

MINUTES

**UTAH
DENTIST AND
DENTAL HYGIENIST
RULES HEARING
AND
BOARD MEETING**

June 18, 2009

**Room 474 – 4th Floor – 1:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

RULES HEARING:

CONVENED: 1:30 P.M.

For a complete transcript of the Rules Hearing contact the office of Judge Steve Eklund.

BOARD MEETING:

CONVENED: 2:05 P.M.

ADJOURNED: 4:46 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Anna Policelli, RDH, Chairperson
James N. Ence, DDS
Brian L. Lundberg, DMD
Greg T. Beyeler, DDS
Alexander B. Larsen, DDS

Board Members Absent:

Karen S. Bateman, RDH
Pamela L. Jolley
Rich S. Radmall, DDS
Vacant Position

Guests:

Dr. Donald G. Mantyla, P.I.E.
Steven Steed, UDOH
Monte Thompson, UDA

DOPL Staff Present:

Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the March 12, 2009 Board meeting were read.

Dr. Ence made a motion to approve the minutes with minor revisions. Dr. Beyeler seconded the motion.

The Board vote was unanimous.

BUSINESS FROM PREVIOUS MEETING

WREB Examination Comparison Information

Ms. Taxin stated Dr. Larsen researched old minutes and located information in the August 16, 2006 minutes which stated "The Board discussed the Washington State exam and the WREB in detail noting the Washington Board reviewed WREB exam and decided they would adopt the WREB exam only because it was so close to their own. After further discussion, Dr. Alex Larsen motioned to accept the Washington exam in 1992 as an equivalent exam, seconded by Ms. Bateman. After a brief discussion the motion carried with one opposed. The Board noted in the past it has accepted California, Texas, Idaho and Hawaii's State exams."

The Board noted the information and thanked Dr. Larsen for doing the research.

APPOINTMENTS:

2:30 am

Ronda Trujillo, Compliance Update

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

Ms. Trujillo reported **John S. Poulter** is a new probationer and is currently in compliance with his Memorandum of Understanding (MOU) as much as he can be as a new probationer. She stated this will be his initial interview with the Board and he has submitted the following:

1. Submitted the name of his practitioner and pharmacy;
2. He has been doing voluntary drug testing with CVI since 2007 and is now doing mandatory

testing.

Ms. Trujillo stated Dr. Poulter will be required to complete the following:

1. Submit a letter from his practitioner acknowledging having read the MOU;
2. Submit a practice plan by August 4, 2009;
3. Complete a psychological/chemical dependency evaluation by September 4, 2009 or the Board/Division may accept the evaluation and treatment recommendations of his current therapist;
4. Submit monthly for 6 months and then quarterly after Board approved therapy reports, supervisor reports, employer reports, PIR and 12-step attendance documentation;
5. Submit written acknowledgement that the supervisor and employer have read the MOU and are willing to assist Dr. Poulter in being successful in his probation; and
6. Submit a resume from his supervisor.

Ms. Taxin stated she believes Dr. Poulter has been sober for 4 plus years. She stated she offered him a probation license option for the controlled substance (CS) license but he thinks he can practice without a CS license. She stated she included the option in his MOU in case he wants to reapply in the future. Ms. Taxin stated Dr. Poulter completed the WREB competency examination and did well and has completed some CE. She stated he has an opportunity to work at Donated Dental.

Ms. Trujillo reported **Dr. Troy W. Yates** is currently out of compliance with his Stipulation and Order. She explained Dr. Yates submitted information to use a specific Smith's pharmacy and then submitted a prescription from a Wal-Mart. She stated when she wrote him a letter he responded the prescription was \$4.00 at Wal-Mart and about \$60.00 at Smith's. She informed Dr. Yates he should have called her prior to using a different pharmacy or should have the pharmacy on file as one he may use. Ms. Trujillo stated Dr. Yates submitted his PIR and Positive Adjustment cards but he signed some weeks and some

weeks have no signature. She stated she has a new form for attendance and it might make it easier for him to track. She stated he has not missed any tests and all have been negative except the ones he has notified her about missing.

Ms. Trujillo reported **Tabitha Neal** is currently in compliance with her MOU.

Ms. Trujillo reported **Dr. John W. Myers** is currently in compliance with his Stipulation and Order.

