

MINUTES

**UTAH
DENTIST
And
DENTAL HYGIENIST LICENSING BOARD**

BOARD MEETING

June 17, 2010

**Room 210 – 2nd Floor – 12:30 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 12:38 P.M.

ADJOURNED: 5:35 P.M.

Bureau Manager:

Noel Taxin

Bureau Manager:

Clyde Ormond

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Alexander B. Larsen, DDS, Board Chairperson

Warren Woolsey, DDS

Karen S. Bateman, RDG

Pamela L. Jolley

Constance A. Sliwinski, RDH

Rich S. Radmall, DDS

Brian L. Lundberg, DMD

Board Members Absent:

Mark R. Taylor, DDS

Greg T. Beyeler, DDS

Guests:

Monte Thompson, UDA

Dr. Donald G. Mantyla, PIE

Joleen VanBibber, DATC/UDAA

Steven Steed, UDOH

Marilyn Prichett, IDHA

DOPL Staff Present:

Mitchell Jones, Assistant AG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 18, 2010 Board meeting

were read.

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

APPOINTMENTS:

12:45 pm

Ronda Trujillo, Compliance Update

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

Ms. Trujillo reported **Dr. Tad H. Butterfield** is currently out of compliance with his Stipulation and Order due to his license having expired May 31, 2010. Ms. Trujillo stated the quarterly supervisor report has been received documenting he is not working and the required psychological evaluation was received a few days after his last appointment. She stated the evaluation will be reviewed today.

Ms. Trujillo reported **Dr. Monte E. Dansie** is currently in compliance with his Stipulation and Order. She stated Dr. Dansie must submit documentation of completion of all terms and conditions and any criminal sanctions of his court ordered probation prior to being released from the Division probation.

Ms. Taxin stated she contacted the DEA and was informed they would not even consider reinstatement of his DEA registration while he is under court probation which is scheduled to terminate August 21, 2010.

Ms. Trujillo reported **Dr. John W. Myers** is currently in compliance with his Stipulation and Order. She stated Dr. Myers has had one out of range drug test which means he may have drunk too many liquids prior to testing and he sent in an explanation. She stated his quarterly therapy and supervisor reports have been received and are positive reports. Ms. Trujillo stated Dr. Myers has completed just over three of his five year probation. She asked if the Board

would consider recommending he drug test less frequently or consider early termination of probation based on his compliance.

Board members stated Dr. Myers should continue to be tested and monitored on the current schedule.

Ms. Trujillo reported **Dr. John S. Poulter** is currently in compliance with his Stipulation and Order if the Board agrees. She stated there appears to have been a mix up with the drug testing as he was to test on the 23rd but the test documented he tested on the 24th. She stated he had a family emergency come up on the 23rd and forgot to go in for testing. She stated the Board will need to review and determine if he is in compliance. Ms. Trujillo stated Dr. Poulter has called every day and is current with his reports. She stated his supervisor moved and Dr. Poulter is to submit a resume today for Dr. Thomas Dixon, the person who has been his mentor, to be approved as his supervisor. She stated the completed CE documentation has been received and the Board will need to review the information for approval.

Ms. Trujillo reported **Dr. Jared Hemmert** is currently in compliance with his Stipulation and Order if the Board agrees. Ms. Trujillo states he missed calling on June 8, 2010 and was surprised when she informed him. She stated Dr. Hemmert's tests have all be negative and the Board could consider reducing the frequency. Ms. Trujillo stated the Hazelden evaluation recommended Dr. Hemmert attend aftercare programs four times a week which he has been doing. She stated he is doing an internet aftercare program with Hazelden. She stated she received a printout of his checking in with Hazelden. Ms. Trujillo stated the Utah Order requires a minimum of 4 times a month. Ms. Trujillo asked the Board to consider recommending Dr. Hemmert taper off on the meetings to four times a month. She stated Dr. Edgington does meet with Dr. Hemmert every quarter. Ms. Trujillo stated Dr. Hemmert has asked if the Board will consider reinstating his Controlled Substance (CS) license.

Dr. Larsen asked who Dr. Hemmert's therapist is.

Ms. Taxin responded the therapist is Dr. Michael Olson. Ms. Taxin stated she informed Dr. Hemmert he would need to submit something documenting he is doing the aftercare daily. She stated the Board could accept the printout but she asked if Dr. Hemmert could obtain a letter from Hazelden stating he is checking as she believes the aftercare is self driven and not monitored by Hazelden.

Ms. Trujillo stated **Dr. David L. Flynn** will be meeting for his initial probationary interview.

Ms. Taxin stated Dr. Flynn's Stipulation and Order is very straight forward but the Board may ask him to explain why he is on probation.

Ms. Trujillo stated **Dr. Steven Pinegar** will be meeting for his initial probationary interview. She stated he is self employed so the Board should ask how many hours a week he is working. Ms. Trujillo stated Dr. Pinegar should be submitting a name and resume for an approved supervisor. She stated the Division received inconsistent information regarding the hours Dr. Pinegar is working and his health issues. She stated he had said he was ill and could not meet with the Board but he also said he was working so she explained if he was working he would need to meet with the Board.

Ms. Taxin stated if Dr. Pinegar is ill he will need to submit a letter from his Physician documenting his condition. She stated she received a telephone call from an insurance company who disclosed he has opened two new practices. Ms. Taxin stated Dr. Pinegar informed Ms. McCall he cancelled his vacation to meet with the Board. She asked the Board to be clear with Dr. Pinegar regarding the conditions in his Order and the expectations of the Board.

