

MINUTES

**UTAH
DENTIST & DENTAL HYGIENIST
LICENSING BOARD**

BOARD MEETING

March 18, 2010

**Room 210 – 2nd Floor – 1:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:33 P.M.

ADJOURNED: 5:32 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Alexander B. Larsen, DDS, Chairperson

Karen Bateman, RDH

Constance A. Sliwinski, RDH

Pamela L. Jolley

Mark R. Taylor, DDS

Warren Woolsey, DDS

Brian L. Lundberg, DMD

Greg T. Beyeler, DDS

Board Members Absent:

Rich S. Radmall, DDS

Guests:

Monte Thompson, UDA

Joleen VanBibber

Steven Steed

Dr. Richard Engar, PIE

Amy Carpenter, RDH

DOPL Staff Present:

Mitchell Jones, AG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the December 17, 2009 Board meeting were read.

Dr. Lundberg made a motion to approve the minutes with minor revisions. Dr. Beyeler seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

1:45 pm

Ronda Trujillo, Compliance Update

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

Ms. Trujillo reported **Dr. Jared Hemmert** is currently in compliance with his Stipulation and Order. She stated there is some confusion regarding how many PIR or 12 step programs he is required to attend each month.

Ms. Taxin read the facts of the case. She stated both the Dental and Dental Controlled Substance (CS) licenses were suspended. Ms. Taxin stated Dr. Hemmert has requested the suspension on his CS license be released and she informed him he would first need to meet with the Board. She stated Dr. Hemmert was released from Hazelden substance abuse program in January and has not yet started aftercare therapy. She stated he has asked her for a recommendation and she suggested he contact Alpine and get an evaluation from Tracy Anderson, a Clinical Social Worker. She stated Dr. Hemmert told her Brad Edgington, Psychologist, is his therapist as he is required to have therapy through the hospital where he works. Ms. Taxin stated Dr. Edgington contacted her and informed her he is a support coordinator for the wellness program to help keep employees on their panel at the hospital but is not Dr. Hemmert's therapist. Ms. Taxin explained Dr. Hemmert did go see Mr. Anderson at Alpine and then contacted her and said he did not want to go back as he did not care for Mr. Anderson as his appointment was for 30 minutes and was expensive. Ms. Taxin stated she talked with Mr. Anderson and he is very direct and believes Dr. Hemmert needs therapy. She stated Mr. Anderson requested Dr. Hemmert to make another appointment for further assessment as Dr. Hemmert was 30 minutes late for his hour appointment but Dr. Hemmert has not called Mr.

Anderson back.

Ms. Taxin stated the Board may recommend Dr. Hemmert go to a treatment center or go into individual private therapy. She stated Dr. Edgington believes Alpine is a little redundant as Dr. Hemmert just completed an intensive treatment program but stated he might be able to get him into see Mike Olson. She stated Dr. Hemmert is participating in a Hazelden on-line program called M.O.R.E. Hazelden where he checks in everyday for 30 minutes. Ms. Taxin stated Dr. Hemmert reported to her that he believes he does not need any additional therapy as his issues have been resolved at Hazelden. Ms. Taxin stated Dr. Hemmert's Order requires he attend support groups 2 times a month but she believes he should do the 4 times a week as Hazelden recommended. Ms. Taxin stated Dr. Hemmert's testing for drug and alcohol have been negative.

Dr. Lundberg asked if Dr. Hemmert should have been considered for the Diversion program.

Ms. Taxin responded he had been in the Diversion program and was given several opportunities and failed the program.

Dr. Larsen commented he does not believe Dr. Hemmert understands the seriousness of his actions.

Dr. Taylor asked how long Dr. Hemmert was in the Hazelden program.

Ms. Trujillo responded he was at Hazelden 2 or 3 months. Ms. Trujillo stated Dr. Larsen will conduct the interview and he should ask Dr. Hemmert about his appointment with Mr. Tracy Anderson.

Ms. Taxin stated Dr. Hemmert is working in his own practice and hired Dr. Jennifer Greenhalgh to work for him when he was at Hazelden. She stated Dr. Greenhalgh and the staff are taking this action very seriously and Dr. Greenhalgh is willing to act

as Dr. Hemmert's supervisor. Ms. Trujillo stated she ran his CS databank and found some prescriptions in his name. She stated his prescription pad had only his name but Dr. Greenhalgh could have written some on his prescription pad.

Ms. Taxin explained that the prescriptions were written since his license was put on suspension. She stated sometimes there are errors on the database but if the prescriptions are from Dr. Greenhalgh, she should have her own prescription pads and should not use his. She stated the Board should ask Dr. Hemmert to explain.

