. Taylor commented the prescriber has given Dr. Hibbert the option of when to take holidays and there is a letter of confirmation.

Dr. Hibbert stated the next time he meets with the Board is his year mark for working at Donated Dental a year and then he can work anywhere. He asked what he does then.

Dr. Radmall responded Dr. Hibbert should read his Stipulation and Order as there is a requirement for supervision.

Dr. Taylor asked what Dr. Hibbert's plans are.

Dr. Hibbert responded he wants to work as a Dentist and make some money. He asked if he just submits a name for a supervisor.

Mr. Oborn responded the proposed supervisor will need to submit a letter that he/she has read the Stipulation and Order and agrees to supervise and assist Dr. Hibbert in being successful in his probation. He stated a resume will need to be sent with the letter.

Dr. Radmall stated the Board may also want the proposed supervisor to meet with them to review the conditions of the Order and the Board expectations of supervision. He stated Dr. Hibbert needs to be in compliance with his Order when he meets again.

Dr. Hibbert voiced understanding.

Mr. Oborn asked the Board for their thoughts concerning the next appointment if Dr. Hibbert has again missed calling in daily.

Dr. Taylor responded he thinks the Board should see how Dr. Hibbert is doing when he meets again.

Dr. Radmall stated if Dr. Hibbert is out of compliance again the Board may recommended further action be taken.

Mr. Oborn stated the Board could also recommend extending the probation period.

The Board determined Dr. Hibbert is out of compliance today based on his lack of submitting the prescription he is taking within 48 hours and failing to call three times this quarter.

An appointment was made for Dr. Hibbert to meet again March 7, 2013.

Dr. Hibbert left the meeting.

Mr. Oborn and Dr. Radmall requested Ms. Troxel to contact Donated Dental in regard to Dr. Hibbert's schedule in order for him to obtain his minimum requirement of 16 hours per week.

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

Dr. Woolsey Comments

Dr. Woolsey stated he has received several telephone calls regarding concerns on some Dentists. He stated he has called investigations but does not know if anything was investigated. Dr. Woolsey stated other Dentists are aware of the problems and hope something will be done but it appears the investigators are not pursuing anything. He stated he is not sure how to help the situation as the Dentists continue to offend.

Ms. Taxin recommended if Dr. Woolsey or other Board members receive complaint calls that they refer them to investigations as they should not become involved. She stated if Dr. Woolsey has concerns he should let her know privately and she will check into it. Ms. Taxin stated sometimes

investigators do not have enough information or the complainant wants to remain anonymous and will not assist the investigators.

APPLICATION REVIEW:

Carla Sue Hill, Dental Hygienist Examination
Comparison for Licensure

Ms. Sliwinski reviewed the application and determined the examination is equivalent to the WREB examination. She recommended licensure.

The Board agreed with Ms. Sliwinski.

Dr. Laura Elizabeth Godwin, Dentist
Examination Comparison for Licensure

Ms. Taxin explained Dr. Godwin took the CITA examination. She stated she had never heard of that specific examination and was not sure if it is equivalent to the WREB. She stated her staff offered Dr. Godwin the option of submitting a comparison to the WREB for the Board to review. She stated her staff informed Dr. Godwin there was no guarantee she would not have to take the WREB.

Dr. Taylor asked if the CITA examination qualified Dr. Godwin for licensure in another State.

Dr. Radmall and Ms. Taxin responded yes, she is licensed in North Carolina.

Dr. Radmall explained the information submitted documents at least half of the examination was on a manakin.

Following the review of the examination comparison, Dr. Radmall made a motion for Dr. Godwin to take and pass the WREB examination for licensure in Utah as the CITA examination is not substantially equivalent to the WREB examination.

Ms. Sliwinski seconded the motion.

The Board vote was unanimous.

**DENTAL ASSISTANT RADIOLOGY
PROGRAM REVIEW:**

PEAKS Dental Assisting School Program

Dr. Beyeler reviewed the program and reported to the Board. He recommended PEAKS be contacted to provide their phone number, the full curriculum for review and include a minimum of 10 additional questions in the area of “infection control in dental radiology” and a minimum of 7 additional questions in the area of “intra oral and extra oral radiographic techniques” to address those areas more clearly. He also recommended the examination be a minimum of one hundred questions.

The Board agreed with Dr. Beyeler.

DISCUSSION ITEMS:

Annual Board Member Training

Ms. Taxin conducted the annual 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. She 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.

Ms. Taxin explained the process for an emergency hearing and stated she contacts three people to act as a Board to hearing the facts of the case and to make a recommendation. She stated she tries to have licensees of the profession as two of the three but it is not always possible. Ms. Taxin stated the emergency hearing agenda does not have to be posted 24 hours in

advance as the hearing is usually with a day or two of determining there is an emergency situation.

Ms. Taxin 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.

Ms. Taxin reminded the Board that it is a priority to protect the public and the public member of the Board is a viable Board member and needs to speak up if they don't believe something said is in the best interest of the public. She stated the public member may also serve as Board Chairperson.

Ms. Taxin 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. She stated if a Board member is aware of an issue of someone meeting or aware of a probationer issue they may recuse themselves so they are not part of the discussion or part of decisions, such as, revocation of a license.