Ms. Trujillo reported **Dr. S. Dale Hibbert** is meeting today to review his Stipulation and Order to be sure he understands the conditions he must meet for lifting the suspension on his license. She stated the Board should ask the specific date Dr. Hibbert was released from Jail as he must complete a two year court ordered probation before the suspension may be lifted.

Ms. Taxin stated she will recuse herself from Dr. Hibbert's interviews as a family member knows Dr. Hibbert and she does not feel comfortable. She stated Clyde Ormond, Bureau Manager, will assist with the interview.

Ms. Trujillo stated Dr. Hibbert will be signing up with Compass Vision for drug and alcohol testing at the request of his court probation officer.

Ms. Taxin stated Dr. Hibbert is not required to test through the Division contract testing agency but will accommodate him at his probation officer's request.

Dr. Larsen requested clarification regarding the Board meeting with Dr. Hibbert today, he will be testing regularly but not return for Board monitoring for two more years.

Ms. Taxin responded Dr. Larsen is correct. Ms. Taxin stated Dr. Hibbert's Dental license is suspended for two years with conditions and then he may request the suspension be lifted but has to complete coursework prior to requesting the suspension be lifted. She stated once the suspension is lifted, Dr. Hibbert will work one year in a Dental volunteer program and when that is completed he will begin the five year probation, he must work only under supervision and would need a Dental practice plan.

Dr. Larsen asked how Dr. Hibbert will have a practice plan to submit if he is not working in Dentistry.

Ms. Taxin stated the practice plan for today is his

current work plan of how he will work at his Dental practice during the two years.

Dr. Radmall asked if Dr. Hibbert still owns his practice.

Ms. Taxin responded Dr. Hibbert may own a practice but cannot work there as a Dentist. She stated if he does work as a Dentist he is in violation of the court Order and the Division Order. She suggested the Board ask Dr. Hibbert what he is doing for employment.

Ms. Trujillo stated Dr. Hibbert is to submit a practice plan when he meets today.

Ms. Taxin stated the practice plan should consist of his plan for what he is going to do regarding managing his business and working somewhere. She stated this meeting is required for him to be in compliance with the Division Order.

12:55 pm

Dr. Tad Butterfield, Probationary Interview

Dr. Butterfield met for his probationary interview.

Dr. Larsen conducted the interview.

Ms. Trujillo informed Dr. Butterfield that he is non-compliant with his Stipulation and Order as he did not renew his license. She asked if he planned to renew the license today.

Dr. Butterfield responded he sent the fee and renewal form the last week of May but will fill out another form and pay the fee again today when he leaves this meeting.

Ms. McCall gave Dr. Butterfield a new renewal form to complete.

Ms. Taxin asked if Dr. Butterfield would like to have his license suspended until he is finds employment and is able to meet the requirements of his probation.

Dr. Butterfield responded he does not want his license

suspended. He stated he had an employment opportunity and then broke his hand and could not work. He stated the opportunity is still open and he will check into it the first week in July and let the Division know the outcome.

1:10 pm – Closure of Meeting

Dr. Radmall made a motion to close the meeting to review and discuss Dr. Butterfield’s psychological evaluation. Dr. Lundberg seconded the motion. The Board vote was unanimous.

1:30 pm – Reopen Meeting

Ms. Bateman made a motion to reopen the meeting. Dr. Woolsey seconded the motion. The Board vote was unanimous.

Ms. Taxin stated the Board reviewed Dr. Butterfield’s psychological evaluation and have set aside the requirement of therapy at this time with the option of requiring therapy later if necessary. She stated Dr. Butterfield needs to submit a plan of how he will behave in the future if faced with a similar situation and/or stressful circumstance.

Dr. Larsen stated Dr. Butterfield should start paying off some of the patients as it would help him feel better about himself.

Dr. Lundberg made a motion for Dr. Butterfield to submit a plan regarding how he will behave in the future.

Dr. Radmall requested the motion include beneficial and adaptive ways to resolve conflict, coping with issues and be more amenable to therapy later if deemed necessary.

Dr. Lundberg accepted Dr. Radmall’s amendment.

Ms. Bateman seconded the motion

The Board vote was unanimous.

Dr. Larsen suggested Dr. Butterfield fill out the renewal form and submit it with the fee today as he

leaves the building. He stated Dr. Butterfield should notify the Division as soon as possible regarding his employment.

Dr. Butterfield responded he will submit the renewal and fee as he leaves.

Dr. Radmall suggested Dr. Butterfield consider restitution to his past patients as soon as possible.

Dr. Butterfield responded he believes he will have all restitution completed by September 16, 2010, when he meets again with the Board.

The Board determined Dr. Butterfield was out of compliance as he had let his license expire.

An appointment was made for Dr. Butterfield to meet again September 16, 2010

1:10 pm

Dr. Monte E. Dansie, Probationary Interview

Dr. Dansie met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman asked if Dr. Dansie had any questions of the Board or if there was any part of his requirements that have not yet been met or need clarification as he is nearing the completion of his probation. She stated Dr. Dansie's completion date is September 16, 2010.

Dr. Dansie responded he believes he is clear on what is required and had no questions.

Ms. Bateman asked if he had talked with the DEA and if he understood their position regarding his DEA registration.

Dr. Dansie responded he has talked with Lynette at the DEA and she recommended he wait until September to again request his DEA registration be reinstated.

Ms. Taxin stated Lynette contacted her and said she would let Ms. Taxin know when the DEA will consider reinstatement of Dr. Dansie's DEA

registration. She stated August is when Dr. Dansie's Court Plea in Abeyance should be completed. Ms. Taxin stated Dr. Dansie may request at any time that the DEA consider his request for reinstatement. She suggested Dr. Dansie summarize at his September appointment regarding any lessons he has learned from this experience.