Ms. Trujillo stated if the prescriptions are not Dr. Hemmert's then he should contact the Pharmacies to straighten it out.

Ms. Trujillo reported **Dr. Rodney Slater** is currently in compliance with his Stipulation and Order. She reminded the Board that Dr. Slater's termination date was March 8, 2010 and at the last meeting the Board requested him to submit a letter outlining how he will be a safe practitioner if terminated from probation. She stated his entire drug and alcohol tests have been negative. She stated Dr. Slater does not yet have his DEA permit.

Ms. Taxin stated Dr. Slater was also requested to ask his therapist, Dr. Michael Crookston, to submit a letter of support for termination of probation.

Ms. Trujillo reported **Dr. John S. Poulter** is currently out of compliance with his Stipulation and Order based on failing to call in for his drug and alcohol tests every day. She stated he missed calling a few times in February and several times in March and also missed a test in March. Ms. Trujillo stated when Dr. Poulter misses a test additional tests are added by CVI. She stated Dr. Poulter has been in Idaho Falls, Idaho, with his children and asked if there was a CVI location there. She stated she informed Dr. Poulter that he may call CVI to set up a testing site. Ms. Trujillo stated all

other information has been received.

Ms. Trujillo reported **Dr. Tad Butterfield** is currently out of compliance with his Stipulation and Order based on failure to receive the required psychological evaluation. She stated he has been filling out the reports as required when he is not practicing but has changed from monthly submissions to quarterly. Ms. Trujillo asked if the Board gave their approval for quarterly reports.

Ms. Taxin responded monthly reports will be required when Dr. Butterfield is working but until that time quarterly reports are acceptable. She stated Dr. Butterfield called her and reported he had met with Dr. Janiece Pompa, Ph.D., and got the evaluation. Ms. Taxin stated she does not yet have a copy of the evaluation from Dr. Pompa. She stated she gave Dr. Butterfield some ideas regarding possible employment but until the evaluation has been received and reviewed there is no information regarding recommendations. She reminded the Board that they had informed Dr. Butterfield they would recommend suspension of his license until the evaluation was completed and received. Ms. Taxin stated the Board will need to determine if a suspension or what action if any is appropriate when he interviews.

Ms. Trujillo reported **Dr. Monte E. Dansie** is currently in compliance with his Stipulation and Order. She stated Dr. Dansie's CE was approved and Board members were given a hard copy of his essay to review for discussion today. Ms. Trujillo stated Dr. Dansie has requested the suspension on his CS license be lifted.

Ms. Taxin referred to Dr. Dansie's Order requiring the DEA to notify the Division when they agree to reinstate his DEA certification and then the suspension will be lifted on the CS license. She stated she called the DEA and they stated Dr. Dansie needs to contact them. She stated the Board will need to review Dr. Dansie's essay with him.

Ms. Taxin reminded the Board to refer to the facts and the conditions of the Order.

2:00 pm

Dr. Jared Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Board members and Division staff were introduced.

Dr. Larsen requested Dr. Hemmert to briefly explain to the Board the reason he is on probation.

Dr. Hemmert responded in 2004 he was experiencing back pain which increased until he had surgery. He stated he was taking opiate pain medications and as the pain progress he had to take more until he became addicted and dependent on the medications. Dr. Hemmert stated he made a poor decision in 2006 when he ran out of his prescription early and he wrote a prescription for himself on his father's partner's prescription pad. He stated when he went to the Pharmacy to pick up the prescription he was arrested. Dr. Hemmert stated when he was released from jail he was emotionally and mentally in bad shape and contacted Charles Walton regarding the diversion program. He stated the courts gave him a plea in abeyance and he entered into a diversion agreement. Dr. Hemmert stated he was being treated for post traumatic stress due to his time in jail and he entered an intensive outpatient program which was not a great program as he did not believe he had an addiction problem. He stated he stopped taking his medications until the weekends and was diverting medications from his office. Dr. Hemmert stated things got worse until an event happened in his office where he had taken his prescription, was driving impaired and got arrested. He stated he called Dr. Walton for help. He stated he again was driving while impaired and again arrested and that is when everything fell apart and he realized he was an addict and needed help. Dr. Hemmert stated he went to Hazelden for inpatient treatment and was discharged after 63 days. He stated the experience at Hazelden changed his life physically and spiritually. He stated he now wants to get better and wants his Dental practice back.

