

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

**December 16, 2010**

**Room 210 – 2<sup>nd</sup> Floor – 9:00 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 9:07 A.M.

**ADJOURNED:** 4:29 P.M.

**Bureau Manager:**

Noel Taxin

**Board Secretary:**

Karen McCall

**Compliance Specialist:**

Ronda Trujillo

**Board Members Present:**

Alexander B. Larsen, DDS

Mark R. Taylor, DDS

Warren Woolsey, DDS

Brian L. Lundberg, DMD

Rich S. Radmall, DDS

Karen S. Bateman, RDH

Pamela L. Jolley

**Board Members Absent:**

Greg T. Beyeler, DDS

Constance A. Sliwinski, RDH

**Guests:**

Richard C. Engar, DDS, PIE

Monte D. Thompson, JD, UDA

Heidi Brickey, UDHA

Joleen Van Bibber, UDAA

Steve Steed, UDOH

Marlese Christensen

Terry Erickson

Michaele Green, UDHA

Karina Sandoval, WSU/Hygiene Student

Keith Nelson, DDS

Amy Nelson

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the September 16, 2010 Board meeting were read.

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

**APPOINTMENTS:**

**9:15 am**

Ronda Trujillo, Compliance Update

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

Ms. Trujillo reported **Dr. Louis Christensen** is currently in compliance with his Stipulation and Order. She stated the evaluation recommended Dr. Christensen be in therapy. Ms. Trujillo stated there was an October 2010 therapist report and one for December but the November report was not received.

**Ms. Taxin reminded the Board that this is Dr. Christensen's second meeting. She stated his supervisor is to meet with her or the Board so he understands the expectations of checking on Dr. Christensen's sobriety, how he interacts with patients and office staff. She stated the supervisor called her but left Dr. Christensen's office number with no other number where he could be reached so Dr. Christensen will need to provide a phone number.**

**Dr. Radmall asked if a resume with the information was received from the supervisor.**

Ms. Trujillo responded no. She stated an acknowledgement was received that the supervisor read the Order and is willing to supervise. She stated the Board should also ask Dr. Christensen to have a resume sent in when they ask for a phone number.

**Dr. Larsen stated based on Dr. Christensen being a new probationer he would recommend the Board consider Dr. Christensen as being compliant today but he needs to have all scheduled information turned in and his supervisor needs to meet or speak**

**with Ms. Taxin by the next appointment.**

**The Board concurred.**

**Dr. Radmall asked if the supervisor has to be a licensed Dentist.**

**Ms. Taxin responded yes.**

Ms. Trujillo reported **Dr. Verd Erickson** is currently in compliance with his Stipulation and Order. She stated she received the required letter of apology to his victim but it appears to be an original. She requested the Board to clarify with Dr. Erickson that he did send an original to the victim.

**Ms. Taxin reminded the Board the apology letter was required by the court.**

**Dr. Lundberg asked if there was only one letter as he believed there was more than one victim.**

Ms. Trujillo responded she did not know. She asked Dr. Lundberg to ask Dr. Erickson.

**Ms. Taxin explained Dr. Erickson recently met with his supervisor so there is not a lot of feedback on the initial report. She stated she believes Dr. Erickson needs to speak on how he has made changes at his office and how he has adapted his behavior.**

**Dr. Larsen asked if there is a deadline on when Dr. Erickson needs to have the PACE course completed.**

Ms. Trujillo responded the deadline is June 2011.

**Ms. Taxin stated the PACE program is offered in January and then April or March.**

Ms. Trujillo reported **Dr. David L. Flynn** is currently in compliance with his Stipulation and Order. She stated Dr. Flynn has requested Board approval to

return to his old therapist who is an LCSW.

**Dr. Larsen asked if Dr. Flynn gave a reason for his request.**

Ms. Trujillo responded he did not. She stated he has now been on probation for six months and she asked if the Board would consider changing his monthly reports to be due quarterly.

**Ms. Taxin stated Dr. Flynn's e-mail was hacked into and she received an e-mail. Ms. Taxin stated she contacted Dr. Flynn to inform him that the e-mail was probably sent to all his e-mail contacts. She stated she informed Dr. Flynn he should change his password as this e-mail is not something he would want his e-mail contacts to receive. Ms. Taxin stated Dr. Flynn's therapist is Gabriele Acord and he has submitted the paperwork. She stated she believes Dr. Flynn get's confused sometimes about his court Order and his DOPL probationary Order.**

**Ms. Bateman stated there is also something in his file regarding marriage counseling and she will ask him to explain.**

Ms. Trujillo reported **Dr. Jared W. Hemmert** is currently in compliance with his Stipulation and Order. She stated he hired a new supervisor, has been calling in daily for his drug and alcohol testing and all tests have been negative. Ms. Trujillo stated the Division received notification of a medical malpractice payment for 2008.

**Ms. Taxin stated the Board should ask Dr. Hemmert if the medical malpractice payment was for a patient he worked on while he was under the influence.**

Ms. Trujillo reported **Dr. John W. Myers** is currently in compliance with his Memorandum of Understanding (MOU). She stated all his drug tests have been negative and the last report from Dr. Kiser

was hard to read and very brief. She stated Dr. Downing sent a letter of support for Dr. Myers to again administer to patients nitrous oxide and Dr. Myers has also submitted a request for approval to administer nitrous oxide.

Ms. Trujillo reported **Dr. John S. Poulter** is currently in compliance with his Memorandum of Understanding (MOU). She stated his therapist has reported Dr. Poulter has worked on all his issues and therapy is no longer needed and she recommended termination of probation. Ms. Trujillo stated Dr. Poulter was in Idaho Falls, Idaho, and could not locate a testing place open on weekends so he missed a test but he did submit a receipt for proof of being in Idaho Falls. She stated Dr. Poulter has submitted a request for early termination of probation.

**Ms. Taxin stated she directly asked Dr. Poulter if he is using any substances and he responded no. She stated she does not believe Dr. Poulter has been using drugs or alcohol. She stated there is not a testing site available in Idaho Falls.**

**Dr. Larsen asked if Dr. Poulter's probation is due to terminate June 2011.**

Ms. Trujillo responded yes.

Ms. Trujillo reported **Dr. Steven C. Pinegar** is currently in compliance with his Stipulation and Order and his supervisor submitted his resume. She stated Dr. Pinegar has until March 5, 2011 to complete his CE courses and she has not yet received any documentation of completion.

**Dr. Larsen asked what specific areas the CE courses are to be.**

**Ms. Taxin responded the courses are to be in documentation, record keeping and focus on seating of crowns. She stated she gave Dr. Pinegar additional information for a free course if he chooses to complete Stepping Stones for Success**

**but the PACE program is more intense and he could attend their program. She stated he also needs to find a crown course.**

Ms. Trujillo reported **Dr. John V. McArthur** is currently in compliance with his Stipulation and Order as much as possible for a new probationer. She stated Dr. McArthur is self employed. Ms. Trujillo read the facts of the case. She stated he is required to submit an essay within one year regarding how he will adapt his practice to comply with the Utah Laws and Rules. Ms. Trujillo stated when Dr. McArthur's CS license is issued he will then submit an action plan, triplicate copies of all prescriptions and monthly logs of any CS's administered in the office. She stated Dr. McArthur is required to submit a copy of the final disposition paperwork from any criminal sanctions when it is available.

**Ms. Taxin explained the Order for Dr. McArthur will have different clauses/conditions based on what the investigator found as violations.**

**Dr. Taylor asked if the investigator believed Dr. McArthur does not have a substance abuse problem.**

**Ms. Taxin responded Dr. Taylor is correct and there could be an issue with the Order if the Board finds there is a substance abuse problem.**

**Dr. Lundberg asked Ms. Taxin to explain the high amount of Lortab medication Dr. McArthur had in his possession. He asked if it is possible that Dr. McArthur took that many and did not develop an addiction.**

**Ms. Taxin suggested Dr. Lundberg ask Dr. McArthur to explain. She stated when she noticed the large amount she wondered why it was not addressed in the Order. She stated it is possible Dr. McArthur did not take them all. She stated the Board could recommend an evaluation for all future Orders if the investigator discovers large amounts of medications ordered.**

**Dr. Larsen asked if Dr. McArthur's Order could be changed if the Board is not comfortable with him not being required to go to therapy.**

**Ms. Taxin responded the Order is now signed so Dr. McArthur would have to agree to any additional conditions. She stated the Board could ask him if he is going to therapy and if he is the Board could request therapy reports.**

**Ms. Bateman asked if the Board could ask Dr. McArthur to take drug tests.**

**Ms. Taxin responded Dr. McArthur is not required to drug test but they could ask him if he would test.**

Ms. Trujillo reported **Dr. W. Scott Andersen** is currently in compliance with his Stipulation and Order as much as possible for a new probationer. She stated Dr. Andersen is also in private practice. Ms. Trujillo read the facts of the case. She stated Dr. Andersen is required to submit a psychological evaluation within 90 days of signing the Order. She stated he submitted an evaluation from a psychiatrist but it was written in a format that is difficult to read and there were no recommendations. Ms. Trujillo stated Dr. Andersen has agreed to get a second evaluation. She stated he was required to complete CE within 1 year which focuses on proper and ethical prescribing and he has submitted a certificate of completion. She stated he completed reading the "Responsible Opioid Prescribing" book and took the online examination. Ms. Trujillo stated he was required to submit an essay focusing on risks associated with practicing outside of Dentistry and possible negative effects of such risks to himself, family and staff. She stated a copy of his essay is available for Board members to read.