Ms. Trujillo stated Dr. Dansie will need to submit a copy of the final disposition paperwork from the Courts that he has met their requirements and been terminated from their probation.

Ms. Taxin stated if the Court probation has not been completed then Dr. Dansie will have to meet with this Dental Board beyond the September 2010 date.

Dr. Dansie responded he believes all Court ordered requirements have been met except his time.

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

An appointment was made for Dr. Dansie to meet again September 16, 2010.

1:25 pm

Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Myers stated he is still working at Mountain View and has been approached to become a partner. He stated he also is still working at Smiles with Dr. Scott Kiser one day a week.

Dr. Radmall thanked Dr. Myers for the update and then asked Dr. Myers to explain his diluted drug test.

Dr. Myers responded he drinks liquids prior to prepare for testing as it is physically difficult sometimes for him to provide the sample.

Dr. Radmall asked Dr. Myers to update the Board regarding attending his meetings.

Dr. Myers responded he is still attending his meetings but he spends more time now talking with his sponsor and his wife. He stated he spends more time with his family, grandchildren and exercising.

Ms. Taxin asked how he is doing with his sobriety and how long he has been sober.

Dr. Myers responded his sobriety is going great. He stated November 2, 2010 will be his 6 year mark for being sober.

Ms. Taxin asked if Dr. Myers ever feels he may relapse.

Dr. Myers responded there are days he does think about relapsing but then he thinks of other things as it is very important for him to remain sober and do what he is now doing. He thanked the Board for their support through the process and for allowing him to be licensed and to practice.

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

An appointment was made for Dr. Myers to meet again December 16, 2010.

1:35 pm

Dr. John S. Poulter, Probationary Interview

Dr. Poulter met for his probationary interview.

Dr. Woolsey conducted the interview.

Dr. Woolsey requested Dr. Poulter to explain his missed drug test and why he tested the following day.

Dr. Poulter responded he is very sure he tested on the right day and he believes the person at the clinic wrote down the wrong date.

Ms. Trujillo suggested Dr. Poulter call the places he tests as all have a sign in log.

Dr. Poulter stated he will make some calls and try to get documentation of when he did test.

Dr. Woolsey asked Dr. Poulter to explain why he missed a test in May.

Dr. Poulter responded he was to test and decided to wait until later in the day when he received notice of a family emergency. He stated he took care of the emergency and forgot to go test.

Dr. Woolsey asked if the Board would accept Dr. Poulter's explanations and if they would consider him compliant with his Stipulation and Order.

Following discussion the Board unanimously accepted Dr. Poulter's explanations and determined he is in compliance with his Stipulation and Order.

Ms. Taxin requested Dr. Poulter to respond for the record if he had been drinking.

Dr. Poulter responded he had not been drinking and does not think about drinking.

Dr. Woolsey asked if Dr. Poulter brought his request and the paperwork for a new supervisor.

Dr. Poulter responded he has been mentored about a month by Dr. Thomas Dickson. He stated he has been pushing for Dr. Dickson to submit a resume but he does not have a current one. He asked the Board for advice.

Ms. Taxin suggested Dr. Poulter asked Dr. Dickson to write a letter regarding his having read Dr. Poulter's Stipulation and Order and his willingness to assist Dr. Poulter in being successful in his probation. She requested Dr. Dickson include what he has been doing over the last several years. Ms. Taxin stated the information needs to be submitted quickly as Dr. Poulter must be under an approved supervisor.

Dr. Radmall stated a supervisor helps keep the probationer in compliance. He asked how frequently Dr. Poulter meets with Dr. Dickson.

Dr. Poulter responded they meet twice a month.

Dr. Woolsey stated Dr. Poulter submitted documentation of completing CE for Board approval.

Ms. Bateman asked Dr. Poulter what record keeping course he completed.

Dr. Poulter responded he did an on-line record keeping course. He stated it was ok but he learned more from the opioid prescribing course as it was excellent.

Dr. Woolsey made a motion to accept the record keeping course and the prescribing course Dr. Poulter completed as meeting the requirements of his Stipulation and Order.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Poulter to meet again September 16, 2010.

1:50 pm

Dr. Jared Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Hemmert stated he believes he is now in a routine as he attends therapy weekly, is enjoying a good rapport with Michael Olsen and is learning a lot about himself. He stated he is now working four days a week and Dr. Greenhalgh works one day a week. Dr. Hemmert stated the legal issue with the DUI has been resolved in that one was dismissed, he plead guilty to another and was required to complete some community service. Dr. Hemmert stated he is happy

to have a clean mind and clear head. He stated he looks through pictures with his wife and he does not remember those times due to the medications he was taking. He stated he has worked hard at being sober, he takes it very seriously and is trying to follow all the recommendations. He stated Hazelden also recommends religious attendance and exercise programs.

Dr. Lundberg asked if Dr. Hemmert still has back pain.

Dr. Hemmert responded yes, but it is better than it was.

Dr. Larsen request an explanation regarding a missed drug test on June 8th.

Dr. Hemmert responded he was upset when he was informed of the missed test. He stated he does not know why he did not call in that day. He stated he did test two days later and now he calls and has his wife call each day to make sure he does not miss again. He stated he has been testing about once a week but did test three times one week.

Ms. Trujillo stated that has been the only day Dr. Hemmert has missed calling in.

Dr. Larsen stated one document indicates Dr. Hemmert is still participating the Hazelden program. He asked Dr. Hemmert to elaborate.

Dr. Hemmert responded Dr. Larsen is correct as he is still working in the aftercare Hazelden program. He stated the program is on-line and he just completed module three last week. He stated if he continues as he is doing he is on track to complete the program in 18 months. Dr. Hemmert stated he takes a lot of the material to his therapy sessions. He stated this aftercare program is more interactive and makes him think of what he is and is not doing.