Dr. Larsen assured Dr. Hemmert the Board is here to help him through the process which is an easier process when the probationer has a good attitude and complies with the conditions of their probation. Dr. Larsen asked if Dr. Hemmert is seeing Brad Edgington for therapy.

Dr. Hemmert responded Dr. Edgington is the Director of the wellbeing program for IHC in Utah Valley.

Ms. Taxin explained Dr. Edgington is a Psychologist but his employment position is coordinator of the IHC wellbeing program. She stated Dr. Edgington does not do therapy in the wellness program.

Dr. Lundberg asked if Dr. Hemmert has met with Dr. Edgington for therapy.

Dr. Hemmert responded he has met with Dr. Edgington twice as his position is to be sure Dr. Hemmert is compliant with his Stipulation and Order and also compliant with his agreement with IHC. He stated Dr. Edgington has suggested he see Mark Olson for therapy and Mr. Olson has agreed to be his therapist.

Ms. Taxin stated Mr. Olson is in Social Work and her understanding is that Mr. Olson has not yet committed to seeing Dr. Hemmert for therapy. She asked Dr. Hemmert to explain his experience with Tracy Anderson, a Clinical Social Worker.

Dr. Hemmert responded he arrived late at Mr. Anderson's office, turned in all his paperwork and they briefly talked about his story, what he is doing now and what his plans are for the future. He stated he has not met again with Mr. Anderson as he wanted to wait until he had met with the Board and resolved the therapist issue. Dr. Hemmert stated he needs to meet with someone on a regular basis to be sure he is working his program as outlined by Hazelden and Mr. Anderson is a distance from where he lives. He stated there are many capable therapists in Utah County and he would like approval from the Board to see one of those therapists if possible.

Ms. Taxin responded Dr. Hemmert's issues are significant and he needs to follow through with the Hazelden recommendations as well as the conditions in his Order.

Dr. Taylor asked if there could be a referral to someone closer in proximity to where Dr. Hemmert lives.

Ms. Taxin responded Mike Olson was the referral. She stated if Mr. Olson agrees to see Dr. Hemmert then the Board could approve him as Dr. Hemmert's therapist. She stated the Alpine Center is a substance abuse treatment program and Hazelden recommended Dr. Hemmert be in individual therapy. She stated Dr. Hemmert needs to see Mr. Olson or Mr. Anderson again within the next 2 weeks as there are issues that need to be addressed and Dr. Hemmert needs the safety net if he has a problem.

Dr. Lundberg stated he did not believe the Board could recommend Mr. Olson as Dr. Hemmert's therapist at this time.

Dr. Hemmert responded Hazelden has recommended M.O.R.E. as an aftercare program and from reading their information he believes it is a very good program for him. He stated he is already on the second module and is working the program. Dr. Hemmert stated he believes the M.O.R.E. program with individual therapy would be good for him.

Dr. Larsen stated the Board is in agreement that Dr. Hemmert needs to get into individual therapy right away. He stated he would recommend Dr. Hemmert contact Mr. Olson for an evaluation and, pending the results of the evaluation, continue seeing Mr. Olson as his therapist.

Ms. Taxin stated Dr. Hemmert should make an appointment with Mr. Olson, get an evaluation with a recommendation, discuss the possibility of going to the Alpine Center for therapy or if individual therapy with Mr. Olson is appropriate and send the evaluation to her to review. Ms.

Taxin stated Dr. Edgington should fill out the reports as the employer and Dr. Greenhalgh should complete the supervisor reports.

Dr. Hemmert stated he is in private practice. He stated he takes calls for ER for 3 months of the year and takes children 2 through 6 to the operating room, puts them to sleep and treats them there. He stated he also works at several geriatric centers in Southern Utah and that is where he is working right now.

Ms. Taxin asked when Dr. Hemmert plans to start therapy.

Dr. Hemmert responded Hazelden recommended he start therapy April 1, 2010.

Ms. Taxin stated the Hazelden also recommended Dr. Hemmert not be on-call until September 1, 2010. She stated he should discuss with the Board Hazelden's recommended work plan.

Dr. Hemmert responded Hazelden recommended he work in the office two days a week for three weeks and then four days a week for two weeks before resuming full practice. He stated he just began working four days a week.

Ms. Jolley asked Dr. Hemmert if he is still having back pain.

Dr. Hemmert responded he does still have back pain and is trying to deal with the pain by doing yoga and exercises.

Ms. Jolley asked how frequently Dr. Hemmert is attending Professionals in Recovery (PIR) aftercare programs.