Ms. Trujillo reported **Dr. Rodney J. Slater** is currently in compliance with his Stipulation and Order. She asked the Board to remind Dr. Slater to submit all paperwork by July 1, 2009. She stated he is doing better on calling every day. Ms. Trujillo requested the Board to ask Dr. Slater if he is still employed at the same location. She stated if he is not he will need to submit a letter and resume from his new supervisor.

Ms. Trujillo reported **Dr. Tad H. Butterfield** is currently out of compliance with his Stipulation and Order. She stated he did submit the required essay and practice plan for the Board to review but has not submitted the psychological evaluation which was due in March 2009.

2:40 pm

Dr. John S. Poulter, Initial Probationary Interview

Dr. Poulter met for his probationary interview.

Board members and Division staff were introduced.

Dr. Larsen conducted the interview.

Dr. Larsen requested Dr. Poulter to discuss his situation and the reason he has returned to the practice of Dentistry.

Dr. Poulter explained he surrendered his license in 2005 and then about 2 years ago he decided he missed

the practice of Dentistry. He stated he met with the Board in 2007 regarding what he would need to do to obtain his license again but he believed the Board did not assist him as much as he would have liked. He stated he then talked with Ms. Taxin and was given specific guidelines. Dr. Poulter stated he has accepted an employment position with Donated Dental. He explained Donated Dental is launching a program where they will take patients who make too much money for free services but do not make enough to see a Dentist in the private sector. He stated he will be working part-time Monday through Wednesday for 20 to 30 hours a week and envisions full time employment soon. He stated he believes Donated Dental is feeling the program out to see if it will be successful. He stated he would be happy to work there full time as he likes the place and the people. Dr. Poulter stated he may want to apply for the CS eventually but for his own safety and due to disagreements with the DEA regarding fairness in taking away his DEA license he does not want the CS at this time.

Dr. Larsen asked how long it has been since Dr. Poulter did general Dentistry.

Dr. Poulter responded he has not done general Dentistry since he was in Dental school. He stated he completed and passed the general Dentist examination through WREB in December 2008 and did some work on a mannequin. He stated he was able to stay abreast on the practice of Dentistry in oral surgery but there will be an adjustment period on general Dentistry.

Dr. Larsen asked if Dr. Poulter had any questions regarding the requirements in the MOU.

Dr. Poulter responded he did not have any questions.

Dr. Larsen asked how long Dr. Poulter has been on voluntary drug testing.

Dr. Poulter responded he has been voluntarily testing since April 2007 and is now on mandatory testing due to the MOU.

Dr. Larsen asked if Dr. Poulter is currently going to therapy.

Dr. Poulter responded he is going to therapy with Judy Brady, LCSW, Ph.D.

Ms. Taxin informed the Board of a letter Ms. Brady submitted which addresses issues they were working on. Ms. Taxin stated she talked with Ms. Brady and requested she include some recommendations in her reports. She suggested the Board approve Ms. Brady for now and see how Dr. Poulter progresses based on the reports Ms. Brady submits.

Dr. Larsen noted Ms. Brady recommended Dr. Poulter attend the 12 step meetings.

Dr. Lundberg asked if Dr. Poulter also attends PIR meetings.

Dr. Poulter responded he has not attended any PIR meetings but does plan to start. He stated he attends 3 or 4 of the 12 step meetings a week and also attends meetings to support others.

Dr. Larsen reviewed the MOU requirements and asked Dr. Poulter if he has a supervising Dentist.

Dr. Poulter responded he starts with Donated Dental on June 29, 2009 and will ask Dr. Richard Ellis to be his supervisor.

Ms. McCall stated if Dr. Ellis agrees to be the supervisor he will need to submit a letter acknowledging having read the MOU, agreeing to supervise and assist Dr. Poulter in being successful in his probation. She stated a resume from Dr. Ellis will also need to be submitted.

Dr. Ence asked if Donated Dental gives any prescriptions.

Dr. Poulter responded Donated Dental does give some prescriptions but there are others who have the CS license who can write any prescriptions that are

needed.

Dr. Ence stated Dr. Poulter's supervisor or other Dentists at Donated Dental could write prescriptions for patients if they are aware, assess the patient and case.