Ms. Bateman asked Dr. Hemmert how often he spends each week in his aftercare program.

Dr. Hemmert responded he spends about 30 minutes to an hour each day except Saturday and Sunday. He stated his sobriety first anniversary on October 9, 2010.

Dr. Lundberg asked if Dr. Hemmert has done any research on the prescriptions under his name.

Dr. Hemmert responded he did do some research and discovered another Dentist, Dr. Greenhalgh, was using his prescription pads and signing her own name. He stated the clinic no longer uses prescription pads and for the schedule II medications she now has her own pads.

Dr. Larsen asked if the other practitioner calls in prescriptions for any of Dr. Hemmert's patients.

Dr. Hemmert responded she does call in a few prescriptions for some of his patients but not often.

Dr. Larsen requested Dr. Hemmert to explain the protocol.

Dr. Hemmert responded if he has a patient he believes will require a medication after a procedure he talks with the other practitioner or the office manager calls the other practitioner.

Dr. Larsen asked if the other practitioner is located at a different office.

Dr. Hemmert responded Dr. Greenhalgh is now located at her own practice in Bountiful, but works with him one day a week. Dr. Hemmert voiced desiring his CS license so he can better serve his patients.

Ms. Sliwinski asked if the other staff at the hospital can prescribe.

Dr. Hemmert responded the staff at the hospital can prescribe and they require him to have a designated person who writes the prescriptions. He stated it is difficult as he has to track the person down and that process is frustrating, awkward and embarrassing right

now for him.

Dr. Larsen stated the Board received Dr. Hemmert's request for his CS license again. He stated the Board believes it is too soon to issue the CS license. Dr. Larsen stated the Board would like to see more time of sobriety before discussing the issue again.

Dr. Lundberg reminded Dr. Hemmert that some of the things that brought him before the Board were egregious enough that he believes Dr. Hemmert needs more time as there is not enough of a sobriety track record yet.

Dr. Ramall agreed with Dr. Larsen and Dr. Lundberg and stated there are ways for patients to get their medications even if it is inconvenient.

Dr. Woolsey stated the decision is based on several years of the Board seeing probationers come through with substance use issues.

Dr. Hemmert responded he received an e-mail from Eric Welch, DEA, who said if the Board will not reinstate his CS license he will have to surrender his DEA registration. Dr. Hemmert voiced concern as to if he will ever get the DEA registration again. He stated Mr. Welch stated he was just notified that Dr. Hemmert's CS was suspended and Dr. Hemmert had not surrendered his DEA registration. He informed the Board he will not give up on asking for his CS license and will probably ask for it every time he meets.

Ms. Taxin requested Dr. Hemmert e-mail the information to her and she will contact Mr. Welch.

Dr. Hemmert stated his Order requires he attend two PIR meetings and two 12 step meetings a month. He stated he has been attending more meetings a week with a one hour therapy session. He stated the Hazelden recommendation is to attend PIR meetings on Thursday and attend AA, NA or an LDS 12 step group meeting 4 times a week. He stated the Hazelden agreement says the meetings may be reduced after

three months. He stated he misses his family and wants to spend more time with his children.

Ms. Taxin responded the Utah Order requires Dr. Hemmert to attend four meetings a month. She stated Dr. Hemmert may request Hazelden to reduce the requirement from four times a week to four times a month and if they do he should submit a copy of the letter for his file. She reminded Dr. Hemmert the Utah requirement is to meet four times a month.

Following discussion Dr. Radmall made a motion to amend Dr. Hemmert's Order to require him to attend two aftercare program meetings a week.

Dr. Woolsey seconded the motion.

The Board vote was unanimous.

Dr. Larsen asked if Dr. Hemmert is currently on any medications and if so, have there been any changes since the last time he met with the Board.

Dr. Hemmert responded he is currently taking some medications. He stated he had knee surgery in April but took medications for two days only. He stated he understands his probation is serious and he is meticulous about the information he submits as this is his life and he needs to do what is required to get through the process.

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

An appointment was made for Dr. Hemmert to meet again September 16, 2010.

2:15 pm

Dr. David L. Flynn, Initial Probationary Interview

Dr. Flynn met for his initial probationary interview.

Board members and Division staff were introduced.

Ms. Bateman conducted the interview.

Ms. Bateman summarized Dr. Flynn's Order. She

stated new probationers are requested to give a short explanation on why they are before the Board and asked Dr. Flynn to explain.

Dr. Flynn responded he had put a camera in his step-daughter's room and she found it. He stated he is nearing the completion of his criminal probation.

Ms. Bateman commented the Board wants Dr. Flynn to know that any arrest reflects on his professional life. She asked if there is any part of his Order he is not clear about and wants to review with the Board.

Dr. Flynn responded he has talked with an attorney who advised him he would be better off if he could show he has been in compliance with the Court Order and he has been in Court ordered therapy since March 2010.

Ms. Taxin informed Dr. Flynn he may request the meeting to be closed if he wants to talk about his individual therapy.

Ms. Bateman stated Dr. Flynn could also talk in general terms if he wants.

Dr. Flynn declined closing the meeting. He stated his therapist has said it is helpful to discuss his issues openly. Dr. Flynn voiced remorse for his offense. He stated he got into adult pornography and has worked hard to overcome it and family issues he had as a child but did not realize it. He stated he believes everyone could use some therapy. He stated he has done everything asked of him and has been attending two different 12 step programs.

Dr. Lundberg asked if Dr. Flynn started therapy prior to being ordered by the Court.