Dr. Hemmert responded he is attending a PIR aftercare programs twice a month. He stated he does not believe the PIR meetings are beneficial to him. He stated he is involved in the LDS 12 step program and is also attending AA meetings at least once a week which are helpful.

Ms. Taxin informed the Board Dr. Hemmert's Order requires him to attend two PIR meetings and two AA meetings a week but the Order also states he should follow the recommendations from Hazelden. She stated if PIR is not working for him then maybe he should attend two 12 step meetings and two LDS group meetings a week. She suggested Dr. Hemmert coordinate with Dr. Edgington as he believed Dr. Hemmert was doing more than required.

Dr. Larsen referred Dr. Hemmert to the list of prescriptions from the database from January 14, 2010 through March 4, 2010. He asked why there are any prescriptions on the list as Dr. Hemmert's controlled substance (CS) license is currently suspended. He asked if Dr. Greenhalgh might have used Dr. Hemmert's prescription pad to write some prescriptions.

Dr. Hemmert responded he has not written any prescriptions since his CS license was suspended. He stated Dr. Greenhalgh would not write any on his prescription pads as they use only computer generated prescriptions.

Dr. Larsen recommended Dr. Hemmert obtain a database printout and check into the situation as soon as possible.

Ms. Taxin stated it is an issue as the prescriptions are in Dr. Hemmert's name on his DEA. She recommended he check out the database and also contact Ms. Trujillo.

Dr. Hemmert responded he will check with the database and then asked why the prescriptions are showing on the report as his CS license is suspended.

Ms. Taxin responded there should not be any prescriptions listed under his name but it does happen sometimes if the pharmacy does not pick up the correct name. She recommended Dr. Hemmert review the database list and if he sees names that are not his patients he should contact the pharmacy to correct the error and request they

write him a letter saying their error has been corrected.

Dr. Larsen recommended Dr. Hemmert also review the list with Dr. Greenhalgh to be sure they are not her patients.

Ms. Bateman stated the Hazelden notes list Dr. Daryl Stacey as Dr. Hemmert's primary care provider who will continue to monitor his medications. She asked if Dr. Hemmert has seen Dr. Stacey since he returned from Hazelden.

Dr. Hemmert responded he has seen Dr. Stacey who has submitted a letter which documents he will not prescribe any CS unless absolutely necessary.

Dr. Larsen suggested Dr. Hemmert also inform Dr. Greenhalgh of his medication issues. He reminded Dr. Hemmert to provide the supervisor reports on a regular basis. Dr. Larsen asked Dr. Hemmert how he is interacting with office staff and patients.

Dr. Lundberg asked Dr. Hemmert to also address the incidents in his office that he mentioned.

Dr. Hemmert explained in 2008 he injured a patient who ended up losing a tooth. He stated he believed the injury was not caused by his being impaired as he was not feeling well that day but could have been impairment. Dr. Hemmert stated the second incident was on an employee and was due to his being impaired.

Dr. Larsen thanked Dr. Hemmert for the explanation. He then stated he came across an advertisement in the yellow pages which indicates Dr. Hemmert does orthodontics but there is no disclaimer as required. He stated when Dr. Hemmert treats patients he needs to be sure he is qualified to provide the services with standard care and should be sure patients know he has not completed a specialty residency program unless he has completed a program. He stated the purpose of the Board and Division is to protect the public. Dr. Larsen stated the profession has a standard of

behavior that is expected in the office as well as out of the office.

Ms. Taxin stated Dr. Hemmert can change the advertisement once a year and should make his advertisements consistent by making it clear he is a general Dentist who provides orthodontic services.

Dr. Larsen stated the advertisement should be in the Dentist section of the yellow pages and not in the orthodontic section.

Dr. Larsen acknowledged receiving Dr. Hemmert's request for the suspension on his CS to be lifted. He stated the Board is aware the suspension creates a hardship for Dr. Hemmert's practice but through experience the Board believes Dr. Hemmert is not ready and the suspension will not be lifted for awhile.

Ms. Taxin recommended Dr. Hemmert get the evaluation completed, be in therapy for awhile and then request the therapist to write a letter of recommendation for the Board to consider lifting the suspension. She encouraged Dr. Hemmert to continue with the negative drug and alcohol testing, attend his meetings and go to therapy to complete some of his conditions before the Board considers lifting the suspension on the CS license.

Dr. Lundberg reminded Dr. Hemmert that he had several years with a problem then went to Hazelden. He stated the Board does not yet have a track record regarding Dr. Hemmert's recovery and that is needed.