**Ms. Taxin explained the Order required a psychological evaluation by a psychiatrist and Dr. Andersen got the evaluation. Ms. Taxin stated she had informed Dr. Andersen to have the psychiatrist contact her before he completed the evaluation so the psychiatrist would know what the Division**

**concerns are and the detail needed for Board review. She stated Dr. Andersen told the evaluator to contact her but he did it after the evaluation was complete. Ms. Taxin stated the evaluation was not written in the normal format of evaluations the Division receives which made it difficult to read. She stated she recommended he contact Dr. Janiece Pompa, a psychologist, for another evaluation as the psychiatrist was not willing to amend his report into an acceptable format or to make recommendations. She stated it is unfortunate Dr. Andersen chose an evaluator who will not cooperate with the Division and will need to have another evaluation to determine if therapy will be recommended and therapist reports required. She reminded the Board that the meeting should be closed if they are going to discuss Dr. Andersen's mental issues.**

**9:30 am**

Dr. Louis Christensen, Probationary Interview

Dr. Christensen met for his probationary interview. Mrs. Christensen attended with him.

Dr. Woolsey conducted the interview.

Dr. Christensen stated he believes his probation is going well.

**Dr. Woolsey informed Dr. Christensen that his supervisor has not yet submitted his resume.**

**Ms. Taxin stated Dr. Christensen's supervisor called her and left Dr. Christensen's work telephone number. She stated she tried twice to return the call but the supervisor was not there. Ms. Taxin asked Dr. Christensen to write down the telephone number as it is need for his file. She asked how long Dr. Christensen has been sober and if he is attending support groups.**

Dr. Christensen stated his supervisor is with him on Mondays only and he provided the telephone number to Ms. Taxin. He stated he has been sober for nine months and he is attending 12 step support groups. He stated he attends about six meetings a week which includes the meeting on Saturdays and meets every

other week with his sponsor.

**Dr. Woolsey reminded Dr. Christensen to submit his reports by the first of the month.**

**Ms. Taxin asked Dr. Christensen how he deals with situations that trigger him to want to use.**

Dr. Christensen responded his wife, Marlese, helps him and they have gone through family discussions regarding his use.

**Ms. Taxin asked Mrs. Christensen if she has seen a change.**

Mrs. Christensen responded she has been amazed at the changes Dr. Christensen has made. She stated while going through a stressful time for about two months they started talking and he did not reuse the entire time.

**Dr. Woolsey suggested Dr. Christensen discuss with Dr. Valentine coping skills when he is faced with temptations.**

Dr. Christensen responded he asked Dr. Valentine at their last appointment to give him some tools on how to deal with things in his life. He stated she was supportive of him when he went through things with his wife. He stated it was very stressful for him financially and physically and he requested his wife to leave as he believed he needed to deal with the issues himself. He stated he has considered changing counselors as he does not believe Dr. Valentine challenges him or gives him the tools to help himself. He stated he believes he intimidates Dr. Valentine.

**Ms. Taxin stated Dr. Christensen will need to notify Ms. Trujillo if he changes therapists as the new one will need to submit a letter of having read his Stipulation and Order and agree to submit reports and assist him in being successful in his probation and will need to submit a resume. She asked if Dr. Christensen has resources to locate another therapist.**

Dr. Christensen responded yes.

**Ms. Bateman asked if Dr. Christensen has a sponsor at the meetings he attends.**

Dr. Christensen responded he does not. He stated he used a neighbor in Ogden when he started the program but he does not have a sponsor in St. George.

**Ms. Bateman clarified Dr. Christensen attends meetings on his own in St. George and when he is in Ogden he has someone he can call to talk with.**

Dr. Christensen responded yes, he calls his neighbor in Ogden when he is there. He stated he is feeling around before he asks someone in St. George. He stated he wants to pick a sponsor with caution to ensure it is a good match. He stated he does talk with the secretary, Mark, but has not worked the program as close as he should as he does not have a sponsor.

**Ms. Taxin responded it is smart of Dr. Christensen as he should want someone who is healthy and can support him.**

**Dr. Larsen asked how Dr. Christensen's business is.**

Dr. Christensen responded his business has been slow. He stated he is located in a great location and had a great practice until the economy hit. He stated he is working only two or three days a week now and is at the point where he needs to make money or do something else. Dr. Christensen stated he does not want to do anything else as he loves the business and the people.

**Dr. Larsen asked if Dr. Christensen is the only Dentist at that location.**

Dr. Christensen responded Dr. Jay Taylor is also at the location on Mondays.

**Ms. Taxin asked if he had any questions for the Board.**

Dr. Christensen responded he wanted to report that he and his wife were in Brigham City when she had a severe asthma attack. He stated they went to a Pharmacy where he knows the Pharmacist and he wrote two prescriptions for her as she was ready to pass out.

**The Board and Ms. Taxin discussed best practice is not to prescribe to family and a Physician should be treating all medical issues as it is out of the scope of practice for a Dentist. The Board recommended Dr. Christensen develop a different plan for situations in the future.**

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

**An appointment was made for Dr. Christensen to meet again March 17, 2011.**

**9:50 am**

Dr. Verd Erickson, Probationary Interview

Dr. Erickson met for his probationary interview. Mrs. Erickson attended with him.

Dr. Lundberg conducted the interview.

**Dr. Lundberg asked Dr. Erickson if the economy has affected his business.**

Dr. Erickson responded yes.

**Dr. Lundberg stated the Board received and reviewed the apology letter he wrote. He stated the letter appears to be an original and he asked if Dr. Erickson sent an original to the two people and printed another original for the Board.**

Dr. Erickson responded he sent one original to the person as the other person dropped out of the case and then he printed another original for the Board.

**Dr. Lundberg stated the Board reviewed the supervisor report Dr. Ence submitted.**

Dr. Erickson responded he had a difficult time locating a supervisor. He stated he had one who got married

and moved so he asked Dr. Ence and then forgot to follow up with him. He stated when he remembered and contacted Dr. Ence, Dr. Ence said he could not do it but agreed to supervise after they talked. He stated he is meeting again with Dr. Ence before Christmas and then they will meet every other month.

**Dr. Lundberg asked if they meet at Dr. Ence's office or Dr. Erickson's office.**

Dr. Erickson responded they have met at Dr. Ence's office and now they will meet at his own office.

**Dr. Lundberg asked if Dr. Erickson has made specific changes on how he is handling things in his office.**

Dr. Erickson responded no as he does not know what changes to make.

**Dr. Lundberg asked if Dr. Erickson has registered for the PACE program.**

Dr. Erickson responded he is registered to start the program February 23, 2011.

**Dr. Lundberg stated he believes going through the PACE program will be an eye opener for Dr. Erickson. He suggested Dr. Erickson listen carefully and consider what changes he may need to make in his office. He stated Dr. Erickson had informed the Board at his last meeting that he did nothing wrong. He stated maybe Dr. Erickson could think of how others view him, his actions and his comments.**

**Ms. Taxin stated Dr. Erickson's family and friends might give him feedback regarding their perception on how he behaves as it could be his body language or how he said something.**

Dr. Erickson thanked Dr. Lundberg and Ms. Taxin for their comments. He stated he is looking forward to attending the PACE program.

**Ms. Bateman asked if Dr. Erickson is still running**

**the camera in his office.**

Dr. Erickson responded yes, the camera is on all the time. He stated he has some new people who replaced the two that left his employment but his office manager is still with him.

**Ms. Taxin asked if the camera is on the whole office or just the area where the money is kept.**

Dr. Erickson responded the camera is just on the area where the money is kept but he is getting quotes for the whole office.