Dr. Flynn responded yes. He stated the Judge wanted him to complete the therapy and it is structured for his type of offense. He stated he has always thought rules never applied to him and thought his daughter was doing drugs so he decided to get proof. He stated he has had an entitlement mentality and that is now

changing.

Dr. Lundberg asked if this is his first time in therapy for pornography.

Dr. Flynn responded yes. He stated the Court Order was good for him as he need help and is now getting that help.

Ms. Taxin asked how long he has been in recovery.

Dr. Flynn responded it has been 10 months.

Dr. Larsen asked what type of Dentistry Dr. Flynn practices.

Dr. Flynn responded he does general Dentistry. He stated prior to his Court Order his therapist had him complete a safety plan where he is not alone with anyone. He explained he has a chaperone sign off on all his appointments. He stated his office manager has been very helpful and they have already been doing most of the things required in his DOPL Order.

Ms. Bateman asked if Dr. Flynn has one person designated as the chaperone or if all office staff act as chaperones.

Dr. Flynn responded in his safety plan when a patient walks through the door they are accompanied by a chaperone. He stated he was only chaperoning minors but has altered the plan to include all female patients. He explained the way he practices he is working on several patients at a time and has found it a little cumbersome as he has to leave the patient to get instruments and/or other items needed. He asked if it is possible to let his assistant develop the x-rays or get instruments, etc. as the time adds up each time he goes out after something.

Ms. Bateman asked if the assistant can see him while out of the patient area.

Dr. Flynn responded there are no doors on the operatories but supplies are around the corner.

Ms. Taxin asked if there is another assistant in the next room watching that patient and if so, could they come over to observe the patient he is working on.

Dr. Flynn responded there is another assistant but he does not like leaving a patient unattended, especially a minor.

Dr. Woolsey suggested Dr. Flynn have a roving assistant and set up a system of a little button he could push when he needs the assistant.

Dr. Flynn asked what is meant by the requirement of the chaperone log with a signature and a signature in the patient chart.

Ms. Bateman responded the chaperone is required to sign the log but also needs to sign the chart.

Ms. Taxin stated the patient chart is the record of what procedure took place and the chaperone needs to sign after Dr. Flynn makes his notes.

Ms. Bateman stated the Order requires the chaperone to observe and assist with patient treatment. She stated there should always be two signatures so Dr. Flynn knows who assisted and what procedures were done.

Dr. Flynn asked if the Dental Assistants can be chaperones. He stated they sign weekly as the chaperones.

Dr. Larsen responded if Dr. Flynn has a paid employee with the ability to verify they are working for him they should send the chaperone report. He asked if Dr. Flynn sees the reports prior to them being submitted.

Dr. Flynn responded he is mailing in the reports and does read them over.

Ms. Taxin requested Dr. Flynn to give the names and phone numbers to Ms. Trujillo to let his staff know they may contact the Division if they have

any questions. She stated Dr. Flynn needs to do the log but the patient chart is the legal information and it should be clear in the chart who was the chaperone for each patient.

Ms. Bateman asked if Dr. Flynn would have each chaperone print their name and write their signature and submit it for his disciplinary file.

Dr. Flynn stated he also has his sister working for him as she is a Dental Hygienist.

Ms. Trujillo stated the signature of Dr. Flynn's sister will also need to be submitted.

Ms. Bateman stated the Board appreciates his trying to get everything submitted and done properly.

Dr. Flynn responded his probation is serious to him.

Ms. Bateman asked if he brought information for the Board to review regarding a supervisor.

Dr. Flynn asked if his father, Michael James Flynn, could be his supervisor.

Dr. Larsen asked if Dr. Michael Flynn is licensed.

Dr. Michael Flynn responded he is retired and is no longer a licensee.

Dr. Flynn stated he also has a brother who is a licensed Dentist and asked if he could be the supervisor.

Ms. Taxin explained having a relative as a supervisor is a dual relationship that may set Dr. Flynn up for failure as it is a conflict of interest.

Dr. Radmall asked how often Dr. Flynn sees his brother as the Board expects regular interaction between the supervisor and the probationer.

Dr. Flynn responded he does not see his brother often but he could see him more frequently if he was the

supervisor. He stated he believes being a supervisor for a probationer is a lot of work for someone.

Ms. Bateman voiced no concern with approving Dr. Flynn's brother as his supervisor if they set regular meeting times.

Dr. Radmall asked if there are other Dentists at Dr. Flynn's location.

Dr. Flynn responded yes, there are other Dentists.

Dr. Radmall stated a supervisor is another person who helps the probationer to be successful in their probation.

Dr. Flynn responded the more people he gets on board and near him the less chance of him relapsing and the more peace of mind everyone can have regarding his treating patients.

This item was tabled for now.

Dr. Larsen asked what plan Dr. Flynn has made to complete the required ethics course and professional boundaries course within the next year.

Dr. Flynn responded he does not use the internet. He stated he does not believe it is not a good idea where he is in therapy.

Ms. Taxin asked Dr. Flynn to contact her later and she will give him some in person seminars or maybe someone could be there with him while he does an online course.

Dr. Woolsey came back to the supervisor issue and asked if the Court Order requires Dr. Flynn be supervised.

Dr. Flynn responded the parole office would be considered the supervisor. He stated he has to follow the safety plan he has developed and the parole officer is in charge to make sure he follows the plan. He stated he meets monthly with his parole office and his

therapist sends reports to the parole office regarding what he is doing and how he is doing.

Dr. Larsen requested Dr. Flynn show due diligence to obtain a supervisor right away.

Ms. Taxin asked if the Board would consider Dr. Flynn's brother or if they want him to find someone in his building.

Dr. Flynn commented he does not have a close relationship with others in his building.

