

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
SAGE LEE WHITE
TO PRACTICE AS A DENTIST AND TO
ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES
IN THE STATE OF UTAH

.ORDER REINSTATING LICENSE
:
:
: Case No. DOPL-2006-109
:

BY THE DIVISION

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated May 3, 2006, and the Stipulation to Modify Order, dated January 18, 2008, in the above-referenced case

IT IS HEREBY ORDERED the probation on the licenses of SAGE LEE WHITE to practice as a dentist and to administer and prescribe controlled substances is terminated and said licenses be reinstated with full privileges effective the date of this Order.

Dated this 30th day of October, 2008

W. Ray Walker
W. Ray Walker
Acting Director



L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF)	STIPULATION TO
SAGE LEE WHITE)	MODIFY ORDER
TO PRACTICE DENTISTRY AND)	
TO ADMINISTER AND PRESCRIBE)	CASE NO. DOPL 2006-109
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

SAGE LEE WHITE (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent’s signature below signifies that Respondent has either consulted with

an attorney or Respondent waives Respondent's right to counsel in this matter.

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Dentists and Dental Hygienists Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6 Respondent acknowledges that this Stipulation to Modify Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

7 Respondent and the Division entered into a Stipulation to Modify Order, which is attached as Exhibit 1 and incorporated by reference into this agreement, in DOPL Case No 2006-109 on or about May 3, 2006. Exhibit 1 provides that Respondent's licenses to practice as a dentist and to administer and prescribe controlled substances in the State of Utah shall be subject to probation for a period of two years from the effective date of Exhibit 1, namely May 3, 2006.

8 Respondent and the Division hereby agree that Respondent's period of probation as set forth Exhibit 1 shall be extended to November 21, 2008. Exhibit 1 and all the terms and conditions of Exhibit 1 shall remain in effect until November 21, 2008. The Division and Board may terminate Respondent's probation at any time before November 21, 2008.

9. This Stipulation to Modify Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this interim matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation to Modify Order and that if the Director does not do so, this Stipulation to Modify Order and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation to Modify Order, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's license to practice as a dentist and Respondent's license to prescribe and administer controlled substances

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation to Modify Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation to Modify Order

12 The terms and conditions of this Stipulation to Modify Order become effective immediately upon the approval of this Stipulation to Modify Order and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Amendment to Stipulation immediately following the Division Director's signing of the Order page of this Stipulation to Modify Order Respondent shall complete all the terms and conditions contained in the Stipulation to Modify Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation to Modify Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board

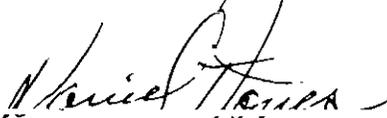
Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation to Modify Order and may subject Respondent to revocation or other sanctions.

13 If Respondent violates any term or condition of this Stipulation to Modify Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. Respondent has read each and every paragraph contained in this Stipulation to Modify Order. Respondent understands each and every paragraph contained in this Stipulation to Modify Order. Respondent has no questions about any paragraph or provision contained in this Stipulation to Modify Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

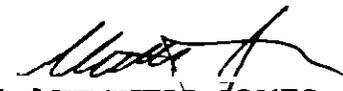
BY: 
DANIEL T. JONES
Bureau Manager

BY: 
SAGE LEE WHITE
Respondent

DATE: 1-18-08

DATE: 1-18-08

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

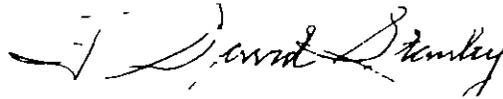
DATE: 18 January 2008

ORDER

THE ABOVE STIPULATION TO MODIFY ORDER, in the matter of **SAGE LEE WHITE** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation to Modify Order are incorporated herein and constitute my final Order in this case.

DATED this 18 day of January, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF)
SAGE LEE WHITE) **STIPULATION AND ORDER**
TO PRACTICE DENTISTRY AND)
TO ADMINISTER AND PRESCRIBE) CASE NO DOPL 2006-- 109
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

SAGE LEE WHITE ("Respondent"), and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with

an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Dentists and Dental Hygienists Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent neither admits nor denies the allegations against him, but agrees that the Division may make the following Findings of Fact

a Between approximately April 1999 and approximately March 2003, Respondent engaged in the occasional practice of removing 2nd molars from juvenile patients to alleviate tooth crowding

b Two Utah dentists reviewed Respondent's patient files at the request of the Division Both reviewing dentist's were of the opinion that that Respondent had unnecessarily removed 2nd molars from a number of juvenile patients, and that the removal of the 2nd molars led to problematic eruption of 3rd molars in their place These problematic eruptions led to expensive corrective procedures performed by other dentists Respondent states that he routinely offers to perform procedures on 3rd molars for free

c The two reviewing dentists were also of the opinion that Respondent did not use sufficient tools to diagnose a number of juvenile patients The reviewers noted that patient records routinely failed to contain diagnostic tools necessary for

a proper diagnosis, including cephalometric measurements, intra and extra oral photographs of diagnostic quality, lateral headfilm, panorex and/or full mouth x-rays, and plaster models of dental arches Respondent states that he routinely includes the types of records described above in each patient file that requires such diagnostic tools

d Respondent voluntarily ceased removal of 2nd molars as a treatment method in August 2004 Respondent has declared his intention to the Division not to use the removal of 2nd molars as a treatment method in the future

e Respondent operated a sleep disorder clinic, the Southern Utah Sleep Disorders Center ("SUSDC"), from approximately 2000 until approximately April 2005 Respondent treated patients for sleep breathing disorders, including sleep apnea and problem snoring The Academy of Dental Sleep Medicine ("ADSM"), of which Respondent is a Diplomate, has issued a written position which states (1) that a dentist, whether credentialed in dental sleep medicine or not, may not diagnose sleep related breathing disorders, and (2) a qualified sleep physician (M D) should formally evaluate a patient complaining of sleep disorders Dentists may participate as a member of a team approach treating sleep disorder patients, focusing on the area of fabrication, manufacturing, evaluation and fitting of mandibular positioning devices

f Respondent voluntarily closed SUSDC in April 2005 Respondent continues to treat sleep breathing disorders, including sleep apnea and problem snoring, as part of his regular dental practice Respondent has expressed his intention to the Division to comply with ADSM positions and protocols regarding the treatment of sleep breathing disorders