Dr. Hemmert voiced concern about the Board not agreeing to lift the suspension on his CS license.

The Board determined Dr. Hemmert is in compliance with his Stipulation and Order based on his starting his probation but needs to get a therapist and start therapy.

An appointment was made for Dr. Hemmert to meet June 17, 2010.

2:45 pm

Dr. Rodney Slater, Probationary Interview

Dr. Slater met for his probationary interview.

Dr. Lundberg conducted the interview.

Dr. Lundberg stated Board members are hopeful Dr. Slater's probation has been a good process. He stated the Board requested Dr. Slater write a letter requesting termination of probation. Dr. Lundberg asked if Dr. Slater wrote the letter.

Dr. Slater responded he did write the letter and would like to read it to the Board. He then read the letter and stated he plans to continue with his steps to remain in recovery.

Dr. Lundberg stated Dr. Slater recognizes where he is and where he is going. He stated Dr. Slater appears to realize the termination of probation is not an ending and he needs to continue with his recovery. He stated Dr. Slater may come across someone with a similar problem and it might be beneficial to Dr. Slater to think about being a sponsor to help others. He asked if Dr. Slater is still employed in Bountiful.

Dr. Slater responded he is still employed in Bountiful with Dr. Stark, a pediatric Dentist, and until something comes up for him, he is ok where he is working.

Dr. Lundberg asked Dr. Slater about his status with the DEA.

Dr. Slater responded once his probation is terminated he will go down to the DEA, fill out the paperwork and request they consider issuing him a DEA registration. He stated he is not in need of the registration as he is not working in urgent care.

Ms. Taxin and Dr. Larsen commented they believe Dr. Slater has made changes in his life.

Dr. Slater thanked them and asked if he would be required to meet with the Board of another State if he applies for licensure.

Ms. Taxin responded Dr. Slater would need a verification of his Utah license and a copy of his Stipulation and Order to provide with his application. She stated he should be honest with other States when he completes their application. Ms. Taxin volunteered to write a letter for Dr. Slater if he does apply for licensure in another State.

The Board determined Dr. Slater is in compliance with his Stipulation and Order. The Board recommended Ms. Taxin complete the paperwork for termination of probation based on Dr. Slater successfully completing his probation conditions and the time frame.

3:10 pm

Dr. John S. Poulter, Probationary Interview

Dr. Poulter met for his probationary interview.

Ms. Jolley conducted the interview.

Dr. Poulter informed the Board he is still working with Donated Dental which is going well for him. He stated he missed a few drug and alcohol tests as he was in Idaho Falls, Idaho, with his children. Dr. Poulter stated Idaho Falls has now set up a testing site for him from Monday through Friday only. He stated he calls when he wakes up each morning and missed tests are unintentional.

Ms. Trujillo explained there are a couple of sites in that area but don't always staff the sites if there is no one to test. She stated she will contact the agency regarding a location that will be open on weekends.

Ms. Jolley asked if Dr. Poulter is still attending and working on his 12 step program.

Dr. Poulter stated he is attending PIR. He then asked if there are other PIR programs during the week as he is unable to attend the Monday night program and the one he has tried to attend does not always have anyone there.

Ms. Trujillo responded the PIR programs are now

at the IHC Hospital.

Dr. Taylor asked Dr. Poulter how the PIR meetings compare with the AA meetings.

Dr. Poulter responded it is difficult to find PIR meetings but AA meetings are always available.

Due to the difficulty in locating PIR meetings, Ms. Jolley made a motion to amend Dr. Poulter's Order to require he attend either two PIR meetings and two AA meetings a month or four AA meetings a month.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Dr. Poulter thanked the Board. He then referred the Board to Page 8 of his Order regarding specific CE courses, one in record keeping and one in prescribing. He stated he has not been able to locate anything that would fit into either category and asked for suggestions.

Ms. Taxin informed Dr. Poulter that there is an on-line course being developed. Ms. Taxin stated there is a course through the AADE on record keeping and there is the PACE course in San Diego, which is an in person course, or he might try the documentation course Stepping Stone to Success as she has heard it is a good course. Ms. Taxin stated she also has a book titled "Responsible Opioid Prescribing" which has an examination on the FSMB website for CE. Ms. Taxin loaned Dr. Poulter the book and requested he return it after he has read it.

Ms. VanBibber suggested Dr. Poulter go to www.dentalcare.com as there are some courses at that website.

Dr. Poulter referred the Board to page 7 of his Order regarding submitted reports monthly for 6 months and then quarterly. He asked for approval to submit his reports quarterly now as they have been submitted

monthly for 6 months.