**Ms. Taxin suggested Dr. Erickson have a sign made to notify patients that his premises is being recorded for safety so patients understand the purpose and do not think he is just recording.**

**Ms. Bateman stated she believes all companies now have signs which state “this company is under surveillance.”**

**Dr. Lundberg stated Dr. Erickson has not yet submitted his essay describing the effects his conduct has had on his practice, patients, staff and how he will apply the information he learns at the PACE program into his practice.**

Dr. Erickson responded he would like to do the essay after he completes the PACE program. He then asked if his appointments could be late in the afternoon as he would only have to miss one day of his practice and drive to Salt Lake the morning of the appointment.

**Ms. Taxin responded he could be scheduled for afternoon if the Board is meeting in the afternoon but she will have him scheduled as the last appointment.**

**Ms. Taxin asked Mrs. Erickson if she had any comments for the Board.**

Mrs. Erickson responded she has been married to Dr. Erickson for 30 years and he is the kindest, gentlest man she knows. She stated she knows what Dr.

Erickson went through and she knows the two young women. Mrs. Erickson voiced appreciation to the Board for their kindness and empathy toward Dr. Erickson.

**Dr. Larsen thanked Mrs. Erickson for her comments and stated there is no animosity here with the Board.**

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

**An appointment was made for Dr. Erickson to meet again March 17, 2011.**

**10:10 am**

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Bateman conducted interview.

Dr. Flynn stated he is doing well. He stated his business is a little slower but the whole probationary process makes him happy to be working. Dr. Flynn stated he attended an implant course in August and has completed 15 implants since then. He stated it is nice to have some diversity in his practice.

**Ms. Bateman asked Dr. Flynn to clarify who his therapist is as a report was received from Doris Mason stating Dr. Flynn will be returning to Gabrielle Acord, his previous therapist, for therapy and marriage and family counseling.**

Dr. Flynn responded Ms. Bateman is correct in that he has returned to his original therapist, Ms. Acord. He stated due to his offense he was required to go to a specific court ordered program and Ms. Mason is not as much a family reunification therapist as Ms. Acord is. He stated Ms. Acord is in Bountiful which is closer for him and he does not have insurance to cover costs. He stated the courts would like him to stay with them but he has found he was not learning much to help him and his wife and Ms. Acord motivates him.

**Dr. Larsen asked if Dr. Flynn's wife attends therapy with him.**

Dr. Flynn responded not yet as he is still in individual therapy but will be doing family therapy with his wife.

**Ms. Taxin asked if Monarch knows he has made the transition in therapists.**

Dr. Flynn responded yes.

**Ms. Taxin suggested Dr. Flynn request Monarch to write a letter to the Division confirming they understand he has changed therapists.**

**Ms. Bateman stated there is a report from Ms. Acord. She stated Dr. Flynn's evaluation reports are very thorough which is good as the Board can see he is making progress.**

**Ms. Taxin asked how his relationship is now with his daughter.**

Dr. Flynn responded his relationship with his daughter is good now but probably will never be what it was. He stated they get along well, talk and watch TV together sometimes. Dr. Flynn stated he has not yet moved back into the home, that he spends about half his time at the home and half at his apartment.

**Ms. Taxin reminded Dr. Flynn he talked about going to another country at his last appointment. She asked if he is still considering moving.**

Dr. Flynn responded yes. He stated he has family in Australia and his long term goal is to move there as he believes it would be a good opportunity for him. He stated he also had an opportunity to go to Denmark but they will not look at credentials while he is on probation. He stated, in the meantime, he would like to expand in implants as other opportunities will come.

**Ms. Bateman stated Dr. Flynn's reports have been consistently positive from his therapist and supervising Dentist. She asked the Board if they would consider moving from monthly reports to quarterly.**

**The Board concurred with Ms. Bateman.**

**Ms. Bateman made a motion for therapist and supervisor reports to be submitted quarterly.**

**Dr. Woolsey seconded the motion.**

**The Board vote was unanimous.**

Dr. Flynn asked if the chaperone logs still need to be submitted monthly.

**Ms. Trujillo responded yes, just one report for the whole month.**

**Ms. Taxin stated Dr. Flynn needs to be sure someone is chaperoning with him. She stated the report appeared to have been pre-written.**

Dr. Flynn responded the staff was pre-filling in sections of the form to save time and if the patient cancelled their appointment that section was left incomplete.

**Ms. Bateman stated it is appropriate to write the procedure ahead of time but the chaperone needs to initial when the procedure is completed.**

**Dr. Larsen asked Dr. Flynn how he resolved the issue of his e-mail address being used to send out inappropriate information.**

Dr. Flynn responded he does not use the internet and it was his wife's e-mail address that was compromised. He stated he asked her to change her e-mail password after Ms. Taxin contacted him and his wife had reported the e-mail situation was resolved.

**Ms. Taxin requested Dr. Flynn to talk with his wife again as she received another e-mail after she talked with him.**

Dr. Flynn responded he will discuss it with his wife again. He stated his appreciation to the Board for allowing him to keep his license and work. He stated patients have talked with him about his situation and

stated everyone makes mistakes. He stated it is good the patients feel comfortable to talk with him. Dr. Flynn stated he wished the insurance panels were as helpful as the Board has been. He stated he has written off a lot of procedures to retain his patients but he believes he is a better person than he was.

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

**An appointment was made for Dr. Flynn to meet again March 17, 2011.**

**10:30 am**

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted interview.

Dr. Hemmert reported he attended a convention in Orlando, a program in San Francisco and is involved with an education program. He stated today is 441 days of sobriety and he was at Hazelden a year ago. Dr. Hemmert stated it has been interesting to reflect on this time and see how far he has come since then. He stated it will be good to be home for the holidays this year.

**Dr. Larsen asked if the malpractice report in 2008 was the same incident Dr. Hemmert is on probation for.**

Dr. Hemmert responded no, it was a different incident. He explained it was suppose to be a basic wisdom tooth extraction and he made a clinic error. He stated a settlement was reach and the payment was made. He stated when practitioners get out of school they try to do everything and find some things they do not want to do and sometimes they get in over their head.

**Dr. Larsen asked if Dr. Hemmert is attending the 12 step program.**

Dr. Hemmert responded yes, he attends Rise and Shine on Redwood Road at 6:00 am before work. He stated it works for him as his family keeps him busy the rest of the day/night.

**Ms. Taxin complimented Dr. Hemmert for his sobriety and stated it appears the program is helping him. She also thanked Dr. Hemmert for being in compliance with his Stipulation and Order.**

Dr. Hemmert commented he wishes he had gone to Hazelden four years ago as he now feels back in life again after being checked out. He stated he still attends therapy but has moved from once a week to once every two weeks.

**Dr. Larsen voiced appreciation for Dr. Hemmert's willingness to comply and his positive attitude.**

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

**An appointment was made for Dr. Hemmert to meet again March 17, 2011.**

**10:50 am**

Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Myers shared the information of his mother passing away last night and being sad but knowing it is best for her. He stated the economy is a little stressful right now for him.

**The Board offered condolences.**

**Ms. Jolley asked Dr. Myers how he handles his stress.**

Dr. Myers responded he goes to AA meetings; he has a good sponsor and attends with a good group. He stated he also talks with his family and works out. He stated he concentrates on daily living. Dr. Myers stated he also has some children who have some issues and he is trying to help them.

**Dr. Radmall stated the Board was unable to read Dr. Kiser's report and it was too brief with only**

**three words. He stated the report needs to be legible and more detailed in the future. He stated the report form has all the requested information on it.**

**Ms. Taxin stated the report should address Dr. Myer's issues and how he is working on them, his performance clinically and his sobriety.**

Dr. Myers responded he will have Dr. Kiser redo the report.

**Ms. Taxin stated the supervisor does not need to redo the report but does need to be more specific on the next report. Ms. Taxin requested Dr. Myers to explain his request for using nitrous oxide.**

**Dr. Lundberg requested Dr. Myers also explain adding a new supervisor.**

Dr. Myers explained Dr. Randy Down also works in one of the offices he works in. He stated he has requested Dr. Down to be an indirect supervisor and to fill out a supervisor report for his probation. He stated he would like clarification that it is appropriate for him to have an indirect supervisor. He stated he has been administering nitrous oxide since he was placed on probation three years ago.

**Ms. Taxin clarified Dr. Myers is asking approval from the Board to use nitrous oxide in the other office with Dr. Randy Down as his indirect supervisor.**

Dr. Myers responded yes. He stated he does not believe nitrous oxide to be a threat to him and he has many requests for it. He stated it is good for children or very fearful patients. Dr. Myers stated he would not have access to it except for work reasons as it is at the office and locked up.