8 While neither admitting nor denying the conduct described above, Respondent agrees that if the Findings of Fact above were proven at hearing they would constitute unprofessional conduct as defined under Utah Code Ann § 58-1-501(2)(i), and that said Findings of Fact justify disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order shall be entered in this matter as follows

- (1) That Respondent's licenses shall be subject to a term of probation for a period of two (2) years The period of probation shall commence on the date the Order is issued in this matter During the period of probation, the Respondent shall be subject to all of the following terms and conditions If the Board and Division

later deem any of the conditions unnecessary, such deletions may be made by an amended order issued unilaterally by the Division

- a Respondent shall not remove 2nd molars as an orthodontic treatment Respondent may request that this prohibition be lifted after Respondent submits evidence to the Division and Board that Respondent has successfully completed dental education in the area of orthodontics and demonstrates to the Division and Board that Respondent can safely perform this procedure A quorum of the Board must decide by majority vote that Respondent can safely practice this procedure The Board and Division may at any time impose additional terms and conditions on Respondent
- b Respondent shall continue to practice dental sleep medicine according the protocols of the Academy of Dental Sleep Medicine Specifically, Respondent shall
 - (i) Refer diagnosis of sleep disordered breathing (SDB), including snoring, obstructive sleep apnea, and upper airway resistance syndrome (UARS) to a qualified sleep physician (M D),
 - (ii) Refer full interpretation of polysomnography to a qualified sleep physician (M D),
 - (iii) Provide sleep breathing disorder patients with a complete list of treatment options, including continuous positive airway pressure (CPAP) treatment, where appropriate
 - (iv) Restrict his practice of dental sleep medicine for sleep disordered breathing to those treatments, practices, evaluations and methods set forth in the ADSM Treatment Protocol Oral Appliance Therapy for Sleep Disordered Breathing, which is attached and incorporated by reference into this Stipulation and Order as Exhibit A
- c Respondent shall provide members of the Board with patient files from his dental and sleep disorder practice when requested by the Division for Board member review The Division or Board may request specific files or files selected randomly by a Division investigator
- d Within the first year of probation, Respondent shall successfully complete a course of continuing dental education in the subject of dental record keeping Respondent must submit a summary of any proposed continuing

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dental education to the Division and Board prior to beginning the continuing legal education. The Division and Board must each approve any continuing dental education proposed by Respondent before Respondent begins the continuing dental education. The continuing dental education dental record keeping course shall not count toward any other continuing education requirement imposed on Respondent by law or rule.

- e Respondent shall meet with the Board within 30 (thirty) days of the signing of this Stipulation and Order. Respondent shall then meet with the Board on a quarterly basis or at such other greater or lesser frequency as determined by the Board and Division for the duration of the Stipulation and Order. Respondent agrees to meet with an assigned staff member prior to the first Board meeting.
- f Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.
- g If Respondent leaves the State of Utah for a period longer than 60 (sixty) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.
- h If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- i Respondent must maintain a current license at all times during the period of this agreement
- j Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address
- k In the event Respondent does not practice as a dentist for a period of 60 (sixty) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome
- l Respondent shall notify any employer or practice associate of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board on a monthly basis for six months and quarterly thereafter. The receipt of an unfavorable report from an employer may be considered to be a violation of the terms of this Stipulation and Order. If the Respondent is not employed as a dentist, Respondent shall submit the required employer report form to the Board on the date it is due and indicate on that form that Respondent is not currently employed in Respondent's licensed occupation or that Respondent is not currently working
- m Respondent shall provide to Respondent's employer(s) or practice associates a copy of this Stipulation and Order and cause each employer or practice associate to acknowledge to the Board in writing, that a copy of this Stipulation and Order has been provided to them
- n Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void,

except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's license to practice as a dentist and Respondent's license to prescribe and administer controlled substances

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

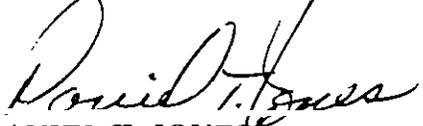
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13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the

manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
DANIEL T. JONES
Bureau Manager

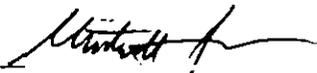
DATE 5-3-06

RESPONDENT

BY 
SAGE LEE WHITE
Respondent

DATE 4-20-06

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

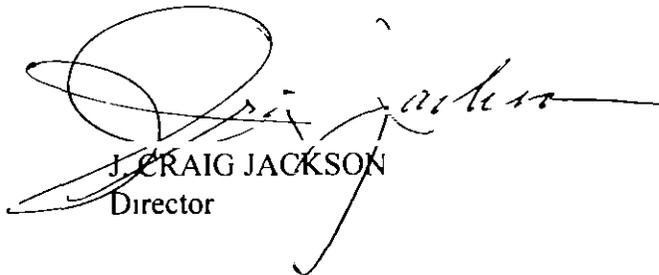
DATE 3 May 2006

ORDER

THE ABOVE STIPULATION, in the matter of **SAGE LEE WHITE** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 3rd day of July, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J. CRAIG JACKSON
Director

Investigator John Sims