Following discussion, the Board approved for reports to be submitted quarterly.

Ms. Taxin stated the reports need to be thorough regarding when he met with his supervisor and what was reviewed or discussed.

Dr. Poulter informed the Board that his supervisor is moving to New Zealand in May. He stated he talked with the Board about Dr. Richard Ellis at a previous meeting and would like Board approval for Dr. Ellis to be his supervisor.

Ms. Taxin suggested Dr. Poulter talk with Dr. Ellis and ask him if he will supervise. She stated if Dr. Ellis agrees then he will need to submit a letter stating he has read Dr. Poulter's Stipulation and Order, understands the conditions that are to be completed and is willing to assist Dr. Poulter in being successful in his probation. She stated Dr. Ellis will need to also submit a resume for review.

Dr. Poulter thanked Ms. Taxin for the information. He stated he is thinking of approaching the DEA again and may submit an application to them as he may need to write some prescriptions.

Ms. Taxin stated if he receives the DEA registration Dr. Poulter needs to be sure to notify Ms. Trujillo and to address the conditions in his Order. She reminded Dr. Poulter if he administers any CS's in his office he will need to maintain a log and submit it for review.

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

An appointment was made for Dr. Poulter to meet again June 18, 2010.

3:20 pm
Dr. Tad Butterfield, Probationary Interview

Dr. Butterfield met for his probationary interview.

Dr. Beyeler conducted the interview.

Dr. Beyeler reminded Dr. Butterfield that he was to have completed the psychological evaluation prior to his appointment today. He asked if the evaluation was completed.

Dr. Butterfield responded he did get the psychological evaluation from Dr. Janiece Pompa on February 23, 2010. He stated he gave Dr. Pompa the deadline of March 18, 2010 to submit a copy of the evaluation to the Division. He stated he expected Dr. Pompa to review her recommendations with him or to discuss any issues but she only reviewed his Stipulation and Order with him.

Ms. Taxin asked Dr. Butterfield to follow-up with Dr. Pompa as the evaluation has not yet been received.

Dr. Beyeler stated Dr. Butterfield's reports documenting he is not yet working have been receiving. He stated the reports were received at the quarter and not monthly as required.

Ms. Taxin explained there was some confusion regarding when reports should be submitted and since Dr. Butterfield was not working she recommends the Board approve the reports to be submitted quarterly. She stated monthly reports will be required when he is working.

Dr. Beyeler asked if Dr. Butterfield has any leads for employment and if there is anything the Board can do to help him.

Dr. Butterfield responded he does have some leads. He stated he has looked into some of the suggestions Ms. Taxin gave him. He stated there is nothing the Board can help him with at this time.

Ms. Taxin stated if the evaluation has specific recommendation then Dr. Butterfield will need to meet again soon.

Ms. Trujillo stated she has put Dr. Butterfield as non-compliant with his Stipulation and Order based on failure to submit a copy of the completed

psychological evaluation.

Ms. Taxin stated if the evaluation is received in the next couple of days she will document Dr. Butterfield as being in compliance.

An appointment was made for Dr. Butterfield to meet again June 17, 2010.

3:50 pm

Dr. Monte E. Dansie, Probationary Interview

Dr. Dansie met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman informed Dr. Dansie that Board members each had a copy of his letter. She asked if he would like to comment on his letter.

Dr. Dansie responded he has always tried to do the best for his patients, appreciates them and they appreciate him. He stated he wants to do what he can to get through the probationary process.

Ms. Bateman asked Dr. Dansie about his health.

Dr. Dansie responded his health is better than it was. He stated he did not take care of his charting properly but has always been quite careful with the prescriptions. He stated he tries not to facilitate people who have drug problems and tries to steer his patients to use Tylenol or Ibuprofen. He stated it is difficult to deal with patients who need something stronger without his CS license. Dr. Dansie stated he completed the record keeping course and learned some things he was not doing up to par. He stated he believes he has now taken care of some things. He stated he has disposed of his prescription pads and does everything electronically. Dr. Dansie stated he is working toward tightening things up at his office and has anyone who calls in a prescription write the information on the patient charts. He voiced having learned by this experience that he needs to know what is going on in his office and with his patients.

Ms. Bateman stated the charges were not from a patient but from a problem in his office. She asked

Dr. Dansie if the record keeping has been helpful for his office and staff or will it affect the patients and how he looks at prescribing medications in the future.

Dr. Dansie responded he has educated the staff and does not want potential problems to turn into larger problems in the future. He stated he has thought about the things he does in his office and how he does those things. He stated the on-line CE was a good course and he believes most people would benefit from taking the course.