**Dr. Radmall stated if Dr. Myers has indirect supervision it means the supervisor is not necessarily at the office and it is not very different than being unsupervised.**

**Ms. Taxin stated Dr. Myers could touch base with the owner and staff and the supervisor could write in the report there is no indication of misuse. She stated when Dr. Myers has completed his probation there will be no restriction on his use of nitrous oxide.**

**Dr. Radmall stated he has no problem with Dr. Myers being under indirect supervision.**

**Ms. Bateman responded someone else is checking the nitrous oxide levels and if there is problem they will let the Board know.**

**Ms. Jolley asked how long Dr. Myers has been clean from drug use.**

Dr. Myers responded he has been clean from drug use for six years.

**Dr. Radmall made a motion approving Dr. Myers to use nitrous oxide with indirect supervision at any clinic he works in.**

**Dr. Taylor seconded the motion.**

**The Board vote was unanimous.**

**The Board determined Dr. Myers is in compliance with his MOU.**

**An appointment was made for Dr. Myers to meet again in six months on June 16, 2011.**

**Ms. Taxin stated it appears Dr. Myers is under a lot of stress right now and if he needs recommendations of someone to talk with to call her.**

**11:10 am**

Dr. John S. Poulter, Probationary Interview

Dr. Poulter met for his probationary interview.

Ms. Jolley conducted the interview.

Dr. Poulter stated he applied for his CS license and it was approved. He stated he is now in the process of

applying for the DEA registration which may take a year or more as they may need to have a hearing and the hearings are backlogged.

**Ms. Taxin asked if Dr. Poulter spoke with Rob Johnson at the DEA. She requested Dr. Poulter to notify her when he submits his DEA application she will contact Mr. Johnson if Dr. Poulter believes it would be helpful.**

Dr. Poulter responded he did speak with Rob Johnson. He voiced appreciation and asked Ms. Taxin to contact Mr. Johnson on his behalf when he applies.

**Ms. Jolley asked if the economy has affected Dr. Poulter's employment.**

Dr. Poulter responded he has not been affected by the economy. He stated his family is doing well; he sees his children regularly and will spend some time with them over the holidays.

**Ms. Jolley asked what Dr. Poulter does when he is stressed.**

Dr. Poulter responded he works out at the gym when he is stressed but has a less stressful life now. He stated he also has less back problems than he had before.

**Dr. Woolsey suggested Dr. Poulter read the book on the Kinsey Method of managing his back problems and he may not need pain pills.**

Dr. Poulter responded he will not take pain pills again.

**Ms. Taxin asked if Dr. Poulter has a plan in place regarding what he will do if he does need some pain medication.**

Dr. Poulter responded he knows Ibuprofen works well for him.

**Ms. Jolley asked if Dr. Poulter continues to attend a 12 step program.**

Dr. Poulter responded he does attend 12 step programs and now sponsors some other people.

**Ms. Jolley stated the Board is aware Dr. Poulter submitted a letter requesting early termination of his probation which would be about six months early. She stated the last couple of reports from Dr. Poulter's therapist have said he has done well in therapy and completed the program. Ms. Jolley stated Dr. Poulter's therapist has recommended termination of his probation. Ms. Jolley asked how long it has been since Dr. Poulter used drugs.**

Dr. Poulter responded he has not used drugs since October 2003.

**Dr. Larsen asked if Dr. Poulter plans to get back into his anesthesiology Dental practice.**

Dr. Poulter responded he has thought about it and will probably work one or two days a week doing anesthesia. He stated if he does he would pay someone to be responsible and manage the medications off site where he would pick them up in the morning and drop them off at night. He stated he does not want any medications at his home or office. Dr. Poulter stated he will apply for the anesthesia and may use it in his own practice under controlled situations with safeguards in place. He stated he is aware of a safeguard that requires two keys to be used simultaneous to open the container and he may use that system to keep the responsible party and himself honest.

**Dr. Lundberg made a motion for early termination of probation for Dr. Poulter based on his compliance and for the Division to approve Dr. Poulter's application for Anesthesia IV if he applies.**

**Dr. Woolsey seconded the motion.**

**The Board vote was unanimous.**

Dr. Poulter thanked the Board and stated many times he did not think being released early from probation

would be possible. He voiced appreciation to the Board for all they have done to help him through the process.

**Ms. Taxin commented she was happy Dr. Poulter was able to work on his issues and provide ethical and professional Dental services successfully. Ms. Taxin then explained the paperwork process of terminating probation. She stated the Division Director will need to approve the termination recommendation and if he does not approve then Dr. Poulter's probation will continue. Ms. Taxin stated Ms. Trujillo can terminate the drug testing today.**

Dr. Poulter thanked the Board and Division.

**11:20 am**

Dr. Steven C. Pinegar, Probationary Interview

Dr. Pinegar failed to meet for his probationary interview.

Ms. Taxin requested Ms. Bolinder call Dr. Pinegar regarding his appointment.

**Ms. Bolinder reported she left a message and Dr. Pinegar called her back to say he was out of town as he forgot about his appointment. She stated she requested him to write a letter to Ms. Trujillo regarding his absence.**

Ms. Taxin stated Dr. Pinegar is out of compliance with his Stipulation and Order by not keeping his appointment or contacting herself or Ms. Trujillo prior to the meeting.

**Dr. Woolsey asked Ms. Taxin to explain the consequences of being out of compliance besides requesting him to write a letter.**

Ms. Taxin responded there is a clause in Dr. Pinegar's Order regarding being out of compliance. She stated this is the second time he has been out of compliance by not meeting with the Board. Ms. Taxin stated the Board could make a recommendation for additional consequences/conditions and she would have to involve an AG for legality reasons.

**Dr. Larsen commented he does not believe the Order or the Board have Dr. Pinegar's attention yet. He pointed out Dr. Pinegar is only on probation for a two year period, from May 2010 to May 2012.**

Ms. Taxin responded Dr. Pinegar should be invited to meet at the next Board meeting and the Board may point out he has missed two meetings so they are recommending his probationary time be extended. She suggested Dr. Pinegar's supervisor be requested to meet telephonically at his next appointment as the supervision reports are very short with not a lot of information on the reports.

**The Board requested Dr. Pinegar and his supervisor be invited to meet at the next scheduled Board meeting and for the supervisor to submit a complete resume.**

**12:00 pm**

**WORKING LUNCH**

**1:00 pm**

Dr. John V. McArthur, Initial Probationary Interview

Dr. McArthur met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Taylor conducted the interview.

**Dr. Taylor explained the Board is here to help Dr. McArthur through the probationary process. He requested Dr. Taylor to briefly explain what brought him here.**

Dr. McArthur explained a few years ago he had some Lortab medications in his office of which staff were using a little and then he started using some as he had some knee problems. He stated he did not understand he could not give medications to patients to take home but he did try to keep documentation in the patient charts.

**Ms. Taxin stated it is important for Dr. McArthur to understand the difference between dispensing**

**and administering.**

Dr. McArthur voiced his understanding and stated he was dispensing medications out of his office. He stated he no longer has a controlled substance (CS) license or a DEA registration so he can not have any medications in his office now.

**Ms. Jolley asked what type of Dentistry Dr. McArthur does.**

Dr. McArthur responded he practices general Dentistry.

**Ms. Taxin explained the issue came to her attention at renewal time and Dr. McArthur voluntarily did not renew his CS license.**

**Ms. Jolley asked if the DEA took possession of the remaining Lortab.**

Dr. McArthur responded yes.

**Dr. Lundberg asked how much Lortab Dr. McArthur took.**

Dr. McArthur did not answer the question. He did respond he had hip surgery and got the Lortab from his Physician. He stated he was lazy and the Lortab was available to him so he started taking it and also gave some to his wife for pain she was having.

**Dr. Lundberg asked if Dr. McArthur believes he was addicted to the Lortab.**

Dr. McArthur responded no.

**Ms. Taxin asked if Dr. McArthur is still in pain.**

Dr. McArthur responded yes, constantly. He stated he is an active person who goes fishing, hunting and plays golf. He stated he does take some medications when he plays golf but get the medications from his Physician.

**Dr. Radmall asked what type of Dental procedures**

**to warrant administering the CS medication.**

Dr. McArthur responded it was mostly extractions. He stated he has now learned Dentists can do extractions now without using any pain medications. He stated the recommendation now is to have patients alternate Advil and Tylenol. He stated when he gave the medications to his patients he only gave four or five tablets and not over twelve at a time.