Dr. Larsen explained the importance of submitting the reports monthly and if they are received consistently for 6 months and Dr. Poulter is in compliance for 6 months the Board may move the due date to quarterly. He stated Donated Dental will also need to submit a letter of having read the MOU. Dr. Larsen stated the Board congratulates Dr. Poulter on what he has done and for his willingness to abide by the Order and practice dentistry. He welcomed Dr. Poulter back into the profession on behalf of the Board.

The Board determined Dr. Poulter is in compliance as much as possible for a new probationer.

An appointment was made for Dr. Poulter to meet September 17, 2009.

3:15 pm

Dr. Troy W. Yates, Probationary Interview

Dr. Yates met for his probationary interview.

Dr. Lundberg conducted the interview.

Dr. Lundberg asked Dr. Yates to explain why he used a different pharmacy than the Smith's the Division has on record.

Dr. Yates responded he did use Wal-Mart Pharmacy as the prescription was \$4.00 there and about \$60.00 at Smith's.

Dr. Lundberg and Ms. Trujillo recommended Dr. Yates write a note requesting Wal-Mart be added as a pharmacy for him to use.

Dr. Lundberg also recommended Dr. Yates call Ms. Trujillo if he has a prescription filled out of town. He stated in review of the PIR cards it was noticed Dr. Yates signed some areas and some

signatures are missing. Dr. Lundberg stressed the importance of having the cards signed on a regular basis. He stated it is not appropriate for Dr. Yates to sign for himself.

Ms. Trujillo gave Dr. Yates a new form for the PIR signatures.

Dr. Lundberg asked if Dr. Yates has had any changes since he last met with the Board.

Dr. Yates responded he has not had changes. He stated he had an incident on Sunday while he was gardening when he stood up he passed out, hit his face and was taken to emergency. He stated there might be some meetings he missed during that period of time.

Dr. Ence stated Dr. Yates has 6 months left on his probation. He asked if Dr. Yates had any questions of the Board.

Dr. Yates asked if he needs to do anything to have the probation terminated.

Ms. McCall explained Dr. Yates should submit a letter regarding what he has learned from the probationary process and how his practice will move forward after probation.

Dr. Lundberg asked if Dr. Yates is interested in obtaining his CS license before termination of probation.

Dr. Yates responded he will not need the CS license in his practice as his father writes all the prescriptions. He stated if he does need it in the future he will then make an application.

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

An appointment was made for Dr. Yates to meet September 17, 2009.

3:30 pm
Tabitha Neal, Probationary Interview

Ms. Neal met for her probationary interview.

Dr. Beyeler conducted the interview.

Dr. Beyeler asked if Ms. Neal has had any changes or problems the Board should be aware of.

Ms. Neal responded she has had no changes or problems to discuss with the Board.

Dr. Beyeler stated Ms. Neal submitted a letter requesting early termination of probation and includes what she has learned from the probation process. He stated the letter was discussed the last time Ms. Neal met. Dr. Beyeler stated Ms. Neal's employer's report states he wishes he had 2 of her as she is so efficient. He stated the comment is a credit to Ms. Neal and he encouraged her to continue. He stated Ms. Neal has done well on her probation.

Dr. Lundberg made a motion for termination of probation based on Ms. Neal's consistent compliance with her MOU.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Ms. McCall explained the process for termination of probation.

3:45 pm

Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Dr Larsen conducted interview.

Dr. Larsen confirmed Dr. Myers has completed the purchase of Dr. Floyd Tanner's practice.

Dr. Myers confirmed the purchase is complete. He stated Dr. Tanner had a large patient base and he has retained many of those patients but some have chosen to go to other Dentists.

Ms. Policelli asked if Dr. Myers employs a Dental Hygienist.

Dr. Myers responded he does have a Dental Hygienist. He stated they are trying to determine what is best for the patients. Dr. Myers clarified he has 2 supervisors; Dr. Paul Day and Dr. Scott Kiser. He stated he administers nitrous oxide at Dr. Kiser's office and at Mountain View. Dr. Myers requested a new therapist report form and a new supervisor report form.

Ms. Trujillo gave Dr. Myers new forms. She then explained there is also a new form for PIR reporting and gave him a form.

Dr. Myers thanked her for the forms. He stated his appreciation to the Board and the support they have given him through the probationary process.