Ms. Bateman made a motion to accept Dr. Dansie's essay.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

Dr. Larsen requested the Board discuss Dr. Dansie's request for the suspension on his CS license to be lifted.

Ms. Jolley stated Dr. Dansie has a 32 year record of practice without any problems and she does not believe the public is at risk as the issue was with record keeping at the office.

Ms. Taxin stated Dr. Dansie should have been aware of what was going on in his office and with the person involved. She stated it is Dr. Dansie's practice, he is responsible and he contributed to the process knowingly or not as he is responsible for his whole practice. She stated office staff have access to the computer and can write prescriptions and Dr. Dansie needs to be aware. She stated the situation caused discipline issues with the DEA also. Ms. Taxin stated Dr. Dansie's Order states the DEA needs to approve for him to receive his DEA registration prior to the Division lifting the suspension on his CS license. She recommended Dr. Dansie contact Lynette Wingert at the DEA and ask her to call Ms. Taxin to let her know if the DEA registration will be issued. She stated she will amend the Order to lift the suspension when she is

notified by the DEA. Ms. Taxin reminded Dr. Dansie that he negotiated the suspension/DEA issue with his attorney.

Dr. Larsen stated the worse case scenario is Dr. Dansie will have to wait until September 2010 for the suspension to be lifted on the CS license.

Ms. Bateman made a motion to lift the suspension on Dr. Dansie's CS license so the Board can monitor his prescriptive practice if the DEA agrees to issue the DEA registration.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

Ms. Taxin asked if Dr. Dansie still orders through that specific company.

Dr. Dansie responded he does not.

Ms. Sliwinski asked how much was ordered.

Dr. Dansie responded he believes it 300 tables were ordered 4 times.

The Board determined Dr. Dansie is in compliance with his Stipulation and Order as he has completed the CE requirement, completed and submitted his essay and all required paperwork was received.

An appointment was made for Dr. Dansie to meet again June 17, 2010.

DISCUSSION ITEMS:

Questions regarding Dental Hygienist Local Anesthesia Update

Ms. Bateman explained the Division received a phone call regarding taking a local anesthesia course for a Dental Hygienist upgrade through the University of Colorado, Denver. She stated the problem is the University of Colorado has an ADA accredited Dental School where they also have a CE anesthesia course, which would meet requirements for CE as the University is accredited, but would not meet the WREB requirements as it must be a Dental Hygiene

accredited anesthesia course.

Ms. Taxin further explained the University of Colorado uses the professors who teach at the Dental school to also teach the Dental Hygienist anesthesia CE. She stated the Rule requires a course be completed and CE cannot be accepted. She stated Utah used to accept the course when the University of Colorado had a Dental Hygiene accredited program.

Dr. Taylor asked if the CE course is comparable.

Ms. Bateman responded it is comparable. She stated the course is a CE course at Weber State.

Ms. Taxin stated the issue is not about the Dental school but the anesthesia CE for Dental Hygienists not being accredited. Ms. Taxin stated the CE course at Weber State is at an accredited Dental Hygiene school.

Ms. Bateman stated she believed the Denver course would meet Utah's requirements but WREB has informed her, the course has to be a course at a Dental Hygiene school. She stated the individual may contact WREB regarding the issue.

Ms. Taxin recommended Ms. McCall call the individual to inform him the course will not meet WREB's upgrade requirement.

Advertising Issues

Dr. Larsen explained several Dentists have called him regarding advertising issues and he believes the Board has a responsibility to assist in doing what they can to be sure advertising is appropriate. He stated most practitioners who advertise are specialists and believes Dr. Hemmert's advertising is misleading as it does not disclose he is a general Dentist. He stated he talked with Dr. Todd Liston who wanted to cancel his patients for the afternoon to be at this meeting for the discussion but was unable to do so. Dr. Larsen stated if the practitioner is not a specialist with education they should not advertise as an expert as it is misleading to the public. He submitted an advertisement for a family dental clinic which

advertises orthodontics and oral surgery but does not disclose the work is done by general dentists. He stated his understanding is that the general Dentist statement should be disclosed.

Mr. Jones, AG, stated he was advised there were several Dentists coming to the Board meeting in April for this discussion. He stated if there is a specific issue or an advertisement the Board wants him to address he will address it.

Ms. Taxin suggested the Board read the Law as maybe the Board could clarify the language more clearly. She stated she has not received any questions on this issue recently but does know of a Dentist in Southern Utah who has been advertising incorrectly for 30 years. She stated someone noticed the advertisement and the Division had him change it.