**Ms. Bateman asked Dr. McArthur to report on the prescribing course he completed.**

Dr. McArthur responded he read the book "Responsible Opioid Prescribing" and believes it is directed more to Physicians. He stated the book talked about quality of life so a person is not sitting at home. He stated the book covered assessing patients. Dr. McArthur commented he treats mostly middle to lower income patients but he does assess and look at the medications they are taking. He stated a patient may ask for a specific medication by name as they know the name but may not know they are abusing the medication.

**Ms. Taxin stated the book also has a section on doctor shoppers and other issues regarding prescribing.**

**Dr. Larsen asked if Dr. McArthur is required to have a supervisor.**

Ms. Trujillo responded no.

**Dr. Larsen stated Dr. McArthur may want to consider asking a colleague or friend who is a Dentist to come to his office for sounding board discussions and to discuss record keeping, etc. to help him transition.**

**Ms. Taxin responded Dr. McArthur is not currently prescribing as he does not have a CS license or DEA registration. She stated the investigator and the AG did not believe there was anything for a supervisor to review at this time but if Dr. McArthur does get his CS and DEA**

**registration the Board could address the possibility of requiring a supervisor at that time.**

**Ms. Jolley asked if Dr. McArthur could get his CS license again.**

**Ms. Taxin responded DEA would have to agree to issue the registration before the Division would consider reissuing the CS license.**

Dr. McArthur stated he has talked with insurance panels and they have said they will not consider reinstatement on panels until he has his CS license and DEA registration.

**Ms. Taxin suggested Dr. McArthur contact DEA and ask when they will consider reinstatement of the DEA registration. She suggested he speak with Lynnette Wingert regarding the Board monitoring him while he is on probation.**

Dr. McArthur responded Ms. Wingert had a problem with him ordering CS's but it was his own fault for not understanding the requirements.

**Dr. Larsen asked who Dr. McArthur was ordering his CS's through.**

Dr. McArthur responded he ordered through Henry Schein.

**Dr. Radmall asked how Dr. McArthur is now dealing with his pain.**

Dr. McArthur responded if he lies on his leg it is sore but hot water will loosen it up and he also takes Advil. He stated he does not take Advil or other prescriptions to work with him nor does he take any at work. He stated he works four days a week and is a solo practitioner.

**Dr. Woolsey commented it is a shame Dr. McArthur did not understand the Laws and Rules. He asked if Dr. McArthur believes a course would have helped him.**

Dr. McArthur responded he believes a course would have been a big help to him and he would never have gotten into this problem. He stated he is embarrassed to be meeting with the Board as he has never been in trouble before and he will be glad to get his probation over.

**Ms. Taxin asked if Dr. McArthur plans to take a record keeping course.**

Dr. McArthur responded yes.

Dr. McArthur then asked if an insurance company can send a check to the Dentist instead of the patient if they have dropped the Dentist from coverage but still have their signature on file because since he has been on probation the insurance company has been sending the checks to the parties.

**Dr. Larsen clarified, such as Blue Cross sending a check to the patient.**

Dr. McArthur responded yes, but Select Health is the insurance company.

**Board members responded they are not sure of insurance company's policies.**

**Dr. Taylor stated his office does not accept assignment of benefit. He stated Dr. McArthur should have an agreement with the patient and if the insurance company pays the patient, the patient should then pay Dr. McArthur.**

**Ms. Taxin stated being dropped from insurance panels is a consequence for Dr. McArthur's actions. She stated Dr. McArthur should be honest and if patients ask him questions about his discipline, he should tell them he is on probation, he is working on the problems he had and until he is off probation the insurance check will come directly to the patient to pay for the dental services.**

Dr. McArthur commented his probation started August 3, 2010 but it feels like he has been on probation forever.

**Dr. Larsen responded the Board interviewed a probationer this morning for the last time. He stated he has never heard a Dentist come for their last appointment and say the probation experience was a bad experience. Dr. Larsen stated all probationers at the end have said it was a good and helpful experience. He stated there are specific conditions to be met to be in compliance and if Dr. McArthur fights completing the conditions and being in compliance it will be a long horrible experience for him.**

**Ms. Taxin stated Dr. McArthur's Order says he may request early termination of probation after 18 months. She stated the Board is hopeful the experience will make him more aware so other issues do not come up. She recommended he review the Laws and Rules yearly. Ms. Taxin also recommended Dr. McArthur contact Lynette at the DEA and let her know his plea in abeyance was dismissed and asked her what he needs to do to have his DEA reinstated as the Board likes to monitor CS activity while the licensee is on probation to be sure they prescribe appropriately. She stated March 17, 2011, Dr. McArthur could report on that assignment.**

**Dr. Radmall asked if Dr. McArthur is clear on what is required of him.**

Dr. McArthur responded yes.

**Ms. Taxin clarified Dr. McArthur needs to find out what is required to get the DEA registration reinstated and write a practice plan on prescribing.**

**Dr. Taylor asked if it is reasonable to have Dr. McArthur meet again in six months.**

**Ms. Taxin responded the Board could also consider a telephonic appointment.**

**Dr. Radmall proposed Dr. McArthur meet March 17, 2011 and, if the conditions have been met, meet the next time telephonically. He requested Dr.**

**McArthur to bring a couple of files to the March meeting for the Board to review to be sure he knows how to manage his records.**

**Dr. Larsen asked if Dr. McArthur is using the chart/paper system or computerized charting.**

Dr. McArthur responded he is still using the chart/paper system. He asked if he could meet later than 1:00 pm on March 17, 2011.

**Ms. Taxin responded she will try to have him meet later in the day but if the Board meeting is a short meeting he will be meeting in the morning. She stated Dr. McArthur read the “Responsible Opioid Prescribing” book and completed an online course.**

**Dr. Engar stated he teaches a two hour course every year at the University of Utah on record keeping and he could develop a course with an examination for probationers if Ms. Taxin needs one.**

**Ms. Taxin responded she would discuss the possibility with Dr. Engar later. She stated Stepping Stones has a course that takes a couple of days.**

**Dr. Taylor reminded Dr. McArthur to bring a couple of files for the Board to review and to complete the documentation course.**

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

**An appointment was made for Dr. McArthur to meet again March 17, 2011.**

**2:00 pm**

Dr. W. Scott Andersen, Initial Probationary Interview

Dr. Andersen met for his initial probationary interview.

Board members and Division staff were introduced.

Ms. Bateman conducted the interview.

**Ms. Bateman welcomed Dr. Andersen to his probationary interview and stated the Board is here to help him through the process. Ms. Bateman requested Dr. Andersen briefly explain what brought him before the Board.**

Dr. Andersen stated he wrote prescriptions for anti-depressants, muscle relaxants and antibiotics for himself, his family and his staff.

**Ms. Bateman stated Dr. Andersen's Order requires him to have a psychological evaluation. She stated the Board understands he had one from a psychiatrist but it was difficult to read and there were no recommendations and Ms. Taxin had recommended he contact Janiece Pompa for another evaluation. She asked if he has made contact and has an appointment.**

Dr. Andersen responded he met with Dr. Pompa this morning and she will write up the psychological evaluation with recommendations and send it to the Division.

**Ms. Bateman asked if Dr. Andersen had any questions regarding any of the conditions of his Order.**

Dr. Andersen responded the only question he had was the Order required him to have a psychological evaluation from a psychiatrist, which he did, and then he was requested to contact Dr. Pompa for another evaluation and she is Psychologist. He asked if that evaluation will be accepted.

**Ms. Taxin responded she would answer Dr. Andersen's question later. She asked Dr. Andersen to further explain why he is here.**

Dr. Anderson explained when he was using medications he wrote the prescriptions by using another person's DEA and the other person was also writing prescription using his DEA. He stated he believes the investigator, Ms. Hess, was aware.

**Ms. Taxin responded it was her understanding the**

**other person gave his permission for Dr. Andersen to use his DEA number once but did not know Dr. Andersen had used the number on-going.**

Dr. Andersen stated his Order reflects the facts that way but it was not true. He stated he kept a log of when he used the other DEA number for prescriptions.

**Dr. Larsen asked why Dr. Andersen would use someone else's DEA number and not his own.**

Dr. Andersen responded he practiced in Virginia and it was acceptable practice there and they could prescribe for each other. He stated he now understands in Utah it not acceptable and is the practice of medicine without a license.

**Dr. Lundberg asked if he called the prescriptions in by using the other person's DEA number.**

Dr. Andersen responded yes. He stated his front desk called the prescriptions in and gave the other doctor's DEA number.

**Ms. Taxin asked if Dr. Andersen also wrote out some prescriptions.**

Dr. Andersen responded he believes he did write some.