Dr. Larsen responded he wants Dr. Flynn to pursue those in his building.

Dr. Radmall responded if the supervisor is someone in the building it would also be someone the chaperone could go to if they have any questions.

Dr. Flynn agreed to pursue someone in the building. He asked if he could be given credit for his probation time for what he has already done.

Dr. Larsen responded the Board could consider the request at a later date.

Ms. Taxin stated she and the Board are here to support Dr. Flynn but it is important to get an approved supervisor within the next couple of weeks. She stated the Board could consider Dr. Flynn's brother but the preference is to have another Dentist in the building.

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

An appointment was made for Dr. Flynn to meet again September 16, 2010.

2:45 pm

Dr. Steven Pinegar, Initial Probationary Interview

Dr. Pinegar met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Lundberg conducted the interview.

Dr. Lundberg requested Dr. Pinegar to give a brief overview regarding what brought him before the Board.

Dr. Pinegar responded he is here due to putting in two substandard crowns and for improper record keeping.

Dr. Lundberg asked how the issues came to light.

Dr. Pinegar responded the crowns were on a BYU student who moved, had some pain and went in for x-rays with a different provider and then filed a complaint. He stated he would have redone the crowns if she had come back to him. He stated he had done a root canal but did not make proper notes in the patient chart.

Dr. Lundberg stated he noticed Dr. Pinegar has previously received three letters of concern in three years regarding patient care. He asked if Dr. Pinegar has done anything regarding those complaints.

Dr. Pinegar responded he was using a substandard lab at that time.

Dr. Lundberg asked if all three letters were regarding crowns.

Dr. Pinegar responded he is not sure. He stated he believes one was and another was in regard to an overcharge on dentures.

Dr. Lundberg asked what type of things Dr. Pinegar focuses on when he takes CE courses.

Dr. Pinegar responded he does basic courses, crowns, root canal training, everything and has done some CE in California.

Dr. Lundberg stated Dr. Pinegar's probation is for a period of time. He stated the main issue right now is for Dr. Pinegar to have an approved supervisor to monitor for the next few years. He

stated the supervisor may need to spend more time in Dr. Pinegar's office as they need to meet a minimum of three times a month and the supervisor responsibilities include providing concurrent management, clinical services and professional relationships and practices. The supervisor must also review 20% of patient charts, oversee clinical interventions, address issues pertaining to crown placement, record keeping and any other pertinent issues. Dr. Lundberg stated Dr. Pinegar may need to compensate the supervisor for his/her time.

Dr. Woolsey suggested the supervisor review Dr. Pinegar's schedule and drop in unannounced to observe Dr. Pinegar's performance.

Ms. Taxin stated an unannounced visit would give good feedback for Dr. Pinegar.

Dr. Larsen asked who fills out the charts.

Dr. Pinegar responded his assistant fills out the charts and he initials each chart.

Ms. Sliwinski asked if the one patient needed the work to be redone and, if so, did Dr. Pinegar do the work.

Dr. Pinegar responded the work did need to be redone and the patient went elsewhere.

Ms. Taxin suggested Dr. Pinegar develop a documentation form for the assistant to complete and for Dr. Pinegar to add on his own notes.

Ms. Bateman asked if the charting is done by hand or computer.

Dr. Pinegar responded all charting is hand done.

Dr. Lundberg stated Dr. Pinegar is to complete Board approved CE courses on proper documentation, record keeping, ethics and placement of seating crowns. He stated Dr. Pinegar should let the Board know what courses he

has found and when he will be taking the courses for the Board to review and approve. He asked Dr. Pinegar what work schedule he has.

Dr. Pinegar responded he is working four half days and two full days in Provo.

Dr. Larsen asked if Dr. Pinegar has one or more locations.

Dr. Pinegar responded he has one location but was working with Dr. Braithwaite for a time.

Ms. Taxin stated she received a telephone call regarding Dr. Pinegar purchasing two new practices. She voiced confusion and asked Dr. Pinegar to explain.

Dr. Pinegar responded he is part of a co-op. He stated he is no longer on any insurance panels in Provo and the co-op wanted him to stay on so they could bill under his name when he worked in Salt Lake.

Dr. Lundberg stated the Division and Board were informed Dr. Pinegar may have some health problems.

Dr. Pinegar responded he had some polyps removed but is now ok.

Ms. Taxin requested Dr. Pinegar to submit the supervisor letter of having read the Stipulation and Order and willingness to assist Dr. Pinegar in being successful in his probation and their resume to her as it is important to have the supervisor in place as soon as possible.

Dr. Lundberg suggested Dr. Pinegar contact Ms. Taxin for some ideas regarding the CE requirement.

The Board determined Dr. Pinegar is in compliance with his Stipulation and Order for his first interview.

An appointment was made for Dr. Pinegar to meet

again September 16, 2010.

Change of Bureau Manager

Ms. Taxin introduced Clyde Ormond, Bureau Manager, and then recused herself for the next appointment.

3:30 pm

Dr. S. Dale Hibbert, Review of Stipulation and Order

Dr. Hibbert met for the review of his Stipulation and Order.

Board members and Division staff were introduced.

Dr. Larsen conducted the interview.

Dr. Larsen stated the Board is here to help Dr. Hibbert through the process which is not the most fun experience. Dr. Larsen requested Dr. Hibbert to briefly explain what brought him before the Board.

Dr. Hibbert responded he entered into a Stipulation and Order agreement to retain his Dental license. He stated he pled guilty for filing a false income tax return. He stated he notified the Board and no action was taken at that time. Dr. Hibbert stated about two years ago he was involved in drugs and distribution of drugs and an investigation was started. He stated he also allowed his Dental Assistants to practice beyond their scope. Dr. Hibbert stated action was taken by the State of Utah. He stated he met with Ms. Taxin and reviewed the conditions of his Stipulation and Order and was required to meet with the Board and then wait another year and a half before he starts his probation.