Dr. Ence voiced appreciation for Dr. Myers being consistently in compliance and completing the requirements in his Stipulation and Order.

Dr. Ence then made a motion for Dr. Myers to meet every 6 months; December and June.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Myers to meet December 17, 2009

Dr. Larsen reminded Dr. Myers that his paperwork is still due quarterly.

4:00 pm

Dr. Rodney J. Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Ms. Policelli conducted the interview.

Ms. Policelli stated Dr. Slater submitted his reports but they were late. She requested him to get the reports in on time and to be sure the next reports are submitted by July 1, 2009.

Dr. Slater stated he would have his reports in by July 1, 2009.

Ms. Policelli complimented Dr. Slater for making sure he has called in daily for drug testing and for all tests being negative. She reminded him that he was going to review his phone calls against the list of missed calls and asked if he had completed the review.

Dr. Slater responded he did not do the review.

Ms. Policelli stated Dr. Slater has not quite 1 year left on his probation. She recommended he review his MOU and mark off the requirements he has completed and complete those he has left as he does not want to come to the end of his probation and find out it must be extended for him to complete a requirement. Ms. Policelli asked where Dr. Slater is currently employed.

Dr. Slater responded his MOU requires him to notify the Board if he changes employment. He stated he has not changed employment but in April his Dentist supervisor, Dr. Turner, sold the business where he was working and let Dr. Slater worked out of his Orem office with patients who needed to be treated. He stated he spent all of April and May contacting people for employment and found there are not as many openings available as there are Dentists to fill the positions. He voiced discouragement as several stated he was qualified but due to probation they would not hire him. Dr. Slater stated he was offered a position with Monarck the day after Memorial Day and was ready to start working but the formal offer has not come through yet as they are checking with the insurance companies to verify he can be a provider. He stated if it does work out the supervisor will write the letter and complete the supervision forms. He stated he keeps checking back with them. Dr. Slater stated there is also an office in Bountiful, Horizon Dental, where he has worked a few times but he does not want to drive that far.

Ms. Taxin asked Dr. Slater to obtain a letter from

Dr. Turner stating he is no longer supervising him but he did a good job while he worked at the practice. She stated the letter shows closure at the location.

Ms. Policelli stated if Dr. Slater is not working soon then his probation time will not count. She recommended he try volunteer work until he finds employment.

Ms. Taxin stated probationers are given some time to find employment and the time will still count if the probationer is making an effort. She stated if it is several months then the Board will have to discuss with Dr. Slater the time not counting toward his probation as he is required to be working.

Ms. Policelli stated Dr. Slater worked in education at one time. She asked if going back into the education realm would be a possibility for Dr. Slater.

Dr. Slater responded that he might look into education again. He stated it was quite discouraging to be told there were 50 or more other Dentists applying for the jobs he applied for. He asked if the Board tries to balance the number of Dentists per population. Dr. Slater stated his wife is working right now mainly for the health benefits.

Ms. Taxin recommended he contact UDA regarding the statistics. She explained the role of the Board is to protect the public and role of the Association is to protect the profession. She stated when Dr. Slater is employed his supervisor(s) will need to write a letter of reading the Stipulation and Order, agree to supervise and assist Dr. Slater in being successful in his probation and provide a resume. She stated she will review the information and approve it when it is received. Ms. Taxin explained there are times when a supervisor is not approved based on supervising a variety of other people, may have supervised someone in the past and it was not a good experience or the proposed supervisor may be under investigation.

Ms. Policelli stated Dr. Slater is facing a lot of stresses at this critical time in his life. She stated the Board hopes he is finding healthful outlets for that stress.

Dr. Ence stated Ms. Policelli's statement is important. He stated Dr. Slater is looking for employment and not finding anything and the stresses may be different but they are there. He stated the Board does not want Dr. Slater to loose the ground he has gained.

The Board determined Dr. Slater is in compliance with his MOU.

An appointment was made for Dr. Slater to meet September 17, 2009 or, if he obtains employment, to make an appointment prior to that date.

4:15 pm

Dr. Tad H. Butterfield, Probationary Interview

Dr. Butterfield met for his probationary interview.

Dr. Ence conducted the interview.

Dr. Butterfield commented he has made some progress since his last appointment by arranging some things in order to get back to work.