**Dr. Radmall asked what CS's the other doctor was writing on Dr. Andersen's DEA number.**

Dr. Andersen responded the CS's were anti-depressants.

**Ms. Taxin stated she did not have an understanding that the other Dentist filled prescriptions on Dr. Andersen's DEA number.**

**Dr. Larsen stated Dr. Andersen needed to be straight with the Board. He stated the Board asked for information and Dr. Andersen withheld some information and then implicated another person who should probably also be meeting with the Board. He requested Dr. Andersen to start over**

**and be honest in his comments.**

Dr. Andersen responded he did withhold some information. He stated, to his recollection, the other practitioner used his DEA number a couple of times and Dr. Andersen called in with his own DEA number for the other practitioner.

**Ms. Taxin stated Dr. Andersen should not prescribe outside the realm of Dentistry and it is also wrong for him to use someone else's DEA number with or without their knowledge.**

**2:07 pm - Ms. Bateman made a motion to close the meeting to discuss mental health and competency information. Dr. Radmall seconded the motion. The Board vote was unanimous.**

**2:30 pm - Dr. Taylor made a motion to reopen the meeting. Dr. Lundberg seconded the motion. The Board vote was unanimous.**

**Ms. Taxin stated in answer to Dr. Andersen's question, the psychiatrist conducted a psychiatric evaluation but did not address Dr. Andersen's mental status, the reason behind his behavior or make recommendations regarding therapy so she requested he have a psychological evaluation. She stated she and the Board need to be sure he is mentally healthy, fit and safe to practice.**

**Ms. Bateman commented the probation is not meant as a punishment but is to help Dr. Andersen get back on track. She stated his probation is for two years and he has already done some hard things.**

Dr. Andersen stated he views it as a chance to reboot and be a better practitioner. He stated he has a copy of the Laws and Rules but is still unclear on treating family or staff as patients. Dr. Andersen asked where the line is drawn from a Dental perspective. He asked if he should treat family and/or staff if they have an abscess and he is capable of treating it.

**Dr. Radmall responded the Board has discussed**

**the treating issue over time and determined each practitioner must practice within their scope.**

**Ms. Taxin responded if Dr. Andersen dentally treats a family or staff member he must carefully chart and document the procedure and any medications but the best practice is not to treat family or staff. She stated the concern is if the practitioner is in a situation where there is an emotional attachment such as surgery it the is best practice to refer the person to another practitioner. She stated the Utah Rules do not allow a practitioner to prescribe schedule II or III to a family member. Ms. Taxin stated it does not say staff but she would put staff in the same category.**

Dr. Andersen stated he has talked with Dr. Chapel and the PA and has informed them that they will need to prescribe for his family and staff.

**Ms. Taxin cautioned Dr. Andersen to be careful not to tell Dr. Chapel or the PA what to prescribe. She stated with all Dr. Andersen's issues and the DEA looking at his prescribing he should carefully consider and think through what he is prescribing and refer anyone who wants specific medical prescriptions. She again stated if Dr. Andersen chooses to prescribe he should have it well documented in a patient chart.**

**Dr. Radmall suggested Dr. Andersen should tell family and friends it would be better for them to obtain CS's from someone else.**

**Dr. Lundberg asked if Dr. Andersen is the only Dentist in Bicknell.**

Dr. Andersen responded there is not another Dentist in the clinic. He stated there were some interesting ideas in the prescribing Opioid book.

**Ms. Taxin requested Dr. Andersen to share what he learned from the book and how he will make changes in his practice. She asked if the book pertains to Dental practice.**

Dr. Andersen responded the book primarily focuses on narcotics but a person could expand the focus to include antibiotics. He stated it offered suggestions that he has never considered such as drug therapeutic treatment plans. He stated he had no real set treatment plan for his patients and the book recommends if a patient has some disorders and therapeutic medications are required there should be a contract with the patient as well as documentation. He stated he always documented for everyone except his family members.

**Ms. Taxin asked if Dr. Andersen believes the book is a help for Dentists. She stated she read the book and believed it is not just for Physicians but could apply to other practitioners.**

Dr. Andersen responded yes. He stated he was not certain when he saw the name of the book but as a person takes the examination it forces them to go back and read between the lines. He stated most things require thought to come to the right conclusion but the book and examination did make sense to him as a Dentist. He stated the book is a great reference and also has information that is easily accessible online.

**Dr. Larsen apologized for being somewhat confrontational with Dr. Andersen. He stated Dr. Anderson came a long way for this meeting and the Board believed he needed to share everything. He voiced appreciation for Dr. Andersen sharing the information. Dr. Larsen stated the responsibility of the Board is to make the process as easy as they can for a probationer and they realize the process throws a kink in the lives of probationers. He stated the process is easier if the probationer does whatever is asked of them and it appears Dr. Andersen is working on that. He stated successful completion of probation depends on Dr. Andersen being in compliance with his Order.**

**Ms. Taxin suggested Dr. Andersen give Dr. Pompa about two weeks and if he has not heard from Ms. Trujillo that she has received a copy of the evaluation then contact Dr. Pompa to be sure it has been submitted to the Division. She stated he may also request from Dr. Pompa a copy be sent to him.**

**Ms. Taxin stated if Dr. Pompa's evaluation recommends therapy the Division will contact him and get him started on that recommendation.**

**The Board determined Dr. Andersen is in compliance with his Order as much as possible for his first appointment.**

**An appointment was made for Dr. Andersen to meet again March 17, 2011.**

**3:00 pm**

Dr. Keith Nelson, Discussion on  
Botox/Cosmetic Injections

Dr. Nelson and Mrs. Nelson met for a presentation on Dentists doing Botox and cosmetic injections.

Board members and Division staff were introduced.

Dr. Nelson stated he is a general dentist and his wife, Amy Nelson, stated she is his business coordinator.

Mrs. Nelson explained they have a Dental spa in their office which is unique in Utah. She stated Dr. Nelson was trained in using Botox in 2006 and their patients and staff are begging Dr. Nelson for treatments. Mrs. Nelson stated their research on Dentists doing Botox injections in Utah appears to be for therapeutic reasons at this time and when she called DOPL to inquire who they need to hire if Dr. Nelson can't do the injections, she was given conflicting information from Laura Poe's office.

**Ms. Taxin stated she talked with Mrs. Nelson and had informed her that an APRN could do the injections as they are not required to be supervised; but, no other Nurse type licensee can do the injections. Ms. Taxin stated she is aware Mrs. Nelson has been calling around the Division for information. She stated a Physician, Osteopathic Physician and Physician Assistant (PA) are allowed to do Botox and injection fillers only if it is within the scope of their education and knowledge. She stated it is unprofessional conduct for any practitioner to practice outside their specialty and education.**

Mrs. Nelson responded there are thousands of Nurses

doing the injections. She stated in Utah Allergan is using Nursing staff. She asked if a Physician Assistant (PA) is allowed to do Botox and injection fillers.

**Ms. Taxin responded a PA may do Botox and injection fillers if the Physician has it in their specialty education. She stated the Physician is not required to be on site with the PA when the PA is doing injections but the PA and Physician have to practice within their scope of education and the delegation of services agreement.**

Ms. Nelson asked which Physicians work in the Botox practice.

**Ms. Taxin responded usually plastic surgeons and dermatologists and some others if they can document they have the education and training. She stated there could be a problem if a cardiologist is doing cosmetic Botox injections. She stated just because Allergan advertises they offer training for Botox injections does not mean the training is for all practitioners and that it is a complete and all encompassing training.**

Mrs. Nelson stated Allergan does not offer the training to practitioners. She then read the Allergan information.

**Ms. Taxin clarified she is aware Allergan in the past had gone into Physicians offices and conducted training on Botox injections.**

**Ms. Taxin stated for the training to count for Physicians, it needs to be ACGME accredited.**

Mrs. Nelson asked if the PACE training is accepted.

**Ms. Taxin responded the PACE training would be accepted.**

Dr. Engar stated the PACE training program Mrs. Nelson is mentioning is a different program than the PACE program the Board is familiar with from UCSD.

Mrs. Nelson read the training information from PACE.

**Ms. Taxin stated injections are a big topic in every State and not all States allow Dentists to perform the injections. She stated it is not in the Utah Law specifically and the Board position is the practice of injections is acceptable if it is for therapeutic Dental purposes in the perioral area but not for cosmetic purposes on the entire face.**

Mrs. Nelson asked if it is acceptable for TMJ headache reasons.