Dr. Larsen asked if Dr. Hibbert's license is suspended at this time.

Dr. Hibbert responded his license is suspended for a two year period during which he must complete a course of treatment, courses in professional boundaries and medical recordkeeping at the PACE program.

Mr. Ormond stated Dr. Hibbert is to bring documentation of completion of a course of treatment which would be a psychological/chemical dependency evaluations and proof of completing

the PACE program in professional boundaries and medical recordkeeping. He stated Dr. Hibbert may then submit a written request for the suspension to be lifted from his license. Mr. Ormond stated prior to lifting the suspension on the controlled substance (CS) license Dr. Hibbert must submit documentation of the DEA agreeing to issue a DEA registration. He stated when the suspension is lifted Dr. Hibbert will then begin his first year probation treating patients at Donated Dental and then five years of monitored probation.

Dr. Larsen asked if Dr. Hibbert owns his own practice.

Dr. Hibbert responded he does own his own practice and is acting as the owner/manager of the business until he is allowed to practice there again.

Dr. Larsen stress the Board's concern for Dr. Hibbert to be sure he does not cross the line in treatment or diagnosing patients until he has the suspension on his license lifted. He then asked if Dr. Hibbert's plan is to retain the practice until he is able to work there again.

Dr. Hibbert responded he does plan to continue as the owner/manager of the practice. He stated he has two pediatric Dentists, two orthodontists and one general Dentist working with the patients.

Dr. Larsen asked if the practitioners all do pediatric dentistry.

Dr. Hibbert responded no, the general Dentist works on adults.

Dr. Larsen asked if Dr. Hibbert attends any 12 step programs.

Dr. Hibbert responded he attended an aftercare program prior to his incarceration. He stated his parole office has not required he attend any aftercare programs.

Dr. Lundberg asked if the 12 step program was court ordered.

Dr. Hibbert responded it was not court ordered that he attended on his own to help him. He stated he did not believe he was an addict and was diagnosed a step below being an addict. Dr. Hibbert stated he would attend a 12 step program if the Board requests as he will do anything the Board asks of him.

Mr. Ormond stated once the evaluations, boundaries and record keeping programs have been completed then the Board will review to determine what other requirements Dr. Hibbert should start working on as he will then start his probation. Mr. Ormond stated there are some conditions after the suspension is lifted and he read those conditions. He stated it would be a Board decision to determine if they will accept completion of any condition prior to probation commencing.

Dr. Larsen responded he does not believe it is appropriate for the Board to approve accepting any conditions prior to the probation starting or for Dr. Hibbert to be working on conditions required during probation.

Mr. Ormond stated the Division has a list of approved evaluators and he instructed Dr. Hibbert to contact Ms. Trujillo for the list.

Dr. Hibbert responded the evaluation is to be within 90 days of starting probation so he is holding off on the condition right now.

Dr. Larsen stated the main thing the Board wants to stress and make sure Dr. Hibbert understands is that he cannot do anything in his office that is the practice of Dentistry.

Dr. Hibbert thanked the Board for their time.

An appointment will be made for Dr. Hibbert to meet again after he has completed the requirements for the suspension to be lifted from his license.

DISCUSSION ITEMS:

AAE Endodontic Case Difficulty Assessment Form and Guidelines Information – Should this be Incorporated into the Rules

Ms. Taxin read the AAE Endodontic Case Difficulty Assessment information to the Board and asked if the guidelines should be included in the Rules.

The Board thanked Ms. Taxin for the information and stated the information should not be included in the Rules.

Review Dental Hygienist Rule regarding CPR/BCLS Requirement

Ms. Taxin stated the Dental Practice Act Rule has language that requires a Dentist to be sure all staff have CPR or BCLS certification. She stated Dentists are required to have a current CPR or BCLS certification but it is not mentioned in the qualifications for Dental Hygienists and new applicants do not know they are required to be certified. She stated there is a statement under Unprofessional Conduct and her staff have referred Dental Hygienists to the section but it is not clear. She suggested something be included in the Rule under Qualifications for the Hygienist if or when the Rule is updated.

Ms. Bateman referred to 58-69-302 and suggested the CPR or BCLS be listed under the required examination section.

Dental Advertising

Mr. Jones, Assistant AG, informed the Board he drafted some proposed language to cover as much as possible regarding guidelines for advertising. He stated he included a general Dentist, a Dentist who has completed specialized education and a disclaimer regarding the size of the lettering in an advertisement. Mr. Jones stated he viewed the ADA website and could not determine what was meant by specialized. He asked if the Board could clarify. He stated the section (i) through (viii) is a longer list than is in the current language.

Ms. Taxin responded the Board talked about the advertising issues and everyone had an assignment to research a couple of States Statutes. Ms. Taxin stated she met with Mr. Thompson, UDA, earlier and he has additional information if Mr. Jones

and/or the Board want to speak with him. She stated if Board members found language they like better than what Utah has they should flag the information for discussion. Ms. Taxin stated the Division receives complaints on a regular basis regarding advertising. She stated the Law is not clear and had thought the Law language would need to be changed but believes clarification could be made under unprofessional conduct in the Rule.

Mr. Thompson complimented Mr. Jones on the language he prepared for the Board to review and stated he believes Mr. Jones has clarified quite well and will take very little to complete.

Dr. Taylor reviewed and submitted information from Texas and California.

Dr. Woolsey reviewed and submitted information from Tennessee. He stated he also had Oklahoma and discovered Oklahoma has suspended all advertising Rules.