Dr. Ence acknowledged the update. He then read Dr. Butterfield's essay and stated the Board appreciated Dr. Butterfield completing the essay. Dr. Ence stated Dr. Butterfield's essay said his actions affected the profession very minimally. He stated the Board is responsible for protecting the public and not the profession of Dentistry. Dr. Ence stated the Board cares about the profession individually but as a Board they must think of the public protection.

Dr. Butterfield stated he was only responding to Ms. Taxin's instructions to include how his actions affected the profession.

Ms. Taxin stated the comment was the only thing in the essay she questioned as his actions do affect the

profession. She stated someone could walk away thinking poorly of Dr. Butterfield and the profession based on his actions. Ms. Taxin stated she believes individual actions do affect the larger group.

Dr. Ence asked if Dr. Butterfield has completed the required psychological evaluation.

Dr. Butterfield responded he has not completed the psychological evaluation but has scheduled it for the first week in July.

Dr. Ence stated Dr. Butterfield is currently unemployed. He stated extended time of unemployment stops the probation time clock. He stated the Board talked about Dr. Butterfield's Stipulation and Order not clarifying how he will do restitution to the patients who he harmed. He stated Dr. Butterfield should disclose to the Board/Division a list of the patients and how he has resolved the situation with them or how he plans to resolve the situation. He stated the Board is interested in Dr. Butterfield being successful.

Ms. Taxin asked if Dr. Butterfield could reimburse those patients financially or with services. She requested he submit for the file a written list of the names and how each individual case was resolved.

Dr. Butterfield voiced agreement to supply the information for his file.

Dr. Larsen asked if Dr. Butterfield has contact with any of his patients and advising them that he will be getting another location of business.

Dr. Butterfield responded he has not made contact with any of his patients but will contact the entire patient profile list once he has his employment finalized.

Dr. Lundberg stated Dr. Butterfield will need to notify the Division immediately if he opens a practice or finds employment.

Dr. Butterfield voiced understanding.

Ms. Policelli asked Dr. Butterfield to explain his practice plan.

Dr. Butterfield responded he had informed the Board at the last meeting that he wanted to rent a chair in an established practice and he is now in the process of finalizing that plan. He stated he is not planning to open a private practice for some time.

Dr. Ence stated Dr. Butterfield's practice plan documents his employment is not finalized at this time and he will modify the practice plan as the situation changes. He stated Dr. Butterfield will need a supervising Dentist and if he is in private practice he may need to hire the supervisor. Dr. Ence explained the supervisor reviews individual files to be sure diagnosis and treatment are documented correctly. He asked when Dr. Butterfield believes he will know about his employment.

Dr. Butterfield responded he would like to start seeing patients just after the July 4th holiday. He stated he will contact the Division regarding his employment. Dr. Butterfield asked when his paperwork is due.

Dr. Ence recommended Dr. Butterfield meet July 16, 2009 if he is employed by July 1, 2009, otherwise, meet in September.

Ms. Trujillo stated paperwork is due July 1, 2009.

Ms. Taxin stated if Dr. Butterfield is still not working in July then he will meet in September. She stated if his evaluation is in the first part of July it will not be received at the Division by the July 16, 2009 meeting.

Dr. Beyeler asked if the Stipulation and Order requires Dr. Butterfield to make restitution to the patients.

Dr. Ence read the Stipulation and Order requirement that Dr. Butterfield agrees to complete

in a timely manner all dental procedures already initiated, including those mentioned in the Stipulation and Order. He stated from the patients viewpoint he would think a resolution would be for Dr. Butterfield to complete the work or reimburse the patients. He stated however it is resolved, Dr. Butterfield will need to update the Board regarding the resolution.

The board determined Dr. Butterfield is out of compliance with his Stipulation and Order based on his failure to complete the psychological evaluation by March 18, 2009 to which he agreed.

An appointment was made for Dr. Butterfield to meet September 17, 2009.

APPLICATIONS:

Carol Breckterfield, Examination Comparison for Dental Hygienist Licensing

Ms. Policelli reviewed Ms. Breckterfield's comparison and determined the Hawaii State examination she took is comparable to the WREB examination.

The Board recommended the application be approved for licensure.