**Dr. Larsen responded the Board has discussed that issue and the position of the Board over time is more favorable in allowing Dentists to do injections. He stated at this point in time, there are very few Dentists who have the training that would be required.**

**Ms. Bateman stated the Board has not been able to say specifically “this is ok” but “this is not ok”.**

**Ms. Taxin stated just because a Dentist is doing dermal fillers around the mouth does not mean it is also acceptable to treat crows feet around the eye.**

Dr. Nelson stated pharmacology is big. He voiced understanding that Botox on the forehead is not really the practice of Dentistry. He stated Dentists are trained to look for diabetes and other medical ailments and he did Botox training as it was of interest to him. He stated his Dental spa is the number one clinic to go to for cosmetic reasons so why shouldn't they make a statement to advertise.

**Ms. Bateman responded not everyone is interested in doing injections and many do not want to get the training.**

Dr. Nelson stated they have a complete spa, Dental practice for kids and adults and there are many procedures allowed by Law. He stated Maine has approved the concept and Maryland is now approving it.

**Dr. Taylor asked what type of pushback they are receiving from the medical community.**

Dr. Nelson responded he has not heard of any. He stated he is aware that oral surgeons won a turf war with the patient care.

**Ms. Bateman commented the public is sometimes the least informed population.**

Dr. Nelson stated he believes the issues are easily addressed and they can do Botox injections under specific conditions. He stated it is currently a small part of his practice.

Mrs. Nelson stated their spa is out of network payment and they do fee for services. She again stated their patients are requesting the service and they could hire an APRN if they need to but since Dr. Nelson is better trained it would be nice for him to do the Botox injections.

**Dr. Taylor stated the Board is here to protect the public. He stated if ample evidence and education were available to back up the safety of the service to the public when a Dentist administers Botox and facial fillers then the Board could recommend the Association make a change in the Law. He then asked if it could be a Rule change.**

**Ms. Taxin responded it would be a Law change.**

Dr. Nelson stated Dentists are trained to deal with allergic reactions or bruising and could care for their patients in those areas.

**Ms. Taxin stated she had discussion on the issue with the UMA and at this time Botox and facial fillers procedures would have to be done by a doctor, a PA or an APRN. She stated if the Law was changed to allow Dentists to do the procedure they could not delegate the procedure to Dental Hygienists.**

Dr. Nelson stated standard practice is for nurses to do

the injections.

**Ms. Taxin stated it may be standard practice but it is unlawful for all nurses to do the procedure.**

Dr. Nelson stated if the Dental Board agrees to allow Dentists to do Botox injections for cosmetic purposes with conditions then he could do the procedures.

**Ms. Taxin asked if Dr. Nelson has taken an ACGME accredited course.**

Dr. Nelson responded no. He stated he has completed several other courses. He then asked where the line is drawn for Dental purposes. He stated he would draw it from the top of the head to the neck.

**Ms. Taxin stated injections can be used for other medical purposes which would be inappropriate for Dentistry.**

Dr. Nelson agreed and stated patients can be given too large of doses and it can cause paralysis.

**Dr. Engar stated there would be no malpractice insurance coverage available for Dentists using Botox injections for cosmetic purposes at this time.**

Dr. Nelson asked if his premiums are at risk if he is doing the procedures.

**Dr. Engar responded he has not looked into the issue but would think it would affect Dr. Nelson's premiums.**

Dr. Nelson stated he understands the risk of problems is low and there are currently multiple malpractice insurance agencies that will cover Dental spas. He stated PACE has an approved Dental course which is approved by the ADE organization. He asked if the Board agrees with his position.

**Ms. Taxin responded Dr. Nelson is the first person to meet with the Board and explain his background and training and how he would use Botox and cosmetic injections. She stated there are other**

**practitioner Dentists who are interested in providing injections being an easy money maker and service to provide to patients.**

**Ms. Bateman stated the more the Board has looked at other States and what is available, the more favorable the Board has been as there are more applications for the use of Botox and injections that are applicable to the Dental field.**

Dr. Nelson commented he has asked several Dentists and they have responded they are trained so they should be able to do the procedures. He stated there are Physicians in medical spas doing different medical procedures and they also are doing Botox and dermal fillers. He stated he is hoping the Dental Board will say Dentists can provide services from the head to the neck.

**Ms. Taxin responded the Board cannot make a Law change. She stated the Board could make a recommendation to the Utah Dental Association but the Association is responsible for suggesting Law changes. She stated an alternative is for Dr. Nelson to contact a sponsor and try to get the cosmetic use of Botox injections on the face incorporated into the current Law. She stated he could find someone to write the Legislation and put it before the Legislature. She stated if Dr. Nelson decides to go this route then he must be sure there are safeguards put in to protect the public. Ms. Taxin also stated it would be wise to contact the UMA to ensure they are in support of the change.**

Dr. Nelson responded Dentists could do the procedure now the way the Law is written as they could say it is to improve the smile.

**Ms. Taxin again stated it is not specifically addressed in the Law and if someone were to be harmed the Dentist would have to show it was done for Dental therapeutic reasons. She stated another issue is the teeth bleaching. She stated Dr. Nelson has a Dental, Cosmetic spa. Ms. Taxin asked if he believes Estheticians should be allowed to do the bleaching of teeth or just Dentists.**

**Dr. Taylor stated Proctor and Gamble also has a kit that may be purchased over the counter from any drug store and used without any supervision.**

Dr. Nelson responded the current Law requires teeth bleaching by Dentists but the public can go to a kiosk and get their teeth bleached and the kiosk could burn the gums or lips. Dr. Nelson stated teeth bleaching, Botox and dermal fillers are being done by Dentists with or without approval all over the Nation and he wants to also offer it in his spa. He stated he tries to be a good Dentist and to do things correctly and abide by the Law. Dr. Nelson stated the Board has discussed Dentists doing Botox and dermal fillers several times and he believes Dentists are the most qualified.

**Dr. Larsen reminded Dr. Nelson that the Board is advisory to the Division and not the decision makers but anything he would like to submit for review would be welcomed.**

Dr. Nelson asked if he could submit information for CE and the risks involved.

**Dr. Larsen responded yes, it would be helpful to have information in writing.**

**Ms. Taxin responded the Division and Board want to assist the profession to grow but need to be sure it is safe for the public. She again stated Dr. Nelson should contact the Utah Dental Association as it would be a Law change.**

**Mr. Thompson, UDA, stated he has spoken with Dr. Nelson and Mrs. Nelson already.**

**Ms. Taxin concluded from the conversation that Dentists believe Botox and dermal fillers would be acceptable in the perioral area but there are many concerns about practitioners doing procedures without education and/or training and injecting into a variety of anatomical areas. She stated there appears to be comfort in Dentists doing the procedures without delegating it to Dental**

**Hygienists or others.**

Dr. and Mrs. Nelson thanked the Board for their time and left the meeting.

**Ms. Taxin stated she believes the subject has come up and been discussed enough times that the Board and Association need to take a position regarding if it is acceptable or not. She stated if the service and use is going to be expanded a Law change has to occur. She stated it appears Dr. Nelson is trying to run a safe business and it is better that he does it safely than not addressing it and he does it illegally and takes the risk of getting caught. She stated there was another Dentist who also wanted the issue addressed. She asked Mr. Thompson if the Law was going to be opened in 2011 and the use of Botox and dermal fillers for cosmetic purposes was going to be included.**

**Mr. Thompson responded it would not be difficult to open the Law and include Botox and dermal fillers for cosmetic purposes but he believes the Board could interpret the current Law to mean Botox and dermal fillers could be used to correct specific conditions. He stated he has discussed the issue with the Utah Dental Association Board and they wanted to wait to see what the Licensing Board would recommend. He stated he suggested Dr. and Mrs. Nelson meet with the Licensing Board for discussion but Nationally and Internationally there is a move toward Dentists doing Botox filler for cosmetic purposes.**

**Ms. Taxin stated she will check again to be sure if it can or cannot be a Rule change. She stated if it can be done by Rule she and the Board could have the change completed within a couple of meetings but if it cannot be changed by Rule, the Board could recommend Mr. Thompson develop language and open the Law. She stated as per summary of the discussion that the Law should include:**

- **A definition of the allowable anatomical areas for injections and that**
- **Botox and dermal fillers fall into the practice of Dentistry if the Dentist has taken**

**ACGME courses and is able to document they have it within their education and experience.**

**The Board unanimously recommended a Law change if it cannot be a Rule change.**

**Dr. Woolsey stated the Dentist should have appropriate education and the procedure should not be delegated to anyone else. He stated he also believes practitioners should know their limitations.**

**Ms. Taxin asked the Board if Botox and dermal fillers would include the forehead and eye area.**

**Dr. Radmall responded the facial area around the eye would be appropriate but the eye is no longer the facial area.**

**Ms. Bateman stated she believes a lot of damage could be done.**

**Dr. Taylor responded if the procedure can be documented it is safely administered by Dentists in oral maxillofacial area then he would support the procedure.**

**Dr. Engar asked if it would be in the scope of an unlicensed person.**

**Ms. Taxin responded the scope and wording should be under the practice of Dentistry. She stated some plastic surgeon's, dermatologists and some other Physicians have issues with other practitioners practicing in their specialty, as it is the practice of medicine. Ms. Taxin stated she will be in contact with Mr. Thompson. She stated the Board may need to meet prior to March if there needs to be a Law or Rule change.**

## **DISCUSSION ITEMS:**

Stipulations and Orders

Ms. Taxin explained that Orders have been individualized to each probationer and case. She stated she has based the conditions of the Orders off

the investigator's recommendations and information. She stated one probationer today did not have a problem with his daily Dental practice so she did not require therapy or a supervisor.