Ms. Bateman stated she had Minnesota and Washington State. She stated Minnesota requires individuals to complete a specific course to advertise as a specialist and if the course has not been completed they must advertise as a General Dentist.

Dr. Lundberg stated he reviewed British Columbia and Hawaii. He stated he could not find anything on British Columbia and Hawaii had three lines regarding they cannot advertise anything that is false, fraudulent or misleading.

Ms. Sliwinski reported Colorado's language is similar to Utah's regarding they cannot misrepresent, the lettering must be the same, they cannot use patient testimonials unless they have provided services to the patient and cannot give any compensation unless there is a statement of compensation.

Dr. Larsen stated he had Pennsylvania and Nevada and what they have is similar to what Utah currently has. He suggested the Board take time to review Mr. Jones proposed Rule and if they agree with the language to

report back to Ms. Taxin.

Ms. Taxin stated Dr. Taylor submitted Texas and California. She stated Texas define false, misleading and fraudulent advertising and California separates advertising claims and specialty Board. She stated California does not allow advertising a specialty unless the practitioner is qualified. Ms. Taxin stated she reviewed the Utah Rule and tried to include some items in a draft Rule along with Mr. Jones version. She asked the Board to review the information for further discussion at another Board meeting.

Ms. Bateman asked what would be taken out of the current Rule.

Ms. Taxin responded the Law under 58-69-502(2) addresses advertising. She stated the Rule reference is R156-69-502(2).

Ms. Sliwinski asked what types of complaints are received.

Dr. Larsen responded complaints for example regarding advertising removal of wisdom teeth only.

Dr. Radmall responded complaints regarding implants or cosmetic and these are not recognized as specialties such as Orthodontics. He stated a DDSMS would mean the Dentist has general Dentistry and orthodontics and the practitioner would probably be Board certified as an Orthodontist.

Ms. Taxin requested Board members to e-mail or fax their comments to her by July 1, 2010.

Boy Scout Dental Merit Badge Counselor
Counting toward CE

Ms. McCall explained a phone call was received requesting the Board to consider giving credit for continuing education for being a Boy Scout Dental Merit Badge Counselor.

Dr. Larsen stated the merit badge pamphlet is very basic and archaic and CE should not be approved.

Board members voiced agreement with Dr. Larsen.

Dr. Jerry Brown Question regarding Opening a Dental/Medical Spa

Ms. Taxin read the letter from Dr. Jerry Brown regarding opening a Dental/Medical Spa. She stated the Division has received several calls lately regarding approval for a Dentist to own a spa, run a spa and being the medical director. She stated the questions are coming in additionally for Master Estheticians and Optometrists. She asked if it is appropriate for a Dentist to run spas. Ms. Taxin stated she does not believe there is anything wrong if the Dentist and spa are offering quality services. She stated she has also been asked if the Dentist could do cosmetic injections. She stated one Dentist had said he completed additional education and felt comfortable doing injections. She stated the businesses would like approval for Dentists as it is another avenue to sell their products. She stated it would be advantageous to say Dentists can do Botox injections and fillers if they have taken specific courses but they could not delegate the procedures to Dental Hygienists or Dental Assistants. She asked the Board their opinion if a Dentist should be an owner of a spa or the medical director.

Dr. Larsen responded someone could own a spa but if they say they are the medical director or the spa director it is misleading to the public.

Mitchell responded the Division is drafting a global Law for botox injections and a global medical director Law.

Ms. Taxin stated a medical assistant is not licensed but does received training from the Physician supervisor. She stated a Master Esthetician is allowed to do laser treatments under general supervision but cannot do injections.

Dr. Radmall commented the Law and Rule should not be so restrictive as it does not allow evolution with the profession which would be better for the public. He stated he believes the conscious sedation was not looked upon favorably but with training many Dentists now use conscious sedation and there are courses for training.

Dr. Larsen stated if a Dentist wants to do injections they need to agree to accept the responsibility. He stated he remembers when IV sedation was introduced and everyone thought if a Dentist used IV sedation they would kill someone but they did not and everything is ok now.

Ms. Bateman stated she believes the Board agreed a Dentist could do injections if they had the proper education and training.

Ms. Taxin clarified that the Board did say a Dentist could do injections if it was for therapeutic dental treatment and not for cosmetic purposes. She stated she would provide the draft Rule to the Board once it is written.

Meeting dates

Ms. Taxin stated during the renewal process many practitioners had yes answers so there will be some new probationers who will need to meet with the Board. She stated the Board meeting started at 12:30 pm today which is near lunch time. She asked if the Board would like to order lunches and eat as they work.

Dr. Radmall responded he does not believe it is a good idea to eat in front of probationers.

Ms. Taxin stated we could try delaying probationary appointments while the Board eats and then start the appointments. She asked if the Board wants to meet at 12:30 pm or 1:00 pm. She stated until the new probationers get on a regular schedule the Board may need to meet more frequently. She stated she could meet with new probationers to get them going and to be sure they understand the conditions in their Orders.

Ms. Bateman responded she rides the train on Board days and does not get a lunch. She stated the train rules are no one eats on board the train.

Dr. Radmall responded he prefers to be consistent and recommended the meetings start at 12:30 pm.

Dr. Larsen stated if the Board knows the time they can plan ahead for lunches.

Dr. Radmall stated most Dentists plan their schedules a year in advance and he would like the 2011 schedule as soon as possible.

Ms. McCall responded she will try to plan the schedule for 2011 in the next week and send it out to the Board.

NEXT MEETING SCHEDULED FOR: September 16, 2010

ADJOURN: The time is 5:35 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 16, 2010
Date Approved

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

July 13, 2010
Date Approved

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