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 and act with integrity as they are looked up to.

Ms. Taxin covered the fire drill and her expectations for everyone to get out of the building and meet across the street in the North 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. She concluded by reviewing the fire escape locations.

Ms. Taxin asked if there were any Board questions.

Dr. Taylor asked if Ms. Taxin would explain the probationary process and if investigators have a list of Dentists they can use as consultants.

Ms. Taxin explained the probationary process and stated yes, investigators do have a list of Dentists who have not had complaints or action taken they may use to hear the facts of cases and give advice.

Dr. Taylor stated sometimes he does not believe he has enough information before meeting with probationers. He stated he believes the Board should have all the facts of the case, the extent of the damage and if it was an isolated incident or if the incident happened more than once. He asked if there is a reason they do not get the full information.

Ms. Taxin responded the Board is advisory to the Division and the Stipulation and Order has the negotiated facts only. She stated if the accused does not want to sign a Stipulation and Order then the case could go to a hearing and the Board would then hear all the facts and a hearing can be conducted while a practitioner is on probation if they are out of compliance. She stated she will encourage the AG's office to include more facts but whatever the Order documents as the facts is what the Board is privy to and more information cannot be discussed.

Dr. Radmall commented the Boards hands are tied by the Law and by the rights of the individual.

Ms. Jolley commented sometimes she is not sure if the Board is asking the right questions, especially when a probationer requests early termination of their probation.

Ms. Taxin responded most probationers usually have a

history of behaviors and by the time they are put on probation they have already had a letter of warning or a public reprimand. She stated the Division does not just take impulsive action and it is the responsibility of the DOPL to protect the public.

Ms. Reich asked if the Board can ask questions of probationers to clarify some of the facts or if they may ask what inappropriate relationship they had with a patient.

Ms. Taxin responded yes. She stated the Board or probationer may also request a meeting to be closed for mental, physical, competency discussions.

Dr. Aste stated he saw an advertisement in the paper that he questioned and asked if that should be put on the agenda.

Ms. Taxin responded she should be informed and will give the information to investigations. She stated sometimes she has called practitioners and they have been willing to make corrections in their advertisements and other times they have not been as willing.

Dr. Beyeler stated he believes the advertising issue is more beneficial for the Board to review and then send down to investigations.

Ms. Taxin responded it is an advertising issue but it could also be a complaint and could go to a hearing where the Board would be recused as they had reviewed and discussed the information. She stated complaints are private and the Board discusses the issue then it is public.

Board members thanked Ms. Taxin for the information.

Dr. Radmall stated Ms. Taxin does an excellent job and the meetings are better organized than they were in the past.

Review Board Survey Regarding Online
Disciplinary Documents and Make a
Recommendation

website. She stated if the Board wants additional information included she can add it on their website.

Ms. Reich suggested contact information for the Associations be included.

Other Board members agreed but stated they were generally satisfied with the current information.

Ms. Taxin briefly explained Mr. Steinagel's letter and the three options for disciplinary documents being:

1. Disciplinary documents posted on the DOPL website should only be found through a search within the DOPL website;
2. Disciplinary documents post on DOPL's website should be searchable through DOPL's website and through general internet searches;
or
3. Neither option.

Dr. Radmall asked if someone searched on Google now would it refer them back to DOPL.

Ms. Taxin responded no.

Dr. Radmall stated he likes the information to be available through the original source and the security of the source.

Dr. Aste voiced agreement with Dr. Radmall. He stated may people take information and post it which can do some damage to other people.

Dr. Radmall stated one court has said anyone can post information on the internet but it has to be true.

Dr. Aste stated there is a case now where a Dentist tried to sue a person for posting incorrect information and then the courts made him pay damages to the person.

Dr. Aste made a motion to accept choice number 1: Disciplinary documents posted on the DOPL website should only be found through a search

within the DOPL website.

Dr. Woolsey seconded the motion.

The Board vote was unanimous.

CORRESPONDENCE:

American Academy of Dental Sleep Medicine
Letter Regarding the Diagnosis of OSA and
Prescription of Appropriate Treatment

Ms. Taxin read the letter regarding dental sleep medicine and the American Academy of Dental Sleep Medicine and their commitment to promoting the highest standards of care for patients with obstructive sleep apnea.

Dr. Radmall commented Dentists need to be trained and qualified to treat Dental sleep apnea.

Dr. Beyeler stated patients come in wanting something to stop their snoring. He stated he believes it is appropriate to give patients a mouth device but if that does not help them sleep then the patients need to be referred to a sleep apnea center.

Other Board members agreed.

Dr. Brandon Burke Inquiry Regarding the Use
of a Soft Tissue Laser

The Board stated if a Utah Dentist has the education and knowledge they may use a soft tissue laser with the approval of the FDA but a Dental Hygienist cannot use it.

NEXT MEETING SCHEDULED FOR:

March 7, 2013

The Board noted the 2013 dates of March 7, June 6, September 5 and December 5, 2013.

ADJOURN:

The time is 4:10 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.

March 7, 2013
Date Approved

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

January 3, 2013
Date Approved

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