Following additional discussion the Board recommended language from other States be pulled for review and the item be on the June 17, 2010 agenda.

Ms. Taxin stated she has already printed out Ohio and Oregon Laws.

Dr. Larsen suggested Board members volunteer to bring California, Texas, New York and West Virginia Laws to the June meeting.

Dr. Taylor volunteered to bring California and Texas, Ms. Jolley to bring New Jersey and Florida, Dr. Beyeler to bring New York and Illinois, Ms. Sliwinski to bring Colorado and Arizona, Dr. Woolsey to bring Oklahoma and Kansas, Dr. Lundberg to bring Hawaii and British Columbia, Ms. Bateman to bring Washington and Minnesota and Dr. Larsen to bring Nevada and Pennsylvania.

Dr. Fred Quarnstrom Question regarding Requirements to Teach Sedation Courses & Provide a Letter for Dentist Upgrades

The Board reviewed Dr. Fred Quarnstrom's letter regarding requirements to teach sedation courses and provide a letter for Dentists to upgrade.

Following discussion, the Board recommended Dr.

Quarnstrom be sent a copy of the Law and Rule and notify him that his program must be ADA accredited.

The Whitecap Institute Curriculum regarding Instructors being Licensed

Ms. Taxin informed the Board that investigations received a complaint on false advertising. She stated investigations responded to the complainant and asked if the Board had any concerns for feedback to the complainant.

The Board reviewed the letter from investigations and no Board action was recommended.

WREB Continuously Updating Requirements

Ms. Taxin explained the examination comparisons have not quite fit for applicants as WREB continuously updates and changes the examination and their requirements.

Ms. Bateman suggested the comparison form be supplied but the specific requirements for WREB be left blank.

The Board concurred.

Position Statements on Laser

Ms. Taxin reminded the Board of the extensive discussion on lasers and the use of botox at the last meeting. She stated she found an article from West Virginia regarding their position. She read the article to the Board.

The Board thanked her for the information and no action was taken.

Proposed Revised 2010 Board Meeting Schedule

Ms. Taxin presented the proposed dates of June 17, September 16 and December 16, 2010 for the Board to meet based on the number of probationers and the amount of Board business that has been coming in for the last several months. She asked if the Board would consider changing the time of the meetings from 1:30 pm to 9:00 am to give time for all probationers and other items to be discussed or commence the meeting at 12:30 pm instead of 1:30 pm

Board members concurred with the proposed Board meeting dates and agreed to start the meeting at 12:30 pm.

Ms. Bateman asked if the Board could spend one meeting reviewing the discussion and correspondence items as those items seems to get rushed at the end of the meetings.

Ms. Taxin responded she could not justify a meeting just for discussion and correspondence but with an extra hour the Board should be able to complete all additional Board business.

Dr. Larsen suggested the information be faxed or e-mailed prior to the meetings.

Ms. Taxin responded the suggestion is a good idea in order to prepare the Board for discussion and/or correspondence. She stated if there is a lot of business to be discussed she will contact Dr. Larsen and schedule a meeting prior to June 17, 2010.

Skills Assessment

Ms. Taxin explained her staff has had a few calls from people who have been out of practice for several years and want licensure in Utah or want to reinstate their Utah license. She stated the staff contacted WREB regarding the skills assessment examination and were informed the examination needs to be re-written and updated as it is not given often. Ms. Taxin stated she believed the examination was always available and was surprised at the response. She stated the examination is only for Dentists and there is no skills assessment examination for Dental Hygienists. Ms. Taxin stated there is a Dental Hygienist who has been out of practice for a length of time and will need to retake the WREB for competency.

Dr. Larsen stated he is surprised at WREB's response as he was at a WREB examination where there was a person taking the skills assessment examination.

The Board thanked Ms. Taxin for the information. No Board action was taken.

CORRESPONDENCE:

John C. Crosby, DMD, CRDTS President,
Letter regarding Name Change

Based on no Board action being required, Ms. Taxin requested the Board to take the information for review.

Stephen R. Carter, DDS, Letters regarding a Response from Dr. David Anson, DDS, on Dr. Anson's Article

Based on no Board action being required, Ms. Taxin requested the Board to take the information for review.

NEXT MEETING SCHEDULED FOR:

June 17, 2010

ADJOURN:

The time is 5:32 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.

June 17, 2010
Date Approved

(ss) Alexander B. Larsen, DDS
Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

April 15, 2010
Date Approved

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