Advantage Dental Assisting School Radiology Program Review

Dr. Larsen and Dr. Beyeler reviewed the radiology program and determined the examination is deficient in the following areas:
R156-69-604(5) Radiation protection to patient and operator;
(6) radiation biology including interaction of ionizing radiation on cells, tissues and matter; and
(7) factors influencing biological response to cells and tissues to ionizing radiation and cumulative effects of x-radiation.

The Board recommended the examination be corrected and resubmitted for review.

Precision Dental Assisting, LLC, Radiology Program Review

Dr. Larsen reviewed the radiology program and examination. He determined the program and examination are deficient in the following areas:
R156-69-604(5) Radiation protection to patient and operator;
(6) radiation biology including interaction of ionizing

radiation on cells, tissues and matter; and
(7) factors influencing biological response to cells and
tissues to ionizing radiation and cumulative effects of
x-radiation.

Dr. Larsen stated the outline for the radiation course is
not correlated to the list in the Rules. He
recommended Precision Dental itemize the program to
correlate with the list in the Rules, correct the
deficiencies and resubmit the program and
examination for review.

The Board concurred.

DISCUSSION ITEMS:

Smile Makeovers Article

Ms. Taxin reviewed the Smile Makeovers article from
the Utah Business Magazine with the Board.

No Board action was taken.

Review Board Meeting Schedule and
Probationers

Ms. Taxin stated she has reviewed the schedule of
probationers and what Board business has been
conducted in the last few months and believes it would
be appropriate to try meeting every other month. She
recommended the meetings be scheduled monthly with
the option of canceling if appropriate.

**Board members concurred with Ms. Taxin and
requested they be notified as soon as possible if a
meeting will be cancelled.**

Review March 19, 2009 Minutes, Dr. Rodney
J. Slater Section for Possible Corrections

Ms. Trujillo and Ms. McCall explained the March 19,
2009 minutes reflect Dr. Slater was out of compliance
based on a positive drug test and not calling in each
day. Ms. Trujillo clarified and stated Dr. Slater has
had no positive drug tests although he did not call in
daily.

**Dr. Larsen made a motion to amend the minutes to
reflect Dr. Slater being in compliance at the March
19, 2009 meeting and not to penalize him at the
time for the missed calls based on Dr. Slater's
explanation.**

Dr. Lundberg seconded the motion.

Ms. Policelli, Dr. Lundberg, Dr. Beyeler and Dr. Larsen voted in favor of the motion.

Dr. Ence abstained from voting as he was absent from the meeting.

WREB Update

Ms. Taxin informed the Board of a phone call from WREB regarding names of representatives from the Utah Board to represent Utah at the WREB meetings if/when the Board is allowed to travel again. She stated Ms. Policelli and Dr. Morgan volunteered to represent the Board for Utah at the WREB meetings. She stated WREB will not reimburse if the representative is not a current Board member. Ms. Taxin stated there will be 2 new Dentists and 1 new Dental Hygienist Board members in July or as soon as the Governor makes the appointment. She asked if the recommendation should wait until there is a full Board.

Dr. Lundberg recommended the representative be someone who is familiar with WREB.

Ms. Policelli clarified there are 2 meetings a year for the representatives to attend after travel is reinstated. She stated the minutes from the meetings will be sent to each Board whether they are represented or not.

Dr. Lundberg volunteered to be the Utah Dentist representative.

The Board accepted Dr. Lundberg.

Ms. Taxin requested Ms. McCall call Ms. Bateman and ask if she will be the Dental Hygienist representing the Board for Utah. She stated if Ms. Bateman is unable to accept then there will be additional discussion for a representative at the next scheduled Board meeting.

FYI

Ms. Policelli introduced an AADE letter regarding information in favor of one national clinical examination.

Following discussion, Dr. Lundberg made a motion stating the Utah Board is not in favor of one national clinical examination at this time based on the motivation is too political and the Utah Board does not believe AADE is moving toward an examination with validity, reliability and it is not in the best interest of the applicant.

Dr. Ence seconded the motion.

The Board vote was unanimous.

Dr. Ence responded there should be a consensus and continuity across the Board when building an examination and the political arena should be set aside. He stated the leadership is too self motivated and the Utah Board is uncomfortable with AADE developing one national examination at this time.

Ms. Policelli responded it might not be the responsibility of AADE to build a national examination.