**Dr. Woolsey responded it is appropriate for Ms. Taxin to adapt conditions according to the investigator's information and each case.**

**The Board concurred.**

Update on Rules

Ms. Taxin informed the Board that the Rule changes have been filed. She stated she talked with Dr. Larsen, Dr. Beyeler and Dr. Taylor about the anesthesia and pharmacological section and paralleled the language to ADA language. She stated there was a word that was used incorrectly and she changed the word. She stated she clarified CPR and BCLS for Dental Hygienists. She stated there is an online CPR course but she has required a hands on course and when the Rules are updated again she will clarify that section. Ms. Taxin stated everything else is as the Board agreed upon and there has been no public comments received yet. She stated public comment is until January 13 and the hearing is that day in room 210. Ms. Taxin stated the Rules could be in effect the end of January or the beginning of February.

**Dr. Taylor asked if the Proposed Rules are posted on the website or where would someone find them.**

Ms. Taxin gave the [www.dopl.utah.gov](http://www.dopl.utah.gov) website location and stated UDA could also put something in their newsletter and the Proposed Rules are also published in the newspaper.

Ms. Taxin stated she received a call from Senator Knudsen and Dr. Mark Blaisdale about advertising concerns. She stated they were asking about including specialties as a license classification and the advertisement would have to include the specialty or the Dentist could not advertise for it. She stated she suggested they read the Proposed Rules to see if their concerns were addressed. She stated she requested feedback from them but did not receive any. Ms. Taxin stated she believes the Rules should be given a

chance before turning to new Legislation.

**Ms. Bateman asked Ms. Taxin to explain the Rules Hearing process.**

Ms. Taxin explained the Board is not required to attend a Rules Hearing and there is no per diem payment for attendance but they are always welcome. She stated usually she meets with the Judge who asks why there is a Rules Hearing and she explains the justification. She stated the Judge will ask if there are any public comments and she will respond yes and read the comments or no. Ms. Taxin stated if no one else is in attendance the Judge will suggest the Hearing be closed and if anyone appears the Judge will reopen the Hearing. She stated if she agrees the Hearing is closed. Ms. Taxin stated the process takes about 15 minutes, unless there is public comment.

Ms. Taxin then stated today Dr. Engar brought to her attention there could be an issue with the nitrous oxide being under the Class II Dentist as Class I could also use nitrous oxide and other substances. She stated any change to the filed proposed Rules may stop the filing and they would have to be filed again. She stated the Rule Hearing is scheduled for January 13, 2011, and people can give feedback but she believes she will need to stop the filing, rewrite the Rules and file them again.

**Following discussion, the Board recommended this section be amended to address his concerns or be taken out of the proposed Rules until further discussion takes place.**

Renewals

Ms. Taxin stated Dr. Engar also brought up the issue of requiring an ethics course as part of the renewal requirements. She stated she believes it was brought up but not thoroughly discussed in a previous meeting. She stated in several Controlled Substance (CS) Committee meetings and CS database meetings concerns have been mentioned regarding Dentists over prescribing. She stated the discussions have been to put through Legislation requiring CE courses every two years to renew Dental licenses and other prescribing practitioners. Ms. Taxin asked if the

Board would want to include in the Rules the requirement of CE in boundaries and ethics.

**Dr. Larsen asked if there is any authority to prohibit Dental supply companies from giving out CS's.**

Ms. Taxin responded no as the Division does not have oversight on Dental supply companies. Ms. Taxin stated Physicians and Dentists cannot dispense CS's to send home with the patient to take but they can administer CS's to patients in their offices. She stated the DEA is going out doing audits and that is the reason some of these issues are coming up to the Board.

**Dr. Radmall commented he does not see a reason for a Dentist to have bulk CS's in the office.**

Ms. Taxin stated she has never had a Physician have a problem with the Henry Schein company but has had several with Dentists. She stated she will talk with Marvin Sims and find out why Henry Schein does not have to report to the databank.

**Ms. Bateman stated when the Board discussed requiring an ethics course for CE she believed the Board agreed it would be good to require it for renewal but to complete the same ethics course year after year would make it redundant and ineffective. She suggested maybe a CQI course or an Association course would be good so there is different exposure as it appears boundaries are changing with those coming out of school now and there really is not different information every two years.**

Ms. Taxin stated the proposal is for a course on prescribing every two years to renew. She stated everyone will be required to complete an examination to continue to prescribe as the Statute requires it be taken to renew. She stated the questions will need to be changed after each renewal.

**Dr. Taylor commented ethics cannot be regulated.**

**Dr. Engar responded there are ethics courses online. He stated it would be easy to implement but if the Board believes every two years is too much then require a course every four years.**

Ms. Taxin stated she knows of a few medical ethics courses online and one is quite expensive but if the Board wants to make it a requirement she believes it would be useful and beneficial.

**Ms. Sandoval commented when looking for Dental ethics books there is not a lot available.**

**Dr. Engar stated he will e-mail information to Ms. Taxin. He stated he belongs to several organizations and could develop and put on a course that would be affordable, interactive and interesting and could be offered at UDA meetings each year.**

**Mr. Thompson commented the UDA addresses the issue every year. He stated the UDA has attended the Licensing Board meetings, listened to people who have taken courses and commented the courses have made a difference. He asked how many times a person can hear a subject before they miss it and how many times before they change their behavior. He stated this is the most important topic he has dealt with over the years.**

**Dr. Larsen stated if all Dentists could sit around this table for a period of time it would be good for them. He stated most probationers are good people, not criminals and not bad. He stated if practitioners had to sit through a course on how to conduct themselves professionally, this is what you do and this is what you do not do he believes it would be worthwhile for them. He asked the Board to think on this subject for further discussion at the next scheduled Board meeting.**

**Mr. Thompson suggested adopting a Rule requiring a course for all Physicians, Pharmacists and Dentists together as opening the Law is hard for just one requirement.**

Ms. Taxin stated the CS Legislation being proposed would be a universal requirement but if it is put in Rule all the Boards would need to meet and agree. She suggested Mr. Thompson contact Michelle McOmer, UMA, and Representative Daw regarding the Legislation. She stated she believes a Rule would be adequate as it would then be flexible as it may need to be adjusted with time. Ms. Taxin suggested further discussion in March as she should have more information by then if it is going to be a Statute change. She stated other medical practitioners require 40 hours of CE where Dentists are required only 30 hours. She stated the language would need to be specific regarding how many hours of CE in ethics and/or boundaries the Board would want in the Rules.

#### 2011 Board Meeting Schedule

Ms. Taxin stated the Board meeting times have been somewhat inconsistent as they were meeting at 1:30 pm and then went to 12:30 pm. She suggested the March meeting commence at 9:00 am as there will be an additional two new probationers.

**Dr. Taylor and Dr. Radmall stated fewer trips are better for them.**

**Ms. Bateman commented she would rather meet more frequently from 1:00 pm to 6:00 pm and have shorter meetings than meet quarterly for a whole day.**

**Dr. Woolsey stated he prefers quarterly meetings.**

**Dr. Radmall stated probationers being in compliance makes a difference in the length of time they meet with the Board.**

Ms. Taxin asked the Board to plan on meeting March 17, 2011, at 9:00 am and the agenda will have a working lunch scheduled again.

**The Board noted the following dates for the 2011 Board meeting schedule: March 17, June 16, September 8 and December 8, 2011.**

**NEXT MEETING SCHEDULED FOR:**

March 17, 2011

**ADJOURN:** The time is 4:29 pm and the Board meeting is adjourned.

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

March 17, 2011  
Date Approved

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

January 7, 2011  
Date Approved

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