Ms. Taxin thanked the Board for their comments and stated she will complete the questionnaire for AADE.

FYI

Ms. Taxin asked Board members if they had reviewed the comparison forms which were developed to assist the applicants and if there were any additional revision recommendations.

Board members responded there were no additional revision recommendations. They requested the forms be included in the applications.

Ms. Taxin thanked the Board for their comments and stated the forms will be included in the applications.

FYI

Ms. Taxin stated today is the last Board meeting for Ms. Policelli and Dr. Ence as they have both served 2 terms. She voiced appreciation for their service and willingness to respond to questions, etc. Ms. Taxin thanked them for serving on the Board.

Board members also thanked Ms. Policelli and Dr. Ence for serving with them on the Board.

Dr. Beyeler Question

Dr. Beyeler stated a few months ago the Board discussed Dentists who may want to supervise other Dentists. He asked if Ms. Taxin is collecting a list of names as he knows some interested Dentists.

Ms. Taxin responded no one has yet submitted any names. She asked the Board to have interested Dentists submit a letter of interest and a resume for her to start a list. She stated if she has a list the Board could propose to start assigning specific supervisors to probationers after she conducts a training session with the proposed supervisors or the list could be given to probationers to choose a supervisor from the list. Ms. Taxin stated she had a couple of questions:

- 1. If the probationer is working in an agency, the agency would have to contract with the supervisor for them to have access to patient charts. She stated if there was a negative experience the Dentist would be taken off the list and the list should have Dentists who have had no complaints.**
- 2. She stated she will discuss the issue/proposal with Mr. Steinagel, the Director, once she receives the Dentists volunteers and report back to the Board.**

Dr. Ence responded Dentists who have been trained on how to supervise would make the supervision more uniform.

Dr. Lundberg and Dr. Ence commented the supervision currently has been somewhat lax and inconsistent.

Ms. Taxin stated she believes a list could be an option for some probationers and she could require they choose one from the list. She recommended the Board tell possible supervisors that it is an idea at this point but to submit the information for review. Ms. Taxin stated she has received calls requesting assistance in obtaining a supervisor and/or employment. She stated if she had a list it would be helpful to the Division and probationer.

CORRESPONDENCE:

Constance Price, Executive Director Iowa
Dental Board, E-mail regarding Teeth
Whitening

Ms. Taxin informed the Board of the e-mail regarding teeth whitening from Constance Price, the Executive Director of the Iowa Dental Board. She stated there are many States doing some changes in their Laws regarding the issue. Ms. Taxin stated she has had numerous calls from Estheticians and Cosmetologists who are saying they can do the teeth whitening. She stated there is talk about them planning to open their Law to include it in their scope of practice. Ms. Taxin stated she informs them it is not in their scope of practice and then educates them on why it is a dental procedure. She stated without it being in the Law there is no way to enforce an issue. She suggested the Dental Law should be opened and teeth whitening included in the Dental scope of practice to protect the public. Ms. Taxin stated the Division would probably not take a formal position but would not oppose the change.

Monte Thompson asked if it would be appropriate to meet with the Cosmetology and Esthetician Boards for discussion. He asked if the Rules could be changed instead of opening the Law.

Ms. Taxin responded the Law gives authority to clarify in Rule and there is nothing in the Law at this time.

Dr. Larsen asked if the Board makes recommendations regarding Law changes.

Ms. Taxin explained the Association changes the Law but the Board could give input and the Board writes the Rules if necessary for clarification of the Law.

Dr. Beyeler asked how Cosmetologists and Estheticians are trained to do teeth whitening.

Ms. Taxin responded it is not in their formal education but they are taught by the sales company who makes the product.

Mr. Thompson stated the issue has been discussed

for about 15 years. He stated he believed the Division's position was lay persons could explain what to do and the public then could do it for themselves. He stated the Association will need to decide if they want to open the Law.

Ms. Taxin stated Ms. McCall will give Mr. Thompson the Cosmetology and Esthetician Associations and Boards chairperson information.

NEXT MEETING SCHEDULED FOR: July 16, 2009

ADJOURN: The time is 4:46 pm and the Board meeting is adjourned.

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

September 17, 2009
Date Approved

(ss) Brian L. Lundberg, DMD
Acting Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

July 1, 2009
Date Approved

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